

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

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

AGENDA

CITY OF PALATKA

October 23, 2014

CALL TO ORDER: (See Special Agenda – Students in Government)

- a. **Invocation** – The Reverend Ken Johnson, Executive Director; Rodeheaver Boys Ranch
- b. **Pledge of Allegiance**
- c. **Roll Call**

APPROVAL OF MINUTES – 10/9/2014

1. PUBLIC RECOGNITION/PRESENTATIONS:

- a. **PROCLAMATION** - City Government Week – October 19 – 25, 2014
- b. **PROCLAMATION** – Pancreatic Cancer Awareness Month – November, 2014 – Allison Strother, Pancreatic Cancer Awareness Network
- c. **PROCLAMATION** – National Hospice and Palliative Care Month – November, 2014 – Susan M. Lane, Haven Hospice
- d. **STUDENT OF THE MONTH – October, 2014** – Mayor Myers and Commissioner Kitchens

Shanell Randolph	Browning-Pearce Elementary
Brooklynn Martin	C. L. Overturf, Jr. 6 th Grade Center
MacKenzie Thomas	Children's Reading Center Charter School
Alexcia Roberts	E. H. Miller School
Jada Aaron	James A. Long Elementary School
Chanden Andrews	Jenkins Middle School
Ella Claire Lineberger	Kelley Smith Elementary School (October Honoree)
Baylee Pinner	Kelley Smith Elementary School (September Honoree)
Diana Ramos	Mellon Elementary School
Marquez Wilson	Moseley Elementary School
Stephen Singleton	Palatka High School
Emily Beck	Peniel Baptist Academy
Isabella Westberry	Putnam Academy of Arts & Sciences
Kirstyn Peters	Putnam EDGE High School

2. PUBLIC COMMENTS – (limited to 3 minutes – no will be action taken on topics of discussion)

3. CONSENT AGENDA

- *a. **Adopt Resolution No. 2014-10-126** amending the FY 2014-15 Tax Increment Fund Budget
- *b. **Adopt Resolution No. 2014-10-127** requesting a waiver in permit fees from St. Johns River Water Management District for FY 2014-15
- *c. **Adopt Resolution No. 2014-10-128** authorizing the execution of a Scope & Service Agreement with Ayres Associates in the amount of \$28,050 to complete the FDEP Operating Permit renewal application for the City of Palatka WWTP
- *d. **Adopt Resolution No. 2014-10-129** supporting the Palatka Housing Authority's application for a Florida Special Category Grant for replacement of the History Central Academy's Roof
- e. **Grant permission** to exceed allowable noise levels and to close the 900 block of St. Johns Avenue for the 4th Saturday Cruise-in, October 25, 2014 from 4:00 to 9:00 p.m. – Charles Rudd, Palatka Main St.

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3. CONSENT AGENDA (Continued)

- *e. **Adopt Resolution No. 2014-10-130** authorizing the execution of CDBG Grant Contract No. 15DB-00J-04-64-02-C04 in the amount of \$750,000 for a FFY 2013 Commercial Revitalization Grant Contract for Riverfront Park Improvements
- *f. **Adopt Resolution No. 2014-10-131** authorizing the submission of an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$50,000 for federal fiscal year 2015-2016 (Riverfront Park Phase I)
- *g. **Adopt Resolution No. 2014-10-132** authorizing the submission of an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$200,000 for federal fiscal year 2015-2016 (Riverfront Park Phase II)

* **4. CRA BUSINESS: (Meeting held 10/23/14)**

- *a. **RESOLUTION** authorizing the execution of a Public Park Land Lease Agreement with A1A Rentals, Inc. for 712 St. Johns Avenue – Adopt
- *b. **RESOLUTION** awarding Business Recruitment Grant for 700 St. Johns Avenue in an amount not to exceed \$10,000 - Barbara Farr, Applicant
- *c. **RESOLUTION** adopting the proposed CRA/CBD Vacant Space Incentive Program – Adopt

PUBLIC HEARINGS

- * **5. 2ND PUBLIC HEARING – CDBG FY 2013 Economic Development** application for Water Taxi Stand/Restaurant/Ship's Store/Restroom Improvements – Fred Fox & Jonathan Griffith
 - *a. **RESOLUTION** authorizing submission of a Small Cities CDBG Application – Adopt
 - *b. **RESOLUTION** authorizing the implementation of Community Development long and short term objectives - Adopt
- * **6. ORDINANCE** adopting an additional homestead ad valorem tax exemption for certain qualifying seniors, as authorized by FS 196.075 (The 2012 "Super Senior" Exemption) – 1st Reading
- * **7. ORDINANCE** amending Zoning Code Section 94-2, 94-143 and 94-156 defining original or historic use, allowing original and historic uses as conditional uses in historic districts, and providing conditional use criteria for original or historic uses – 1st Reading
- * **8. ORDINANCE** amending Zoning Code Section 94-2-94-149 and 94-202 to define mobile medical units, allowing the use as either a permitted or conditional accessory use/structure in the C-2 (intensive commercial) zoning district – 1st Reading
- * **9. ORDINANCE** establishing regulations for decontamination of illegal drug manufacturing sites – 2nd Reading, Adopt
- * **10. ORDINANCE** establishing local regulations for the manufacture and sale of synthetic drugs – 2nd Reading, Adopt
- 11. CITY MANAGER & ADMINISTRATIVE REPORTS**
- 12. COMMISSIONER COMMENTS**
- 13. ADJOURN**

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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 208.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

Upcoming Events:

Oct. 31 – Halloween Trick-or-Treat 6 p.m. to 8 p.m.
Nov. 4 – General Election Day
Nov. 13 – 14 – Legislative Conference (Orlando)
Nov. 11 – City Offices closed to observe Veterans Day
Nov. 27 & 28 – City Offices closed for Thanksgiving Holiday
Dec. 25 & 26 – City Offices closed to observe Christmas Holiday
Jan. 1, 2015 – City Offices closed to observe New Year's Day
Jan. 5, 2015 – Swearing-In Ceremony for Mayor/Commissioner
and Commissioners Group 2 & 4

Board Openings:

Putnam Co, Better Place Plan Committee (City Appointee)
Tree Committee – 2 vacancies
Code Enforcement Board – 1 vacancy (Alternate)
Board of Zoning Appeals – 2 vacancies (at-large)
Planning Board – 1 vacancy

CITY OF PALATKA



Proclamation

WHEREAS, in 2014, an estimated 46,420 people will be diagnosed with pancreatic cancer in the United States and 39,590 will die from the disease, and approximately 2,890 deaths will occur in Florida in 2014. Pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis which 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS the Recalcitrant Cancer Research Act was signed into law in 2013, which calls on the National Cancer Institute to develop a scientific framework, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the City of Palatka and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in the City of Palatka support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of the City of Palatka are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby recognize, endorse and designate month of November 2014 as

PANCREATIC CANCER AWARENESS MONTH

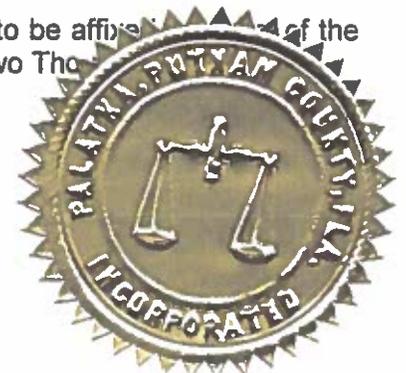
in the City of Palatka, and hereby encourage the citizens of Palatka to observe the month by contacting the Putnam County Health Department to inquire about pancreatic cancer screening programs available locally as well as any other information regarding the prevention and control of colorectal cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Palatka, Florida on this 23rd day of October, in the Year of Our Lord Two Thousand

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, Mayor





PANCREATIC CANCER ACTION NETWORK

Dear Betsy,

I am writing on behalf of the Pancreatic Cancer Action Network and the estimated 39,590 Americans who will die of pancreatic cancer in 2014, approximately 2,890 of whom live in Florida. In 2014, pancreatic cancer will afflict more than 46,420 Americans, 73% of whom will die within one year of their diagnosis, and 94% of whom will die within five years of diagnosis.

On December 24, 2012, I lost my dad, Bill Hill, to pancreatic cancer at the age of 61. Diagnosed at Stage IV, my dad was only expected to live another 3-6 months. He was determined to fight this disease with everything in him and, despite the grim prognosis, made a date to see his doctors the following year. He kept that date, but died only a few days later. Advances in early detection and treatment options are key to beating this disease and could have made the difference in saving my dad's life.

To date, pancreatic cancer is the fourth leading cause of cancer death in the United States, and it is the only major cancer with a five-year relative survival rate in the single digits at just six percent. Furthermore, the incidence and death rate for pancreatic cancer are increasing, and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020. We need your help to shine a spotlight on this disease and finally make progress in developing treatments and early detection tools. By issuing a proclamation supporting the observance of November 2014 as Pancreatic Cancer Awareness Month in the City of Palatka you can help us to raise awareness in our community.

I have attached a draft of the proclamation text for your review. I am happy to provide additional official Pancreatic Cancer Action Network material, including pancreatic cancer facts and statistics and NCI funding information, upon request.

We request that one original of the proclamation be made available for our records. Please contact me at 904-868-1030 or alison.strother@comcast.net with any questions. I look forward to working with you to issue a proclamation that will recognize November as Pancreatic Cancer Awareness Month and bring much needed attention to this deadly disease. Thank you for your interest in this important issue.

Sincerely,

Alison Strother

CITY OF PALATKA



Proclamation

WHEREAS, hospice and palliative care empower people to live as fully as possible, surrounded and supported by family and loved ones, despite serious and life-limiting illness; and

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully and make more meaningful moments, surrounded and supported by their loved ones, friends, and committed caregivers;

WHEREAS, Every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States; and

WHEREAS, More than 400,000 trained volunteers contribute more than 19 million hours of service to hospice programs annually;

WHEREAS, Haven Hospice believes that everyone deserves comfort, care and compassion; In 2013, Haven had the privilege to serve over 9,000 individuals and families throughout their 18-county service area. Haven is honored to provide a quality of care that maximizes the quality of life for each individual served.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby endorse and proclaim November 2014 as

NATIONAL HOSPICE AND PALLIATIVE CARE AWARENESS MONTH

in the City of Palatka, and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 23th day of October, in the Year of Our Lord Two Thousand Fourteen.

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, Mayor



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CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-126 amending the FY 2014-15 Tax Increment Fund Budget

SUMMARY:

The City budget is governed by Chapter 166.241 and 200.065, Florida Statutes. These Statutes provide that the total budget at the fund level, once approved, cannot be exceeded unless a supplemental budget appropriation is enacted by the City Commission.

The Finance Department is requesting the attached budget amendments due to changes that were requested to be made within the TIF Fund.

RECOMMENDED ACTION:

Staff recommends adoption of the Resolution amending the FY 2014-15 Budget in order to be in compliance with Florida Statutes.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Budget Amendment Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Reynolds, Matt	Approved	10/15/2014 - 4:53 PM
City Clerk	Driggers, Betsy	Approved	10/15/2014 - 5:29 PM
City Manager	Czymbor, Michael	Approved	10/15/2014 - 5:49 PM
Finance	Reynolds, Matt	Approved	10/17/2014 - 9:21 AM

RESOLUTION No. 2014-10-xx

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
AMENDING THE FY 2014-2015 BUDGET

WHEREAS, the City of Palatka deems it reasonable and necessary to amend the FY 2014-2015 budget.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida:

1. That the expenditures of the City of Palatka TIF Fund Budget for the Fiscal Year 2014-2015 are amended as follows:

EXPENDITURES:		Last	Recommended	As
<i>Expenditure Number</i>	<i>Description</i>	Approved	Amendments	Amended
030-30-580-3-3101	DOWNTOWN STREET PARTIES	\$ 12,000	\$ 6,000	\$ 18,000
030-30-580-6-6324	STAGE	\$ 22,000	\$ (22,000)	\$ -
030-30-580-9-9901	CONTINGENCY/RESERVE-DOWNTOWN	\$ 9,690	\$ (2,375)	\$ 7,315
030-30-580-6-6325	REDEVELOPMENT INCENTIVES	\$ 30,000	\$ 18,375	\$ 48,375
030-31-580-6-6336	REDEVELOPMENT INCENTIVES	\$ 234,093	\$ (13,000)	\$ 221,093
030-31-580-6-6337	SITE AMENITIES	\$ -	\$ 13,000	\$ 13,000
030-32-580-3-5280	MISC EXPENSES	\$ 250	\$ 750	\$ 1,000
030-32-580-6-6322	GENERAL CAPITAL IMPROVEMENTS	\$ 55,681	\$ (750)	\$ 54,931
TOTAL EXPENDITURES AMENDED:		\$ 363,714	\$ -	\$ 363,714

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 23rd day of October, 2014.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:

CITY ATTORNEY

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CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-127 requesting a waiver in permit fees from St. Johns River Water Management District for FY 2014/15

SUMMARY:

This resolution requests a waiver of permit fees from SJRWMD for F/Y 2014-15. SJRWMD Rules, Section 401C-1603(14), related to license and permit fees, indicates that the City is eligible for a reduction in the SJRWMD fee schedule. This resolution follows their form 40C-1.603(13). The commission has adopted a similar resolution annually.

If granted, this waiver will enable the City to submit a permit fee of \$100.00 versus a permit fee of \$1,500.00 per permit application for ongoing work throughout the City.

RECOMMENDED ACTION:

Adopt a resolution requesting a waiver in permit fees from SJRWMD for FY 2014/15

ATTACHMENTS:

Description	Type
Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	10/8/2014 - 10:42 AM
City Clerk	Driggers, Betsy	Approved	10/8/2014 - 10:42 AM
City Manager	Czymbor, Michael	Approved	10/8/2014 - 10:51 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:47 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 10:51 AM

RESOLUTION No. 2014-10-

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
REQUESTING A WAIVER IN PERMIT FEES FROM ST.
JOHNS RIVER WATER MANAGEMENT DISTRICT**

WHEREAS, the 1994 Legislature enacted Chapter 94-278, Laws of Florida, allowing reduction of permit processing fees for municipalities with a population of 25,000 or less, counties with a population of 50,000 or less, or any county or municipality not included within a metropolitan statistical area upon certification by that county or city that the cost of the permit processing fee is a fiscal hardship; and

WHEREAS, the City of Palatka has a population of less than 25,000; and

WHEREAS, the City of Palatka certifies that it is not included within a metropolitan statistical area; and

WHEREAS, the City of Palatka certifies that it qualifies for permit processing fee reductions for Fiscal Year October 1, 2014 through September 30, 2015, due to the following:

1. Ad valorem operating millage rate for the current fiscal year is greater than 8 mills.

WHEREAS, this factor is supported by the attached resolutions adopting the millage and budget for fiscal year 2014-15.

NOW, THEREFORE, BE IT RESOLVED, that the City of Palatka City Commission does hereby request that the St. Johns River Water Management District reduce the processing fee for public purpose projects for the 2014-15 fiscal year.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this 23rd day of October, 2014.

CITY OF PALATKA

BY: _____
Its **MAYOR**

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY

*Agenda
Item*

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CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-128 authorizing the execution of a Scope & Service Agreement with Ayres Associates in the amount of \$28,050.00 to complete the FDEP Operating Permit renewal application for the City of Palatka WWTP

SUMMARY:

The FDEP operating permit for the City of Palatka WWTP will expire in 2015. This is for the renewal of the operating permit due to start in April 2015. The City needs to have the permit renewed every five years, to keep the WWTP in compliance.

Ayres and Associates is on the City's list of approved engineering providers and has performed similar work in the past. The total cost of the work will not exceed \$28,050.00.

RECOMMENDED ACTION:

Adopt the resolution authorizing the execution of the Ayres & Associates Scope and Fee proposal for the Palatka WWTP's FDEP Operating Permit renewal process in the amount of \$28,050.00

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Ayres Scope & Fee Agreement Exh A & B	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Waste Water Treatment Plant	McCann, Brian	Approved	10/8/2014 - 10:58 AM
City Clerk	Driggers, Betsy	Approved	10/8/2014 - 11:11 AM
City Manager	Czymbor, Michael	Rejected	10/8/2014 - 11:17 AM
Waste Water Treatment Plant	McCann, Brian	Rejected	10/8/2014 - 2:07 PM
Waste Water Treatment Plant	McCann, Brian	Approved	10/8/2014 - 3:48 PM
Waste Water Treatment Plant	McCann, Brian	Approved	10/9/2014 - 11:13 AM
City Clerk	Driggers, Betsy	Approved	10/13/2014 - 3:46 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:50 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:53 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:50 AM

RESOLUTION No. 2014-10-

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST AYRES ASSOCIATE'S SCOPE AND FEE PROPOSAL IN AN AMOUNT NOT TO EXCEED \$28,050 TO COMPLETE THE FDEP PERMIT APPLICATION TO RENEW THE WASTE WATER TREATMENT PLANT OPERATING PERMIT, WHICH EXPIRES APRIL 15, 2015

WHEREAS, the City of Palatka WWTP is required to have an active FDEP Plant Operating Permit in regards to the operation and requirements of the treatment facility; and

WHEREAS, the current operating permit is set to expire on April 15 2015; and

WHEREAS, Ayres Associates has been qualified by the City of Palatka to provide engineering services; and

WHEREAS, Ayres Associates has provided the City with a Scope and Fee Proposal in an amount not to exceed \$28,050, to complete the FDEP Operating Permit renewal process; and

WHEREAS, staff concurs with the terms of the Proposal; and

WHEREAS, the Palatka City Commission deems it reasonable and necessary to enter a Scope and Fee Agreement with Ayres Associates for said Permit Renewal in order to keep the WWTP in compliance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida

1. That the City Manager and City Clerk are hereby authorized to execute and attest the Ayres Associates Scope and Fee Proposal in an amount not to exceed \$28,050 to complete the Palatka WWTP's FDEP Operating Permit renewal application.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 23rd day of October, 2014.

CITY OF PALATKA

BY: ITS MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CORRECTIONS

CITY ATTORNEY PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 25th day of September, 2014.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

EXHIBIT A

**CITY OF PALATKA, FLORIDA
WASTEWATER TREATMENT PLANT OPERATING PERMIT RENEWAL
SCOPE OF SERVICES**

**AYRES ASSOCIATES INC
August 13, 2014**

Project Description

The City of Palatka (City) is required to prepare and submit an application for renewal of the operating permit for the above referenced wastewater treatment facility. The existing operating permit will expire on April 15, 2015. As indicated in the existing permit Section VI.5 the application for renewal must be submitted 180 days prior to the permit expiration. As such, the renewal application should be received by the Florida Department of Environmental Protection (FDEP) on or before October 17, 2014. Therefore, time is of the essence to comply with the stipulated dates to allow preparation and submittal of the permit application and supporting documents.

Scope of Services

The submittal will consist of the following documents that are required for permit renewal submittal.

1. FDEP Wastewater Facility Application Form 1 – General Information in accordance with Chapter 62-620, Florida Administrative Code (FAC). This includes all applicable information as listed in Items I through XIII, respectively.
2. Wastewater Permit Application Form 2A for Domestic Wastewater Facilities in accordance with Chapter 62-620, FAC. This includes all applicable information as listed in Sections 1 through 9, respectively.
3. Capacity Analysis Report in accordance with Rule 62-600.405, FAC. This will include the following key elements:
 - Service Area Description
 - Historical Wastewater Characteristics
 - Facility Description
 - Flow Projections
 - Expansion Recommendations

Draft Report. Two (2) copies of the draft report will be submitted to the City for review. A progress meeting will be scheduled to review the draft report and discuss the City's comments.

Final Report. Five (5) copies of the final report incorporating the City's comments as agreed to by the above progress meeting will be furnished to the City.

4. Compile and report results of Whole Effluent Biological Toxicity Testing in accordance with the FDEP Guide to Permitting Wastewater Facilities or Activities under Chapter 62-620, FAC.
5. Reuse Operating Protocol, which will include the following key element:

- Review the existing operating protocol and update the parameters and set points as necessary to comply with reclaimed water limitations.

Draft Report. Two (2) copies of the draft report will be submitted to the City for review. A progress meeting will be scheduled to review the draft report and discuss the City's comments.

Final Report. Five (5) copies of the final report incorporating the City's comments as agreed to by the above progress meeting will be furnished to the City.

6. **Operation and Maintenance Performance Report** in accordance with Rule 62-600.735, FAC. This will include the following key elements:

- Certification
- Introduction and History of the Facility
- Treatment Processes and Facilities
- Effluent Disposal

Draft Report. Two (2) copies of the draft report will be submitted to the City for review. A progress meeting will be scheduled to review the draft report and discuss the City's comments.

Final Report. Five (5) copies of the final report incorporating the City's comments as agreed to by the above progress meeting will be furnished to the City.

7. Prepare up to two (2) written responses to the FDEP's request for additional information (RAI). This includes limited preparation of supporting documentation beyond that presented in the Project Description. Should, in Ayres' opinion, the FDEP's supporting documentation exceed that considered typical and/or beyond the fee requested herein, Ayres may request to re-scope the services and fee requirements upon receipt of the RAI from the FDEP.
8. Miscellaneous telephone conversations and correspondence with City staff and FDEP staff in executing the scope of services.
9. Draft Permit Review meeting and comment responses to FDEP and City.

Responsibilities of City and/or Others

1. Permit application fees.
2. Laboratory analytical sampling and analysis fees for all effluent and/or other biological parameters required for permit application submittal. Ayres will assist the City as indicating herein.
3. Facility performance/historical data required for supporting document(s) preparation.
4. Coordinating site access and facility tours.

Additional Services

Should additional services be requested or required beyond that indicated herein, mutually agreed scope, terms, and conditions will be established prior to any work being initiated.

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CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-129 supporting the Palatka Housing Authority's application for a Florida Special Category Grant for replacement of the Historic Central Academy's roof

SUMMARY:

The Palatka Housing Authority, owner of Historic Central Academy, a historic and substandard building, is actively seeking a Florida special category grant for replacement of the building's roof. The deadline for this grant application is October 31,

PHA is seeking the maximum amount of \$350,000, no match required. Previous estimates for full restoration approach \$1.5 million. Central Academy is one of the most significant historic sites in the City, established in 1892. The property has statewide significance as the first accredited African-American high school in Florida. Despite meager funding, the school excelled in diverse educational programs and produced several generations of prominent citizens. State officials have contacted staff to encourage this application submittal, citing the endangered state of the building and its historical significance. The intended use of the building is for a community center, museum, and possibly a charter school or vocational training program. No city resources except staff time are now requested.

RECOMMENDED ACTION:

Adopt a resolution supporting the PHA's application for a Florida Special Category Grant to replace the roof of Historic Central Academy

ATTACHMENTS:

Description	Type
D Resolution of Support	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Crowe, Thad	Approved	10/14/2014 - 2:05 PM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 2:31 PM
City Manager	Czymbor, Michael	Approved	10/15/2014 - 5:48 PM
Finance	Reynolds, Matt	Approved	10/17/2014 - 9:19 AM
City Clerk	Driggers, Betsy	Approved	10/17/2014 - 10:17 AM

RESOLUTION NO. 2014 – 10-

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
SUPPORTING THE PALATKA HOUSING AUTHORITY'S
APPLICATION FOR STATE SPECIAL CATEGORY GRANT
RESTORATION FUNDING FOR CENTRAL ACADEMY**

WHEREAS, Central Academy, located in Palatka at 1207 Washington Street, was established in 1892; and

WHEREAS, in 1924 Central Academy became the first accredited African-American high school in Florida; and

WHEREAS, the building burned down in 1936 but was rebuilt the next year; and

WHEREAS, in 1944 a library for the City's African-Americans was established in the building; and

WHEREAS, the school had among other functions a science laboratory, large map collection, prominent music program, and other advanced educational elements throughout the years; and

WHEREAS, Central Academy's alumni includes many successful ministers, doctors, lawyers, educators, and businesspeople; and

WHEREAS, Central Academy closed in 1971 but still holds a high level of importance for its graduates, the African-American community, and the community at large; and

WHEREAS, Central Academy was listed on the National Register of Historic Places in 1998; and

WHEREAS, the building continues to deteriorate to the stage where it will be eventually nearing collapse; and

WHEREAS, City staff is working closely with the staff of the Palatka Housing Authority, the owner of the building, and with other interested parties including an established non-profit support group to secure grant funding for roof replacement at the outset; and

WHEREAS, the PHA and citizen groups have planned for the reuse of the building for a community center, museum, possible charter school, and vocational education function; and

WHEREAS, the City Commission finds that the restoration of Central Academy is in the best interest of the City of Palatka and its citizens through the celebration of City, state, and national heritage and history.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF PALATKA, FLORIDA, that the City Commission fully supports the restoration of Central Academy through public and other funding sources, particularly the state of Florida Special Category Grants program.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this
23nd day of October, 2014.

CITY OF PALATKA, FLORIDA

By: _____
Its Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

*Agenda
Item*

3e



CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-130 authorizing the execution of CDBG Grant Contract No. 15DB-OJ-04-64-02-C04 in the amount of \$750,000 for a FFY 2013 Commercial Revitalization Contract for Riverfront Park Improvements

SUMMARY:

The City of Palatka was recently offered a Florida Department of Economic Opportunity (DEO) grant under the Commercial Revitalization category in the amount of \$750,000.00 under the FFY 2013 Small Cities Community Development Block Grant (CDBG) program. The activities, dollar amounts and estimated percentage benefit to low and moderate income persons for which the City of Palatka is applying are:

<u>Activity Number and Name</u>	<u>Budget</u>	<u>LMI% Benefit</u>
03L – Sidewalks and Pedestrian Malls	\$205,000.00	At Least 51%
03G – Parking Facilities	\$450,000.00	At Least 51%
21A – Administration	\$ 60,000.00	N/A
21B – Engineering	<u>\$ 35,000.00</u>	N/A
Total	\$750,000.00	

The project will undertake park improvements to include parking facilities to the City of Palatka’s Riverfront Park. Improvements include storm water infrastructure, reconfiguration of Short Laurel and parking construction.

RECOMMENDED ACTION:

Adopt the resolution authorizing the execution of CDBG Commercial Revitalization Grant Contract Number: 15DB-OJ-04-64-02-C04 in the amount of \$750,000 for Riverfront Park Improvements

ATTACHMENTS:

<u>Description</u>	<u>Type</u>
<input type="checkbox"/> Resolution - CDBG CR Contract	Resolution
<input type="checkbox"/> Award Letter	Backup Material
<input type="checkbox"/> CDBG Agreement	Backup Material
<input type="checkbox"/> Project Boundary	Backup Material

REVIEWERS:

<u>Department</u>	<u>Reviewer</u>	<u>Action</u>	<u>Date</u>
Grants & Projects	Griffith, Jonathan	Approved	10/10/2014 - 4:12 PM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 10:30 AM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:51 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:54 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:52 AM

RESOLUTION NO. 2014-10-

**A RESOLUTION OF THE CITY OF PALATKA,
FLORIDA, AUTHORIZING THE EXECUTION OF SMALL
CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
COMMERCIAL REVITALIZATION CATEGORY
CONTRACT NO. 15DB-OJ-04-64-02-C04 WITH THE
DEPARTMENT OF ECONOMIC OPPORTUNITY FOR
FEDERAL FISCAL YEAR 2013**

WHEREAS, on February 27, 2014 the Palatka City Commission adopted Resolution No. 2014-10-48 authorizing the submission of an application to the Florida Department of Economic Opportunity for a Small Cities Community Development Block Grant in the Commercial Revitalization Category to benefit persons of low and moderate income; and

WHEREAS, Resolution No. 2014-10-48 also authorized the use of \$125,000.00 of CRA and Better Place Funds for leverage funding for said Grant, which will fund sidewalks and pedestrian malls and parking facilities for the Riverfront Park/Central Business District; and

WHEREAS, the Department of Economic Opportunity has offered the City CDBG Contract No. 15DB-OJ-04-64-02-C04 under the Small Cities Community Development Block Grant Commercial Revitalization Category for the construction of parking, sidewalks and pedestrian malls (the project).

