

**VERNON MYERS**  
MAYOR - COMMISSIONER

**MARY LAWSON BROWN**  
VICE MAYOR - COMMISSIONER

**ALLEGRA KITCHENS**  
COMMISSIONER

**PHIL LEARY**  
COMMISSIONER

**JAMES NORWOOD, JR.**  
COMMISSIONER



**MICHAEL J. CZYMBOR**  
CITY MANAGER

**BETSY JORDAN DRIGGERS**  
CITY CLERK

**MATTHEW D. REYNOLDS**  
FINANCE DIRECTOR

**GARY S. GETCHELL**  
CHIEF OF POLICE

**MICHAEL LAMBERT**  
CHIEF FIRE DEPT

**DONALD E. HOLMES**  
CITY ATTORNEY

*Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.*

## **MINUTES**

### **CITY OF PALATKA**

September 11, 2014

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 11<sup>th</sup> day of September, 2014.

**PRESENT:**

Mayor	Vernon Myers
Commissioner	Mary Lawson Brown
Commissioner	Allegra Kitchens
Commissioner	Phil Leary
Commissioner	James Norwood, Jr.

Also Present: City Manager Michael J. Czymbor; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Thad Crowe; Main Street Manager Charles Rudd

**CALL TO ORDER:** Mayor Myers called the meeting to order at 6:00 p.m.

**INVOCATION** – The Reverend Kirby Kennedy, Pastor; First Baptist Church of Palatka, followed by a *Moment of Silence* observed in recognition of victims of September 11 Terrorist Attacks

**PLEDGE OF ALLEGIANCE** – Terry Haddaway

**APPROVAL OF MINUTES** – 8/7/14 Regular Meeting; 8/21/14 Budget Workshop – Commissioner Norwood moved to adopt the minutes as read. Commissioner Leary seconded the minutes, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

**CIVIL RIGHTS ADVANCEMENTS** - Derek Hankerson, Freedom Road Productions, apologized for missing the meeting in July when the Civil Rights Month proclamation was read, honoring three great people: Asa Phillip Randolph and Mary Lawson, Putnam County Natives, and Mary McLeod Bethune, who lived in this area in the late 1800's and early 1900's. These individuals were pioneers in education and establishment of businesses. Without Mr. Randolph there would have been no Civil Rights Act. Mary Lawson attended Crematory School and was the only black and only female to attend this school. She established a funeral home/crematorium and hospital. Mary McLeod Bethune established her university in Palatka before moving it to Daytona to capture a larger African American audience. He asked that a plaque be erected in honor of Mary Lawson near the site of her business, and a plaque be erected honoring Mary McLeod Bethune near where she established her university. Commissioner Brown said her grandmother was the first black female to have a funeral home license in Florida. The funeral home established by her grandparents will be 100 years old next year.

## 2. PUBLIC COMMENTS

Askew Vickers, 207 N. 18th Street, said he was in New York on 9/11. It was a Tuesday. He spoke of the differences between Palatka and St. Augustine, noting their progression and Palatka's regression, and listed reasons for Palatka's failure to grow, including the appearance of racial profiling due to the number of stop signs along Washington Street, the Weed N Seed Program, which targeted the Northside, and the placement of red light cameras. He said the downtown benches where highrise residents, who were mainly black, used to sit were removed, and put back in place once the highrise was taken down.