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka as follows:

1. That the City Commission of the City of Palatka hereby authorizes the execution of Contract No. 15DB-OJ-04-64-02-C04 with the Department of Economic Opportunity for a Commercial Revitalization Community Development Block Grant, and
2. That the City Manager is hereby authorized to execute all documents required in connection with the administration of the project.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 23rd day of October, 2014.

CITY OF PALATKA

By: Its **MAYOR**

ATTEST:

CITY CLERK

**APPROVED AS TO FORM
AND CORRECTNESS:**

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

October 9, 2014

The Honorable Vernon Myers
Mayor, City of Palatka
201 North 2nd Street
Palatka, Florida 32177

RE: Small Cities Community Development Block Grant (CDBG) Program
Federal Fiscal Year (FFY) 2013 Funding
Commercial Revitalization Application

Dear Mayor Myers:

The Florida Department of Economic Opportunity has identified additional funds that can be awarded for the FFY 2013 Application Cycle, and the City's application was the highest scoring unfunded request in the Commercial Revitalization category. Copies of the revised Small Cities CDBG contract and attachments are being e-mailed to the project contact person identified in the City's application. Please return two copies of the contract, each with original signature, as soon as possible.

The signed copies of the contract should be sent to Mona Wood, Government Operations Consultant II, at the mailing address below:

Department of Economic Opportunity
Small Cities CDBG Program
107 East Madison Street – MSC 400
Tallahassee, Florida 32399-6508

In addition, if you have not sent copies of your application to the State Clearinghouse, you must do so now. Four copies of the following sections must be sent to the Clearinghouse:

- Part II: Application Profile and General Scoring Criteria;
- Part III: Sources and Uses of Non-CDBG Funds (Leverage), if applicable;
- Form C-1 from Part IV (Commercial);
- Part IX: Appendix A: Maps; and
- Part IX: Appendix D: Historic Preservation Documents, if applicable.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | www.facebook.com/FLDEO

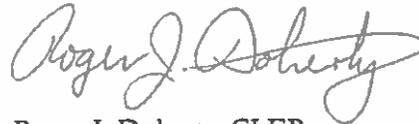
An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

The address for the Clearinghouse is –

Florida State Clearinghouse
Florida Department of Environmental Protection
3900 Commonwealth Blvd, M.S. 47
Tallahassee, Florida 32399-3000

There have been a number of changes made to the Small Cities CDBG contract since the City's last subgrant was awarded. As the subgrant recipient, the City is responsible for ensuring compliance with all state and federal regulations, submitting reports on time, and completing project activities in accordance with Attachment E of the agreement – the Activity Work Plan. Please have the appropriate staff become familiar with the new contract requirements. If you have any questions, please contact Ms. Wood at (850) 717-8408 or at Mona.Wood@deo.myflorida.com.

Sincerely,



Roger J. Doherty, CLEP
Planning Manager
Small Cities CDBG Program

RJD/mw

cc: Mr. Jonathan Griffith, Project Manager/Grants Administrator, City of Palatka
Mr. Fred Fox, President, Fred Fox Enterprises, Inc.

**STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

Contract Number: 15DB-OJ-04-64-02-C04
Rule Chapter: 73C-23, Florida Administrative Code
Effective: June 6, 2010

CFDA Number: 14.228

FFY 2013 FEDERALLY-FUNDED SUBGRANT AGREEMENT
Commercial Revitalization

THIS AGREEMENT is entered into by the **State of Florida, Department of Economic Opportunity**, with headquarters in Tallahassee, Florida (hereinafter referred to as "DEO" or the "Department"), and the **City of Palatka** (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

- A. The Recipient represents that it is fully qualified and eligible to receive these grant funds to provide the services identified herein; and
- B. The Department has received these grant funds from the State of Florida, and has the authority to subgrant these funds to the Recipient upon the terms and conditions below; and
- C. The Department has statutory authority to disburse the funds under this Agreement.

THEREFORE, the Department and the Recipient agree to the following:

(1) Scope of Work

The Recipient shall perform the work in accordance with the **Program Budget**, Attachment A of this Agreement; the **Activity Work Plan**, Attachment E of this Agreement; and the Florida Small Cities Community Development Block Grant (CDBG) **FFY 2013 Application for Funding** submitted by the Recipient on **March 12, 2014**, including future amendments to this Subgrant Agreement that are agreed upon by both parties.

(2) Incorporation of Laws, Rules, Regulations and Policies

The Recipient and the Department shall be governed by applicable State and Federal laws, rules and regulations, including those identified in Attachments B and G.

(3) Period of Agreement

This Agreement shall begin upon execution by both parties, and shall end 24 months after the last signed date, unless terminated earlier in accordance with the provisions of Paragraph (12) of this Agreement. Contract extensions will not be granted unless Recipient is able to provide substantial justification and the Division Director approves such extension.

(4) Modification of Contract

Either party may request modification of the provisions of this Agreement. Changes which are agreed upon shall be valid only when in writing, signed by each of the parties, and attached to the original of this Agreement.

(5) Records

(a) As applicable, Recipient's performance under this Agreement shall be subject to the federal OMB Circular No. A-102, *Common Rule: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* (53 Federal Register 8034) or 2 CFR 215, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations*, and either 2 CFR 225, *Cost Principles for State, Local and Indian Tribal Governments*, 2 CFR 220, *Cost Principles for Educational Institutions*, or 2 CFR 230, *Cost Principles for Non-Profit Organizations*.

(b) Representatives of DEO, the Chief Financial Officer of the State of Florida, the Auditor General of the State of Florida, the Florida Office of Program Policy Analysis and Government Accountability or representatives of the federal government and their duly authorized representatives shall have access to any of Recipient's books, documents, papers, and records, including electronic storage media, as they may relate to this Agreement, for the purposes of conducting audits or examinations or making excerpts or transcriptions.

(c) Recipient shall maintain books, records, and documents in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all expenditures of funds provided by DEO under this Agreement.

(d) Recipient will provide a financial and compliance audit to DEO, if applicable, and ensure that all related party transactions are disclosed to the auditor.

(e) The Recipient shall retain sufficient records to show its compliance with the terms of this Agreement, and the compliance of all contractors and consultants paid from funds under this Agreement, for a period of six years from the date this Agreement is final closed. The Recipient shall ensure that audit working papers are available upon request for a period of six years from the date this Agreement is final closed, unless extended in writing by the Department. The six-year period may be extended for the following exceptions:

1. If any litigation, claim or audit is started before the six-year period expires, and extends beyond the six-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

2. Records for the disposition of non-expendable personal property valued at \$5,000 or more at the time it is acquired shall be retained for six years after final disposition.

3. Records relating to real property acquired shall be retained for six years after the closing on the transfer of title.

(f) The Recipient shall maintain all records and supporting documentation for the Recipient and for all contractors and consultants to be paid from funds provided under this Agreement, including documentation of all program costs, in a form sufficient to determine compliance with the requirements and objectives of the **Program Budget** - Attachment A - and all other applicable laws and regulations.

(g) The Recipient, its employees or agents, including all contractors and consultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to representatives of DEO, the Chief Financial Officer of the State of Florida, the Auditor General of the State of Florida, the Florida Office of Program Policy Analysis and Government Accountability or representatives of the federal government and their duly authorized representatives. "Reasonable" shall ordinarily mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday.

(h) To the extent that it does not conflict with federal regulations, the Recipient shall transfer, at no cost to DEO, all public records upon completion or termination of this Agreement, and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All electronic records shall be provided to DEO in a DEO-compatible format.

(i) The Recipient shall include the aforementioned audit and record keeping requirements in all approved contracts and assignments.

(6) Audit Requirements

(a) Review the Audit Requirements listed in Attachment H of this contract. For local government fiscal years beginning after December 26, 2014, a recipient will not have to have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised, unless it expends \$750,000 or more in Federal awards during its fiscal year.

(b) The requirements listed in Attachment H, Part II: State Funded, are not applicable to this subgrant agreement which is a Federal pass-through award.

(c) Within sixty (60) days of the close of the fiscal year, on an annual basis, the Recipient shall electronically submit a completed Audit Compliance Certification (a version of this certification is attached hereto as Attachment I) to audit@deo.myflorida.com. Recipient's timely submittal of one completed Audit Compliance Certification for each applicable fiscal year will fulfill this requirement within all agreements (e.g., contracts, grants, memorandums of understanding, memorandums of agreement, economic incentive award agreements, etc.) between DEO and the Recipient.

This form is in addition to the audit certification memo that must be sent to the Department if an audit is not required because the local government spent less than \$500,000 (\$750,000 for fiscal years starting after December 26, 2014) in Federal funds during a fiscal year.

(d) In addition to the submission requirements listed in Attachment H, each recipient should send an electronic copy of its audit report or certification memo (available on the CDBG website) by June 30 following the end of each fiscal year in which it had an open CDBG subgrant to its grant manager at the following address to ensure that it does not incur audit penalty points:

Email: Mona.Wood@deo.myflorida.com

(7) Reports

(a) The Recipient shall provide the Department with quarterly reports and a close-out report. These reports shall include the current status and progress by the Recipient and all contractors and consultants in completing the work described in the Scope of Work and the expenditure of funds under this Agreement, in addition to any other information requested by the Department.

(b) Quarterly reports are due to the Department no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

(c) The close-out report is due 45 days after termination of this Agreement or 45 days after completion of the activities contained in this Agreement, whichever first occurs.

(d) If all required reports and copies are not sent to the Department or are not completed in a manner acceptable to the Department, the Department may withhold further payments until they are completed or may take other action as stated in Paragraph (11) Remedies. "Acceptable to the Department" means that the work product was completed in accordance with the **Program Budget**, Attachment A of this Agreement; the **Activity Work Plan**, Attachment E of this Agreement; and the **Application for Funding** submitted by the Recipient.

(e) The Recipient shall provide additional program updates or information that may be required by the Department.

(f) The Recipient shall provide additional reports and information identified in Attachment C.

(8) Monitoring

The Recipient shall monitor its performance under this Agreement, as well as that of its contractors and/or consultants who are paid from funds provided under this Agreement, to ensure that time schedules are being met, the Schedule of Deliverables and Scope of Work are being accomplished within the specified time periods, and other performance goals are being achieved. A review shall be done for each function or activity in Attachment A to this Agreement, and reported in the quarterly report.

In addition to reviews of audits conducted in accordance with paragraph (6) above, monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits, and/or other procedures. The Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department. In the event that the Department determines that a limited scope audit of the Recipient is appropriate, the Recipient agrees to comply with any additional instructions provided by the Department to the Recipient regarding such audit. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Florida Chief Financial Officer or Auditor General. In addition, the Department will monitor the performance and financial management by the Recipient throughout the contract term to ensure timely completion of all tasks.

(9) Liability

(a) Unless the Recipient is a State agency or subdivision, as defined in Section 768.28, Florida Statutes (FS), the Recipient is solely responsible to parties it deals with in carrying out the terms of this Agreement, and shall hold the Department harmless against all claims of whatever nature by third parties arising from the work performance under this Agreement. For purposes of this Agreement, Recipient agrees that it is not an employee or agent of the Department, but is an independent contractor.

(b) Any recipient which is a state agency or subdivision, as defined in Section 768.28, FS, agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Department, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in Section 768.28, FS. Nothing herein is intended to serve as a waiver of sovereign immunity by any recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(10) Default

If any of the following events occur ("Events of Default"), all obligations on the part of the Department to make further payment of funds shall, if the Department elects, terminate and the Department has the option to exercise any of its remedies set forth in Paragraph (11). However, the Department may make payments or partial payments after any Events of Default without waiving the right to exercise such remedies, and without becoming liable to make any further payment:

(a) If any warranty or representation made by the Recipient in this Agreement or any previous agreement with the Department is or becomes false or misleading in any respect, or if the Recipient fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous agreement with the Department and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;

(b) If material adverse changes occur in the financial condition of the Recipient at any time during the term of this Agreement, and the Recipient fails to cure this adverse change within thirty days from the date written notice is sent by the Department.

(c) If any reports required by this Agreement have not been submitted to the Department or have been submitted with incorrect, incomplete or insufficient information;

(d) If the Recipient has failed to perform and complete in timely fashion any of its obligations under this Agreement.

(11) Remedies

If an Event of Default occurs, then the Department shall, upon 30 calendar days written notice to the Recipient and upon the Recipient's failure to cure within those 30 days, exercise any one or more of the following remedies, either concurrently or consecutively:

(a) Terminate this Agreement, provided that the Recipient is given at least 30 days prior written notice of such termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth in Paragraph (13) herein;

(b) Begin an appropriate legal or equitable action to enforce performance of this Agreement;

(c) Withhold or suspend payment of all or any part of a request for payment;

(d) Require that the Recipient refund to the Department any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds.

(e) Exercise any corrective or remedial actions, to include but not be limited to:

1. Request additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance,

2. Issue a written warning to advise that more serious measures may be taken if the situation is not corrected,

3. Advise the Recipient to suspend, discontinue, or refrain from incurring costs for any activities in question, or

4. Require the Recipient to reimburse the Department for the amount of costs incurred for any items determined to be ineligible;

(f) Exercise any other rights or remedies which may be otherwise available under law.

(g) Pursuing any of the above remedies will not keep the Department from pursuing any other remedies in this Agreement or provided at law or in equity. If the Department waives any right or remedy in this Agreement or fails to insist on strict performance by the Recipient, it will not affect, extend or waive any other right or remedy of the Department, or affect the later exercise of the same right or remedy by the Department for any other default by the Recipient.

(12) Termination

(a) The Department may terminate this Agreement for cause with 30 days written notice. Cause can include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform in a timely manner, and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, FS, as amended.

(b) The Department may terminate this Agreement for convenience or when it determines, in its sole discretion, that continuing the Agreement would not produce beneficial results in line with the further expenditure of funds, by providing the Recipient with 30 calendar days prior written notice.

(c) The Parties may agree to terminate this Agreement for their mutual convenience through a written amendment of this Agreement. The amendment shall state the effective date of the termination and the procedures for proper closeout of the Agreement.

(d) In the event that this Agreement is terminated, the Recipient will not incur new obligations for the terminated portion of the Agreement after the Recipient has received the notification of termination. The Recipient will cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. The Recipient shall not be relieved of liability to the Department because of any breach of Agreement by the Recipient. The Department may, to the extent authorized by law, withhold payments to the Recipient for the purpose of set-off until the exact amount of damages due the Department from the Recipient is determined.

(13) Notice and Contact

(a) All notices provided under or pursuant to this Agreement shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the representative identified below at the address set forth below or said notification attached to the original of this Agreement.

(b) The name and address of the grant manager for this Agreement is:

Mona Wood, Government Operations Consultant II
Florida Small Cities CDBG Program
Department of Economic Opportunity
107 East Madison Street – MSC 400
Tallahassee, Florida 32399-6508
Telephone: (850) 717-8408 – Fax: (850) 922-5609
Email: Mona.Wood@deo.myflorida.com

(c) The name and address of the Local Government Project Contact for this Agreement is:

Jonathan Griffith, Project Manager/Grants Administrator
City of Palatka
201 North 2nd Street
Palatka, Florida, 32177
Telephone: (386) 329-0100 - Fax: (386) 329-0106
Email: jcgriffith@palatka-fl.gov

(d) In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be provided as stated in (13)(a) above.

(14) Contracts

If the Recipient contracts any of the work required under this Agreement, a copy of the signed contract must be forwarded to the Department for approval. The Recipient agrees to include in the contract (i) that the contractor is bound by the terms of this Agreement, (ii) that the contractor is bound by all applicable state and federal laws and regulations, (iii) that the contractor shall hold the Department and Recipient harmless against all claims of whatever nature arising out of the contractor's performance of work under this Agreement, to the extent allowed and required by law, and (iv) provisions addressing bid, payment, and performance bonds and liquidated damages. The Recipient shall document in the quarterly report the contractor's progress in performing its work under this Agreement.

For each contract, the Recipient shall report to the Department as to whether that contractor, or any subcontractors hired by the contractor, is a minority vendor, as defined in Section 288.703, FS.

(15) Terms and Conditions

This Agreement contains all the terms and conditions agreed upon by the parties.

(16) Attachments

(a) All attachments to this Agreement are incorporated as if set out fully.

(b) In the event of any inconsistencies or conflict between the language of this Agreement and the attachments, the language of the attachments shall control, but only to the extent of the conflict or inconsistency.

(c) This Agreement has the following attachments (check all that are applicable):

- Exhibit 1 – Funding Sources
- Attachment A – Program Budget
- Attachment B – Program Statutes and Regulations
- Attachment C – Reports
- Attachment D – Warranties and Representations
- Attachment E – Activity Work Plan
- Attachment F – Program, Category Specific, and Special Conditions
- Attachment G – Civil Rights Compliance Assurance
- Attachment H – Audit Requirements
- Attachment I – Audit Compliance Certification
- Attachment J – eCDBG Access Authorization Form

(17) Funding/Consideration

(a) The funding for this Agreement shall not exceed **\$750,000.00**, subject to the availability of funds.

(b) The Recipient agrees to expend funds in accordance with the **Program Budget**, Attachment A, of this Agreement, and the **Application for Funding**.

(c) All funds shall be requested in the manner prescribed by the Department. The authorized signatory for the Recipient set forth on the **eCDBG Access Authorization Form**, Attachment J, to this Agreement, must approve the submission of each Request for Funds (RFF) on behalf of the Recipient.

(d) Pursuant to 24 CFR 570.489(b), pre-agreement costs reflected in the Recipient's **Application for Funding** as originally submitted that relate to preparation of the **Application for Funding** are considered eligible costs and may be reimbursed to the Recipient, if they are otherwise in compliance with all other requirements of the Agreement.

(e) Funds expended for otherwise eligible activities prior to the effective date of the Agreement, except for those provided for in this Agreement or prior to the effective date of the enabling amendment wherein the Department agrees to their eligibility, fundability, or addition to the Agreement, or a separate letter authorizing such costs, are ineligible for funding with CDBG funds.

If the necessary funds are not available to fund this Agreement as a result of action by the United States Congress, the federal Office of Management and Budgeting, the State Chief Financial Officer, or under subparagraph (19)(h) of this Agreement, all obligations on the part of the Department to make any further payment of funds shall terminate, and the Recipient shall submit its closeout report within thirty days of receiving notice from the Department.

(18) Repayments

(a) The Recipient and its contractors may only expend funding under this Agreement for allowable costs resulting from obligations incurred during the Agreement period; however, pursuant to 24 CFR 570.489(b), reimbursement can be requested for eligible application preparation costs that were listed in the Recipient's **Application for Funding**.

(b) In accordance with Section 215.971, FS, the Recipient shall refund to DEO any balance of unobligated funds which has been advanced or paid to Recipient.

(c) The Recipient shall refund to DEO all funds paid in excess of the amount to which Recipient or its contractors are entitled under the terms and conditions of the Agreement.

(d) All refunds or repayments to be made to the Department under this Agreement are to be made payable to the order of the "Department of Economic Opportunity" and mailed directly to DEO at the following address:

Department of Economic Opportunity
Community Development Block Grant Programs
Cashier
107 East Madison Street – MSC 400
Tallahassee, Florida 32399-6508

In accordance with Section 215.34(2), FS, if a check or other draft is returned to the Department for collection, Recipient shall pay to the Department a service fee of \$15.00 or five percent (5%) of the face amount of the returned check or draft, whichever is greater.

(19) Mandated Conditions

(a) The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any later submission or response to a Department request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials are incorporated by reference. The inaccuracy of the submissions or any material changes shall, at the option of the Department and with 30 days written notice to the Recipient, cause the termination of this Agreement and the release of the Department from all its obligations to the Recipient.

(b) This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall be in the Circuit Court of Leon County. If any provision of this Agreement is in conflict with any applicable statute or rule, or is unenforceable, then the provision shall be null and void to the extent of the conflict, and shall be severable, but shall not invalidate any other provision of this Agreement.

(c) Any power of approval or disapproval granted to the Department under the terms of this Agreement shall survive the term of this Agreement.

(d) This Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

(e) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 United States Code (USC) Section 12101 et seq.) and the Florida Civil Rights and Fair Housing Acts (sections 760.01 – 760.37, FS), which prohibit discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, state and local government services, and telecommunications.

(f) A person or organization who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of \$25,000.00 for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

(g) Any Recipient which is not a local government or state agency, and which receives funds under this Agreement from the federal government, certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;
2. Have not, within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 19(g)2. of this certification; and
4. Have not within a 5-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

If the Recipient is unable to certify to any of the statements in this certification, then the Recipient shall attach an explanation to this Agreement.

In addition, the Recipient shall send a completed Form SC-37, *Certification Regarding Debarment, Suspension, And Other Responsibility Matters – Primary Covered Transactions*, to the Department for each prime contractor that the Recipient plans to hire under this Agreement. The form must be received by the Department before the Recipient enters into a contract with the respective prime contractor.

(h) The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with Chapter 216, FS, or the Florida Constitution.

(i) All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.

(j) Any bills for travel expenses shall be submitted in accordance with Section 112.061, FS.

(k) If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Department or be applied against the Department's obligation to pay the contract amount.

(l) The Recipient is subject to Florida's Government in the Sunshine Law (Section 286.011, FS) with respect to the meetings of the Recipient's governing board or the meetings of any subcommittee making recommendations to the governing board. All of these meetings shall be publicly noticed, open to the public, and the minutes of all the meetings shall be public records, available to the public in accordance with Chapter 119, FS.

(20) Lobbying Prohibition

(a) No funds or other resources received from the Department under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

(b) The Recipient certifies, by its signature to this Agreement, that to the best of his or her knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying."

3. The Recipient shall require that this certification be included in the award documents for all subawards (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC Section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(21) Copyright, Patent and Trademark

Any and all Patent Rights accruing under or in connection with the performance of this agreement are hereby reserved to the State of Florida. Any and all Copyrights accruing under or in connection with the performance of this agreement are hereby transferred by the Recipient to the State of Florida.

(a) If the Recipient has a pre-existing patent or copyright, the Recipient shall retain all rights and entitlements to that pre-existing patent or copyright unless the Agreement provides otherwise.

(b) If any discovery or invention is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected with it, the Recipient shall refer the discovery or invention to the Department for a determination whether the State of Florida will seek patent protection in its name. Any patent rights accruing under or in connection with the performance of this Agreement are reserved to the State of Florida. If any books, manuals, films, or other copyrightable material are produced, the Recipient shall notify the Department. Any copyrights accruing under or in connection with the performance under this Agreement are transferred by the Recipient to the State of Florida.

(c) Within 30 days of execution of this Agreement, the Recipient shall disclose all intellectual properties relating to the performance of this Agreement which he or she knows or should know could give rise to a patent or copyright. The Recipient shall retain all rights and entitlements to any pre-existing intellectual property which is so disclosed. Failure to disclose will indicate that no such property exists. The Department shall then, under Paragraph (b), have the right to all patents and copyrights which accrue during performance of the Agreement.

(22) Legal Authorization.

The Recipient certifies that it has the legal authority to receive the funds under this Agreement and that its governing body has authorized the execution and acceptance of this Agreement. The Recipient also certifies that the undersigned person has the authority to legally execute and bind Recipient to the terms of this Agreement.

(23) Public Record Responsibilities

(a) Recipient must notify DEO, both by e-mail and first class mail, within one (1) business day from receipt of all request(s) for public records, as a public record is defined in Section 119.011, Florida Statutes. In accordance with Chapter 119 of the Florida Statutes, Recipient shall be responsible for responding to all public records requests per the cost structure provided for records made or received by Recipient in conjunction with this Agreement, unless the records are exempt from section 24(a) of Article I of the State Constitution and Section 119.07(1), Florida Statutes. Notice of public records requests received by the Recipient shall be e-mailed to PRRequest@deo.myflorida.com and mailed to:

Public Records Coordinator
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399
Office: (850) 245-7140

(b) This Agreement may be terminated by DEO for refusal by the Recipient to comply with Florida's public records laws or to allow public access to any non-exempt public record made or received by the Recipient in conjunction with this Agreement.

(24) Employment Eligibility Verification

(a) Executive Order 11-116, signed May 27, 2011, by the Governor of Florida, requires DEO contracts in excess of nominal value to expressly require Recipient to:

1. Utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by Recipient during the Agreement term; and,

2. Include in all prime contracts under this Agreement, the requirement that contractors and subcontractors performing work or providing services pursuant to this Agreement utilize the E-Verify system to verify the employment eligibility of all new employees hired by the contractors and subcontractors during the term of the contract.

(b) E-Verify is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of all new employees hired to work in the United States after the effective date of the required Memorandum of Understanding (MOU); the responsibilities and elections of federal contractors, however, may vary, as stated in Article II.D.1.c. of the MOU. There is no charge to employers to use E-Verify. The Department of Homeland Security's E-Verify system can be found at:

http://www.dhs.gov/files/programs/gc_1185221678150.shtm

(c) If Recipient does not have an E-Verify MOU in effect, Recipient must enroll in the E-Verify system prior to hiring any new employee after the effective date of this Agreement.

State of Florida
Department of Economic Opportunity
Federally Funded Subgrant Agreement
Signature Page

Contract Number: 15DB-OJ-04-64-02-C04

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers on the day, month, and year set forth below.

City of Palatka

Department of Economic Opportunity

By: _____ Date: _____
(Authorized Signature)

By: _____ Date: _____
(Authorized Signature)

Name: Vernon Myers

Name: Bob Dennis

Title: Mayor

Title: Chief, Bureau of Community Revitalization

Federal Tax ID#: 596000401

DUNS#: 01-059-5445

Approved as to form and legal sufficiency,
subject only to the full and proper execution
by the parties
Office of the General Counsel
Department of Economic Opportunity

By: _____

Approved Date: _____

Attachment A

Program Budget

Attachment A – Program Budget

5/1/2014

Recipient: City of Palatka

Modification Number: _____

Contract Number: 15DB-OJ-04-64-02-C04

Activity		Accomplishments		Beneficiaries			Budget				
Activity Number	Description	Unit	Number	LMI	VLI	Total	CDBG Amount	Subtotal of Activity ¹	Other Funds ²	Source # ²	Program Income
21A	Administration						\$60,000				
03G	Parking Facilities	EA	1	8,277	3,938	10,175	\$450,000		\$75,000	1	
03G	Engineering						\$23,557				
	Subtotal 03G							\$473,557			
03L	Sidewalks & Pedestrian Malls	LF	550	8,277	3,938	10,175	\$205,000		\$50,000		
03L	Engineering						\$11,443				
	Subtotal 03L							\$216,443			
Totals							\$750,000		\$125,000		

¹ For an activity number that has multiple functions (for example, 03J-Sewer Lines, 03J-Hookups and 03J-Water Lines, add a line 03J-Subtotal and then add up the amounts and show it in the subtotal column).

² Show the sources and amounts of "Other Funds" below.

1. Local CRA TIF

\$125,000

2. _____

\$ _____

3. _____

\$ _____

4. _____

\$ _____

5. _____

\$ _____

Attachment B

State and Federal Statutes and Regulations

By signature of this Agreement, the local government hereby certifies that it will comply with the following applicable federal and state requirements:

State and Federal Statutes and Regulations

1. Community Development Block Grant, 24 CFR Part 570, Subpart I;
2. Florida Small and Minority Business Act, §288.702-288.714, Florida Statutes;
3. Administrative Requirements for Grants, 24 CFR Part 85;
4. Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes;
5. Title I of the Housing and Community Development Act of 1974, as amended;
6. Treasury Circular 1075 regarding drawdown of CDBG funds;
7. Sections 290.0401-290.048, Florida Statutes;
8. Chapter 73C-23, Florida Administrative Code;
9. CDBG Technical Memorandums;
10. HUD Circular Memorandums applicable to the Small Cities CDBG Program;
11. Single Audit Act of 1984;
12. Environmental Review Procedures 24 CFR Part 58;
13. Environmental Criteria and Standards 24 CFR Part 51;
14. Floodplain/Wetland Management 24 CFR Part 55 and Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands);
15. National Environmental Policy Act of 1969 and other provisions of law which further the purpose of this act;
16. National Historic Preservation Act of 1966 (Public Law 89-665) as amended and Protection of Historic Properties (24 CFR Part 800) and other provisions of law which further the purpose of this act;
17. Preservation of Archaeological and Historical Data Act of 1966;
18. Florida Coastal Zone Protection Act, §161.52-161.58, F.S.;
19. Reservoir Salvage Act;
20. Safe Drinking Water Act of 1974, as amended;
21. The Federal Water Pollution Control Act of 1972, as amended (33 USC, §1251 et. seq.);
22. Clean Water Act of 1977;
23. Davis – Bacon Act – sets requirement for paying prevailing wages on federally funded projects;
24. Contract Work Hours and Safety Standards Act of 1962, 40 USC §327 et. seq.;
25. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1975 (42 USC, §6901 et. seq.);
26. Architectural Barriers Act of 1968, 42 USC 4151;
27. Cost-Effective Energy Conservation Standards, 24 CFR Part 39;
28. Federal Fair Labor Standards Act, 29 USC, §201 et. seq.;
29. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L., 100-17, and 49 CFR Part 24;
30. Copeland Anti-Kickback Act of 1934;
31. Hatch Act of 1939, as amended;
32. Title IV Lead-Based Paint Poisoning Prevention Act (42 USC, §1251 et. seq.);
33. OMB Circulars A-87, A-102, A-122, and A-133, as revised;
34. Section 102 of the Department of Housing and Urban Development Reform Act of 1989 and 24 CFR Part 12.

Attachment C

Reports

The following reports must be completed and submitted to the Department in the time frame indicated. Failure to timely file these reports constitutes an event of default, as defined in Paragraph (10) of this Agreement.

1. The Contractual Obligation and MBE Report must be submitted to the Department by April 15 and October 15 annually. The form must reflect all contractual activity for the period. If no activity has taken place during the reporting period, the form must indicate “no activity”.

2. A Quarterly Progress Report must be submitted to the Department 15 days after the end of the quarter on the report form provided by the Department: April 15, July 15, October 15 and January 15.

3. The Administrative Closeout Package must be submitted to the Department 45 days after the Agreement termination date.

4. In accordance with OMB Circular A-133, revised, should the Recipient meet the threshold for submission of a single or program specific audit, the audit must be conducted in accordance with OMB Circular A-133. A copy of the audit report must be received by the Department no later than nine months from the end of the Recipient’s fiscal year. If the Recipient did not meet the audit threshold, a certification letter must be received by the Department no later than nine months from the end of the Recipient’s fiscal year.

5. The Section 3 Summary Report must be completed and submitted to the Department by July 31 annually. The form must be used to report annual accomplishments regarding employment and other economic opportunities provided to persons and businesses that meet Section 3 requirements.

6. Request for Funds must be submitted as required by the Department of Economic Opportunity and as scheduled on Attachment E – **Activity Work Plan**.

Attachment D

Warranties and Representations

Financial Management

The Recipient's financial management system must include the following:

- (1) Accurate, current and complete disclosure of the financial results of this project or program.
- (2) Records that identify the source and use of funds for all activities. These records shall contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.
- (3) Effective control over and accountability for all funds, property and other assets. The Recipient shall safeguard all assets and assure that they are used solely for authorized purposes.
- (4) Comparison of expenditures with budget amounts for each Request for Payment (RFP). Whenever appropriate, financial information should be related to performance and unit cost data.
- (5) Written procedures to determine whether costs are allowed and reasonable under the provisions of the applicable OMB cost principles and the terms and conditions of this Agreement.
- (6) Cost accounting records that are supported by backup documentation.

Competition

All procurement transactions shall be done in a manner to provide open and free competition. The Recipient shall be alert to conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure excellent contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the Recipient, considering the price, quality and other factors. Solicitations shall clearly set forth all requirements that the bidder or offeror must fulfill in order for the bid or offer to be evaluated by the Recipient. Any and all bids or offers may be rejected if there is a sound, documented reason [See 24 CFR §85.36(d)(2)(ii)E].

Codes of Conduct

The Recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by public grant funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the Recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The standards of conduct shall provide for disciplinary actions to be applied for violations of the standards by officers, employees, or agents of the Recipient.

Business Hours

The Recipient shall have its offices open for business, with the entrance door open to the public, and at least one employee on site at all reasonable times for business. "Reasonable" shall be construed according to circumstances, but ordinarily shall mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

Licensing and Permitting

All contractors or employees hired by the Recipient shall have all current licenses and permits required for all of the particular work for which they are hired by the Recipient.

Attachment E

Activity Work Plan

**(Replace this page with your
Activity Work Plan.)**

Attachment F

Program, Category Specific, and Special Conditions

Program Conditions

1. The Recipient shall demonstrate that progress is being made in completing project activities in a timely fashion. Within 180 days of the subgrant award, the Recipient shall complete the following activities:
 - a. Submit the environmental assessment to the Department for review;
 - b. Request approval for all professional service contracts;
 - c. Submit an initial Request for Funds (RFF) for administrative services, if applicable;
 - d. Request a wage decision(s) for applicable construction activities if points were received on the application for Readiness to Proceed;
 - e. For Housing Rehabilitation subgrants, a list of applicants for assistance shall be developed and a copy provided to the Department; and
 - f. For Commercial Revitalization subgrants, if façades are to be renovated, a list of businesses that will be assisted shall be developed and a copy provided to the Department.

If the Recipient does not comply with all applicable criteria listed above, a justification for the delay and a plan for timely accomplishment must be submitted to the Department. The Department shall rescind any subgrant for which the Recipient has not completed activities a.-f. listed above unless it can provide adequate justification for the delay.

2. The Recipient shall maintain records of expenditure of funds from all sources that will allow accurate and ready comparison between the expenditures and the contracted budget/activity line items as defined on Attachment A (Program Budget) and Attachment E (Activity Work Plan).
3. No costs may be incurred prior to the effective date of this Agreement, except for those eligible application preparation costs outlined in the original Small Cities CDBG *Application for Funding* submitted to the Department, unless pre-agreement costs were approved in writing by the Department.
4. The Recipient shall request approval of all professional services contracts that will be reimbursed with CDBG funds. Copies of the following documents must be provided to the Department for review:
 - a. When publication of the RFP is used as a means of solicitation, a copy of the advertisement, including an affidavit of publication;
 - b. A list of entities to whom a notification of the request for proposals was provided by mail or fax (if applicable);
 - c. For engineering contracts, a list of firms that submitted a proposal (only if short-listing procedure was used);
 - d. Completed short-listing evaluation/ranking forms, including any ranking summary document, and document transmitting the short-listed firms to the commission (only if short-listing procedure used);
 - e. Completed and signed final evaluation/ranking forms;
 - f. Commission minutes approving contract award;

- g. Cost breakout from selected firm used for completion of the cost analysis (if pricing information was not submitted with proposals);
- h. The proposed contract;
- i. Truth-in-Negotiation certification (if not in the contract) for engineering contracts over \$150,000;
- j. If a protest was filed, a copy of the protest and documentation of resolution;
- k. A request for the Department's approval of a single source procurement if only one firm was considered and the contract exceeds \$25,000. Additionally, the Recipient shall not enter into a contract to be paid with CDBG funds based on a sole source or single proposal procurement without prior written approval from the Department. Failure to secure prior written approval shall relieve the Department of any obligation to fund the said procurement contract. Any previous payments to the Recipient to fund said contract shall be ineligible and shall be repaid to the Department by the Recipient; and
- l. If a regional planning council or local government is performing administration services, the Recipient shall submit only a copy of the contract and cost analysis information.

The Department will either approve the procurement or notify the Recipient that the procurement cannot be approved because it violates State, federal or local procurement guidelines.

The Recipient must notify the Department in writing no later than ninety (90) days from the effective date of this agreement if it will not be procuring any professional services or if it will be using non-CDBG funds to pay for professional services.

- 5. Prior to the obligation or disbursement of any funds, except for administrative expenses for all subgrants other than Economic Development subgrants, not to exceed \$5,000, and for Economic Development Grants, not to exceed \$8,000, but in any case, no later than 90 days from the effective date of this Agreement, the Recipient shall complete the following:
 - a. Submit and obtain the Department's approval of the documentation required in paragraph 3 above for any professional services contract. The Recipient proceeds at its own risk if more than the specified amount is incurred before the Department approves the procurement. If the Department does not approve the procurement of a professional services contract, the local government will not be able to use CDBG funds for that contract beyond \$5,000 (\$8,000 for Economic Development).
 - b. Comply with procedures set forth in 24 CFR Part 58, Environmental Review Procedures for Title I Community Development Block Grant Programs and 40 CFR Section 1500-1508, National Environmental Policy Act Regulations. When this condition has been fulfilled to the satisfaction of the Department, the Department will issue a ***Notice of Removal of Environmental Conditions***.
- 6. The Recipient shall obtain approval from the Department prior to requesting CDBG funds for engineering activities and costs which are additional engineering as defined in Rule 73C-23.0031(1), Florida Administrative Code.
- 7. Should the recipient undertake any activity subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), the Recipient shall document completion of the acquisition by submitting all documentation required for a desk monitoring of the acquisition, including notice to property owners of his or her rights under URA, invitation to accompany the appraiser, all appraisals, offer to the owner, acceptance, contract for sale, statement of settlement costs, copy of deed, waiver of rights (for donations), as applicable. The documentation shall be submitted prior to completing the acquisition (closing) so that the Department can determine whether remedial action may be needed.

8. The Recipient shall, prior to the disbursement of any CDBG administrative funds exceeding \$15,000, provide to the Department a copy of all engineering specifications and construction plans, if required, for the activities described in the Agreement. The Recipient shall also furnish the Department, prior to soliciting bids or proposals, a copy of bid documents for services and/or materials to provide those services and/or materials for construction activities when the bids are expected to exceed \$25,000. Additionally, the Recipient shall not publish any request for bids for construction purposes or distribute bid packages until the Department has provided its written acceptance of the engineering specifications, construction plans, and bid documents.
9. For each procured construction contract in Neighborhood Revitalization, Commercial Revitalization and Economic Development projects for which CDBG funding will be requested, the Recipient shall submit the following procurement documents:
 - a. A copy of the bid advertisement, including an affidavit of publication;
 - b. Documentation of the Recipient's efforts made to inform minority- and woman-owned businesses of the opportunity to bid on the construction contract;
 - c. A copy of the bid tabulation sheet;
 - d. A copy of the engineer's recommendation to award;
 - e. A letter requesting sole source approval, if applicable;
 - f. A copy of the bid bond (5% of the bid price) for the prime contractor(s) selected to do the work, and;
 - g. Completed copies of the following forms:
 - Bidding Information and Contractor Eligibility – Form SC-51;
 - Certification Regarding Debarment, Suspension, And Other Responsibility Matters (Primary Covered Transactions) – Form SC-37;
 - Section 3 Participation Report (Construction Prime Contractor) – Form SC-52;
 - Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (Subcontractor) – Form SC-38, if applicable;
 - Section 3 Participation Report (Construction Subcontractor) – Form SC-53, if applicable, and;
 - Documentation for Business Claiming Section 3 Status – Form SC-54, if applicable.
10. For each Commercial Revitalization, Economic Development and Neighborhood Revitalization RFF that includes reimbursement of construction costs, the Recipient shall provide a copy of the American Institute of Architects (AIA) form G702, *Application and Certification for Payment*, or a comparable form approved by the Department, signed by the contractor and inspection engineer, and a copy of form G703, *Continuation Sheet*, or a comparable form approved by the Department. For each Housing Rehabilitation RFF that includes construction costs, the Recipient shall provide a copy of AIA form G702, or a comparable form approved by the Department, signed by the contractor and the local building inspector or housing specialist and a copy of form G703, or a comparable form approved by the Department.
11. When the Recipient issues the **Notice to Proceed** to the contractor(s), copies of the following documents shall be sent to the Department:
 - a. Notice to Proceed;
 - b. The contractor's performance bond (100% of the contract price); and
 - c. The contractor's payment bond (100% of the contract price).

12. The Recipient shall undertake an activity each quarter to affirmatively further fair housing pursuant to 24 CFR Section 570.487(b)(4).
13. All leveraged funds shall be expended concurrently and, to the extent feasible, proportionately with the expenditure of CDBG funds for the same activity. The Recipient shall document the expenditure of leveraged funds required for the points claimed in the application as it may have been amended through the completeness process and as reflected on Attachment A of this Agreement. Except for the CDBG portion of the cost of post-administrative closeout audits, all funds claimed for leverage shall be expended after the date of site visit and prior to submission of the administrative closeout.
14. The resulting product of any activity funded under this Agreement as amended shall be ineligible for rehabilitation or replacement with CDBG funds for a period of five (5) years.
15. A deed restriction shall be recorded on any real property or facility, excluding easements, acquired with CDBG funds. This restriction shall limit the use of that real property or facility to the use stated in the sub-grant application and that title shall remain in the name of the Recipient. Such deed shall be made a part of the public records in the Clerk of Court of the county in which the real property is located. Any future disposition of that real property shall be in accordance with 24 CFR 85.31. Any future change of use shall be in accordance with 24 CFR 570.489(j).
16. For structures constructed prior to 1978, the Recipient shall provide that appropriate abatement procedures will be undertaken should lead-based paint be found on a structure scheduled for rehabilitation in whole or in part with CDBG funds and that the owners and/or occupants of the building will be advised:
 - a. The property may contain lead-based paint;
 - b. The hazards of lead-based paint;
 - c. The symptoms and treatment of lead poisoning;
 - d. The precautions to be taken to avoid lead-based paint poisoning (including maintenance and removal techniques for eliminating such hazards);
 - e. The need for and availability of blood lead-level screening for children under seven years of age; and
17. The Recipient shall comply with the historic preservation requirements of 24 CFR 58.17 and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
18. Pursuant to Section 102(b), Public Law 101-235, 42 USC Section 3545, the Recipient shall update and submit Form HUD 2880 to the Department within 30 days of the Recipient's knowledge of changes in situations which would require that updates be prepared. The Recipient must disclose:
 - a. All developers, contractors, consultants, and engineers involved in the application or in the planning, development, or implementation of the project or CDBG funded activity; and
 - b. Any person or entity that has a financial interest in the project or activity that exceeds \$50,000 or ten percent (10%) of the grant, whichever is less.
19. A final Form HUD 2880, if required, shall be provided to the Department with the request for administrative closeout, and its absence or incompleteness shall be cause for rejection of the administrative closeout.

20. Conflicts of interest relating to procurement shall be addressed pursuant to 24 CFR 570.489(g). Conflicts of interest relating to acquisition or disposition of real property; CDBG financial assistance to beneficiaries, businesses, or other third parties; or any other financial interest, whether real or perceived, shall be addressed pursuant to 24 CFR 570.489(h).
21. Any payment by the Recipient using CDBG funds for acquisition of any property, right-of-way, or easement that exceeds fair market value as determined through the appraisal process established in HUD Handbook 1378 shall be approved in writing by the Department prior to distribution of the funds. Should the Recipient fail to obtain Department pre-approval, any portion of the cost of the acquisition exceeding Fair Market Value shall not be paid or reimbursed with CDBG funds.
22. The Recipient shall take photographs or video of all activity locations prior to initiating any construction. As the construction progresses, additional photography or videography shall document the ongoing improvements. Upon completion of construction, final documentation of the activity locations will be provided to the Department with administrative closeout documents.
23. If an activity is designed by an engineer, architect, or other licensed professional, it shall be certified upon completion by a licensed professional as meeting the specifications of the design, as may have been amended by change orders. The date of completion of construction shall be noted as part of the certification. This certification shall be accomplished prior to submission of an administrative closeout package and a copy of the certification shall be submitted with the administrative closeout package.
24. If necessary, the Recipient shall retain sufficient administration funds to ensure Internet access, including email, for the duration of the contract, including any time extensions. If the Recipient does not already have a computer designated to the person responsible for grant oversight, which is located in the program office and capable of Internet access, administrative funds may be used as needed to obtain, at reasonable cost, a computer to allow Internet access.

Category Specific Conditions for Commercial Revitalization Grants Only

1. The Recipient must prepare, receive Department approval, and adopt procedures for providing rehabilitation assistance to buildings occupied by businesses through the Rehabilitation of Commercial Buildings activity before requesting funds for that activity. The procedures shall include at a minimum, but not be limited to, the following:
 - a. Restrict the rehabilitation of commercial buildings to those commercial buildings within the project area pursuant to 24 CFR 570.202(a)(3). Properties upon which or adjacent to where CDBG activities are undertaken shall not be zoned for residential purposes only;
 - b. Require all businesses receiving rehabilitation assistance to provide services that are available to all the residents of the service area, thereby meeting the national objective of benefiting low and moderate-income persons;
 - c. Specify the terms and conditions under which the rehabilitation assistance will be provided.
 - d. Provide that all buildings to be rehabilitated, except as provided in k. below, will be occupied at the time the assistance is provided or subject to a lease agreement such that the building will be occupied prior to closeout. The occupant shall be a legally constituted business with business, sales tax, and occupational licenses;
 - e. Provide that all contracts over \$2,000 for rehabilitation will comply with the Davis-Bacon Act.
 - f. Provide that businesses residing in a building rehabilitated with CDBG funds shall comply with the provisions of Section 504 of the Rehabilitative Act of 1973 (29 USC Section 794) as it relates to employment discrimination and facility accessibility;

- g. Provide that CDBG funds addressing those code violations specified in the application will be in compliance with all local and state building codes and standards;
- h. Establish a process for recognizing potential conflicts of interest, making those conflicts publicly known, dealing with those conflicts on a local level, and requesting waivers of those conflicts when appropriate pursuant to 24 CFR 570.489 and Chapter 112.311-112.3143, F.S. Additionally, provide that no building owner, lessor, lessee, tenant, or occupant, or employee or immediate relative of the same, either personally or corporately, shall serve as a contractor to be paid with CDBG funds for the rehabilitation of said building, nor shall they be paid for their own labor with CDBG funds for the rehabilitation of said building;
- i. Establish a process for final inspection of a commercial structure after rehabilitation and a process for final acceptance of a contractor's work on any grant funded activity and before the local government considers the rehabilitation completed.
- j. The expenditure of CDBG funds per façade shall not exceed \$22,000 in CDBG funds. A building on a corner containing a single business may be considered to have two facades. Buildings which have been previously subdivided or portioned may be addressed as separate facades only if the building is subdivided such that:
 - 1. There are separate primary entrances for each business; and
 - 2. Each of the businesses has separate and distinct occupational and sales tax licenses.
- k. The façade of a vacant building may only be addressed if it is part of an overall building façade renovation effort in a contiguous area.
- l. CDBG funds may be expended on the roof of a privately owned commercial building only after the issuance of a bona fide code violation report and only after the rehabilitation of the façade, the removal of architectural barriers to handicap access in the entrances and the bathroom areas, and the correction of other documented code violations.
- m. Funds requested and approved for Commercial Revitalization activities shall not be used as grants or loans for working capital, inventory or supplies, or for interior repairs and renovations, except for repairs necessary to correct code violations or removal of architectural barriers to handicap access; and correction of architectural barriers to handicap access in public buildings located in the Community Redevelopment Area pursuant to the requirements of 24 CFR Part 8.

Special Conditions

- 1. The City shall update and adopt an Affirmative Action Plan that includes procedures for soliciting minority and women business participation in CDBG-funded activities. A copy of the revised adopted Plan must be provided to the Department prior to the obligation or disbursement of any funds, except for administrative expenses, not to exceed five thousand dollars (\$5,000), but in any case, no later than 90 days from the effective date of this Agreement.
- 2. The City shall revise and adopt an EEO Ordinance or Resolution that includes "genetics" as one of the EEO protective classes. A copy of the revised adopted Ordinance or Resolution must be provided to the Department prior to the obligation or disbursement of any funds, except for administrative expenses, not to exceed five thousand dollars (\$5,000), but in any case, no later than 90 days from the effective date of this Agreement.

3. The City shall complete its self-evaluation for each building or facility owned and operated by the Town that is regularly used by the public; and, if applicable, develop a transition plan that specifies a schedule to correct any deficiencies and provide copies to the Department when completed. A copy of the self-evaluation and transition plan, if applicable, must be provided to the Department prior to the obligation or disbursement of any funds, except for administrative expenses, not to exceed five thousand dollars (\$5,000), but in any case, no later than 90 days from the effective date of this Agreement.

Attachment G

Civil Rights Compliance Assurance

Fair Housing

As a condition for the receipt of Small Cities Community Development Block Grant funds, each recipient must certify that it will "affirmatively further fair housing" in its community. A recipient shall demonstrate its commitment to affirmatively further fair housing by implementing the actions listed below.

Each recipient shall do the following:

- 1) Have in place a fair housing resolution or ordinance that covers all federally protected classes [race, color, familial status, handicap, national origin, religion, and sex];
- 2) Publish quarterly a phone number that people can call to ask fair housing questions or register a complaint; (This does not count as a fair housing activity. Permanently posting the contact information on the Recipient's website can substitute for publishing in a newspaper.)
- 3) Designate an employee who is available Monday through Friday during regular business hours to receive fair housing calls;
- 4) Establish a system to record the following:
 - a) The nature of the calls,
 - b) The actions taken in response to the calls, and
 - c) The results of the actions taken, and
 - d) The end results of referrals to other agencies, when applicable;
- 5) Conduct at least one fair housing activity each quarter. Identical activities shall not be conducted in consecutive quarters. (See examples below.), and
- 6) Display a fair housing poster in the CDBG Office. (This does not count as a fair housing activity.)

The fair housing contact person is expected to have received training so that they can handle fair housing phone inquiries or to refer the inquiries to the appropriate people/agencies. Records maintained by the contact will help the community do the following:

- Define where discriminatory practices are occurring,
- Help the community measure the effectiveness of its outreach efforts, and
- Provide the community with a means to gain information that can be used to design and implement strategies that will eliminate fair housing impediments.

Examples of fair housing activities include the following:

- Making fair housing presentations at schools, civic clubs, and neighborhood association meetings;
- Manning a booth and distributing fair housing materials at libraries, health fairs, community events, yard sales, and church festivals; and
- Conducting fair housing workshops for city/county employees, local residents, realtors, bank and mortgage company employees, insurance agents, and rental property owners.

Printing a fair housing notice on a utility bill is no longer accepted as a fair housing activity. Placing posters in public buildings does not meet the requirement for a fair housing activity.

Recipients shall document their fair housing activities by keeping photographs, newspaper articles, sign-in sheets and copies of handouts in their CDBG project file and include information about the activities in the comment section of each quarterly report.

Equal Employment Opportunity

As a condition for the receipt of Small Cities Community Development Block Grant funds, each recipient must certify that it and the contractors that it hires with CDBG funds will abide by the Equal Employment Opportunity Laws of the United States. A recipient shall demonstrate its commitment to abide by the laws through the actions listed below.

Each recipient shall do the following:

- 1) Have in place an equal employment opportunity resolution or ordinance that protects its applicants and employees and the applicants and employees of its contractors from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, national origin, disability, age, or genetics;
- 2) Publish quarterly a phone number that residents can call to ask equal employment opportunity questions or register a complaint;
- 3) Designate an employee who is available Monday through Friday during regular business hours to receive equal employment opportunity calls; and
- 4) Establish a system to record the following:
 - a) The nature of the calls,
 - b) The actions taken in response to the calls, and
 - c) The results of the actions taken.

Each recipient shall maintain a list of certified minority-owned business enterprises (MBE) and women-owned business enterprises (WBE) that operate in its region. The recipient shall use this list to solicit companies to bid on CDBG-funded construction activities and shall provide a copy of the list to the prime contractor to use when it hires subcontractors. The Department of Management Services maintains a list of certified minority- and women-owned businesses that can be used to develop a local MBE/WBE list at the following website: <https://vendorstrator.dms.myflorida.com/directory>.

Section 504 and the Americans with Disabilities Act (ADA)

As a condition for the receipt of Small Cities Community Development Block Grant funds, each recipient must certify that it provides access to all federally funded activities to all individuals, regardless of handicap. A recipient shall demonstrate its commitment to abide by the laws through the actions listed below.

Each recipient shall do the following:

- 1) Have in place a resolution or ordinance that is designed to eliminate discrimination against any person who
 - a) Has a physical or mental impairment which substantially limits one or more major life activities,
 - b) Has a record of such an impairment, or
 - c) Is regarded as having such an impairment;
- 2) Publish a phone number that residents can call to ask questions or register a complaint related to Section 504 or the Americans with Disabilities Act;
- 3) Designate an employee who is available Monday through Friday during regular business hours to receive calls; and
- 4) Establish a system to record the following:
 - a) The nature of the calls;
 - b) The actions taken in response to the calls; and
 - c) The results of the actions taken.

The Section 504 prohibitions against discrimination (See 45 CFR Part 84.) apply to service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance. A recipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits,
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers, or
- Deny employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified.

The ADA (Title II, 28 CFR Part 35, and Title III, 28 CFR Part 36) prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability.

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities.

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities, such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

Section 3 - Economic Opportunities for Low- and Very Low-Income Persons

Each recipient shall encourage its contractors to hire qualified low and moderate income residents for any job openings that exist on CDBG-funded projects in the community. The recipient and its contractors shall keep records to document the number of low and moderate income people who are hired to work on CDBG-funded projects. The number of low and moderate income residents who are hired to work of the project shall be reported in the comment section of the quarterly report.

The following clause from 24 CFR Part 135.38 is required to be included in CDBG-funded contracts of \$100,000 or more.

Section 3 Clause.

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC §1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.

- C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- F. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

Civil Rights Regulations

As a condition for the receipt of Small Cities Community Development Block Grant funds, each recipient must certify that it will abide by the following Federal laws and regulations:

1. Title VI of the Civil Rights Act of 1964 – Prohibits discrimination by government agencies that receive Federal funding;
2. Title VII of the Civil Rights Act of 1964 – prohibits employment discrimination on the basis of race, color, religion, sex, or national origin;
3. Title VIII of the Civil Rights Act of 1968 – as amended (the Fair Housing Act of 1988);
4. 24 CFR §570.487(b) – Affirmatively Furthering Fair Housing;
5. 24 CFR §570.490(b) – Recordkeeping Requirements;
6. 24 CFR §570.606(b) – Relocation assistance for displaced persons at URA levels;
7. Age Discrimination Act of 1975;
8. Executive Order 12892 – Fair Housing;
9. Section 109 of the Housing and Community Development Act of 1974 – No person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving CDBG funds because of race, color, religion, sex or national origin;
10. Section 504 of the Rehabilitation Act of 1973 and 24 CFR Part 8, which prohibits discrimination against people with disabilities;
11. Executive Order 11063 – Equal Opportunity in Housing;
12. Executive Order 11246 – Non-discrimination; and
13. Section 3 of the Housing and Urban Development Act of 1968, as amended – Employment/Training of Lower Income Residents and Local Business Contracting.

I hereby certify that City of Palatka shall comply with all of the provisions and Federal regulations listed in this attachment.

By: _____ Date: _____
(Authorized Signature)

Name: Vernon Myers

Title: Mayor

Attachment H

Audit Requirements

The administration of resources awarded by DEO to the recipient may be subject to audits and/or monitoring by DEO as described in this section.

Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by DEO staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by DEO. In the event DEO determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by DEO staff to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

Audits

Part I: Federally Funded

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. Exhibit 1 to this agreement indicates Federal resources awarded through DEO by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from DEO. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$300,000 (\$500,000 for fiscal years ending after December 31, 2003) in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from the recipient resources obtained from other than Federal entities).
4. Although the audit provisions of OMB Circular A-133 ordinarily do not apply to for-profit sub recipients, in the case of Federal funding provided by the U.S. Department of Health and Human Services, Circular A-133 does apply. See 45 CFR 74.26 for further details.

5. A web site that provides links to several Federal Single Audit Act resources can be found at: <http://harvester.census.gov/sac/sainfo.html>

Part II: State Funded

This part is applicable if the recipient is a non-state entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient (for fiscal years ending September 30, 2004 or thereafter), the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, F.S.; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. Exhibit 1 to this agreement indicates state financial assistance awarded through DEO by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from DEO, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year (for fiscal years ending September 30, 2004 or thereafter), an audit conducted in accordance with the provisions of section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of section 215.97, F.S., the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

4. Additional information regarding the Florida Single Audit Act can be found at: <http://www.myflorida.com/fsaa/statutes.html>.