## 3. CONSENT AGENDA

- \*a. **Adopt Resolution No. 2014-10-109** accepting the proposal to renew the City's health & dental insurance with FloridaBlue (Blue Cross/Blue Shield) for the policy period of 10/1/2014 through 9/30/2014 and authorizing the City Manager to execute all documents facilitating renewal thereof
- \*b. **Adopt Resolution No. 2014-10-110** accepting the Audit committee's ranking of the top three firms for audit services and authorizing the City Manger to execute all documents facilitating the proposal submitted by the top ranked firm, Carr, Riggs & Ingram
- \*c. **Adopt Resolution No. 2014-10-111** authorizing the execution of the Victims of Crime Act (VOCA) Grant for the Palatka Police Department in the amount of \$37,924 for FY 2014/2015 to fund a full-time Victim's Advocate position
- \*d. **Adopt Resolution No. 2014-10-112** authorizing the execution of Passero Associates WO #14-46R not to exceed \$9,500 for construction admin, engineering, inspection and material testing for South Aviation Area Site Prep and Fencing Relocation at Palatka Municipal Airport
- \*e. **Approve request to exceed allowable noise levels for Special Events Permit No. 14-44**, PHNNA Occupation of Palatka – 9/26/14 through 9/27/14 from 10:00 a.m. until 4:00 p.m. at the Bronson Mulholland House – Elizabeth van Rensburg, Agent for Palatka Historic Northside Neighborhood Association, Applicant
- \*f. **Approve request items for Special events Permit No. 14-48** to grant permission to exceed allowable noise levels and close Memorial Parkway from Reid St./US 17 to Short Laurel/2<sup>nd</sup> Street for Azalea City Cruisers Autumn Fest, October 11, 2014 from 7:00 a.m. to 7:00 p.m. - April Tilton, Agent/Applicant
- \*g. **Approve Special Request Items for Special Events Permit No. 14-46**, Palatka Main Street Downtown Halloween Party, October 31, 2014 from 8:00 p.m. until 12:00 midnight – Palatka Main Street, Inc.; Charles Rudd, Applicant
  1. Grant permission to exceed allowable noise levels throughout the duration of the event;
  2. Grant permission for sales and consumption of alcoholic beverages throughout the duration of the event; and
  3. Allow closure of the 200 and 300 blocks of St. Johns Ave. for the duration of the event.

Commissioner Leary moved to adopt all items on the Consent Agenda as recommended. Commissioner Norwood seconded the motion. Commissioner Kitchens noted the noise variance requested for Item (f) was requested for a 7 am start time, but the City Manager will have staff advise the applicants they can't exceed allowable noise levels until 10:00 a.m. There being no further discussion, the vote was taken and the motion passed unopposed.

## 4. CRA BUSINESS for meeting held September 11, 2014:

**RESOLUTION** awarding a Building Improvement Grant (BIG) for 220 St. Johns Avenue in an amount not to exceed \$30,000 – David Miner, applicant – the Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA AWARDDING A BUILDING IMPROVEMENT GRANT FOR 218 & 220 ST. JOHNS AVENUE IN AN AMOUNT NOT TO EXCEED \$30,000. Commissioner Leary moved to adopt the Resolution subject to the stipulations noted and discussed during the CRA meeting will apply. Commissioner Norwood seconded the motion. There being no further discussion or comment, a roll-call vote was taken

with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The Resolution was declared adopted.

5. **FIRST PUBLIC HEARING – TRIM CALENDAR:** FY 2014-2015 Proposed Budget and Millage Rate for 2014/15 Budget Year – 9.1749 mills proposed – Mayor Myers read the Truth in Millage Statement noting the Taxing Authority is the City Commission of the City of Palatka; the rolled back rate is 9.0715 mills per \$1,000 of assessed value; the percentage of increase is 1.14% over the rolled-back rate, and the proposed operating rate to be levied upon adoption of the millage rate is 9.1749 mills per \$1,000 of assess value.

**RESOLUTION** setting the proposed FY 2014-15 Millage Rate (9.1749 proposed) – Adopt (Final Adoption of Millage Rate set for 9/52/14) – The Clerk read a resolution entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, PUTNAM COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALATKA, PUTNAM COUNTY FOR FISCAL YEAR 2014-2015; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the Resolution as read. Commissioner Leary seconded the motion. Mayor Myers opened the public hearing. There being no public or commissioner comment given, the public hearing was closed and a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The Resolution was declared adopted.

**RESOLUTION** accepting the proposed FY 2014-15 Budget – Adopt (Final Budget Adoption scheduled for 9/24/14) – the Clerk read a resolution entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA OF PUTNAM COUNTY, FLORIDA ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2014-2015, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Leary seconded the motion. Mayor Myers opened the public hearing.

Matt Reynolds, Finance Director, said the tentative budget is based upon the input received from the City Commission during the three budget workshops held. This includes a 2.5% raise for employees. The 10% water & sewer utility rate increase was removed, and the utility rates remain the same. There have been no substantial changes since the August 21<sup>st</sup> Budget Workshop. There being no further discussion or public comment, the public hearing was closed and a roll call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The Resolution was declared adopted.