Part III: Other Audit Requirements

N/A

Part IV: Report Submission

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by Part I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following at the address indicated:

A. DEO at each of the following addresses:

Electronic copies (preferred): Audit@deo.myflorida.com

or

Paper (hard copy):

Department Economic Opportunity
MSC # 130, Caldwell Building
107 East Madison Street
Tallahassee, Fl. 32399-4126

B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse) at the following address:

<http://harvester.census.gov/fac/collect/ddeindex.html>

C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised and any management letter issued by the auditor, to DEO at each of the following addresses:

Electronic copies (preferred): Audit@deo.myflorida.com

or

Paper (hard copy):

Department Economic Opportunity
MSC # 130, Caldwell Building
107 East Madison Street
Tallahassee, Fl. 32399-4126

3. Copies of financial reporting packages required by Part II of this agreement shall be submitted by or on behalf of the recipient directly to each of the following:

A. DEO at each of the following addresses:

Electronic copies (preferred): Audit@deo.myflorida.com

or

Paper (hard copy):

Department Economic Opportunity
MSC # 130, Caldwell Building
107 East Madison Street
Tallahassee, Fl. 32399-4126

B. The Auditor General's Office at the following address:

Auditor General
Local Government Audits/342
Claude Pepper Building, Room 401
111 West Madison Street
Tallahassee, FL 32399-1450

Email Address: flaudgen_localgovt@aud.state.fl.us

4. Copies of reports or the management letter required by Part III of this agreement shall be submitted by or on behalf of the recipient directly to:

A. DEO at each of the following addresses:

N/A

5. Any reports, management letter, or other information required to be submitted to DEO pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

6. Recipients, when submitting financial reporting packages to DEO for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (non-profit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

Part V: Record Retention

1. The recipient shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of five (5) years from the date the audit report is issued, or five (5) state fiscal years after all reporting requirements are satisfied and final payments have been received, whichever period is longer, and shall allow DEO, or its designee, CFO, or Auditor General access to such records upon request. In addition, if any litigation, claim, negotiation, audit, or other action involving the records has been started prior to the expiration of the controlling period as identified above, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the controlling period as identified above, whichever is longer. The recipient shall ensure that audit working papers are made available to DEO, or its designee, CFO, or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by DEO.

Exhibit – 1

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:

Federal Agency:	U.S. Department of Housing and Urban Development
Catalog of Federal Domestic Assistance Title:	Community Development Block Grants/State's Program and Non-entitlement Grants in Hawaii
Catalog of Federal Domestic Assistance #:	14.228
Award Amount:	\$750,000.00

Compliance Requirements Applicable to the Federal Resources Awarded Pursuant to this Agreement are as Follows:

Federal Program

- 1. The Recipient shall perform the obligations in accordance with 24 Code of Federal Regulations, Subpart I, Sections 570.480 – 570.497.*
- 2. The Recipient shall be governed by the Federal Laws, rules and regulations identified in Attachments B and K of this Agreement.*
- 3. The Recipient shall be governed by Sections 290.0401-048, Florida Statutes,*
- 4. The Recipient shall perform the obligations in accordance with Chapter 73C-23, Florida Administrative Code; the Program Budget, Attachment A of this Agreement; the Activity Work Plan, Attachment I of this Agreement; and Program, Category Specific, and Special Conditions, Attachment J of this Agreement.*

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:

N/A

Matching Resources for Federal Programs:

N/A

Subject to Section 215.97, Florida Statutes:

N/A

Compliance Requirements Applicable to State Resources Awarded Pursuant to this Agreement are as Follows:

N/A

NOTE: Section .400(d) of OMB Circular A-133, as revised, and, Section 215.97(5), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 to be provided to the Recipient.

Attachment I

Audit Compliance Certification

Audit Compliance Certification

Email a copy of this form within 60 days of the end of each fiscal year in which this subgrant was open to audit@deo.myflorida.com.

Recipient: City of Palatka

FEIN: 596000401

Recipient's Fiscal Year: October 1 thru September 30

Contact Name: Jonathan Griffith

Contact's Phone: 386-329-0100

Contact's Email: jcgriffith@palatka-fl.gov

1. Did the Recipient expend state financial assistance, during its fiscal year, that it received under any agreement (e.g., contract, grant, memorandum of agreement, memorandum of understanding, economic incentive award agreement, etc.) between the Recipient and the Department of Economic Opportunity (DEO)? Yes No

If the above answer is yes, answer the following before proceeding to item 2.

Did the Recipient expend \$500,000 or more of state financial assistance (from DEO and all other sources of state financial assistance combined) during its fiscal year? Yes No

If yes, the Recipient certifies that it will timely comply with all applicable state single or project-specific audit requirements of section 215.97, Florida Statutes, and the applicable rules of the Department of Financial Services and the Auditor General.

2. Did the Recipient expend federal awards, during its fiscal year, that it received under any agreement (e.g., contract, grant, memorandum of agreement, memorandum of understanding, economic incentive award agreement, etc.) between the Recipient and DEO? Yes No

If the above answer is yes, also answer the following before proceeding to execution of this certification:

Did the Recipient expend \$500,000 or more in federal awards (from DEO and all other sources of federal awards combined) during its fiscal year? Yes No

If yes, the Recipient certifies that it will timely comply with all applicable single or program-specific audit requirements of OMB Circular A-133, as revised.

By signing below, I certify, on behalf of the Recipient, that the above representations for items 1 and 2 are true and correct.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Title of Authorized Representative

Attachment J

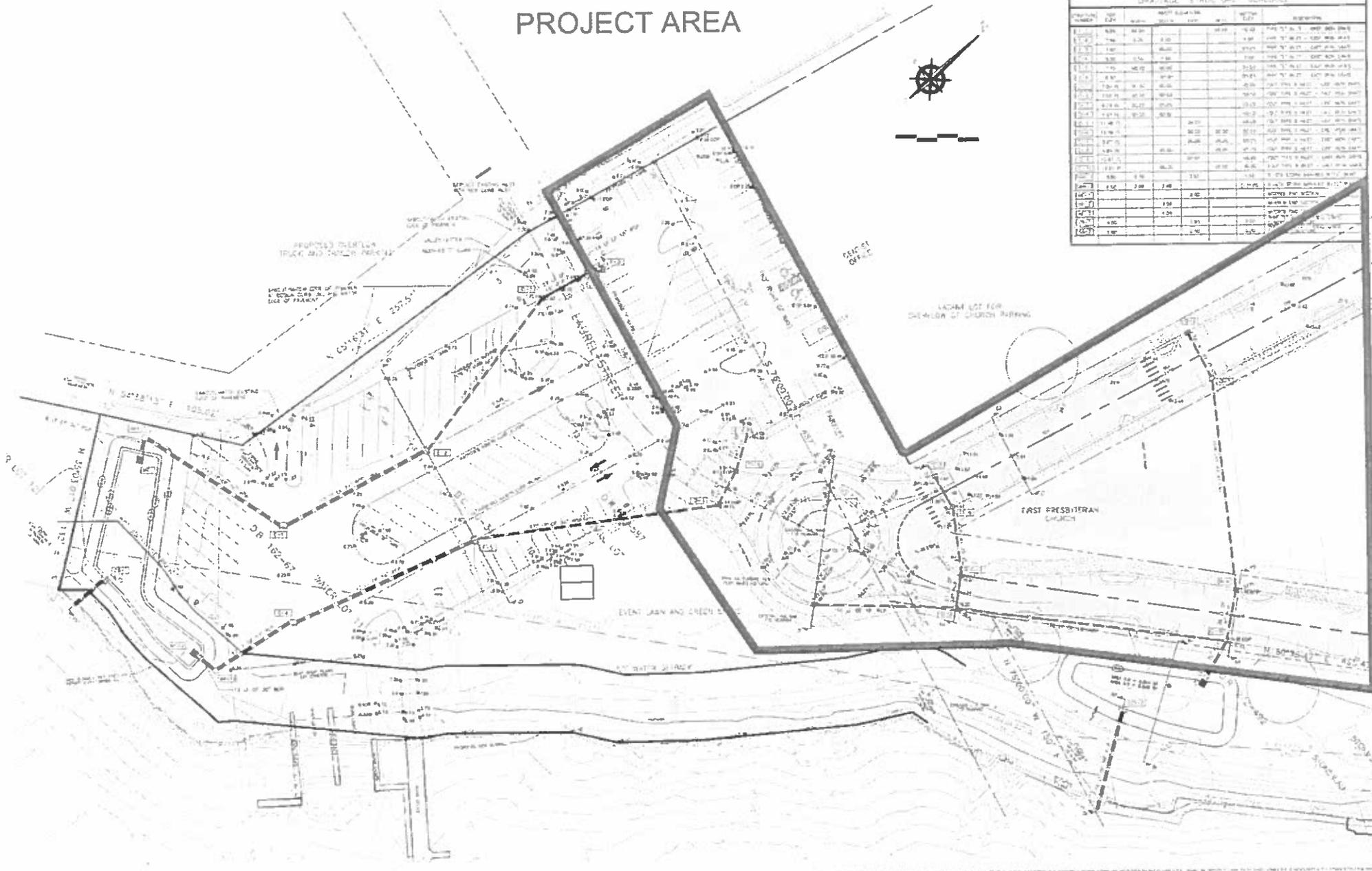
eCDBG Access Authorization Form

**(Replace this page in each copy
of the Agreement with an original
eCDBG Access Authorization Form.)**

PROJECT AREA



ITEM NO.	DRAINAGE		STRUCTURE		SCHEDULE
	NO.	TYPE	NO.	TYPE	
101	1	1.00	1	1.00	1.00
102	1	1.00	1	1.00	1.00
103	1	1.00	1	1.00	1.00
104	1	1.00	1	1.00	1.00
105	1	1.00	1	1.00	1.00
106	1	1.00	1	1.00	1.00
107	1	1.00	1	1.00	1.00
108	1	1.00	1	1.00	1.00
109	1	1.00	1	1.00	1.00
110	1	1.00	1	1.00	1.00
111	1	1.00	1	1.00	1.00
112	1	1.00	1	1.00	1.00
113	1	1.00	1	1.00	1.00
114	1	1.00	1	1.00	1.00
115	1	1.00	1	1.00	1.00
116	1	1.00	1	1.00	1.00
117	1	1.00	1	1.00	1.00
118	1	1.00	1	1.00	1.00
119	1	1.00	1	1.00	1.00
120	1	1.00	1	1.00	1.00
121	1	1.00	1	1.00	1.00
122	1	1.00	1	1.00	1.00
123	1	1.00	1	1.00	1.00
124	1	1.00	1	1.00	1.00
125	1	1.00	1	1.00	1.00
126	1	1.00	1	1.00	1.00
127	1	1.00	1	1.00	1.00
128	1	1.00	1	1.00	1.00
129	1	1.00	1	1.00	1.00
130	1	1.00	1	1.00	1.00
131	1	1.00	1	1.00	1.00
132	1	1.00	1	1.00	1.00
133	1	1.00	1	1.00	1.00
134	1	1.00	1	1.00	1.00
135	1	1.00	1	1.00	1.00
136	1	1.00	1	1.00	1.00
137	1	1.00	1	1.00	1.00
138	1	1.00	1	1.00	1.00
139	1	1.00	1	1.00	1.00
140	1	1.00	1	1.00	1.00
141	1	1.00	1	1.00	1.00
142	1	1.00	1	1.00	1.00
143	1	1.00	1	1.00	1.00
144	1	1.00	1	1.00	1.00
145	1	1.00	1	1.00	1.00
146	1	1.00	1	1.00	1.00
147	1	1.00	1	1.00	1.00
148	1	1.00	1	1.00	1.00
149	1	1.00	1	1.00	1.00
150	1	1.00	1	1.00	1.00



NO.	DATE	BY

**Downtown Riverfront Area
Redevelopment**
Located in Palatka, Florida

Rudd Jones, P.E. & Associates, P.A.
Consulting Engineers
1718 South Federal Highway, Suite 1000, Ft. Lauderdale, Florida 33316
Phone: (954) 575-3600
Fax: (954) 575-3601
E-Mail: rj@rjpa.com

DATE: 08/12/11
DRAWN BY: RJC
CHECKED BY: SAC
PLOT FILE

**Paving, Grading and
Drainage Plan - South**

SCALE VERIFICATION
1" = 40' HORIZONTAL
1" = 4' VERTICAL
PROJECT NO.: 2011-173
SHEET 4 OF 12

*Agenda
Item*

3f



CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-131 authorizing the submission of an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$50,000.00 for federal fiscal year 2015-2016 (Riverfront Park - Phase I)

SUMMARY:

See attached a proposed budget for application of Riverfront Park Phase I to the 2015-2016 FRDAP cycle. This application includes upgrades to multiple walking paths, construction of nature based playground equipment, picnic facilities and a kayak launch. Most of these improvements are associated with the already planned Southern Riverfront Park improvements scheduled for next year. The new construction items listed above were not included in the Southern Riverfront Park Phase I and II improvements. This application is for \$50,000 in grant funds. Any match required could be achieved through improvements already planned and budgeted for.

RECOMMENDED ACTION:

Adopt the resolution authorizing the submission of the Riverfront Park Phase I application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$50,000.00 for federal fiscal year 2015-2016

ATTACHMENTS:

Description	Type
<input type="checkbox"/> FRDAP Phase I Resolution	Resolution
<input type="checkbox"/> Phasae I Budget	Backup Material
<input type="checkbox"/> Playground Plans	Backup Material
<input type="checkbox"/> Boundary Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	10/10/2014 - 4:16 PM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 10:44 AM
City Manager	Czybor, Michael	Approved	10/14/2014 - 10:53 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:54 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:47 AM

RESOLUTION NO. 2014-10-xx

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
AUTHORIZING THE SUBMISSION OF AN APPLICATION
FOR THE FLORIDA RECREATION DEVELOPMENT
ASSISTANCE PROGRAM (FRDAP) IN THE AMOUNT OF
\$50,000 TO THE FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION FOR STATE OF FLORIDA
FISCAL YEAR 2015-2016 FOR THE PALATKA RIVERFRONT
PARK PHASE I DEVELOPMENT PROJECT**

WHEREAS, the City of Palatka desires to submit an application to the Florida Department of Environmental Protection for a Florida Recreation Development Assistance Program Grant to benefit the local residents.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages within the City of Palatka, Florida corporate limits and among those visiting the area, and

WHEREAS, the City recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for, recreation opportunities can best be met with the development of Riverfront Park Phase I as detailed in the application for funding in which the City is submitting an application in the October 31, 2014 application cycle requesting \$50,000.00 in grant funds.

NOW THEREFORE, BE IT RESOLVED by the City of Palatka as follows:

1. That the City of Palatka City Commission hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor and City Clerk are authorized to execute and attest all documents required in connection with the filing of said application, to be submitted on October 31, 2014.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 23rd day of October, 2014.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

CITY CLERK

APPROVED AS TO FORM

CITY OF PALATKA

JAMES C. GODWIN MEMORIAL RIVERFRONT PARK PHASE I

2013 Application Cycle

Renovation	Points	Cost
Exercise Trails – Upgrade Existing Exercise Trail	3	\$ 10,000.00

Construction	Points	Cost
Playground Equipment – add green playground equipment	6	\$ 25,000.00
Support – add additional fencing	6	\$ 5,000.00
Picnic Facilities – add additional picnic pavilion	4	\$ 5,000.00
Kayak Launch – Tie into Putnam Blue Way	3	\$ 5,000.00

Total	22	\$50,000.00
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Notes: connects to Putnam County Blue way and New Bike Trail

RIVERFRONT PLAYGROUND VISION *Palatka*

- 1 ALLIGATOR SCULPTURE Ages 2-5 In-Outline
- 2 BLUE CRAB SCULPTURE Ages 2-5 In-Outline
- 3 WATER RUNNEL Ages 2-10 In-Outline
- 4 BENCHES (4 TOTAL)
- 5 SEAT WALL
- 6 MANATEE SCULPTURE / ENTRANCE FEATURE
- 7 ROLLING HILL Ages 2-10
- 8 STEPPING STUMPS Ages 2-10 In-Outline
- 9 LOG CRAWLERS Ages 2-10*
- 10 LOG BALANCE BEAMS Ages 7-10
- 11 SAND Ages 1-10 In-Outline
- 12 PLAY STRUCTURE Ages 2-10 In-Outline
- 13 SWING Ages 2-10
- 14 BRIDGE Ages 2-10
- 15 WILSON CYPRESS MILL "FORT" Ages 4-10
- 16 HILL SLIDE Ages 2-10



*Agenda
Item*

3g



CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-132 authorizing the submission of an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$200,000.00 for federal fiscal year 2015-2016 (Riverfront Park - Phase II)

SUMMARY:

See attached a proposed budget for application of Riverfront Park Phase II to the 2015-2016 FRDAP cycle. This application includes upgrades to multiple walking paths, construction of splash pad, picnic facilities and a kayak launch. This application is for \$200,000 in grant funds. Any match required could be achieved through improvements already planned and budgeted for.

RECOMMENDED ACTION:

Adopt the resolution authorizing the submission of the Riverfront Park Phase II grant application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$200,000.00 for federal fiscal year 2015-2016

ATTACHMENTS:

Description	Type
<input type="checkbox"/> FRDAP Ph II Resolution	Resolution
<input type="checkbox"/> Phase II Budget	Backup Material
<input type="checkbox"/> Boundary Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	10/10/2014 - 4:16 PM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 10:50 AM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:53 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:54 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:47 AM

CITY OF PALATKA

JAMES C. GODWIN MEMORIAL RIVERFRONT PARK PHASE II

2013 Application Cycle

Renovation	Points	Cost
Picnic Facilities – Upgrade existing	4	\$ 5,000.00
Fishing Pier – Upgrade the existing fishing facilities	2	\$ 15,000.00
Support – Upgrade signage	6	\$ 25,000.00

Construction	Points	Cost
Playground Equipment – add a splash park	6	\$ 60,000.00
Support – add additional landscaping and irrigation	6	\$ 20,000.00
Picnic Facilities – add additional	4	\$ 25,000.00
Exercise Trail	2	\$ 25,000.00
Kayak Launch		\$ 25,000.00

Total	24	\$200,000.00
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Notes: connects to Putnam County Blue way and New Bike Trail

*Agenda
Item*

4a



CITY COMMISSION AGENDA ITEM

SUBJECT:

CRA BUSINESS: RESOLUTION 2104-10-134 authorizing the execution of a Public Park Lease Agreement with AIA Rentals Inc. for 712 St. Johns Avenue - Adopt

SUMMARY:

712 St. Johns Avenue is a privately owned vacant dirt lot. In the past it has been used for parking. The Main Street Design Committee has discussed the construction of a pocket park. The lot is positioned between two buildings and is a prime example for a pocket park. Ideally this space would eventually be developed with infill commercial building. In the interim, the installation of a pocket park with trees and seating would remove the visual blight and serve as added space for events in this area. The space would also compliment the existing businesses.

Staff is proposing a public park lease agreement, where the CRA would pay the owner the ad valorem taxes in lieu of rent. The City would be responsible for maintenance and property insurance. The improvements can be made within the current years budget for landscaping and site amenities.

Alignment with the CRA Plan:

"Creation of strategically located pocket parks between the 100 Block and the railroad tracks." (page 53, CRA Plan)

RECOMMENDED ACTION:

Adopt a resolution authorizing the execution of the Public Park Lease Agreement and authorizing the expenditure of CRA funds for construction of the pocket park and annual lease.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Location Map	Backup Material
<input type="checkbox"/> Lease Agreement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	10/10/2014 - 4 25 PM
City Clerk	Driggers, Betsy	Approved	10/10/2014 - 4 41 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 11:03 AM
Finance	Reynolds, Matt	Approved	10/15/2014 - 3 21 PM
City Clerk	Driggers, Betsy	Approved	10/15/2014 - 4 09 PM

RESOLUTION No. 2014-10-

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
AUTHORIZING THE EXECUTION OF A LAND LEASE
AGREEMENT WITH AIA RENTALS, INC FOR 712 ST. JOHNS
AVENUE**

WHEREAS, The City of Palatka desires to redevelop Downtown Palatka; and

WHEREAS, the City of Palatka established a Community Redevelopment Area (CRA) by Resolution #4-7, adopted on September 8, 1983 and the redevelopment areas South, Central and North Tax Increment Districts all lie within its bounds; and

WHEREAS, The City of Palatka CRA Plan as amended on December 10, 2009 calls for the creation of strategically located pocket parks between the 100 Block and the railroad tracks; and

WHEREAS, on October 23, 2014 the CRA, approved the Land Lease Agreement with AIA Rentals, Inc., and recommended the City Commission adopt a resolution authorizing the execution of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida:

1. That the City Manager is hereby authorized to execute the Land Lease Agreement with AIA Rentals, Inc. for the purposes of constructing a pocket park.
2. That staff is directed to implement the park construction within the existing budget for FY 2014-2015.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 23rd day of October, 2014.

CITY OF PALATKA

By: Its **MAYOR**

ATTEST:

CITY CLERK

**APPROVED AS TO FORM
AND CORRECTNESS:**



Parcel Polygons

Parcel ID: 42-10-27-6350-0540-0010
 Owner Name: A1A RENTALS INC
 Owner 2
 Mailing Address: 712 ST JOHNS AVE
 Mailing City State: PALATKA FL
 Mailing Zip: 32177
 Legal: DICKS MAP OF PALATKA MB2 P46 BLK
 54 E 50FT
 Acreage
 Physical Address: N/A



712 St. Johns Avenue

Proposed Pocket Park Location

All provided Putnam County GIS data are to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. The Putnam County Board of County Commissioners as well as the constitutional offices including the Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector assume no responsibility associated with its misuse.

LAND LEASE AGREEMENT

This lease, made and entered into this _____, day of _____, 2010 by and between AIA Rentals, hereinafter referred to as the "Lessor", and the THE CITY OF PALATKA COMMUNITY REDEVELOPMENT AGENCY a body politic and corporate, hereinafter referred to as "Lessee", hereby agree as follows:

1. **Description of Leased Premises.** The Lessor shall lease to the Lessee for the term stated below the following described properties: 712 St. Johns Avenue, Palatka, DICKS MAP OF PALATKA MB2 P46 BLK 54 E 50FT OF N 100FT OF LOT 1 (The "Leased Property").
2. **Rental Amount.** In lieu of an annual rent the Lessor shall pay the Ad Valorem taxes for those properties described above.
3. **Term.** The initial term of this lease shall commence on _____, and end on _____. Beginning _____, this lease agreement shall be automatically renewed for successive one-year terms unless either party gives notice of non-renewal at least six (6) months prior to the expiration of the then current term.
4. **Maintenance.** Lessee accepts the Leased Property in an "as is" condition. Lessee shall maintain the Leased Property in a safe and sanitary condition during the term of this Lease.
5. **Use.** Lessee shall have right to exclusive use of the Leased Property for a public park, public parking and downtown events.
6. **Record.** Lessee may record this Lease in the public records of Putnam County, Florida.
7. **Improvements.** The lessee may at its option, improve and designate parking spaces for public parking and install landscaping, lighting, benches, pavers and other site amenities at Lessee's expense. At the termination of the lease the Lessee may, at its option, remove paving blocks, landscaping, and structures installed by the lessee.
8. **Warranty of Ownership.** Lessor warrants that they own the Leased Property above and will defend the lessee's right to possession of the property during the term of this lease against the claims of any third parties.
9. **Assignment and Sub-Leasing.** Lessee may not assign or sub-lease this Lease without Lessor's consent. The covenants herein contained bind, and the benefits, advantages, responsibilities, and obligations shall inure to, the respective

successors, personal representatives, heirs, devisees and assigns of the parties hereto.

10. **Indemnification.** To extent permitted by S. 76828, FS Lessee covenants and agrees to indemnify and hold the Lessor harmless from any damages or injuries to any person or persons, property, on the Leased Property, during the term hereof, caused by the negligence or willful acts or failure to act of Lessee, its agents, servants and employees.
11. **Quiet Enjoyment.** Lessee, upon performing the several covenants and agreements herein contained, shall and may peaceably and quietly have, hold and enjoy the Leased Property.
12. **Notice.** When Lessor or Lessee are required by this lease to give notice unto the other in connection with this Lease and the Lease Property, such notice shall be addressed as follows:

LESSOR A1A Rentals
 Lloyd Falk
 712 St. Johns Avenue
 Palatka, FL 32177

LESSEE THE CITY OF PALATKA COMMUNITY REDEVELOPMENT
 AGENCY
 201 North Second Street
 Palatka, FL 32177
 Attn: City Manager

or at such other address as may be designated in writing by either or both parties in the manner designated for giving of any notice hereunder. Where the parties on either side consist of more than one person, notice unto or default by one of the persons on that side shall constitute notice unto or default by all of the persons that same side.

13. **Miscellaneous.**
 - a. Time is of the essence.
 - b. No modification, release, discharge or waiver of any provision hereof shall be of any force, effect or value unless in writing, and signed by the Lessor and Lessee.
 - c. All covenants, promises, condition, and obligation herein contained or implied by law are covenants running with the land and shall be attached to and be binding upon their heirs, executors, administrators, successors,

legal representatives and assigns, of each of the parties of this Lease as to the Leased Property.

- d. Lessee covenants and agrees to use the Leased Property only for lawful purposes and shall comply with all applicable governmental laws, rules, regulations and ordinances.
- e. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders. Whenever use, the term "persons" shall include either real or corporate, whichever is applicable.

IN WITNESS WHEREOF, the parties have set their hands on the day and year first above written: Signed, and delivered in the presence of:

LESSOR:

Witnesses as to Lessor:

Signature

Witness

Print Name, Title

Witness

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by

_____, who is personally known to me or produced _____
_____, as identification.

(seal)

My Commission Expires:

Notary Public, State of Florida

ATTEST:

COMMUNITY REDEVELOPMENT AGENCY:

Betsy Driggers, City Clerk (Seal)

Elwin C. Boynton, Jr., CRA Director

Date

*Agenda
Item*

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CITY COMMISSION AGENDA ITEM

SUBJECT:

CRA BUSINESS: RESOLUTION No. 2104-10-135 adopting the Proposed CRA/CBD Vacant Space Incentive Program - Adopt

SUMMARY:

Please see attached a proposed program designed to address the long term vacancies in the downtown core. Multiple buildings in the downtown core have sat vacant for years. In most cases, these buildings are not tenant ready. The cost to renovate these buildings to bring them into regulatory compliance is simply prohibitive. New emerging businesses don't have access to the capital to make the necessary improvements and the existing property owners have not made the improvements due to their own financial constraints. This program is crafted to allow an annual open invitation to allow property owners to opt into the program. After submitting a letter of interest and being deemed eligible, City staff will work with the property owner to determine those improvements that are necessary to bring the building to a tenant ready state. The CRA board would then prioritize and shortlist property's for development negotiations. City staff would then work with the property owner(s) to develop a funding package that may include a combination of CRA grants, tax increment incentives, administrative assistance and/or third party financing. Contingent upon funding availability, the CRA would then include those shortlisted projects in the next fiscal year's budget for development.

RECOMMENDED ACTION:

Adopt a resolution approving the proposed Vacant Space Incentive Program and authorize staff to advertise and contact property owners.