6. **RESOLUTION** authorizing the execution of a two-year extension to the Agreement for Management Services for the Palatka Golf Course between BWGD Palatka, Inc. and the City of Palatka - Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE EXECUTION OF A TWO YEAR EXTENSION TO THE AGREEMENT FOR MANAGEMENT SERVICES FOR THE PALATKA GOLF COURSE BETWEEN BWGD PALATKA, INC. AND THE CITY OF PALATKA, FLORIDA. Commissioner Kitchens moved to adopt the ordinance as read. Commissioner Brown seconded the motion. Mr. Czymbor said the City entered into the first agreement with Mr. Weed in 2010. They are heading in the right direction with this management team. The City has been awarded a USDA grant to make restaurant improvements, and has also secured a \$71,000 SJRWMD reuse grant for the course. The grounds, overall condition of the facility and marketing have improved. Mr. Weed and his group deserve a lot of credit for the improvements to the course and its image. They have a very cooperative and collaborative partnership.

Bobby Weed, 1210 Pine Allen Road, St. Augustine, thanked the Commission and staff for their support for him and the Course over the past few years. They have met many of their goals, but

not all of them, and they have entered into a 2 year extension instead of a traditional five year agreement. He hopes to return the golf course to the City in two years in better condition. This is the only golf course in Putnam County and should be used in promoting future growth and tourism. The Azalea events are world-class events, the Senior Azalea being the oldest event in Florida, second maybe to the Gasparilla event in Tampa. He is very passionate about the course and hopes to have the Commission and Staff's continued support. This course will continue to be extremely important to the City and County. Mayor Myers thanked him for bringing his expertise and passion, noting he has greatly improved the course. Commissioner Leary thanked him for all the personal sacrifices he has made on behalf of this course. This course facilitates more than 25 charity tournaments a year, raising over \$200,000 each year for charitable causes in this community. No other venue comes close. Without the golf course, that funding wouldn't be available to those organizations. Commissioner Kitchens thanked Mr. Weed for his patience and perseverance.

Mr. Holmes said under paragraph 4.1(b) there is a termination clause that states if the City terminates the contract for its convenience, the City will pay BWDG a fee equal to 12 months' fees. This means the City would pay more for termination in the 2<sup>nd</sup> year than it would to keep the contract. He recommends changing it to ½ of the remaining fee on the contract. There are other termination clauses in the agreement, but this is the one he wants to bring to the Commission's attention. Mr. Czymbor said this applies only if the City terminates the contract for convenience. That was part of the negotiation process and Mr. Weed was firm on this point. They are committing to the City for two years. This is his recommendation. There being no further discussion and no comment, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The resolution was declared adopted.

7. **RESOLUTION** confirming and accepting the ranking of Design-Build Proposals received for the St. Johns River Center and authorizing the City Manager to negotiate a Design-Build Agreement with Riverfront Square, LLC, in an amount not to exceed \$699,144 – Adopt – Commissioner Norwood recused himself from discussion and voting, noting Georgia-Pacific Corp. (G-P) is his employer. The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING AND ADOPTING THE EVALUATION COMMITTEE'S RANKING FOR THE PROPOSED ST. JOHNS RIVER CENTER (PROJECT) AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A DESIGN BUILD AGREEMENT WITH RIVERFRONT SQUARE, LLC IN AN AMOUNT NOT TO EXCEED SIX HUNDRED AND NINETY-NINE THOUSAND ONE HUNDRED AND FORTY FOUR DOLLARS (\$699,144). Commissioner Brown moved to adopt the Resolution as read. Commissioner Leary seconded the motion. Commissioner Leary asked the City Attorney for his concerns. Mr. Holmes said as he understands it, the resolution does not now ask the Commission to approve the contract; it now asks the Commission to approve the ranking and allow the City Manger to negotiate the contract. Commissioner Leary asked for Mr. Sheffield, as the Committee chairperson and a non-city staff person, to provide a summary of the Committee's discussion and ranking of the submittals.

Commissioner Kitchens asked why the other two respondents weren't asked to make presentations; Mayor Myers said the selection committee has already heard the presentations and ranked the respondents, and their recommendation is now coming to the Commission. Mr. Czymbor said Mr. Griffith has a very detailed presentation on the process that was used for this design-build process. This has evolved over a four-year period of time, beginning with G-P's approaching the City with the proposal for an environmental education center. The City signed a MOU on this project in January, 2012. They were unsuccessful with the chosen project architect. From May of 2014 to the present they went through a design-build process, which culminated in Riverfront Square, LLC's proposal being ranked as the best, most responsive proposal to build the facility for \$699,144.