ATTACHMENTS:

Description	Type
D Resolution	Resolution
D Vacant Space Program DRAFT	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	10/13/2014 - 11:22 AM
City Clerk	Driggers, Betsy	Approved	10/13/2014 - 3:13 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 11:06 AM
Finance	Reynolds, Matt	Approved	10/15/2014 - 3:21 PM
City Clerk	Driggers, Betsy	Approved	10/15/2014 - 4:09 PM

RESOLUTION No. 2014-10-

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
ADOPTING THE VACANT SPACE INCENTIVE PROGRAM FOR
THE COMMUNITY REDEVELOPMENT AGENCY'S SOUTH,
CENTRAL AND NORTH TAX INCREMENT DISTRICTS**

WHEREAS, The City of Palatka desires to redevelop Downtown Palatka; and

WHEREAS, the City of Palatka established a Community Redevelopment Area (CRA) by Resolution #4-7, adopted on September 8, 1983 and the redevelopment areas South, Central and North Tax Increment Districts all lie within its bounds; and

WHEREAS, The City of Palatka CRA Plan as amended on December 10, 2009 calls for a alternative economic development programs; and

WHEREAS, The City of Palatka CRA Plan identifies the establishing and revising of programs that can act as additional layers of support that have an impact on the downtown investment, the deterioration of structures and employment as a mid and long range goal; and

WHEREAS, on October 23, 2014 the CRA, approved the Vacant Space Incentive Program, and recommended the City Commission adopt a resolution approving the program.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida the Vacant Space Incentive Program is hereby approved and adopted.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 23rd day of October, 2014.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM
AND CORRECTNESS:**

CITY ATTORNEY



Request for Letters of Interest (LOI)

Vacant Space Incentive Program

The City of Palatka and the Community Redevelopment Agency (hereinafter referred to as “the City”) hereby request Letters of Interest (LOI) from interested property owners for vacant spaces (buildings and property) located within the CRA's three (3) districts. The purpose of the Vacant Space Incentive Program is to create space fit for occupancy.

At a minimum this document fully filled out and signed by the property owner shall suffice as the LOI. The City requests that respondents include a separate LOI in addition to this fully completed and executed document describing their property and their plans to develop the property. The City reserves the right to waive any irregularities submitted, reject any and/or all submittals, accept any submittals deemed to be in the best interest of the City, request additional information, amend the program documents without notice, display and advertise properties receiving incentives and use this program for projects already initiated by the City.

- A. Letters of Interest must be received prior to 3:00 pm on December 4, 2014. Proposals will be received at the City Clerk's office located at:

City of Palatka
201 North Second Street
Palatka, FL 32177
Attention: Betsy Driggers, City Clerk

To obtain additional information please view the City of Palatka website at www.palatka-fl.gov or contact Jonathan Griffith, Project Manager/Grants Administrator at 386 329 0103 or jcgriffith@palatka-fl.gov.

I. Program Description

The Vacant Space Program is intended to take space not fit for occupancy and improve it to the condition to where a certificate of occupancy can be issued. To be eligible for consideration projects must be located within one of the three CRA districts, vacant for at least six (6) months advance the goals outlined in the CRA plan and meet other minimum eligibility criteria.

II. Eligibility

For a project to be eligible it must:

- be located within a CRA district;

Approved:

- vacant for at least six (6) months prior to the deadline;
- submit an LOI by the deadline; and
- submit a certification and acceptance of program terms.

III. Application Process and Key Dates

November 4, 2014	Request for LOI advertisement
December 4, 2014	Deadline for Letter of Interest
TBD	Execution of MOU and Hold Harmless
TBD	Inspection of property to determine voluntary and compulsory improvements needed
TBD	Quotes developed for work
TBD	Staff review and recommendation to CRA board
TBD	CRA Board Evaluation of projects to determine priority and shortlist those for negotiations
TBD	Negotiation of redevelopment incentive package (i.e. grant, loan, increment rebate) and contract terms.
TBD	Presentation of projects and funding strategy to CRA and City Commission for approval
TBD (Prior to FY 14-15)	Contract approval at CRA and City Commission

The City reserves the right to present projects for input to the CRA district advisory groups, prior to consideration at a CRA board meeting. Properties deemed to be ineligible will not be presented to the CRA for evaluation.

Appeals must be filed with the City of Palatka City Clerk at 201 North Second Street, Palatka, FL 32177 and will be considered at the next regularly scheduled meeting.

IV. Selection Criteria

The CRA board shall shortlist properties based upon the following criteria:

- financial and practical feasibility (cost for compulsory repairs / usable square footage) / = # (lower the cost per s.f. greater the score));
- furtherance of the goals and objectives in the CRA plan;
- estimated additional increment generated by the project;
- availability of funds;
- the degree to which the applicant leverages additional private funds or resources; and
- the projects ability to strengthen the character and/or integrity of the CRA districts.

The City reserves the right to modify the scoring criteria at any time without notice.

Approved:

V. Other Considerations and Program Requirements

Upon approval of a grant, the applicant and any affected contractor(s) will be required to sign a Development Agreement and a Release and Hold Harmless Agreement with the City of Palatka Community Redevelopment Agency, as permitted by the laws of the State of Florida.

VI. Required Information and Certification

Proposed Vacant Property(s) for consideration _____
Street Address
_____ parcel #
_____ date of last known occupancy

If you are submitting an LOI for multiple properties, please attach a separate sheet with the street address and parcel # for each and include the date of last known occupancy.

Property Owner: _____

Primary Contact Name: _____

Phone #:(_____) - _____ - _____

Email: _____

Mailing Address: _____
Street City State Zip

The below-signed respondent hereby acknowledges that they are the owner of the above stated property and agree to allow City staff and/or its contractors, consultants and representatives to enter the property for the purpose of inspection, assessment and marketing and that they acknowledge that they have read, understand and agree to the terms of this document.

Signature

Date

Printed Name

Title

Approved:

Agenda Item

4c



CITY COMMISSION AGENDA ITEM

SUBJECT:

CRA BUSINESS: RESOLUTION 2014-10-136 awarding Business Recruitment Grant for 700 St. Johns Avenue in an amount not to exceed \$10,000 - Barbara Farr, Applicant

SUMMARY:

See attached a Business Recruitment Grant Application for 700 St. Johns Avenue for a proposed restaurant. The applicant is requesting a \$10,000 grant for the installation of an HVAC system, pressure washing, limited demolition and painting. The applicant is matching the grant with \$16,295 in equipment costs. Not included in the project cost are the costs for furnishings and site improvements that will be paid for by the applicant. This project was presented to the City Manager, Mayor and Main Street Board President for consideration and recommended for approval. The recommendation for award was made on the condition that the applicant meet with the SBDC consultant to review their business plan and follow up on a monthly basis.

RECOMMENDED ACTION:

Adopt the resolution awarding a Business Recruitment Grant for 700 St. Johns Avenue to Barbara Farr in an amount not to exceed \$10,000

ATTACHMENTS:

Description	Type
<input type="checkbox"/> BR Grant Resolution	Resolution
<input type="checkbox"/> Business Recruitment Application	Backup Material
<input type="checkbox"/> Grant Agreement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	10/16/2014 - 4:26 PM
City Clerk	Driggers, Betsy	Approved	10/16/2014 - 4:56 PM
City Manager	Czymbor, Michael	Approved	10/16/2014 - 5:01 PM
Finance	Reynolds, Matt	Approved	10/17/2014 - 9:18 AM
City Clerk	Driggers, Betsy	Approved	10/17/2014 - 10:17 AM

RESOLUTION No. 2014-

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA
AWARDING A BUSINESS RECRUITMENT GRANT FOR
700 ST. JOHNS AVENUE IN AN AMOUNT NOT TO
EXCEED \$10,000**

WHEREAS, on 10/23/14 the City of Palatka Community Redevelopment Agency (CRA) heard an application for Business Recruitment Grant funds for 700 St. Johns Avenue; and

WHEREAS, the CRA awarded a Business Recruitment Grant in an amount not to exceed \$10,000 with a required minimum match of \$10,000 for 700 St. Johns Avenue; and

WHEREAS, the Community Redevelopment Agency has determined it is compliant with the Community Redevelopment Agency Plan and it is in the public's best interest to move forward with the award of Business Recruitment Grant funds.

NOW, THEREFORE, BE IT RESOLVED by the City of Palatka Florida:

1. That a Business Recruitment Grant in an amount not to exceed \$10,000 with a required minimum match of \$10,000 be awarded for 700 St. Johns Avenue.
2. That the City Manager and City Clerk are authorized to execute and attest the 700 St. Johns Avenue Business Recruitment Grant contract.

PASSED AND ADOPTED by the City of Palatka, Florida this 23rd day of October, 2014.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

CRITERIA & GRANT REQUIREMENTS

CITY OF PALATKA COMMUNITY REDEVELOPMENT AGENCY PALATKA MAIN STREET COMMUNITY REDEVELOPMENT AREA RECRUITMENT GRANT PROGRAM

1. 50% Applicant Match
 - a. Matching funds may include permanent improvements, furniture, fixtures and equipment.
 - b. Matching funds may not include business operating or material costs.
2. \$50,000 Maximum Grant
3. Proposed business must maintain a minimum of 2 full time staff.
4. Eligibility is only for occupation of storefronts that have been vacant or for the expansion of existing businesses into adjacent unoccupied or underutilized space.
5. Use must be an acceptable use as outlined in the City of Palatka Municipal Code for the Downtown River front and Downtown Business Districts.
6. A Business Plan is required. (See attached business plan guidelines.)
7. While fulfillment of all written criteria qualifies an applicant for review under the Expedited Recruitment Fund, it does not qualify an applicant for funding. The Evaluation Committee reserves the right to determine if an application warrants funding based on the quality of the proposed project and the degree to which the project contributes to the economic revitalization of downtown Palatka.
8. Should the owner transfer, sell, divest themselves of their interest in the subject property or business or fail to maintain the renovations and improvements during the five-year period following receipt of the grant funds, the Grantee shall return and / or repay the grant funds as follows:

<u>Time</u>	<u>Amount Due CRA</u>
0 to one (1) year after grant funds received	90%
One (1) to two (2) years after grant funds received	80%
Two (2) to three (3) years after grant funds received	60%
Three (3) to four (4) years after grant funds received	40%
Four (4) to five (5) years after grant funds received	20%
Five (5) years after grant funds received	0%

The specific terms of repayment shall be included within a written agreement executed between Palatka Main Street/City of Palatka and the grant recipient, and recorded within the public records of Putnam County, Florida. The agreement shall include language sufficient to constitute a valid and enforceable lien upon the real property which is the subject of the grant. The agreement shall be signed by the grant recipient prior to the distribution of grant funds and shall be recorded immediately after distribution of grant funds.

9. Applicants are required to occupy the space thirty (30) days following Completion of the grant improvements and the issuance of a Certificate of Occupancy by the city of Palatka.

PROJECT FINANCING INFORMATION

Total Project Cost: \$ _____

Attach at least two bids from licensed contractors.

Bid One:

Contractor Name: SEE ATTACHED Bid Amount: \$ ---

Bid Two:

Contractor Name: SEE ATTACHED Bid Amount: \$ ---

Amount of Grant Funds Requested: \$ _____

How will applicant's portion of the project be financed?

(Verification of funding sources will be required before final approval of the grant application.)

CASH

PROJECT SUMMARY

Please provide a summary of the proposed project and how the requested funds will be used. Note: A site visit with the applicant may be necessary to understand the scope and nature of the project.

1. Explain the reason(s) for the proposed work (i.e. water damage, termite damage, pest infestation, window upgrade, electrical upgrade, ADA accessibility, plumbing upgrade, HVAC upgrade, interior reconfiguration, landscape renovation, repair/install awnings, and or to meet occupancy requirements):

NEW HVAC

EXTENSION & INTERIOR PAINT

TABLES & CHAIRS

PAVING & LANDSCAPING

2. Project Start Date: Oct - Nov '14 Project End Date: Dec '14

Explain Reasons (if needed):

ADDITIONAL SUBMISSIONS (required)

1. At least four 4X6 color photographs of the existing building exterior and appropriate interior showing all sides of the structure, with emphasis on the area to be improved.
2. Renderings or conceptual drawings of the project at completion, including, as appropriate:
 - Detailed plans and/or elevations
 - Color renderings and specifications
 - Paint descriptions and samples including which to be used where
 - Fabric color, style, and samples
3. Proof of property ownership (deed) or, if a tenant, a copy of the lease.
4. Tenants must provide written documentation verifying the property owner approves the proposed enhancements and will sign the restrictive covenants and/or mortgage.
5. Documentation from all lending institutions verifying all mortgage payments on the property are current and that the lending institutions will provide updated information upon request by the Community Redevelopment Agency.
6. Documentation indicating that all property tax payments are current.
7. Proof of property insurance.
8. If Applicant intends to include the costs of improvements complete on the subject property within the twelve months preceding this Application as part of the "Total Project Cost", documentation pertaining to the costs, construction and permitting of those improvements must be provided.

Please read the following and sign below. All owners, authorized corporate officers, or partners must sign this application.

The information contained in this application is accurate to the best of my knowledge. Applicants understand that personal, business and/or property information may be requested pursuant to this application and hereby give their consent for such information to be provided.

The CRA retains the sole decision as to whether this grant application is approved, disapproved, or modified.

Applicant agrees to accept future maintenance and other associated costs occurring after the completion of the project for not less than five years.

Applicant(s) for Recruitment Funding agree that there will be no discrimination in employment or services to the public based on race, color, religion, national origin, sex or marital status.

Name (print) Barbara Cook Name (print) _____

Title Owner Title _____

Signature [Signature] Signature _____

Date October 2, 2014 Date _____

2-10-27-8850-0550-0070

ARR BARBARA
4 MARLBORO AVE
HATTANOOGA TN 37411

30 ST JOHNS AV. PALATKA
ICKS MAP OF PALATKA MB2 P46
LK 55 LOT 7 (EX NLY 50FT)

Parcel Sales Data						
Book	Page	Instrument	Month	Year	QSCD	Price
1107	0907	WD	Jul	2006	001	\$150,000
1024	1909	WD	Mar	2005	001	\$130,000

Tim Parker, C.F.A.
Putnam County Property Appraiser

2-10-27-8850-0550-0082

Count Max Value Min Value Applied To

Special Buildings						
Line	Code	Length	Width	Sq Ft	Rate	Value
1	DUTU	6	6	36	2.00	72
2						
3						
4						
5						
6						
7						
8						
9						

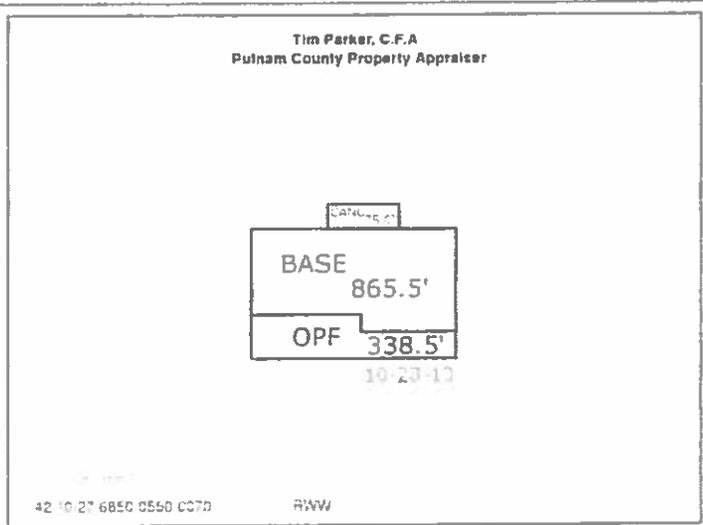
Value	\$33,654	Use Code	21
	\$20,908	Improvements	1
	\$54,562	Location	City of Palatka
	\$0	Total Area	0.12
	\$0	Zoning	DB
Ad	\$54,562	FLUM	COM

Extra Features			
Line	Code	Description	Value
1	34	Concrete Slab	680
2	9	Brck Front	420
3			
4			
5			
6			
7			
8			
9			

Parcel Value Breakdown		
Assessed Limited	Minus(-) Exemptions	Taxable Value
\$54,562	\$0	\$54,562
\$54,562	\$0	\$54,562
\$54,562	\$0	\$54,562

Total 72

Total 1,100



Primary Improvement				Improvement Area & Additions					
Restaurant/Lounge	Substructure	01-Continuous	Cabinet & Mill	03-Average	Desc	% Rate	Rate	Sq Ft	Cost
N	Floor System	01-Slab on Grade	Floor Finish	10-Hard Tile/ Lamnate Fl	BASE	100	54.64	865	47,264
1	Exterior Walls	05-Concrete Blk. Stucco	Interior Finish	02-Plastered - Direct	OPF	35	19.12	338	6,463
11.68	Height In Feet	8	Paint & Decor	03-Average	CANU	10	5.46	75	410
14.64	Party Wall %		Plumbing Fixt						
165	Sub Frame	02-Masonry - Plaster	Bath Trs	05-Floor Only					
10	Roof Framing	06-Wood Frame/Truss	Heating & Air	11-Heat Pump					
100	Roof Cover	07-Galv. Sheet - V Crmp	Electrical	03-Average					
			Camera	6					

Total Replacement Cost 54,137

Land Lines										CU Unit Price	CU Value	Just Value CU	Taxable Value
Depth Chart	Depth In Feet	Corner Factor	Depth Factor	Cond	Adjustment	Unit Price	Adj Unit Price	Units	Just Value	CU Unit Price	CU Value	Just Value CU	Taxable Value
0	0	100%	100%	100%	100%	4.00	4.00	5227.00	20908				20908
Total											0	0	20,908

Putnam County Ga Property assessment information is subject to change until 90 days prior to October

Business Plan

Cupz

Goldie Vickers

Cupz
700 St Johns Aveneue
Palatka, FL 32177
Telephone – not yet established
E-Mail – not yet established

Table of Contents

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- 2. Products and/or Services 1**
- 3. Strategy & Implementation..... 2**
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- 4. Management 3**
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- 6. Appendix..... 6**

1. Company Summary

Cupz is a restaurant specializing in southern style food operating as a S-corporation with the following key employees and shareholders:

President: Goldie Vickers 28% owner

Vice President: Jimmie Morris 27% owner/manager

Secretary/Treasurer: Lashon Grant 15% owner

Virginia Macomb: 30% owner

Cupz will be located at 700 St Johns Avenue and bring a viable business into a currently vacant building in the downtown business district.

Mission Statement: To provide consistently high quality food and outstanding service to our customers.

2. Products and/or Services

The product life cycle for Cupz is one to two days. To ensure the high quality products our company demands and our customers deserve perishable food items will be utilized within one to two days of delivery.

Cupz will price products to win over market shares. The following is a sample menu of items and prices.

PHONE#561-5742130
386-336-1224
386-546-1384

CUPZ
souf food weekends

LOCATION: TRAVIS & MIKE CAR WASH
900 MAIN ST PALATKA, FL
BREAKFAST: 8am-11am
LUNCH: 11am-5pm
DINNER: 5pm-11pm

DINNERS
5pm-8.50 lg \$10.50
MENU

3/23/2014

- turkey wings
- fried fish
- bbq ribs
- fried chicken
- 6 or 12 pc w/uggets
- greens
- mac n cheese
- steam beans
- dressing

3/24/2014

- smothered riblets
- fried chicken
- smothered chicken
- bbq ribs
- 6 or 12 pc w/uggets
- greens
- Grilled cabbage
- mac n cheese
- green beans

BREAKFAST
world famous grits in a cup
sausage or bacon grits, eggs & cheese
in a 16 oz cup...ls big \$3.50

SIDES
dressing, mac n cheese, green
beans, greens, fries, cole slaw

DRINKS
all dinners comes with rice n gravy 2 sides for am
and 3 sides for lg combread or fried biscuit

CHILDREN

- 6 or 12 pc w/ugget w/fries \$7.50 & 10.50 \$2 less w/o fries
- chicken comb \$5.50

ADULTS

- Fried crabs 8 & 16 pc \$6 & \$12
- fish, shrimp & fried crabbeumbo \$13.50
- crab rice \$5.50
- Catfish nuggets, cajun or fried with fries \$5.50
- Fried wings w/fries \$5.50
- fish sandwich \$5.50

DESSERTS

- 3pc. SPECIAL smothered riblets w/dressing gravy & rice w/2 sides

DELIVERY
\$25 MINIMUM
CATERING
CALL FOR MORE INFO

3. Strategy & Implementation

Marketing Strategy

Cupz plans to communicate with customers via various social media venues (i.e., Twitter, Facebook) as well as the more traditional marketing strategies of flyers, local advertising, and in person marketing with local industries. Flyers will be made available in the restaurant, delivered to local religious and civic organizations, and distributed during local community events. Local advertising will be done on local radio stations and in local publications (i.e., newspapers, magazines). Cupz will implement a specific day of the week for discounts to specific groups or organizations (i.e., Firefighter Friday - 15% discount to all Fire response personnel).

Personal marketing will be done by employees communicating with local industries about menu items, deliveries, and catering opportunities: Communications will be by phone, mail, email, and in person. Additionally, Cupz will work with local community service organizations to maximize opportunities to feed the under privileged in the community building relationships and connectivity to the community outside of Cupz standard customer market.

Sales Strategy

Sales force strategy. *Cupz sales force strategy will be the personnel marketing to industries and in house offers of samples .*

Sales activities. *Cupz marketing personnel will make routine contact, at least bi-monthly, with prospective clients to establish relationships and ensure commitment to serving their needs. Regular contact will also ensure Cupz is represented as a reliable, proactive service provider ready to meet the needs of its clients.*

4. Management

Freddie Morris will manage the business on a day-to-day basis. Mr. Morris has 2 years of experience operating a restaurant in New York and 5 months experience operating a food sales trailer in Putnam County, Florida before deciding to establish this permanent location for the Cupz restaurant. Mrs. Vickers and Mr. Morris operated this same restaurant model in New York before selling the business to return to their home town of Palatka, Florida. Mr. Morris is experienced in every aspect of the business operation from marketing and business management to inventory and food preparation. Mr. Morris will be working with his wife and business owner Mrs. Goldie Vickers and his niece Lashon Grant, both residents of Palatka and participants in the routine operation of the business. The involvement and participation of these individuals will constitute a plan for continuation should Mr. Morris himself become unable to maintain his position as manager.

Cupz plans to start with 3 employees. Mr. Morris will manage all employees and be responsible for key functions within the corporation.

5. Financial Plan

Twelve-Month Cash Flow

Cupz

Fiscal Year Begins: Thursday, January 01, 2015

	Pre-Startup EST	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Total Item EST
Cash on Hand (beginning of month)	16,000	350	2,730	5,075	7,236	9,281	11,891	14,716	17,476	20,452	23,612	25,957	28,517	30,827
CASH RECEIPTS														
Cash Sales	0	8,000	8,500	9,000	9,500	10,000	10,500	11,000	11,500	12,000	11,500	12,000	12,000	125,500
Cash Loans (borrowed)	5,500	0	0	0	0	0	0	0	0	0	0	0	0	8,000
TOTAL CASH RECEIPTS	5,500	8,000	8,500	9,000	9,500	10,000	10,500	11,000	11,500	12,000	11,500	12,000	12,000	131,000
Total Cash On Hand	21,500	8,350	11,230	14,075	16,736	19,281	22,391	25,716	28,976	32,452	35,112	37,957	40,517	161,827
CASH PAID														
Purchases (perishables)	2000	800	800	850	850	900	900	950	950	950	950	950	950	
Purchases (dry goods)	200	300	300	400	400	500	500	600	600	600	600	600	600	
Purchases (cleaning supplies)	400	50	50	50	50	50	50	50	50	50	50	50	50	
Gross wages	0	75	75	75	100	100	100	125	125	150	150	150	150	
Payroll expenses (taxes, etc.)	0	15	15	15	20	20	20	25	25	30	30	30	30	
oper	150	150	150	150	150	150	150	150	150	150	150	150	150	
maintenance	0	150	150	150	150	150	150	150	150	150	150	150	150	
Advertising	100	100	100	100	100	100	100	100	100	100	100	100	100	
Travel	0	160	160	160	160	160	160	160	160	160	160	160	160	
Professional Fees (Accounting, Legal, etc)	150	150	150	150	150	150	150	150	150	150	150	150	150	
Rent	0	550	550	550	600	600	600	700	700	700	800	800	800	
Telephone/Cell	300	150	150	150	150	150	150	150	150	150	150	150	150	
Utilities	750	500	500	500	500	500	500	500	500	500	500	500	500	
Insurance	0	200	200	200	200	200	200	200	200	200	200	200	200	
Taxes	0	560	595	630	665	700	735	770	805	840	805	840	840	
Interest	0	29.17	28.41	27.66	26.90	26.14	25.37	24.60	23.83	23.08	22.28	21.50	20.71	
Miscellaneous	0	0	0	0	0	0	0	0	0	0	0	0	0	
SUBTOTAL	4,050	3,939	3,973	4,158	4,272	4,456	4,490	4,805	4,839	4,903	4,967	5,002	5,001	
Loan principal payment	0	180.63	181.38	182.14	182.90	183.66	184.42	185.19	185.96	186.74	187.52	188.30	189.09	
Capital Expense (Hood)	7,500	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (Hood duct work)	2,200	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (Hot Table)	2,000	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (Grill)	500	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (Frier)	500	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (oven/stove top)	650	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (Refridgeration)	750	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (ice machine)	400	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Expense (Suppression system installation)	2,600	0	0	0	0	0	0	0	0	0	0	0	0	
Owners' Withdrawal	0	1,500	2,000	2,500	3,000	2,750	3,000	3,250	3,500	3,750	4,000	4,250	4,500	
TOTAL CASH PAID OUT	21,150	5,620	6,155	6,840	7,455	7,390	7,675	8,240	8,525	8,840	9,155	9,440	9,690	
Cash Position (end of month)	350	2,730	5,075	7,236	9,281	11,891	14,716	17,476	20,452	23,612	25,957	28,517	30,827	30,827

Income Statement (12 Months)

Cupz

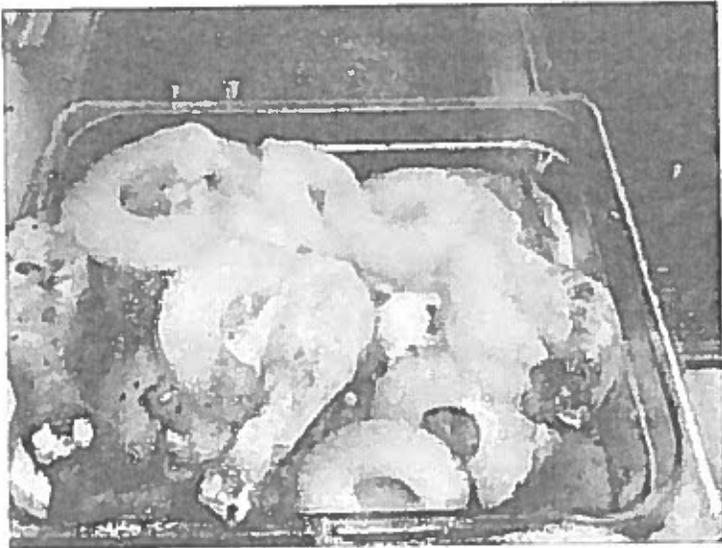
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
Revenue													
Sales	8,000	8,500	9,000	9,500	10,000	10,500	11,000	11,500	12,000	11,500	12,000	12,000	125,500
Other Revenue	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Revenue	8,000	8,500	9,000	9,500	10,000	10,500	11,000	11,500	12,000	11,500	12,000	12,000	125,500
Cost of Goods Sold (Cost of Sales)													
Materials	1,100	1,100	1,250	1,250	1,400	1,400	1,550	1,550	1,550	1,550	1,550	1,550	16,800
Labor	75	75	75	100	100	100	125	125	150	150	150	150	1,375
Leases/Rent (Directly related to production)	550	550	550	650	650	650	750	750	750	850	850	850	8,400
Total Cost of Goods Sold	1,725	1,725	1,875	2,000	2,150	2,150	2,425	2,425	2,450	2,550	2,550	2,550	26,575
Gross Profit	6,275	6,775	7,125	7,500	7,850	8,350	8,575	9,075	9,550	8,950	9,450	9,450	98,925
Expenses													
Salaries and wages	75	75	75	100	100	100	125	125	150	150	150	150	1,375
Employee benefits	0	0	0	0	0	0	0	0	0	0	0	0	0
Payroll taxes	18	18	18	20	20	20	23	23	23	25	25	25	255
Rent	550	550	550	600	600	600	700	700	700	800	800	800	7,950
Utilities	500	500	500	500	500	500	500	500	500	500	500	500	6,000
Repairs and maintenance	150	150	150	150	150	150	150	150	150	150	150	150	1,800
Insurance	200	200	200	200	200	200	200	200	200	200	200	200	2,400
Travel	150	150	150	150	150	150	150	150	150	150	150	150	1,800
Telephone	150	150	150	150	150	150	150	150	150	150	150	150	1,800
Postage	20	20	20	20	20	20	20	20	20	20	20	20	240
Office supplies	160	160	160	160	160	160	160	160	160	160	160	160	1,920
Advertising	100	100	100	100	100	100	100	100	100	100	100	100	1,200
Marketing/promotion	100	100	100	100	100	100	100	100	100	100	100	100	1,200
Professional fees	200	100	100	100	100	100	100	100	100	100	100	100	1,300
Training and development	200	0	0	25	0	0	25	0	25	0	25	0	300
Bank charges	200	0	0	25	0	0	25	0	25	0	25	0	300
Depreciation	500	50	75	75	100	100	125	125	150	150	150	150	1,750
Total Expenses	3,458	2,608	2,633	2,735	2,735	2,735	2,913	2,888	2,963	3,040	3,065	3,040	34,810
Net Profit (Loss)	2,818	4,168	4,493	4,765	5,115	5,615	5,663	6,188	6,588	5,910	6,385	6,410	64,115





World Famous Cupz
10 13 2014

World Famous Cupz



World Famous Cupz
10k · 10 · 10

World Famous Cupz

Marlon Jackson likes this



CUPZ Photos

1 of 4



ThaliaAndD
43 134

Comment it

Send message

Takeout order. Tons more not in photo.