Jonathan Griffith, Grants/Projects Manager, provided an overview of the Design-Build selection process, which was initiated in May. This began when they couldn't come to an agreement with the project architect. The Architect was terminated and the City retained the rights to the adopted 60% design document. They advertised the design/build project and document on June 20. On July 15 they received three proposals. On July 22 they met and short listed all three respondents, agreeing that all three respondents met the minimum criteria set forth in the RFP. They requested that the respondents submit Design Build proposals, which they did. The respondents wanted some "creative latitude" and the ability to come back to the Committee with a more creative design based upon the 60% document and required square footage. On August 26 they received three proposals. They came from Riverfront Development LLC/Robert Goodwin, Architect; Cabot Construction (CCI) and Synergy Construction/Passero Associates. They evaluated each proposal per the Phase II criteria. They weighted the quality of the proposals and designs. On August 29 they invited the three respondents to give presentations on their concepts to the Committee and to provide clarification. Malone, the exhibit designer, provided input on the designs and their involvement with the three proposers. On September 2 the selection committee met, compiled rankings, and came to an agreement to rank the respondents as follows: #1 was Riverfront Square, #2 was CCI and #3 was Synergy/Passero.

Danny Sheffield, 720 S. 19<sup>th</sup> Street, Chairman of the selection committee, said he had nothing to add to Mr. Griffith's explanation of the RFP process. The criteria were clearly set forth, the respondents were ranked by each member, and responses were totaled. His background is in construction. Commissioner Leary said Bobby Holt was also a member of the Committee and he is a G-P contractor or employee, and is associated with G-P.

Mr. Czymbor read from the January, 2014 MOU with G-P, which lays out the responsibilities for both parties. The City is tasked with soliciting bidders and, with input from GP, was tasked with selecting the most qualified contractor for the job. This was a transparent, thorough, comprehensive and exhaustive five-month process. These documents and minutes of the Committee's meetings are available on the website. The record is extensive. They are excited about the proposed structure and believe this will be another landmark on the Riverfront.

Commissioner Kitchens noted Mr. Diamond's address is the same address as Wattles Office Supply, and the owner of Wattles is Mr. Griffith's mother. She asked if this is a conflict of interest. Mayor Myers said the conflict is concerned with whether or not someone stands to gain financially from the award of the bid, and Mr. Griffith doesn't stand to gain financially no matter who is selected.

Joseph C. "Corky" Diamond, 110 S. 2<sup>nd</sup> Street, Riverfront Development LLC, noted he presented elevation and floor plans and the other two respondents did not. Their proposal was selected as the highest ranked proposal. He narrated a PowerPoint description of his design for the environmental educational facility. Mr. Bob Goodwin, a local architect, designed the building. They took what was once a two-story building and turned it in to a one story building of around 5,100 sf. The design is more in keeping with the historic building theme of downtown. They will work with Malone on the placement and installation of the exhibits. The design includes lab space and storage space, and a gift shop. It's very interactive. The roof design is a 2<sup>nd</sup> floor patio which will house additional interactive exhibits and potentially a viewfinder. A cross section design was shown. The building will be constructed on city-owned property adjacent to property he now owns. Renderings of finished ceilings and floors were shown. They will use some of the bricks from the 100 Block on the exterior of the building so that the buildings will match. They will be working with Malone on the interior design and consulted with them on the design.

Commissioner Kitchens said several months ago G-P stated they had to have a two-story building. She personally liked the one-story design. Mayor Myers said Mr. LeHuu couldn't deliver a two-story building within the budget. Mr. Griffith said they wanted a building with some

scale or prominence; it should be the cornerstone architecture. They will still have a 16 foot building with a rooftop component and it will have some prominence. Commissioner Leary said he has visited a similar facility in Alaska; it is desirable to have a 2<sup>nd</sup> floor vantage. Commissioner Brown said they need to have something remarkable at the foot of the bridge that will make people pull into downtown and visit. This design is more attractive for eco-tourism. She wants to verify that credentials and qualifications are double checked.

Mr. Holmes said two of the three applicants have GCs and co-applicants; it doesn't appear that this applicant had a general contractor as a co-applicant. He asked if the RFP required that a contractor be named in the response, and if so, was a contractor named in this response, and if the review committee considered this. Mr. Griffith said under the Phase I proposal they had to submit qualified individuals and credentials; Riverfront Square LLC presented a GC as a part of their team and it was verified that his license is current. Mr. Czymbor said they asked for a GC, project manager and architects. All three respondents were rated as qualified respondents.

Mayor Myers opened the floor for public comments:

Terrill Hill, 211 N. 6th Street, said he's received inquiries from individuals questioning Mr. Diamond's status as a licensed contractor. He felt he should ask those questions of the Commission. He received information from an individual noting Mr. Diamond claimed in his proposal to be a State board licensed contractor, but he cannot find any evidence of this. He has concerns relating to the chronology in which they are addressing issues. He believes the design is good. They need fairness and equity in their dealings. He is concerned that the City is placing itself in a position for legal challenges. If they have three proposals, they need three presentations. They have to be cognizant of the appearance of impropriety.

Johnny Brown, 107 S. 9<sup>th</sup> Street, asked that the City require the same thing of Mr. Griffith that was required of his mother, that he should sign an affidavit stating he derives no benefit from the award of this project.

Wayne Annis, 1610 Moseley Avenue, thanked City Staff for their efforts. He congratulated Mr. Griffith on his vision and tenacity. He believes this is very good for Palatka. He noted Mr. Diamond states he is a state licensed general contractor, but he cannot find evidence of his being a licensed contractor. Claiming to be a licensed contractor when you are not a licensed contractor is a misdemeanor under State law. He does not object to the contract being awarded, but he objects to someone calling himself a general contractor when he is not. Mr. Diamond said his family owns a business that is licensed to do contracting. He owns the company.

Mayor Myers said this was a vision begun four years ago. He has been part of this since the beginning. Originally they envisioned a swamp eco tourism boardwalk through the riverfront. They wanted to grasp this opportunity to put a nice building on the riverfront. This was a component of the development of downtown Palatka. This has now come to fruition. He is very excited about the project and the concept. There is no public money being used in the construction of this project. This is a win/win proposal for the community. Commissioner Leary concurred, saying he has seen many of these centers in his travels as a land use planner. This can be an anchor for the riverfront redevelopment. He respects the members of the design build committees and their credentials. This is a historic step forward. Commissioner Brown said she wants to see some bricks on the ground; she has seen a lot of positive change come to the riverfront and this is one more step in the right direction. Commissioner Kitchens said she likes the design and the rooftop patio and believes it will be a beautiful observation deck if nothing else. She would be more comfortable if G-P was prepared to comment tonight. She has some trepidation, but is encouraged that Mr. Diamond has worked with Mr. Malone, who is designing the exhibits.

Mr. Czymbor said the contract will be negotiated, reviewed by Mr. Holmes and will come back to the Commission for final action. It will include a bond and the entire process will be clearly stated in the contract. There will be no gray areas.

There being no further discussion or comment, a roll-call vote on the motion was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary and Mayor Myers, Yes; Nays, none, with one recusal by Commissioner Norwood.

## **PUBLIC HEARINGS**

8. **ORDINANCE** 14-21 amending Zoning Code Section 94-141(e)(6) to allow home occupations with staff approval after notice of surrounding property owners within 150 feet and Planning Board Review, if opposition is expressed or Staff's decision is appealed – 2<sup>nd</sup> Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 94, ZONING CODE, TO ALLOW HOME OCCUPATION APPROVAL BY STAFF WITH NOTICE PROVIDED FOR SURROUNDING PROPERTY OWNERS AND APPEAL OF STAFF DECISION TO PLANNING BOARD; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to adopt the ordinance on 2<sup>nd</sup> reading as read. Commissioner Norwood seconded the motion. Commissioner Brown said when they look at home businesses they want to make sure they are inclusive as to traditional home-based businesses they've had in the past, including barber/beauty shops and day cares.

Thad Crowe, Planning Director, said this ordinance is an attempt to reduce the red tape on home occupations on businesses that don't distinguish themselves from a single-family residence and is intended to recognize the diversification of the workforce. It was traditional to have barber and beauty shops in homes; they have no problem revisiting a one or two chair beauty or barber shop occupation. There being no further discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared adopted on 2<sup>nd</sup> reading.