Photo Votes

100%



From ThaliaAndD
Takeout order. Tons more not in photo.



From ThaliaAndD
Crazy food for great prices



From ThaliaAndD



From ThaliaAndD
This was so yummy!

Page 1 of 1

About

- How it works
- How to use
- Sign up
- How to write a review
- How to write a tip
- How to write a post
- How to write a comment

Help

- Account
- How to use
- How to write a review
- How to write a tip
- How to write a post
- How to write a comment

More

- City
- Business
- How to use
- How to write a review
- How to write a tip
- How to write a post
- How to write a comment

Languages

English

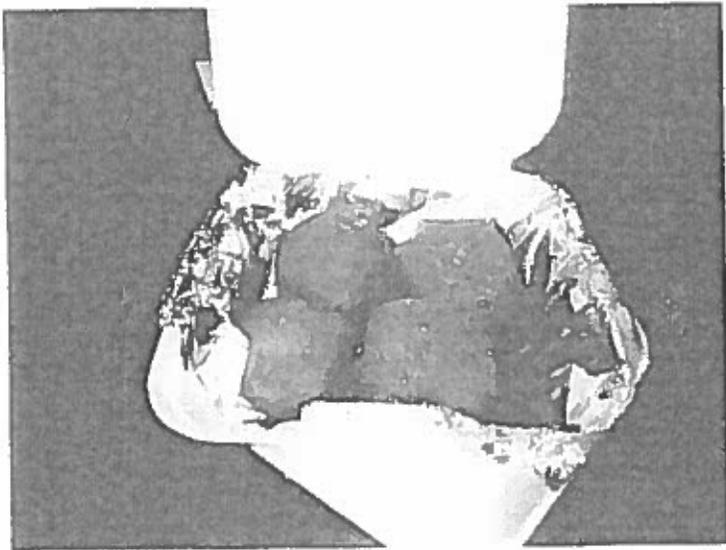
Countries

United States



World Famous Cupz

1,234,567

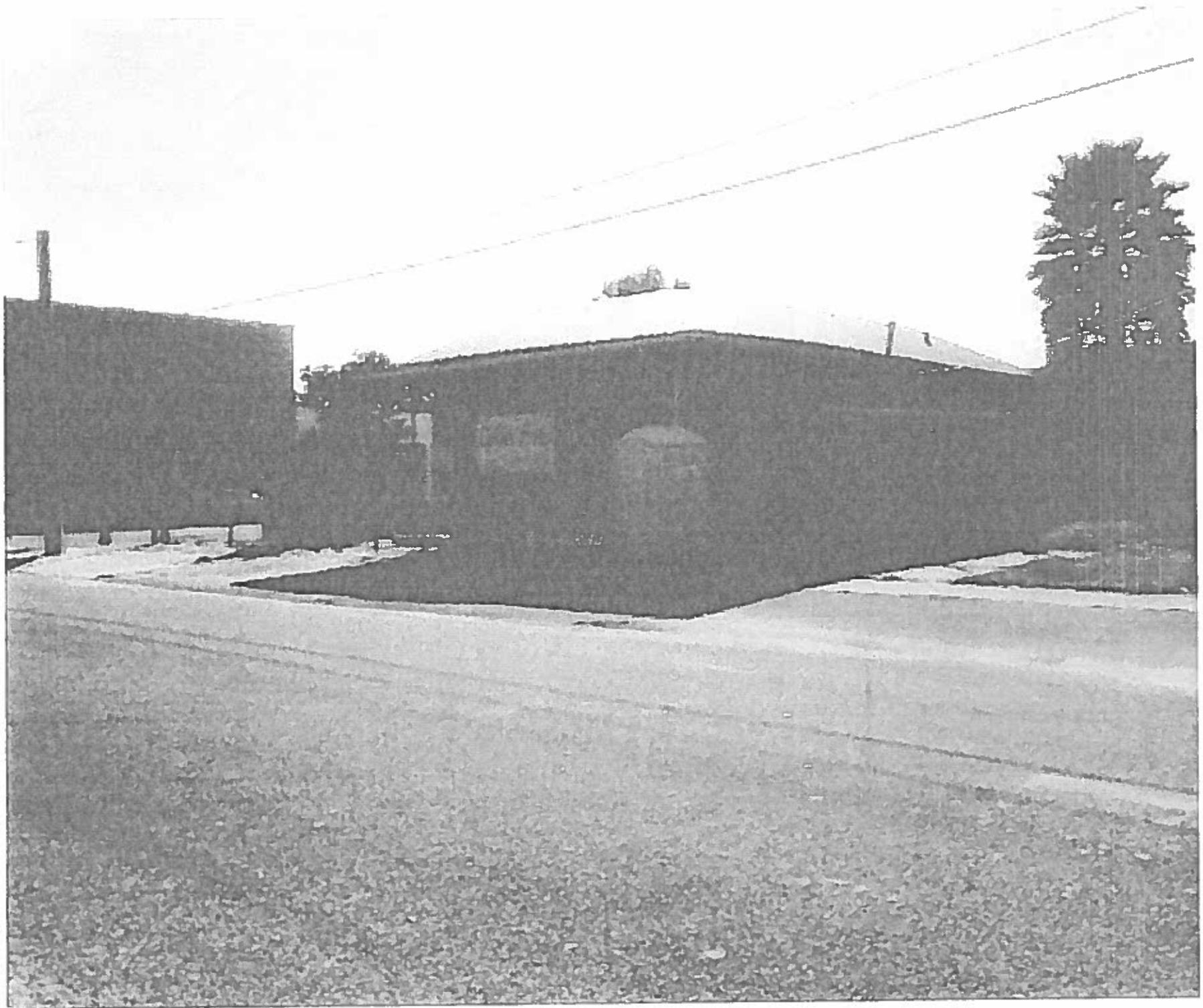


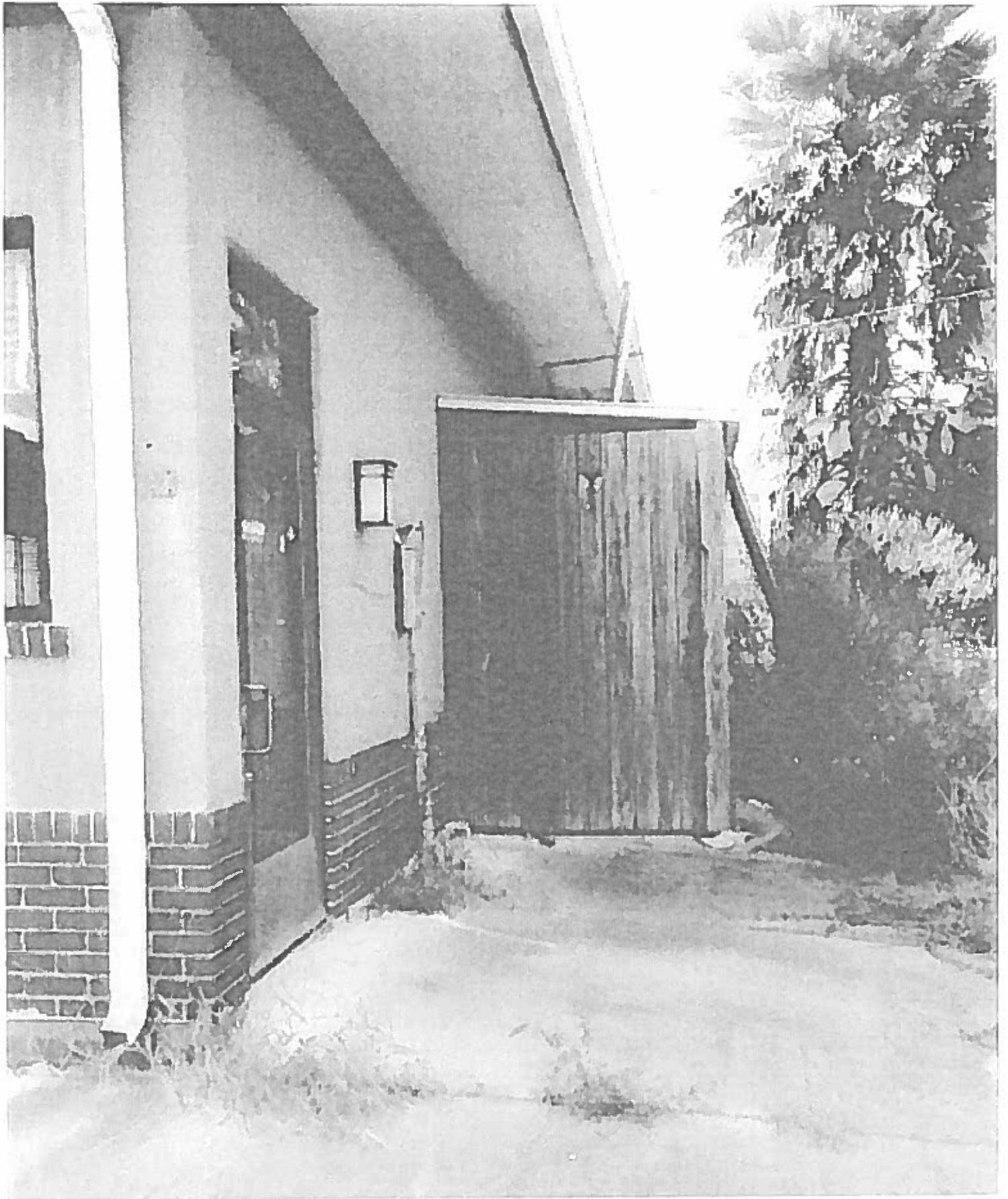


World Famous Cupz

12/11/10 - 9/11

World Famous Cupz



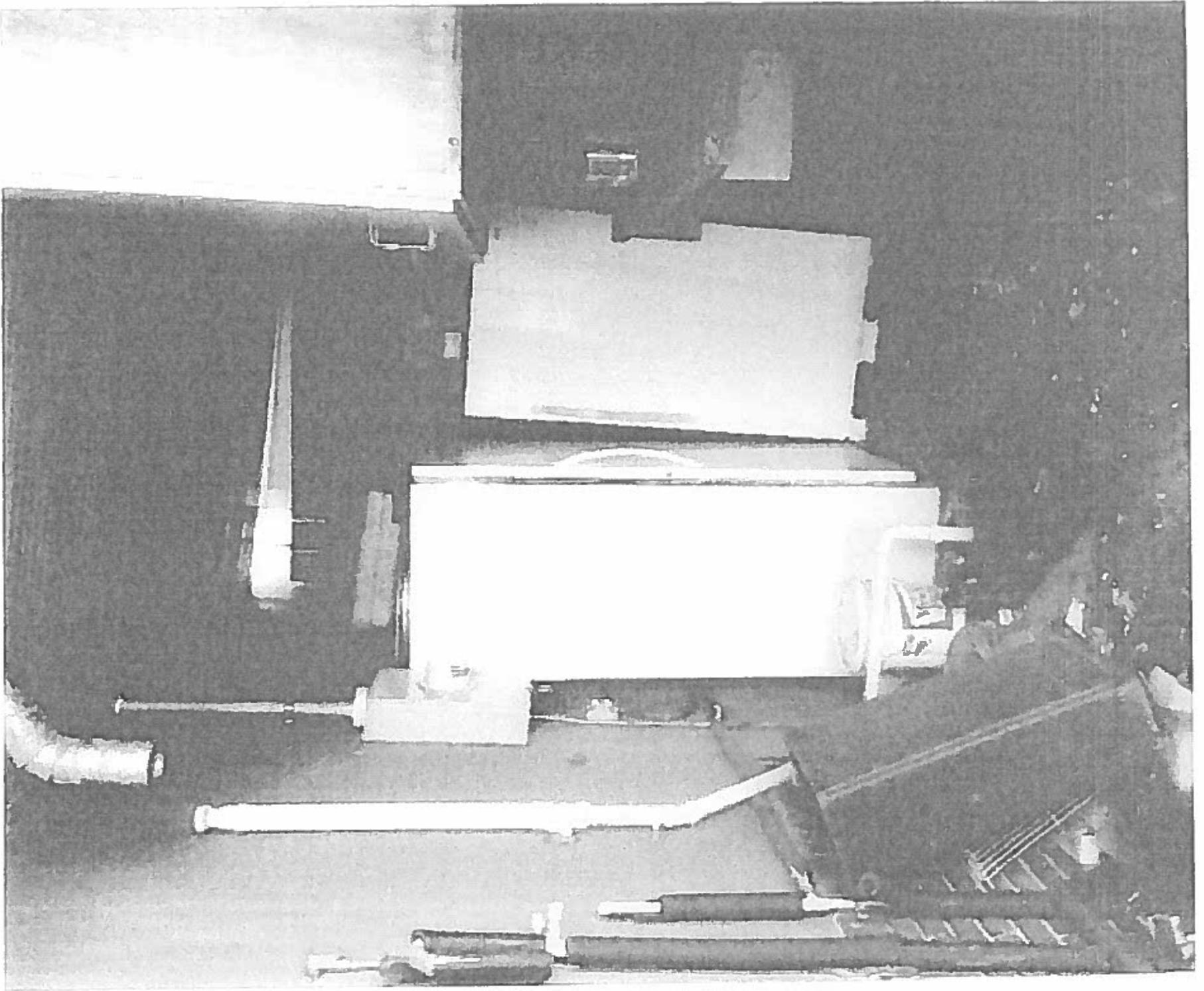




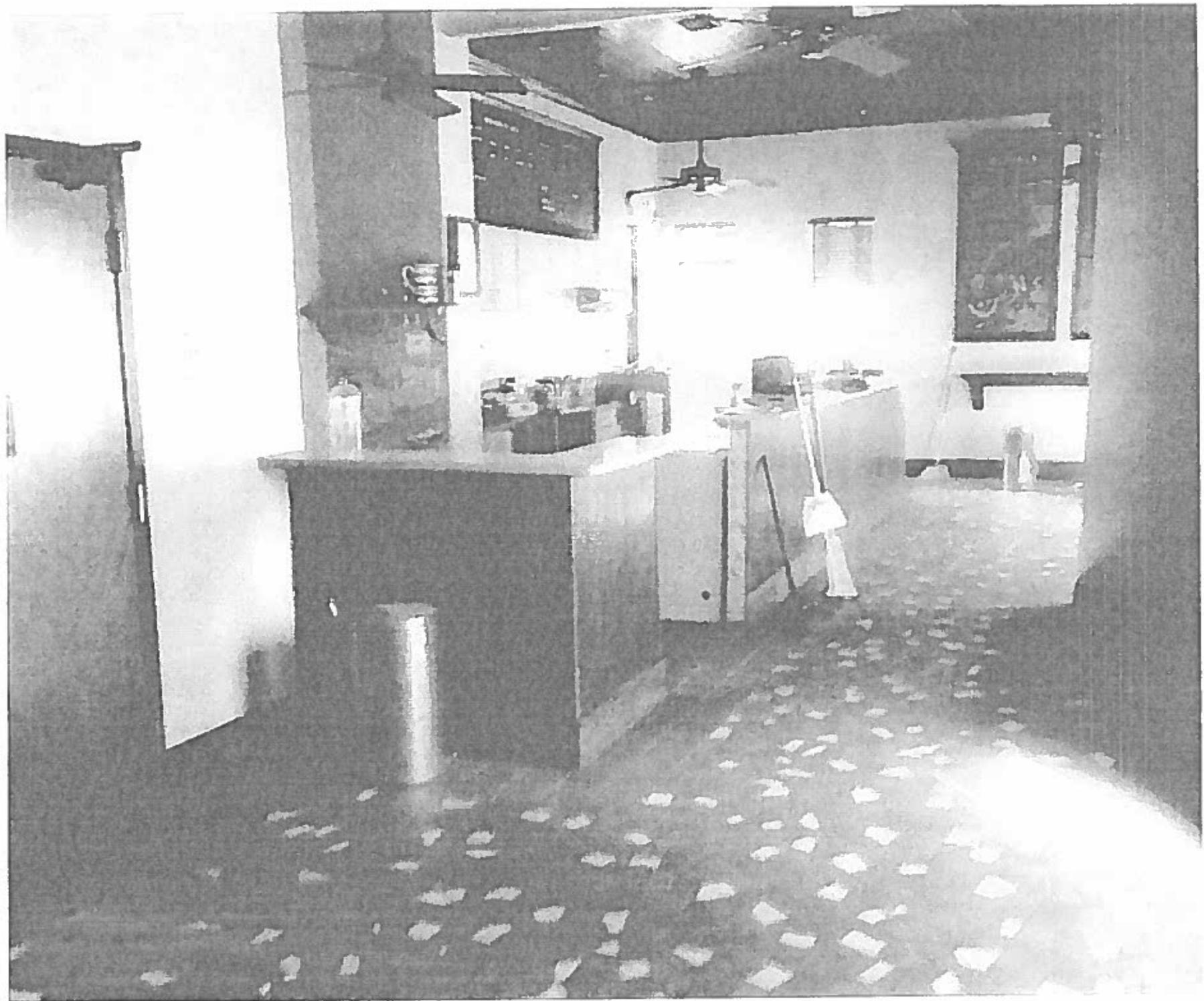


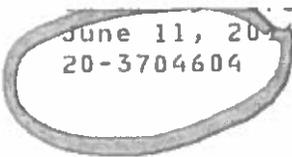
Coffee Shop











GOLDIE VICKERS
CUPZ
6104 WEST 3RD MANNOR
PALATKA FL 32177



052785

Employer Identification Number: 20-3704604

Dear Taxpayer:

Thank you for your inquiry of June 02, 2014.

Your Employer Identification Number (EIN) is 20-3704604. Please keep this letter in your permanent records. Enter your name and EIN on all federal business tax returns and on related correspondence.

If you need forms, schedules, or publications, you can obtain them by visiting the IRS web site at www.irs.gov or by calling toll free at 1-800-TAX-FORM (1-800-829-3676).

Please call our toll-free telephone number at 1-800-829-4933 with any questions you may have.

You also can write to us at the address shown at the top of this letter's first page.

When you write to us, please attach this letter and, in the spaces below, give us your telephone number with the hours we can reach you in case we need more information. You also may want to keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

We apologize for any inconvenience we may have caused you, and thank you for your cooperation.

Putnam County Tax Collector
10000 Highway 100
Putnam County, GA 30452
Phone: 706/865-1234
Fax: 706/865-1235
www.putnamtaxcollector.com

Account Number: 42-10-27-0850-0553-0070
Tax Year: 2013
Certificate Number: 2013-0046160
Amount Due: \$1,943.88

Putnam County Tax Collector
10000 Highway 100
Putnam County, GA 30452
Phone: 706/865-1234
Fax: 706/865-1235
www.putnamtaxcollector.com

August 27, 2014

Dear Taxpayer,

Your tax records indicate there are delinquent taxes on the property listed below. According to the current tax roll you are liable to the property and these taxes are your responsibility.

Taxes are paid in arrears with a credit to the tax of the property and the amount due will change immediately if a bid deed application is filed. A delinquent amount will incur if any certificate held by Putnam County is purchased by an individual. If a second lien on your payment will be released for the additional amount due.

The amount of your tax payment is shown for the month you make your payment. Your payment may be received in any office by the last business day of the month or it will be returned for additional interest.

Payment must be made in US funds in the form of a cashier's check, money order or certified bank check. CASH IS NOT ACCEPTABLE BY MAIL. For your convenience, you may pay taxes on-line at www.putnamtaxcollector.com. debit card or credit cards are accepted on our website. Payments by credit card will be charged a credit card fee. This amount is not reflected in the Tax Collector's Office.

If you would have any questions, please call our office at (706) 865-1234. (706) 865-1235 or visit our website at www.putnamtaxcollector.com.

Thank you
Tax Administrator Putnam County Tax Collector

Please return this statement or reference your account number with payment

Below are the year(s) that are delinquent and the amount owed for each year

Account Number: 42-10-27-0850-0553-0070

Tax Year	Certificate Number	September 2014	October 2014	November 2014
2013	2013 - 0046160	\$ 1,943.88	\$ 1,943.88	\$ 1,943.88
2014	2014 - 0046131	\$ 1,941.34	\$ 1,941.34	\$ 1,941.34
Grand Total		\$ 3,885.22	\$ 3,885.22	\$ 3,885.22

REGIONS

CASHIER'S CHECK

09/19/2014

5502250103

Endorse in Full / Cancel #46131
Procedures / Print check Form

TUSAND NINE HUNDRED FORTY THREE DOLLARS AND 88 CENTS

THE ORDER OF Linda Myers

\$1,943.88 Fee \$0.00

NOT NEGOTIABLE
CUSTOMER COPY

Branch: TND0033
CC0033073

ons Bank

No. CL 1627641

NAMED INSURED AND ADDRESS
BARBARA FARR
14 MARLBORO AVENUE
CHATTANOOGA, TN 37411

POLICY PERIOD (MO. DAY YR.) From: 10/21/2013 To: 10/21/2014

12:01 A.M. STANDARD TIME AT YOUR MAILING ADDRESS SHOWN ABOVE

FORM OF BUSINESS: Individual

BUSINESS DESCRIPTION: Vacant Building without Renovation

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

Commercial Liability Coverage Part	PREMIUM
	\$356.00
FL CAT Fund Assess	\$4.63
TOTAL:	5360.63

Minimum Earned Premium Applies

FLAT CANCELLATION NOT PERMITTED

Coverage Form(s) and Endorsement(s) made a part of this policy at time of issue
See Endorsement EOD (1/95)

Agent: HULL & COMPANY, INC., ST. PETERSBURG, FL 33702
P.O. Box 20027
Saint Petersburg, FL 33742-0027

Issued: 10/24/2013 12:50 PM

Broker: Bates Hewitt & Floyd Insurance Agency, Inc. Agent #1305417
3400 Cliff Avenue, Suite 2
Petaluma, FL 32177

By

Authorized Representative

JFD (08-07)

THESE DECLARATIONS TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART DECLARATIONS, COVERAGE PART COVERAGE FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

LIMITS OF INSURANCE

Each Occurrence Limit	\$1,000,000
Personal & Advertising Injury Limit (Any One Person/Organization)	\$1,000,000
Medical Expense Limit (Any One Person)	\$5,000
Damages To Premises Rented To You (Any One Premises)	\$100,000
Products/Completed Operations Aggregate Limit	Excluded
General Aggregate Limit	\$2,000,000

LIABILITY DEDUCTIBLE

\$0

LOCATIONS OF ALL PREMISES YOU OWN, RENT OR OCCUPY

Location	Address	Territory
1	700 St. John Avenue, Palatka, FL 32177	006

PREMIUM COMPUTATION

Classification	Code No.	Premium Basis	Rate		Advance Premium	
			Pri/Co	All Other	Pri/Co	All Other
Vacant Buildings - not factories - other than Not-For-Profit	68606	836 Per 1,000 Total Area	Excluded	27.000	Excluded	\$356 MP

TOTAL PREMIUM FOR GENERAL LIABILITY COVERAGE PART:

\$356

(This Premium may be subject to adjustment.) MP - minimum premium

Coverage Form(s)/Part(s) and Endorsement(s) made a part of this policy at time of issue
See Form EOD (01/95)

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD

SUN COAST PAINTING LLC

139 E. Dogwood Rd.
 FLORAHOME, FL 32140
 PHONE/FAX: (386) 659-2047
 CELL: (336) 546-8333

CUSTOMER ORDER NO. 33697953		DEPARTMENT Est.		DATE 10-9-14		
NAME Jimmy Martin						
ADDRESS 770 St. Johns Ave						
CITY, STATE, ZIP Palatka FL						
SOLD BY Dove	CASH	C.O.D.	CHARGE	ON ACCT	MOSE RETD	PAID OUT
QUANTITY	DESCRIPTION			PRICE	AMOUNT	
1	Quarts					
2	① Paint Est Wall @ 7 1/2 sq					
3	Red					
4	② Paint trim Red					
5	③ Paint Est Wall 1/2 Red-Blk					
6	④ Paint Front Wall Black					
7	⑤ Paint Sillings Same As Ceiling					
8	⑥ Paint Sillings - Black					
9						
10						
11						
12				total	\$1525.00	
13						
14	Includes all paint & Materials					
15	& Labor					
16	all work guaranteed					
17	Licensed & Insured					
18						
19						
20						
RECEIVED BY Thanks! Dave [Signature]						

KEEP THIS SLIP FOR REFERENCE

7.7.2H Patio Umbrella in Red



4.1/5 (12 REVIEWS)

\$38.99

Item cannot be shipped to the following state(s)
AK GU HI PR VI

[View full product details](#)



1221 Moseley Avenue • Palatka, Florida 32177
 Phone: (386) 325-3570
 Fax: (386) 328-1230
 CAC058226

Proposal and Agreement

Customer Name Jimmy Morris Phone 336 7953 Date 10/16/14
 Mailing Address _____ Job Address 700 St. Johns Ave.
 City, State, Zip _____ Work Phone _____ Fax _____

Options and Equipment Specifications

	Option 1	Option 2	Option 3
Equipment Make	<u>Rheem</u>	<u>Rheem</u>	
Equipment Model	<u>Classic Package</u>	<u>Classic Package</u>	
SEER Rating	<u>12 SEER</u>	<u>14 SEER</u>	
HSPF	<u>7.7 HSPF</u>	<u>8.6 HSPF</u>	
BTU/Tonnage	<u>5 ton Heat Pump</u>	<u>5 ton Heat Pump</u>	
Labor Warranty:	<u>1 Year</u>	<u>1 Year</u>	
Parts Warranty:	<u>10 Years</u>	<u>10 Years</u>	
Compressor Warranty:	<u>10 Years</u>	<u>10 Years</u>	
Cost of Comfort System			
Optional Accessories			
Total Cost	<u>\$ 6,950⁰⁰</u>	<u>\$ 7,300⁰⁰</u>	

Installation Shall Include:

All equipment labor and materials for a complete comfort system

- New reinforced equipment pad
- Evacuate refrigerant system
- Charge to manufacturers Specs
- Meet all federal, state, and local laws
- Make air tight plenum transition
- Remove all existing equipment from premises
- Digital programmable thermostat
- Digital non programmable thermostat
- Clean work area to customers satisfaction
- New high efficiency air filter
- New condensate drain system
- New condensate pump
- New aux. condensate drain pan
- Complete system start-up
- New refrigeration line set

Terms _____

Acceptance: (customer)

By _____ Date _____

Approval: (Palatka Heating and Air)

By Chad [Signature] Date 10/16/14

BILLING ADDRESS



JOB SITE

Submitted To:	Phone	Date
Street	Street	
City State Zip	City State Zip	
Directions		

We Pledge to install and service under a warranty (as stated below) full specified equipment accessories, product and material in accordance with the conditions set forth in this proposal.