9. **ORDINANCE** amending Chapter 94, Zoning Code, Article VI, Landscaping and Tree Protection, and Article VII, Buffering and Screening – 1<sup>st</sup> Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 94, ARTICLE VI (LANDSCAPING AND TREE PROTECTION) AND CHAPTER 94, ARTICLE VII (BUFFERING AND SCREENING REQUIREMENTS) OF THE MUNICIPAL CODE OF THE CITY OF PALATKA, FLORIDA PROVIDING FOR IMPROVED ORGANIZATION OF REGULATIONS, DIRECTIONS ON ACCEPTABLE PLANT TYPES, TREE PRUNING STANDARDS, REVISED TREE MITIGATION STANDARDS, INCLUSION OF XERISCAPING STANDARDS, INCENTIVES FOR TREE PRESERVATION, REASONABLE AND PROPORTIONAL COMPLIANCE FOR EXISTING USES AND REDEVELOPMENT, SHADE STANDARDS FOR PARKING LOTS, INCORPORATION OF LANDSCAPING INTO STORMWATER AREAS, REVISION OF BUFFER STANDARDS TO PROVIDE FOR STRATEGIC PLANTING, AND INCREASED INVOLVEMENT OF TREE ADVISORY COMMITTEE IN ORDINANCE APPEALS AND ALTERNATIVE APPROACHES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens noted the corrected version Mr. Crowe handed out prior to the meeting still has some errors. The Zoning Board of Appeals has been replaced with Tree Committee; the ordinance has been corrected but it has not been distributed. They can pass this on first reading tonight and correct it as they go, or table this until a corrected version can be distributed. Commissioner Leary said he has also proposed a revision, which was distributed (filed). Mr. Holmes asked if everyone is in agreement that the only change is to substitute Zoning Board of Appeals for Tree Board concerning appeals; if so, the motion can be made to include this change. After further discussion, Commissioner moved to table the first reading to a time certain of September 25. Commissioner Brown seconded the motion, which passed unopposed.

10. **ORDINANCE** amending the Police Officers' Pension Plan Chapter 185 "Extra Multiplier" for FY 2013 and 2104, and adding an option to earn a fixed interest rate on payments made into the DROP – 1<sup>st</sup> Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 2-250.185(b), POLICE OFFICER BENEFIT GROUP PENSION AMOUNT FORMULA; AND SECTION 2-250.371(b)(2), AMOUNTS PAYABLE UPON ELECTION TO PARTICIPATE IN DROP TO PROVIDE AN OPTION TO EARN A FLAT RATE OF INTEREST ON PAYMENTS MADE INTO THE DROP; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on first reading as read. Commissioner Norwood seconded the motion. There being no comments or further discussion, a roll-call vote was taken, yielding the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared passed on first reading.
11. **ORDINANCE** amending the General Employees' Retirement Plan to clarify that vested former General employees who separated employment prior to October 1, 2013 would remain eligible to begin collecting earned retirement benefits at age 50 – 1<sup>st</sup> Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY AMENDING Ch 2, DIV 4, THE CITY OF PALATKA GENERAL EMPLOYEES RETIREMENT PLAN; AMENDING SECTION 2-168 (b), NORMAL RETIREMENT CONDITIONS, BENEFIT GROUP GENERAL TO ALLOW VESTED MEMBERS WHO HAD NOT ATTAINED AGE 50 AND HAD SEPARATED EMPLOYMENT PRIOR TO OCTOBER 1, 2013 TO RECEIVE RETIREMENT BENEFITS AT AGE 50; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on first reading as read. Commissioner Brown seconded the motion. Commissioner Leary asked if employees have to take retirement at age 50, and if they don't, if the amount will change if they wait to begin receiving payments. Mr. Reynolds related the formula for computing retirement benefits and said employees can elect to retire and begin receiving benefits whenever they choose, once they have reached retirement age, but most elect to receive benefits as soon as possible after separating employment from the City. Mr. Czymbor said the General Employees Plan was revised to take the retirement age from 50 to 55. The Plan's legal counsel has provided an opinion that someone who has left the City employ with vested rights prior to October 1, 2013 is entitled to the rights of the Plan in place when that employee left service. This only applies to vested employees who left service prior to October 1. There being no comments or further discussion, a roll-call vote was taken, yielding the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared passed on first reading.
12. **ORDINANCE** amending Appendix "A," Fee Schedule of the Code of Ordinances, for Animals, Parks, Garbage Collection, Vehicles for Hire, Planning and Zoning Actions – 1<sup>st</sup> Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING APPENDIX A (FEE SCHEDULE) OF THE MUNICIPAL CODE OF THE CITY OF PALATKA AS IT PERTAINS TO FEES AND OTHER CHARGES RELATING TO: ANIMALS; PARKS & RECREATION SPECIAL PERMIT FEES; VEHICLES FOR HIRE; GARBAGE COLLECTION RATES; AND FEE SCHEDULE FOR PLANNING AND ZONING ACTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2014. Commissioner Leary moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. There being no comments or further discussion, a roll-call vote was taken, yielding the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared passed on first reading.

13. **ORDINANCE** amending the Code of Ordinances Chapter 2, Article V, Division 2, Section 20-311 through 2-315 entitled Enforcement of Codes and Ordinances to establish uniform civil penalties for Code violations and to designate the Code Enforcement Board as the judiciary body to hear Code violations and appeals – 1<sup>st</sup> Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 2, ARTICLE V, DIVISION II ENFORCEMENT OF CODES AND ORDINANCES, BY AMENDING ARTICLE V, SECTION 2-314, ENFORCEMENT; SECTION 2-315, VIOLATIONS PROCEDURE; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Leary seconded the motion. Commissioner Kitchens said she discussed with Mr. Holmes the issue of the Codes Enforcement Board being made a “judiciary” body; she was told by Mr. Holmes that the City couldn’t make them a judiciary body, although it states they are being made a judicial body in the table of contents. Mr. Holmes said he did not say they were a judiciary body; there is no flaw in the ordinance. The term should be “quasi-judicial” body, as have been established by nearly every County and City. Judicial bodies are the courts.

Gary Getchell, Police Chief, said these changes are part of the strategic Code changes related to Codes Enforcement. This will also remove the appeals process from the county court and takes these cases to the City Code Enforcement Board. Mr. Czymbor said prior to all these ordinances being changed, Chief Getchell or Asst. Chief Griffith explained these additional responsibilities to the Code Enforcement Board, and the Code Enforcement Board agreed to and acknowledged the additional responsibility. There being no comments or further discussion, a roll-call vote was taken, yielding the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared passed on first reading.

14. **ORDINANCE** revising Municipal Code Chapter 46, Nuisances, Article IV, Section 46-251 through 46-258 to designate the Code Enforcement Board as the judiciary body for hearings, violations and appeals – 1<sup>st</sup> Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA TO RESTATE CHAPTER 46, ARTICLE IV, NUISANCES, TO UTILIZE THE CODE ENFORCMENT BOARD AS THE NUISANCE ABATEMENT BOARD, AND TO UTILIZE CODE ENFORCEMENT OFFICERS TO ENFORCE NUISANCE VIOLATIONS; AMENDING DEFINITIONS, PROVISIONS FOR FILING AND PROCESSING OF COMPLAINTS, AND CONDUCT OF HEARINGS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading. Commissioner Leary seconded the motion. Mr. Holmes noted his prior comments regarding quasi-judiciary boards applied to this item as well. There being no comments or further discussion, a roll-call vote was taken, yielding the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared passed on first reading.

15. **ORDINANCE** amending Palatka Municipal Code Chapter 2, Signs, Article 1, Section 62-1 through 62-16 providing a more comprehensive definition of snipe/bandit signs and providing for enforcement by the Chief Building Official and Code Enforcement Officers - 1<sup>st</sup> Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA TO REVISE CHAPTER 62, ARTICLE I GENERAL, AMENDING ARTICLE I, SECTION 62-1, DEFINITIONS, SECTION 62-2, ENFORCEMENT, SECTION 62-15, PROHIBITED SIGNS AND ALLOWABLE LOCATIONS FOR SIGNS; PROVIDING FOR CONFLICTS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. There being no comments or further discussion, a roll-call vote was taken, yielding

the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared passed on first reading.

16. **CITY MANAGER & ADMINISTRATIVE REPORTS**

a. **City Clerk's Report** – August 26, 2014 Primary Election Results, City Commissioner Group 2 – the Clerk provided a report on the results of the Primary Election, Group 2 Commissioner. Of the total 1,171 votes cast, Allegra Kitchens received 480, or 40.99% of votes cast; Justin Campbell received 429, or 36.64% of votes cast; and Robert Correa received 262, or 22.37% of votes cast. Allegra Kitchens and Justin Campbell will advance to the General Election, to be held on November 4. Because Robin Cadle has qualified as a write-in candidate, a write-in slot has been added to the ballot, and his name can be written in by voters should they wish to cast a vote for him, so there will again be three candidates remaining in the Group 2 Commissioner election, which will appear on the ballot with the Commissioner Group 4 candidates and Mayor/Commission candidates, for a total of 3 races on the Nov. 4 ballot.