NEW EQUIPMENT:

- Air Conditioning
- Condensing Unit
- Package Unit
- Heat Pump
- Gas
- Nat
- LP
- Cool Only

Tons _____ Model _____
SEER _____ BTU _____ HSPF _____ AFUE _____

AIR HANDLER/FUNACE/COIL:

- Tons _____ Model _____
- Coil Make _____ Number _____
- KW Heat _____ Horizontal Vertical
- Refrigerant Type _____
- Gas Piping _____ Length _____

PIPING:

- Condensate Drain Hookup Primary Secondary
- New Copper Suction and Liquid Lines
- Line Set Cover Sump Pump _____ Volts
- New Secondary Drain Pan Cut Off Switch

AIR DISTRIBUTION: Reconnect As Necessary

- Supply Plenum Return Plenum
- Balance Duct System (Adjust dampers & grilles)
- Accu Seal Duct System
- Mastic Seal Duct Leaks and Joints
- Duct Cleaning

DUCT SYSTEM:

- Engineered Duct System for _____ Tons _____ Drops
- New Supply Diffusers Flex Duct
- Ceiling Side Wall Floor
- Return Air Filter Grille Flex Duct
- Ceiling Side Wall Floor
- Grilles Damper Controlled Opposing Blade

PACKAGE UNITS FOR MANUFACTURED HOMES:

- Heavy Gauge Wirebound Exterior Flex Duct Syst
- Return Air Filter Box
- Exterior Duct Cover

THERMOSTAT:

- Five Function Mercury Magnetic Temp Control
- Digital Electronic Energy Saver Programmable
- Digital Electronic Energy Saver Non-Programmable

ELECTRICAL:

Need Electrician Yes No

- Reconnect New Existing Type
- Existing Electrical Breakers _____ Amp _____ Amp
- New Disconnect Box
- New Copper Electric Circul w Breaker
- 115 Volt Allic Light
- GFI Receptacle

ACCESSORIES AND MISCELLIANEOUS:

- Vibration Proof Isolation Pads
- Reinforced Precast Slab 16 x 16 x 4 Footer Blocks
- Weatherproof Legs for Outside Unit
- Compressor Time Delay Fan Time Delay
- Carbon Monoxide Detector Air Probe
- Electronic Air Cleaner Size _____
- Tron Air Cleaner Size _____
- UV Lights Air Handler Filter Grille Duct

JOB SITE CLEANUP AND SAFETY:

- Professional Journeyman Class Technician
- Removal of old equipment from premises
- Cleanup at end of each day including vacuuming sweeping and dusting Drop cloths and booties used as needed

CODES AND PERMITS: CITY COUNTY

- All work performed according to existing codes
- All required permits included

WARRANTY:

- Complimentary 17 Point Factory Tune up & cleaning to insure peak performance
- _____ Year Labor _____ Evaporator Coil
- _____ Year Parts _____ Heat Exchanger
- _____ Year Compressor _____ Duct Work
- _____ Year Condensing Coil

<p>REMARKS</p>	<p>PROPOSED ABOVE SPECIFIED FURNISHED COMPLETE FOR CONSIDERATION OF:</p> <p>Starting _____</p> <p>Power Company Incentive _____</p> <p>Net Investment _____</p>
<p>PAYMENT TERMS: UPON INSTALLATION</p> <p>PROPOSED BY: _____</p> <p>APPROVAL SIGNATURE: _____ DATE _____</p> <p><small>It is agreed and understood by all parties that all equipment and parts which are sold pursuant hereto shall become fixtures of the Real Estate, where they are placed. All parts and equipment shall at all times remain personal property and the title thereto shall remain in the name of the seller until payment in full is received. Buyer hereby agrees that all parts and equipment may be repossessed in the event of non payment. I have the authority to order the work outlined above. I agree to pay all costs and reasonable attorney's fees if this proposal is placed in the hands of an attorney.</small></p>	

The Federal minimum Energy Standard is 13 SEER. Systems must be matched according to ARI ratings Standard Book.

GRADE	BEST	BETTER	GOOD	STANDARD
SEER				
BTU				

Warranty & Annual Maintenance

Maintenance	_____ yrs.	_____ yrs.	_____ yrs.	_____ yrs.
Labor	_____ yrs.	_____ yrs.	_____ yrs.	_____ yrs.
Parts	_____ yrs.	_____ yrs.	_____ yrs.	_____ yrs.
Compressor	_____ yrs.	_____ yrs.	_____ yrs.	_____ yrs.
Condenser Coil	_____ yrs.	_____ yrs.	_____ yrs.	_____ yrs.
Evaporator Coil	_____ yrs.	_____ yrs.	_____ yrs.	_____ yrs.
Duct Work	_____ yrs.	_____ yrs.	_____ yrs.	_____ yrs.

Your Investment

Investment	\$ _____	\$ _____	\$ _____	\$ _____
Net Invest.	\$ _____	\$ _____	\$ _____	\$ _____
Monthly Invest.	\$ _____	\$ _____	\$ _____	\$ _____

Special Concerns

2014-15 BUSINESS RECRUITMENT GRANT AGREEMENT
CITY OF PALATKA COMMUNITY REDEVELOPMENT AGENCY
COMMUNITY REDEVELOPMENT AREA

THIS AGREEMENT is entered into between the City of Palatka Community Redevelopment Agency, whose address is 201 North Second Street, Palatka, FL 32177 (hereinafter referred to as the "CRA") and Barbara Farr, whose address is 700 St. Johns Avenue St. Johns Avenue, Palatka, FL 32177 (hereinafter referred to as the "recipient"), to provide financial assistance for building improvements.

WHEREAS, on October 23rd 2014 the recipient was awarded funding by the City of Palatka Community Redevelopment Agency through the Business Recruitment Grant Program.

NOW, THEREFORE, in consideration of the premises and the mutual benefits to be derived here from, the CRA and the recipient do hereby agree as follows:

1. The CRA agrees to fund the recipient in an amount not to exceed \$10,000 toward the total project cost of \$26,925 for the rehabilitation of 700 St. Johns Avenue for the purposes of opening a restaurant. The CRA agrees to reimburse the recipient for the work included in the attached bid(s) and scope of work from:

Bid 1: Palatka Heating and Air	Amount: \$7,300	Date: 10/10/14
Bid 2: Painting	Amount: \$1,500	Date: 10/13/14
Bid 3: Debris Removal	Amount: \$200	Date: 10/13/14
Scope Item 4: Site work	Amount: \$1,000	Date: n/a

2. The recipient and/or its tenant agree to pay fifty percent (50%) toward the total project cost.
3. The recipient and/or tenant may include costs related to equipment, furnishings and fixtures to fulfill their match requirement.
4. The recipient agrees to provide a fully executed copy of the lease agreement between the recipient and the proposed restaurateur prior to execution of this agreement.
5. The recipient agrees to execute the Business Recruitment Grant Contract within thirty (30) calendar days after award by the City of Palatka City Commission.
6. The recipient agrees to complete the scope of work within ninety (90) calendar days of the date of contract execution. Any work not completed within the ninety (90) calendar day time frame and not covered under an extension granted by the City shall not qualify for reimbursement.
7. The recipient agrees to make improvements to 700 St. Johns Avenue to a condition that will result in a certificate of occupancy for the proposed restaurant. A 10% retainage of Building Improvement Grant funds will be held until a Certificate of Occupancy is issued.
8. Any overages are the responsibility of the recipient.
9. The recipient and any affected contractor(s) are required to sign a Release and Hold Harmless Agreement (Attachment A) with the City of Palatka Community Redevelopment Agency, as permitted by the laws of the State of Florida.
10. The recipient must honor contractual obligations to contractor(s).
11. The recipient agrees to provide proof of the proper building permits and zoning compliance.
12. Prior to final reimbursement, the recipient will be required to show proof of inspection and issuance of a Certificate of Occupancy from the City of Palatka Building Department.
13. Funds will be disbursed by a check payable to the contractor or recipient on a reimbursement basis after the following:
 - a. Submission of all receipts and required documentation to the City of Palatka Grants Administrator/ Projects Manager, including:

- i. Contractor invoicing and evidence of payment of funds
 - ii. Release of lien letters from contractors
 - b. Verification by the Grants Administrator and Palatka Main Street Manager that the original, approved Scope of Work was completed in a satisfactory and professional manner.
 - c. Verification that any additional criteria added by contract have been completed as proposed in a satisfactory and professional manner.
 - d. Certification of completion of grant project by the City of Palatka Grants Administration/Special Projects Manager and submission to the City of Palatka Finance Director.
14. For every reimbursement request an equal percentage of the applicant's contribution should be substantiated in the form of a copy of the check and corresponding invoice. Upon receipt of all invoices, receipts, and proof of recipients match, a reimbursement check will be issued within 5 business days.
15. Should the recipient transfer, sell, divest themselves of their interest in the subject property or fail to maintain the renovations and improvements during the five-year period following receipt of the grant funds, the recipient shall return/repay the grant funds as follows:
- | | | |
|----------------|---|--------------------------|
| a. <u>Time</u> | | <u>Amount Due to CRA</u> |
| | 0 to one (1) year after grant funds received | 90% |
| | One (1) to two (2) years after grant funds received | 80% |
| | Two (2) to three (3) years after grant funds received | 60% |
- b. If the recipient does not repay the grant funds, the CRA expressly reserve the right to file a lien, in an amount determined by the schedule in section 11.a, on the subject property of the grant whose physical address is 700 St. Johns Avenue, Palatka, FL 32177.
16. Palatka Main Street and the City of Palatka Community Redevelopment Agency expressly reserve the right to:
- a. Request additional information from the recipient
 - b. Display and advertise properties that receive grant funding

RECIPIENT:

Witness Signature

Authorized Agent Name (print)

Witness Signature

Authorized Agent Title (print)

Authorized Agent Signature

Date

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or produced _____, as identification.

(seal)

My Commission Expires:

Notary Public, State of Florida

ATTEST:

COMMUNITY REDEVELOPMENT AGENCY:

Betsy Driggers, City Clerk (Seal)

Michael Czymbor, CRA Director

Date

Agenda Item

5



CITY COMMISSION AGENDA ITEM

SUBJECT:

CDBG FFY 2013 Economic Development Category application for Water Taxi Stand/Restaurant/Ship's Store/Restroom Improvements - 2nd Public Hearing

- a. **RESOLUTION** authorizing submission of a Small Cities CDBG Application - Adopt
- b. **RESOLUTION** authorizing the implementation of Community Development long and short term objectives - Adopt

SUMMARY:

This is the 2nd Public Hearing on the City of Palatka's FFY 2013 Small Cities CDBG Application. The City is applying to the Florida Department of Economic Opportunity (DEO) for a grant under the Economic Development category in the amount of \$1,049,970 under the FFY 2013 Small Cities Community Development Block Grant (CDBG) program. For each activity that is proposed, at least 70% of the funds must benefit low and moderate income persons. The activities, dollar amounts and estimated percentage benefit to low and moderate income persons for which the City of Palatka is applying are:

<u>Activity Number and Name</u>	<u>Budget</u>	<u>LMI% Benefit</u>
17C - Building Construction	\$691,970.00	At Least 51%
17D - Marine Fueling Facility	\$275,000.00	At Least 51%
21A - Administration	\$ 83,000.00	N/A

Total \$1,049,970.00

The project will undertake park improvements within Palatka's Riverfront Park. to include the construction of the restaurant portion of a new water taxi terminal/restaurant/ship's store/public restroom building and the installation of a marine fueling facility which will sell marine fuel to both recreational and commercial vessels.

RECOMMENDED ACTION:

Adopt Resolutions authorizing the following:

- **The submission of an application for the Small Cities Community Development Block Grant to the Florida Department of Economic Opportunity for Federal Fiscal Year 2013 in the Economic Development category,**
- **The implementation of Community Development Plan long term goals and objectives**

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution authorizing submission of Grant Appl	Resolution

- ☐ [Resolution adopting long & short-term objectives](#)
- ☐ [Advertisement](#)
- ☐ [2nd Public Hearing Powerpoint](#)

Resolution
Attachment
Presentation

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	10/13/2014 - 4:22 PM
City Clerk	Driggers, Betsy	Approved	10/13/2014 - 4:29 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:47 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:52 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:54 AM

RESOLUTION NO. 2014-10-

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2013.

WHEREAS, the City of Palatka desires to submit an application to the Florida Department of Economic Opportunity for a Small Cities Community Development Block Grant to benefit persons of low and moderate income; and

WHEREAS, said application is to be made in the Economic Development Category in the amount of \$1,049,970 in order to undertake a improvements within the Riverfront Park to include construction of portions of a new water taxi/restaurant/ship's store/public restroom building and the installation of a marine fueling facility which will sell fuel to both recreational and commercial vessels.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka as follows:

1. That the City of Palatka hereby authorizes the filing of an application for a Community Development Block Grant in the Economic Development category, and
2. That the Mayor of the City of Palatka is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on or before December 1, 2014.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this 23rd day of October, 2014.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY

RESOLUTION NO. 2014-10-

**A RESOLUTION OF THE CITY OF PALATKA
AUTHORIZING THE IMPLEMENTATION OF THE LONG
TERM AND SHORT TERM OBJECTIVES OF THE CITY
OF PALATKA COMMUNITY DEVELOPMENT PLAN**

WHEREAS, the City of Palatka is located in Putnam County. Based on the 2010 U.S. Census, the City's population is 10,558. Of the 10,558 residents, 4,287 or 40.6% are below the poverty level.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka shall implement the following objectives:

LONG TERM OBJECTIVES:

1. To improve the physical environment of the community to make it more functional, safe, and efficient and to preserve the integrity of the neighborhood.
2. To promote the public interest.
3. To inject long range considerations into the determination of short range decisions.
4. To bring professional and technical knowledge to bear on issues concerning social, economical, or physical development.
5. To facilitate effective cooperation and coordination between all concerned with community development.
6. To identify all available resources for major opportunities and to improve the way of life for all in the community.

SHORT TERM OBJECTIVES:

1. To apply for Community Development Block Grant funds in the Economic Development Category to make improvements to include the construction of a water taxi terminal/restaurant/ships store facility and the development of a marine fueling facility at the City of Palatka's Riverfront Park.
2. To explore other possible resources for the purpose of improving the way of life for all citizen's, especially those who live in deteriorated housing and neighborhoods.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida at a regular meeting on this 23rd day of October, 2014

CITY OF PALATKA

By: Its **MAYOR**

ATTEST:

CITY CLERK

SECOND PUBLIC HEARING NOTICE

The City of Palatka is applying to the Florida Department of Economic Opportunity (DEO) for a grant under the Economic Development category in the amount of \$1,049,970.00 under the FFY 2013 Small Cities Community Development Block Grant (CDBG) program. For each activity that is proposed, at least 70% of the funds must benefit low and moderate income persons. The activities, dollar amounts and estimated percentage benefit to low and moderate income persons for which the City of Palatka is applying are:

Activity Number and Name	Budget	LMI% Benefit
17C – Building Construction	\$716,970.00	At Least 51%
17D – Marine Fueling Facility	\$250,000.00	At Least 51%
21A – Administration	\$ 83,000.00	N/A
Total \$1,049,970.00		

The project will undertake improvements within Palatka's Riverfront Park to include the construction of the restaurant portion of a new water taxi terminal/restaurant/ship's store/public restroom building and the installation of a marine fueling facility which will sell marine fuel to both recreational and commercial vessels.

The City of Palatka plans to minimize displacement of persons as a result of planned CDBG funded activities; if any persons are displaced as a result of these planned activities, the City of Palatka will assist with relocation payments based on uniform act requirements.

A public hearing to provide citizens an opportunity to comment on the application will be held on Thursday, October 23, 2014 at 6:05 p.m. or as soon thereafter as possible at the City of Palatka City Hall located at 201 North 2nd Street, Palatka, Florida. A draft copy of the application will be available for review at that time. A final copy of the application will be made available at the City of Palatka, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. no more than five (5) working days after December 1, 2014. The application will be submitted to DEO on or before December 1, 2014. To obtain additional information concerning the application and the public hearing, contact Ms. Betsy Driggers, City Clerk, City of Palatka, 201 North 2nd Street, Palatka, Florida 32177, (386) 329-0100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Ms. Driggers at (386) 329-0100 or by e-mail at bdriggers@palatka-fl.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800) 955-8771 (TDD) or 1(800) 955-8770 (Voice).

Pursuant to Section 102 of the HUD Reform Act of 1989, the following disclosures will be submitted to DEO with the application. The disclosures will be made available by the City of Palatka and DEO for public inspection upon request. These disclosures will be available on and after the date of submission of the application and shall continue to remain available for a minimum period of six years.

1. Other Government (federal, state, and local) assistance to the project in the form of a gift, grant, loan, guarantee, insurance payment, rebate, subsidy, credit, tax, benefit or any other form of direct or indirect benefits by source and amount;
2. The identities and pecuniary interests of all developers, contractors, or consultants involved in the application for assistance or in the planning or development of the project or activity;
3. The identities and pecuniary interests of any other persons with a pecuniary interest in the project that can reasonably be expected to exceed \$50,000.00 or 10% of the grant request (whichever is lower);
4. For those developers, contractors, consultants, property owners, or others listed in two (2) or three (3) above which are corporations, or other entities, the identification and pecuniary interest by corporation or entity of each officer, director, principal stockholder, or other official of the entity;
5. The expected sources of all funds to be provided to the project by each of the providers of those funds and the amount provided; and
6. The expected uses of all funds by activities and amount.

*Run
10/16/14
M.H.
3/8*

**CITY OF PALATKA
FFY 2013 CDBG
ECONOMIC DEVELOPMENT APPLICATION
PROJECT DESCRIPTION**

Project Area Boundaries:

Southern portion of the Palatka Riverfront Park

Project Description:

The City is entering into a contract with PBM, LLC for management of the proposed operations in the Palatka Riverfront Park. PBM's proposed responsibilities include the operation of a two vessel water taxi service, the operation of a marine fueling facility and the responsibility for maintaining the water taxi terminal/ship's store/restaurant/public restroom facility. PBM LLC proposes to create four (4) new full time equivalent jobs relating to the operation of the water taxi service, ship's store and marine fueling facilities.

PBM, LLC is sub-leasing the 150 seat restaurant to an experienced restaurateur who is committing to create at least twenty-six (26) new full time equivalent jobs at the restaurant facility.

Based upon the creation of the thirty (30) full time equivalent positions described above, the City has received a waiver from DEO to submit the proposed application requesting \$1,049,970.00. in CDBG grant funding

Grant Funded Activities

Activities:

Building Construction – Construct the restaurant portion of the taxi terminal/restaurant/ship's store/public restroom building

Activity	Description	CDBG Cost
Building Construction	Construct the Restaurant Portion of the Building	\$ 691,970.00

Marine Fueling Facility – The development of a marine fueling facility at the Palatka Riverfront Park to sell marine fuel to both recreational and commercial vessels

Activity	Description	CDBG Cost
Marine Fueling Facility	Construct Marine Fueling Facility	\$ 275,000.00
Administration		\$ 83,000.00
Total		\$ 1,049,970.00

The source and use of funds for the project is as follows:

Activity	CDBG	DOT Funds	Total
Primary Project			
Construction of the Building Facility	691,970.00	270,000.00	961,970.00
Marine Fueling Facility	275,000.00	0.00	275,000.00
Administration	83,000.00	0.00	83,000.00
Total	1,049,970.00	270,000.00	1,319,970.00

Agenda Item

6



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE adopting an additional homestead ad valorem tax exemption for certain qualifying seniors, as authorized by FS 196.075 (2012 Amendment 11 -- The "Super Senior Exemption") - 1st Reading

SUMMARY:

On November 8, 2012, Florida voters approved the passage of Amendment 11 to the Florida Constitution, which provides for an additional homestead exemption for qualified seniors (the Senior Exemption). This is available to any person who has a legal of equitable title to real estate with a just value of less than \$250,000, who has maintained thereon the permanent residence of the owner for at least 25 years, who has attained age 65, and whose household income doesn't exceed the income limitation set forth in FS 196.075 (currently \$20,000/yr).

In order for this exemption to be available to City taxpayers, the Commission is required to adopt an ordinance granting the exemption. If this ordinance is adopted prior to December 1, it will apply for the FY 2015 tax year. The County adopted this exemption on 2/26/13 by Ordinance 2013-05. The attached ordinance tracks the Putnam County ordinance.

On August 7, 2014 the Commission voted to bring an ordinance adopting this exemption for City taxpayers before the Commission for consideration and adoption, at the request of Tim Parker, Tax Assessor.

RECOMMENDED ACTION:

Consider the ordinance granting the "Super Senior" homestead exemption for passage on first reading. If passed on first reading, it will go to second reading on November 20th.

ATTACHMENTS:

Description	Type
D Ordinance - Super Senior Exemption	Ordinance
D FS 196.075 and Putnam Co. Ord No. 2013-05	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:43 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:43 AM
City Manager	Czymbor, Michael	Approved	10/15/2014 - 5:49 PM
Finance	Reynolds, Matt	Approved	10/17/2014 - 9:18 AM
City Clerk	Driggers, Betsy	Approved	10/17/2014 - 10:17 AM

ORDINANCE NO. 14 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 78, TAXATION, TO ADD PROVISIONS PROVIDING AN ADDITIONAL HOMESTEAD EXEMPTION FOR CERTAIN QUALIFYING SENIOR CITIZENS; GRANTING AN ADDITIONAL HOMESTEAD TAX EXEMPTION TO AN OWNER WHO HAS MAINTAINED PERMANENT RESIDENCY ON THE PROPERTY FOR NOT LESS THAN 25 CONSECUTIVE YEARS, WHO HAS ATTAINED AGE 65, AND WHO HAS A LOW ANNUAL HOUSEHOLD INCOME AS DEFINED BY GENERAL LAW; PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on November 6, 2012, the voters of Florida approved Amendment 11 to the Florida Constitution providing for an additional homestead exemption for qualified seniors in the amount of the assessed value of the property (the "Senior Exemption"); and

WHEREAS, the Senior Exemption is available to any person who has legal or equitable title to real estate with a just value less than \$250,000 and has maintained thereon the permanent residence of the owner for at least 25 years, who has attained the age of 65, and whose household income does not exceed the income limitations provided in Section 196.075, Florida Statutes, adjusted annually; and

WHEREAS, Section 196.075, Florida Statutes, requires that in order for such additional homestead exemption to be available for the City of Palatka's tax purposes, an ordinance implementing such homestead exemption is required to be adopted by a super majority of the City Commission (4 votes); and

WHEREAS, 53.46% of the voters of the City of Palatka voting in the November 6, 2012 General Election voted in favor of Amendment 11; and

WHEREAS, the Palatka City Commission finds that it is in the best interest of the City to make the additional homestead tax exemption available to qualified seniors within the City of Palatka.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, that:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

Section 2. Additional homestead exemption for qualifying seniors. That Chapter 78, Taxation, of the Palatka Municipal Code, shall be amended to add a section entitled "Additional homestead exemption for certain low income qualifying senior citizens; eligibility" as follows:

Additional homestead exemption for certain low-income qualifying senior citizens; eligibility

- (a) For the purposes of this section, the terms “household” and “household income” shall have the same meaning as ascribed to them in F.S. 196.075.
- (b) In accordance with Section 6(d), Article VII of the Florida Constitution and Section 196.075(2) Florida Statutes, any person who meets the following criteria, shall be entitled to make application for an additional homestead exemption equal to the property’s assessed value:
 - 1. the person must have legal or equitable title to the property;
 - 2. the homesteaded property must have a just (market) value less than \$250,000.00;
 - 3. the property must have been the permanent residency of the owner for at least 25 consecutive years;
 - 4. the owner must be a minimum of 65 years of old, and attained the age of 65 years prior to January 1 of the tax year for which this additional homestead exemption is sought; and
 - 5. the owner’s household income must not exceed the income limitations as established and adjusted pursuant to F.S. 196.075(3) as amended
- (c) Every person claiming this additional homestead exemption must file an application with the property appraiser no later than March 1 of each year for which such exemption is claimed. The application shall be on a form prescribed by the state department of revenue and shall include a sworn statement of household income. On or before June 1 of each year, each applicant must file supporting documentation with the property appraiser, including copies of all federal income tax returns, wage and earning statements, W-2 forms and such other documentation as may be required by the property appraiser, including documentation necessary to verify the income received by all members of the household for the prior year. The applicant’s statement shall attest to the accuracy of all documentation provided, and the property appraiser shall not grant the exemption without the required documentation.
- (d) Failure to file the application and sworn statement by March 1, or failure to file the required documentation by June 1 of any given year, shall constitute a waiver of the additional exemption privilege for that year.
- (e) The amount of the additional homestead exemption is:
 - For any person who has the legal or equitable title to real estate with a just value less than \$250,000 and has maintained thereon the permanent residence of the owner for at least consecutive 25 years, the full amount of the assessed value of such property.

The total of all exemptions from ad valorem taxes applicable to a particular parcel shall not exceed the ad valorem assessment of such parcel.

- (f) Except as set forth in Subsection (g) of this Ordinance, the additional homestead exemption, if granted, shall apply to all ad valorem taxes levied by the City of Palatka commencing with the year 2015 tax roll, and, if applicable, shall be subject to the provisions of FS 296.131 and 196.161. If title to the property is held

jointly with right of survivorship, the person residing on the property and otherwise qualifying for the additional homestead exemption may receive the entire amount of the additional homestead exemption provided herein.

- (g) The additional homestead exemption shall not apply to:
1. Ad valorem taxes levied by the City or County within dependent special districts or municipal service taxing units currently existing or hereafter created; or
 2. Special assessments; or
 3. Any taxes or fees levied in respect to a Fire Service District.

Section 3. Transmittal. Following adoption, the City Clerk shall, by December 1, 2014, deliver a copy of this Ordinance to the Putnam County Property Appraiser, the Putnam County Tax Collector and the Florida Department of Revenue.

Section 4. Repeal of Conflicting Provisions. All ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

Section 6. Effective Date. A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the City Commission within ten (10) days after enactment by the Commission and the Ordinance shall take effect as provided by law.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, on second reading this 20th day of November, 2014.

CITY OF PALATKA

By: _____
Its Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Select Year: 2014 ▾

The 2014 Florida Statutes

Title XIV
TAXATION AND FINANCE

Chapter 196
EXEMPTION

[View Entire Chapter](#)

196.075 Additional homestead exemption for persons 65 and older.—

(1) As used in this section, the term:

(a) "Household" means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.

(b) "Household income" means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

(2) In accordance with s. 6(d), Art. VII of the State Constitution, the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow either or both of the following additional homestead exemptions:

(a) Up to \$50,000 for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$20,000; or

(b) The amount of the assessed value of the property for any person who has the legal or equitable title to real estate with a just value less than \$250,000 and has maintained thereon the permanent residence of the owner for at least 25 years, who has attained age 65, and whose household income does not exceed the income limitation prescribed in paragraph (a), as calculated in subsection (3).

(3) Beginning January 1, 2001, the \$20,000 income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer-price-index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(4) An ordinance granting an additional homestead exemption as authorized by this section must meet the following requirements:

(a) It must be adopted under the procedures for adoption of a nonemergency ordinance specified in chapter 125 by a board of county commissioners or chapter 166 by a municipal governing authority, except that the exemption authorized by paragraph (2)(b) must be authorized by a super majority (a majority plus one) vote of the members of the governing body of the county or municipality granting such exemption.

(b) It must specify that the exemption applies only to taxes levied by the unit of government granting the exemption. Unless otherwise specified by the county or municipality, this exemption will apply to all tax levies of the county or municipality granting the exemption, including dependent special districts and municipal service taxing units.

(c) It must specify the amount of the exemption, which may not exceed the applicable amount specified in subsection (2). If the county or municipality specifies a different exemption amount for dependent special districts or municipal service taxing units, the exemption amount must be uniform in all dependent special districts or municipal service taxing units within the county or municipality.

(d) It must require that a taxpayer claiming the exemption annually submit to the property appraiser, not later than March 1, a sworn statement of household income on a form prescribed by the Department of Revenue.