**REQUEST TO REVISED THE SEPTEMBER 11, 2014 CITY COMMISSION AGENDA -**

Commissioner Norwood moved to add an item to the agenda to discuss the current landscape ordinance pertaining to what triggers additional landscaping requirements. Commissioner Kitchens seconded the motion. Commissioner Norwood said he's received several phone calls on the interpretation of the ordinance. In the ordinance it speaks to landscaping requirements for new development, but not renovation of existing development. He asked if they are interpreting the ordinance to include requirements for renovations as well as new construction. When this was discussed before the Commission, the answer was no, but it has come to his attention that as permits are being pulled, the Planner is interpreting the ordinance to require landscape improvements. Commissioner Kitchens said she has also received those inquiries, and expressed those concerns at prior meetings. She noted the Middleton Shopping Center's owner being required to make landscaping improvements to the entire parking lot when only one new tenant was coming in. When new owners purchased Jerry's Drive In, the new owners were required to put in additional landscaping. She discussed with this with Mr. Crowe prior to the meeting, who stated the city "advised" them to put in the landscaping. This cut their driveways down from three to one. Mr. Crowe advised her that this was voluntary; now Jerry's is closed and this put a hardship on the business. Commissioner Leary said the current owner was ready to retire and that is why he closed the business. Commissioner Kitchens said four existing commercial areas in the City could be hurt by these new landscape codes. Mayor Myers noted the Geary Street entrance was closed by the owner for safety reasons.

Commissioner Leary said the landscape ordinance prior to the last three or four years was enforced improperly. If you look at prior construction, there was a lack a quality landscaping. The Planner is using the old and new ordinances to develop acceptable standards. Businesses and government agencies are having to incorporate the cost of landscaping into their developments. Once a building is finished, they should get a Certificate of Occupancy. The landscaping requirement is separate and should not hold up a CO. This should be a separate permit. Mr. Holmes has provided an interpretation to the Ordinance; however, the Planner does not agree with his interpretation. There is a lot of confusion. In the past year more than half of the calls, complaints and concerns he's heard are about landscaping. His proposed revision to the ordinance (filed) brings appeals back before the Commission. They have to find a way to resolve these issues so that landscaping doesn't bog down development. They don't want to get the reputation as a fee-mongering regulatory agency. This hinders competition with other cities in attracting business. Commissioner Kitchens concurred and added it's for the City Attorney to make a legal determination on an ordinance, and his interpretation should be the determination used, not the opinion of a staff member. They need to address this.

Commissioner Brown said she's also had complaints on the landscaping requirement. They need to keep people mindful of the need for buffers. They don't want to create more problems by fixing

one issue. They also want to attract new business. Commissioner Norwood asked if there is a provision in the landscape ordinance that states that it applies to renovation as well as new development. Mr. Holmes said the Scope of Section 94 of the ordinances states it applies where structures are enlarged or a change of use occurs, so that an increase in required parking is required. It does not apply to single-family residential structures. It is not for him to have a philosophy about a code, but to interpret it as it is stated. It is not to him to decide whether he likes it or doesn't like it.

Commissioner Kitchens said last year when the changes were discussed, the Commission asked for a public workshop to be held with the Commission, and this did not occur. They did not receive any public input. Mr. Cymbor said a public workshop was held and publicly noticed. They contacted the Chamber and DPI. The ordinance was reviewed and some businesses attended. Commissioner Kitchens said a public workshop was held with the Planning Board but not the Commission. Commissioner Leary said he has high confidence in Mr. Holmes' interpretation of zoning and other ordinances. The City Attorney's opinion on the interpretation of an ordinance should be the final interpretation, unless an appeal is made to the Commission. Commissioner Brown noted the town is changing and growing, and the Commission needs input from the community in order to address the issues. Commissioner Norwood moved to direct staff to schedule a public workshop on the proposed changes to the Landscaping and Buffering ordinance with the Commission present. Commissioner Brown seconded the motion, which passed unopposed.

**17. COMMISSIONER COMMENTS**

Commissioner Brown said she discovered recently, upon the passing of a former City employee, that his life insurance coverage "went away" when he retired. It was a "term" policy. She would like the City to provide some way to allow employees to keep their life insurance after they retire or otherwise separate employment with the City by continuing to pay the premium. Mr. Reynolds said currently employees can continue their life insurance after they leave, but the premium does go up quite a bit. They are looking at bringing on a firm to offer ancillary benefits such as life insurance at a reasonable cost during open enrollment.

Commissioner Norwood said he is riding the Trails on his bicycle. He couldn't actually get on the pavement portion of the trail until he got to Florahome. They need to encourage the State to complete the trail from Palatka to Florahome. He asked if they can get the street sweeper to sweep the Trails to sweep up the trash and glass.

- 18. ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:30 p.m. upon a motion by Commissioners Brown and Kitchens.

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105