(5) The department must require by rule that the filing of the statement be supported by copies of any federal income tax returns for the prior year, any wage and earnings statements (W-2 forms), any request for an extension of time to file returns, and any other documents it finds necessary, for each member of the household, to be submitted for inspection by the property appraiser. The taxpayer's sworn statement shall attest to the accuracy of the documents and grant permission to allow review of the documents if requested by the property appraiser. Submission of supporting documentation is not required for the renewal of an exemption under this section unless the property appraiser requests such documentation. Once the documents have been inspected by the property appraiser, they shall be returned to the taxpayer or otherwise destroyed. The property appraiser is authorized to generate random audits of the taxpayers' sworn statements to ensure the accuracy of the household income reported. If so selected for audit, a taxpayer shall execute Internal Revenue Service Form 8821 or 4506, which authorizes the Internal Revenue Service to release tax information to the property appraiser's office. All reviews conducted in accordance with this section shall be completed on or before June 1. The property appraiser may not grant or renew the exemption if the required documentation requested is not provided.

(6) The board of county commissioners or municipal governing authority must deliver a copy of any ordinance adopted under this section to the property appraiser no later than December 1 of the year prior to the year the exemption will take effect. If the ordinance is repealed, the board of county commissioners or municipal governing authority shall notify the property appraiser no later than December 1 of the year prior to the year the exemption expires.

(7) Those persons entitled to the homestead exemption in s. [196.031](#) may apply for and receive an additional homestead exemption as provided in this section. Receipt of the additional homestead exemption provided for in this section shall be subject to the provisions of ss. [196.131](#) and [196.161](#), if applicable.

(8) If title is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

(9) If the property appraiser determines that for any year within the immediately previous 10 years a person who was not entitled to the additional homestead exemption under this section was granted such an exemption, the property appraiser shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property that is owned by the taxpayer and is situated in this state is subject to the taxes exempted by the improper homestead exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. However, if such an exemption is improperly granted as a result of a clerical mistake or omission by the property appraiser, the person who improperly received the exemption may not be assessed a penalty and interest. Before any such lien may be filed, the owner must be given 30 days within which to pay the taxes, penalties, and interest. Such a lien is subject to the procedures and provisions set forth in s. [196.161\(3\)](#).

History.—s. 1, ch. 99-341; s. 1, ch. 2002-52; s. 1, ch. 2007-4; s. 26, ch. 2010-5; s. 1, ch. 2012-57; s. 9, ch. 2013-72; s. 27, ch. 2014-17.

PUTNAM COUNTY, FLORIDA

ORDINANCE NO. 2013-65

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA, AMENDING SECTION 40-19 OF ARTICLE II OF CHAPTER 40 OF THE PUTNAM COUNTY CODE RELATING TO HOMESTEAD EXEMPTIONS FOR SENIOR CITIZENS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the voters of the State of Florida, on November 8, 2012, voted to approve Amendment No. 11;

WHEREAS, pursuant to Amendment No. 11 and House Bill 357, now codified as Article VII, Section 6(d)(2) of the Florida Constitution and Section 196.075, Florida Statutes, respectively, the Board of County Commissioners may adopt an ordinance to allow an additional homestead exemption for the amount of the assessed value of the property for any person who has the legal or equitable title to real estate with a just value of less than \$250,000 and has maintained thereon the permanent residence of the owner for at least 25 years, who has attained the age of 65, and whose household income does not exceed the income limitations set forth in state law; and

WHEREAS, Section 196.075, Florida Statutes, provides that this low-income senior homestead exemption must be authorized by a majority plus one vote of the members of the governing body of the County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA:

Section 1. Section 40-19 of Article II of Chapter 40 of the Putnam County Code is hereby amended to read in its entirety as set forth in Appendix A attached hereto.

Section 2. The provisions hereof shall supersede any provisions covering the same subject previously adopted by the County Commission.

Section 3. A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners and shall take effect upon receipt of official acknowledgement from the Department of State that this Ordinance has been filed.

DONE, ORDERED AND ADOPTED this 9th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA

ATTEST:

Tim Smith
Tim Smith, Clerk to the Board of County Commissioners



BY: Gregory S. Howard
Chair

FILED
APR 11 2013
CLERK OF COURTS
PUTNAM COUNTY, FLORIDA

ARTICLE I: IN GENERAL

Secs. 40-1—40-18. Reserved.

ARTICLE II: AD VALOREM TAXES

Sec. 40-19. Additional homestead exemption for low income senior citizens.

(a) Authority and purpose. This section is adopted pursuant to the specific authority of Florida Constitution article VII, § 6(d); F.S. § 196.075; and the County's home rule powers granted by F.S. ch. 125.

(b) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

65 years of age means a person who has attained the age of 65 years prior to January 1 of the tax year for which this additional homestead exemption is sought

Department of revenue means the department of revenue for the state.

Household means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.

Household income means the adjusted gross income, as defined in section 62 of the United States Internal Revenue Code, of all members of a household.

(c) Entitlement to additional homestead exemption. Any person 65 years of age or older who has legal or equitable title to real estate located within the County and who maintains thereon his permanent residence, which residence qualifies for and receives homestead exemption pursuant to Florida Constitution article VII, § 6(a), and whose household income does not exceed \$20,000.00 per year, as adjusted pursuant to Sec. (h) hereof, shall be entitled to make application for an additional homestead exemption as provided in this article.

The amount of the additional homestead exemption is:

(a) \$25,000.00; or

(b) for any person who has the legal or equitable title to real estate with a just value less than \$250,000 and has maintained thereon the permanent residence of the owner for at least 25 years, the full amount of the assessed value of such property.

The total of all exemptions from ad valorem taxes applicable to a particular parcel shall not exceed the ad valorem assessment of such parcel.

(d) Application. Except as set forth in subsection (e) of this section, the additional homestead exemption, if granted, shall apply to all ad valorem taxes levied by the County, and, if applicable, shall be subject to the provisions of F.S. §§ 196.131 and 196.161. If title to the property is held jointly with right of survivorship, the person residing on the property and otherwise qualifying for the additional homestead exemption may receive the entire amount of the additional homestead exemption provided herein.

APPENDIX A

(e) Exceptions. The additional homestead exemption shall not apply to:

- (1) Ad valorem taxes levied by the County within dependent special districts or municipal service taxing units currently existing or hereafter created, or**
- (2) Special assessments.**

Accordingly, as of the effective date of this Ordinance, the additional homestead exemption shall not apply to ad valorem taxes levied in respect of the Fire Service Taxing District.

(f) Availability. The additional homestead exemption provided herein shall be available to qualified persons beginning with the year 2014 tax roll.

(g) Requirements. The following are the requirements for claiming additional homestead exemption:

- (1) Every person claiming this additional homestead exemption must file an application with the property appraiser no later than March 1 of each year for which such exemption is claimed. The application shall be on a form prescribed by the state department of revenue and shall include a sworn statement of household income. On or before June 1 of each year, each applicant must file supporting documentation with the property appraiser, including copies of all federal income tax returns, wage and earning statements, W-2 forms, and such other documentation as may be required by the property appraiser, including documentation necessary to verify the income received by all members of the household for the prior year. The applicant's statement shall attest to the accuracy of all documentation provided, and the property appraiser shall not grant the exemption without the required documentation.**
- (2) Failure to file the application and sworn statement by March 1, or failure to file the required supporting documentation by June 1, of any given year shall constitute a waiver of the additional exemption for that year.**

(h) Annual adjustment of income. Beginning January 1, 2001, and continuing every January 1 thereafter, the \$20,000.00 income limitation shall be adjusted annually by the percentage change in the average cost-of-living index for the period January 1 through December 31 of the immediate prior year as compared with the same period for the year prior to that year. This index is the average of the monthly consumer-price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

Agenda Item

7



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE amending Zoning Code Section 94-2, 94-143, and 94-156 to define and allow original and historic uses as conditional uses in historic districts, and providing conditional use criteria for original or historic uses - First Reading

SUMMARY:

This ordinance would amend the Zoning Code to allow owners of historic structures to apply for reinstating the original or historic use of the structure through the conditional use process before the Planning Board, with this board receiving a recommendation from the Historic Preservation Board. Criteria for consideration include neighborhood impacts such as parking and the economic hardship of retaining the structure in a form other than its original or historic use.

RECOMMENDED ACTION:

Pass on first reading an ordinance allowing original or historic uses in historic district by conditional use permit. Second reading scheduled for November 20, 2014

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance	Ordinance
<input type="checkbox"/> Staff Report	Backup Material
<input type="checkbox"/> Planning Board Minutes Excerpt	Backup Material
<input type="checkbox"/> Historic Preservation Board Minutes	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Crowe, Thad	Approved	10/10/2014 - 2:25 PM
City Clerk	Driggers, Betsy	Approved	10/10/2014 - 3:30 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:49 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:53 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:43 AM

This instrument prepared by:
Thad Crowe, AICP
201 N 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING ZONING CODE SECTION 94-2, 94-143, AND 94-156, DEFINING ORIGINAL OR HISTORIC USE, ALLOWING ORIGINAL AND HISTORIC USES AS CONDITIONAL USES IN HISTORIC DISTRICTS, AND PROVIDING CONDITIONAL USE CRITERIA FOR ORIGINAL OR HISTORIC USES, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department, to the City for such amendments to the Planning Code of the City of Palatka, Florida; and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Historic Preservation Board on June 6, 2014, a public hearing before the Planning Board on September 2, 2014, and two public hearings before the City Commission of the City of Palatka on October 23, 2014 and November 13, 2014; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. The following Zoning Code Sections shall be amended as follows.

Sec. 94-2. - Definitions and rules of construction.

Original or historic use. The term "original or historic use" means the original use of a contributing structure within a historic district at the time of its construction or as occurring during the districts period of historic significance.

Sec. 94-143. R-1 single-family residential district.

- (a) *Intent.* The R-1 district is intended to provide for single-family residential areas of low density. Cluster housing, townhouses and certain structures and uses designated to serve governmental, religious, noncommercial recreational and other immediate needs of such areas are permitted or are permissible as conditional uses within the district, subject to restrictions and requirements necessary to preserve and protect its low density residential character.
- (b) *Permitted principal uses and structures.* Permitted principal uses and structures in the R-1 district are the same as for the R-1AA district.
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the R-1 district are the same as for the R-1AA district.
- (d) *Prohibited uses and structures.* Prohibited uses and structures in the R-1 district are the same as for the R-1AA district.
- (e) *Conditional uses.* (Conditional uses are permissible after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses in the R-1 district are the same as for the R-1A district, and in addition:
 - (1) Townhouses. (See section 94-196 and section 94-2, definitions.)
 - (2) Home occupations. (See section 94-2, definitions.)
 - (3) Bed and breakfast accommodations in historic districts.
 - (4) Original or historic uses in historic districts. (see section 94-2, definitions.)
- (f) *Development standards.* Development standards for the R-1 district are as follows:
 - (1) Maximum density: 5.0 dwelling units per acre, except that original or historic uses in historic districts may exceed this density up to the Comprehensive Plan Future Land Use Map maximum density.

Sec. 94-156. HD historic district.

- (a) *Intent.* Designated historic districts preserve visual evidence of the city's significant historical role in the development of northeast Florida. The historic districts represent distinctive elements of the city's cultural, social, economic, political and architectural past and foster civic pride in the community. Designation as a historic district provides controls needed to preserve the architectural character of the neighborhood.

(b) *Permitted principal uses and structures.* Historic districts may contain a variety of land uses consistent with the original composition of the neighborhood. The moving, alteration or remodeling of a historic structure must be permitted through the historic preservation board.

(Reference chapter 54, article III.)

(c) *Conditional uses.*

(1) *Adaptive Reuse.* Historical structures may be permitted for a use other than their original design use when maintaining the original design use is no longer economically or socially feasible. In such cases, the new use of the structure will not be considered to be a nonconforming land use. Alternate uses of historic structures must be approved by the planning board with consideration of recommendations by the city historic preservation board.

(2) *Original or historic use.* Historical structures may be permitted for their original or historic design use when the current design use is no longer economically or socially feasible. Original or historic use must be approved by the planning board with consideration of recommendations from the historic preservation board and with consideration of the following factors along with the established conditional use criteria:

1. The building or structure could not easily be retrofitted to comply with existing codes and criteria without such factors as significant costs, required variances, the vacation of right-of-way, the purchasing of adjacent property, extensive interior remodeling including wall removals or additions, or the removal of portions of the existing building.
2. Projects shall provide as many required off-street parking spaces as can reasonably be provided on-site without destroying the integrity of the historic resource.
3. Traditionally occurring on-street parking shall be credited toward parking requirements.
4. Residential uses may not exceed eighteen units per acre.
5. Qualifying structures must retain the appearance of single-family homes to the greatest degree practicable, except that original and historic elements will not require modification or removal.
6. Any approval must include the condition that if the structure is removed the property shall fully

- conform with current zoning standards.
7. Life and safety related issues, as defined by the Building Official and Fire Marshall, shall not be waived in any case.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 20th day of November, 2014.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Certificate of Appropriateness
HB 14-17 (Original and Historic Use)

STAFF REPORT

DATE: July 31, 2014

TO: Historic Preservation Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

This item was presented to the Board as a discussion item at the May 1, 2014 meeting. Staff relayed to the Board that there have been multiple instances where potential owners of larger historic buildings have opted out of purchasing such properties and current owners of such properties have been hamstrung by the inability to restore and maintain such properties. The combination of large restoration costs and a limited ability to recoup those costs often render such buildings unusable and vacant. Zoning solutions in the form of slightly higher residential density and/or use for limited commercial or office space could level the playing field in such situations, and conditional use review could provide for public notice and input, while limiting neighborhood impacts. The Board agreed by consensus to consider proposed zoning changes to provide for incentives for the restoration of such properties.

PROJECT BACKGROUND

Staff researched this issue and found that other Florida jurisdictions have addressed the problem of large historic structures rendered obsolete by zoning. The City of Jacksonville, in the Historic Springfield Zoning Overlay, created the classifications of "original use," referring to the original unit configuration of a historic building at the time of its construction; and "historic use," referring to the use configuration where it had been changed during the historic time period after its construction. Original uses were allowed by right in the overlay and historic uses were allowed by zoning exception (similar to Palatka's conditional use process). The City of St. Petersburg also employed an overlay zoning district that allowed for higher density for functionally obsolete historic structures, recognizing that such approval did not constitute spot zoning because the goal of preserving historic structures was met. Staff from the City of Little Rock, AR provided the following commentary:

Whether they were built as corner stores, churches, or apartments, most neighborhoods traditionally included some number of non-houses. Generally speaking, single-family zoning strangles non-houses from usability. Our zoning rules have always allowed for offices and quiet business to be considered as conditional uses in our single-family zone "when the preservation of a historic commercial building is involved." That's helped our historic corner stores to find new uses, but our district's original apartment buildings and houses of worship continued to struggle with vacancy and neglect. So staff recently suggested changing that language to "when the preservation of a historic commercial, multifamily, or civic type building is involved." (We made sure to include the word "type" to clarify that we were referring a building's form, not necessarily its original use.) Our property owners had reservations about allowing historic structures built as three, four, and eight-unit dwellings to be converted to commercial use. So they asked that we strike multifamily from the proposed changes.

Staff from Salisbury, NC provided the following comments:

In our Historic Residential (HR) districts multi-family uses with 4 or less units are designated as PS – permitted with standards. The standard is that “up to four (4) units per building, or less, are permitted only when the structure was originally constructed to contain such multiple units.” This was intended to protect the single family homes, but I believe it also works in reverse too. The large single family homes are prevented from being carved up, but the multi-family buildings are allowed to operate as small-scale multi-family buildings if they were originally constructed that way.

The concern about multi-family in Palatka could be addressed through the conditional use process on a case-by-case basis. The Planning Board, with the Historic Preservation Board assisting by making recommendations, can apply additional conditions that may come up in each unique situation. Additionally the ordinance could tie original and historic use to owner-occupancy, much like the owner-occupancy requirement for bed and breakfast establishments. Staff is not recommending this as this would remove more of the functionality and flexibility of this new standard.

Please note that Staff also recommends shifting the current Historic Preservation Board review of adaptive reuse [noted in the second recommended change under (c)(1)]. As stated in Zoning Code Sec. 54-79 the Historic Preservation Board “shall not exercise any control over land use, such as is governed by the zoning ordinance.” This correction appropriately gives zoning authority to the Planning Board, but requires this Board to consider the recommendations of the Historic Preservation Board.

The following elements are recommended to institute the original and historic use ordinance, with additions underlined and deletions ~~struck through~~.

Zoning Code Sec. 94-2 (Definitions)

1. Definition: Original or historic use. The term “original or historic use” means the original use of a contributing structure within a historic district at the time of its construction or as occurring during the district’s period of historic significance.

Zoning Code Sec. 94-156 HD historic district (addition of original or historic use conditional use criteria within HD (Historic District zoning district):

(c) Conditional uses.

- (1) Adaptive Reuse. Historical structures may be permitted for a use other than their original design use when maintaining the original design use is no longer economically or socially feasible. In such cases, the new use of the structure will not be considered to be a nonconforming land use. Alternate uses of historic structures must be approved by the planning board with consideration of recommendations by the city historic preservation board.
- (2) Original or historic use. Historical structures may be permitted for their original or historic design use when the current design use is no longer economically or socially feasible. Original or historic use must be approved by the planning board with consideration of recommendations from the historic preservation board and with consideration of the following factors along with the established conditional use criteria:
 1. The building or structure could not easily be retrofitted to comply with existing codes and criteria without such factors as significant costs, required variances, the vacation of

- right-of-way, the purchasing of adjacent property, extensive interior remodeling including wall removals or additions, or the removal of portions of the existing building.
2. Projects shall provide as many required off-street parking spaces as can reasonably be provided on-site without destroying the integrity of the historic resource.
 3. Traditionally occurring on-street parking shall be credited toward parking requirements.
 4. Residential uses may not exceed eighteen units per acre.
 5. Qualifying structures must retain the appearance of single-family homes to the greatest degree practicable, except that original and historic elements will not require modification or removal.
 6. Any approval must include the condition that if the structure is removed the property shall fully conform with current zoning standards.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Historic Preservation Board, Planning Board, and City Commission must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment will encourage the use of larger residential structures that are not feasible for use as single-family homes.
- The amendment will prevent the harm and expense to historic resources caused by the required conversion of historic multi-use structures to single-family homes.
- The amendment will provide for neighborhood compatibility for such uses through the conditional use process.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, preserving historic resources, and promoting adaptive reuse.

FUTURE LAND USE ELEMENT

Objective A.1.2 9J-5.006(3)(b)2

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 9J-5.006(3)(c)

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Objective A.1.5 9J-5.006(3)(b)4; F.S. 187.201(16)(a)(b)5

Upon Plan adoption, The City, through implementing the following policies, shall increase public awareness of the historical significance of the City and provide incentives to maintain and restore historically significant areas and structures within the City limits.

Policy A.1.5.2 9J-5.006(3)(c)8

Neither the owner of, nor the person in charge of, a structure within a historic district, or a structure that has been designated a national, State or local historical landmark shall permit such structure to fall into a state of disrepair which may result in the deterioration of exterior appurtenances or architectural features so as to produce or tend to produce, in the judgment of the board, a detrimental effect upon the character of the district as a whole or the life and character of the structure in question.

Adaptive reuse of historic structures shall be given priority over actions that would harm or destroy the historic value of such resources. Adaptive reuse shall include the permitting of historic structures to be remodeled or rehabilitated for a use that would be non-conforming to adjacent properties so long as the remodeling/rehabilitation does not affect the historical significance of the structure and the proposed use is or can be made compatible with adjacent land uses.

STAFF RECOMMENDATION

Staff recommends approval of COA HB 14-17 including the following definition of “original or historic use” and the addition of HD historic district criteria for this use, as noted below.

Zoning Code Sec. 94-2 (Definitions)

Definition: *Original or historic use.* The term “original or historic use” means the original use of a contributing structure within a historic district at the time of its construction or as occurring during the districts period of historic significance.

Zoning Code Sec. 94-156 HD historic district (zoning):

(c) *Conditional uses.*

- (1) *Adaptive Reuse.* Historical structures may be permitted for a use other than their original design use when maintaining the original design use is no longer economically or socially feasible. In such cases, the new use of the structure will not be considered to be a nonconforming land use. Alternate uses of historic structures must be approved by the planning board with consideration of recommendations by the city historic preservation board.
- (2) Original or historic use. Historical structures may be permitted for their original or historic design use when the current design use is no longer economically or socially feasible. Original or historic use must be approved by the planning board with consideration of recommendations from the historic preservation board and with consideration of the following factors along with the established conditional use criteria:
 1. The building or structure could not easily be retrofitted to comply with existing codes and criteria without such factors as significant costs, required variances, the vacation of right-of-way, the purchasing of adjacent property, extensive interior remodeling including wall removals or additions, or the removal of portions of the existing building.
 2. Projects shall provide as many required off-street parking spaces as can reasonably be provided on-site without destroying the integrity of the historic resource.
 3. Traditionally occurring on-street parking shall be credited toward parking requirements.
 4. Residential uses may not exceed eighteen units per acre.

5. Qualifying structures must retain the appearance of single-family homes to the greatest degree practicable, except that original and historic elements will not require modification or removal.
6. Any approval must include the condition that if the structure is removed the property shall fully conform with current zoning standards.

Planning Board draft minutes - excerpts of September 2, 2014 meeting

Case 14-22: Administrative request to allow for conditional use approval for original and historic uses in local historic districts, clarify review responsibility for conditional uses for Planning Board and Historic Preservation Board.

Mr. Crowe explained that this is something that has been discussed with the Historic Preservation Board for the past year. There are a number of historic buildings that are not allowed use that will assist in recovering the high cost of renovation and maintenance. This mostly applies to multi-family structures in single family zoning. This change would allow for a mechanism to allow restoration of an original use. Other jurisdictions allow for this through a public forum as a special exception - in our case it would be a conditional use. The goal of historic preservation is to preserve and restore original and historic design and staff is proposing to extend that to this use. There is already a mechanism for allowing Bed and Breakfast and Adaptive Re-use (through the conditional use process), which will work for original or historic use. Requests would be considered on a case-by-case basis. He added that the regulation of use is the sole purview of the Planning Board, while design review is the purview of the Historic Preservation Board. Within a single-family neighborhood these structures need to look and feel like a single family home, unless this really damages the historic fabric of the structure. The full intent of this is to recognize & protect the historic structure not the property, so should the structure go away, so does the approval. He completed the presentation by noting that the Comprehensive Plan has a number of policies encouraging historic preservation that support this type of amendment.

Mr. Petrucci asked if the Historic Preservation Board would first consider the request to determine the historic use. Mr. Crowe said yes, that they would determine what that building was designed for historically and review any exterior changes.

Mr. Douglas questioned if the standards could be removed to provide for more flexibility in the consideration of such requests. Mr. Crowe answered that the standards are needed to provide some structure and guidance for applicants.

Mr. Holmes asked Mr. Crowe for some clarity on his proposed addition of language to the definition of original or historic use (found on page two Sec. 94-2; 94-156 of the staff report). Mr. Crowe explained that it is intended to consider those that were either built for a certain use or had a historical use during the District's historic period of time. Mr. Holmes questioned why this was being considered since it was already covered in the existing language regarding adaptive re-use. Mr. Crowe explained that the current adaptive reuse standards pertained to requesting a use different than the original and historic use, which was different from this amendment.

Mr. Sheffield asked what the genesis of this case was. Mr. Crowe advised there have been several requests to allow for something like this.

Mr. Wallace asked if the District's historic period of time is defined. Mr. Crowe replied yes, it is defined in the 1982 Cultural Research Survey, defined as roughly between 1880 and World War II. Structures that were modified during this historic time period would also be eligible for consideration. Discussion ensued regarding the difference between a period of historic significance use and an adaptive re-use.

Motion made by Mr. Petrucci and seconded by Mr. Wallace to approve the zoning Code text amendment as presented by staff with the following language to be added on page 3, item 1. (after the words "significant cost"), however, that Life Safety Codes shall not be waived in the opinion of the Building Official and the Fire Marshal. All present voted affirmative, motion carried.

HISTORIC PRESERVATION BOARD
CITY OF PALATKA
DRAFT Meeting Minutes August 7, 2014

Case: HB 14-17
Locations: N/A
Applicant: Building and Zoning Dept.
Request: Proposed Original and Historic Use Ordinance.

Mr. Crowe said that this issue was raised before the Board at the May, 2014 meeting to discuss zoning standards that are inhibiting restoration and preservation of historic houses. The Board asked Staff to proceed with research and bring back suggestions for specific zoning changes that would help to reuse large historic buildings, particularly those which were constructed as multi family or even neighborhood commercial. In researching the matter Staff found that cities like Jacksonville have adopted ordinances and created a concept of what is called original use, referring to the use of the building when it was originally constructed. He noted that neighborhoods are no longer as mixed-use and diverse as they once were, with a mix of single and multi-family uses and even neighborhood corner stores. St. Petersburg also has a similar ordinance that allows for higher density in historic districts. Staff is aware of concerns that allowing higher density and intensity can be a "slippery slope." The proposed ordinance will use zoning to not inhibit the use of an original use structure, but to allow this original use as it was historically designed for. The Board already has a mechanism of this kind in the current standards in the case of bed and breakfast uses, allowed as conditional uses in the adaptive reuse section of the code and requiring approval by the Planning Board. He added that it is important to distinguish the design review function of the Historic Preservation Board from the Planning Board, which is a land use and zoning board. Staff proposes to add the original use provision to the historic preservation section of the Zoning Code, which already has the adaptive reuse standards. The Planning Board would review original use requests under the standard conditional use criteria along with additional criteria historic preservation criteria, including:

- the building cannot not be easily retrofitted to comply with the existing code which means it could not be converted to single family without significant cause, variances, purchasing adjacent properties, and interior modifications and damage the historic fabric of the building;
- parking needs must be met, although on-street parking should be credited;
- the comprehensive plan density cannot be exceeded;
- qualifying structures must keep the appearance of single family homes unless this results in exterior alterations that are not in keeping with the historic character of the building; and
- approvals run with the property/structure and not the owner, and if the structure is removed or demolished, eligibility is also removed.

If the board would make a motion to approve this ordinance then we would take the ordinance to the Planning Board, which would make a recommendation to the City Commission for final review. Staff recommends approval.

Public Comment

Barbara Smothers, 110 Mulberry Rd, said that she and her husband own a house in the North Historic District (504 N 2nd St) which was originally built as a four-plex. Under this new ordinance there is possibility of using the house as a duplex. They would not like to turn the home into a single family home because it is 100 years old and turning it into a single family home would destroy the historic integrity of the home. The ordinance would allow transforming the house into a duplex with a minimal amount of wall rearrangement. She said she was in favor of the ordinance.

Ms. van Rensburg would like to recuse herself from this discussion since her husband is a general contractor and has done some work for the Smothers in the past. Ms. van Rensburg filled out an recusal form (file).

HISTORIC PRESERVATION BOARD
CITY OF PALATKA
DRAFT Meeting Minutes August 7, 2014

Anthony Harwell, 322 Madison St, spoke in favor of the ordinance.

Corky Diamond, 412 Mulholland Park, noted that the building Ms. Smothers is referring to would be for residential use and not for commercial use. Ms. Smothers agreed. Mr. Diamond supported the ordinance.

J. Normand Jutras, 412 Mulholland Park, said that there were other properties the new ordinance would also affect. He spoke in favor of the ordinance.

Chairperson Correa suggested that the City considered the possibility of a rental ordinance also so that the two ordinances could go hand in hand with each other for some safeguards of the neighborhood.

Ms. Scheonberger asked what exactly the Board would be voting. Chairperson Correa advised Ms. Scheonberger that the motion would be to recommend sending the ordinance forward the planning board for their review and recommendation.

Motion made by Mr. Evans to approve the staff recommendation to forward the ordinance to the Planning Board as suggested by staff. The motion was seconded by Mr. Goodwin and approved unanimously.

OTHER BUSINESS – Mr. Beaton would like to mention that the City of Palatka has by their master site file on the website so now you could download and look at the master site file for any property in the historic district and he wanted to thank the City building department for that. The Putnam County Historical Society website also has the original study that was done to form the historic districts in Palatka. Chairperson Correa also advised the board that the South Historic Neighborhood Association also has a hard copy of this report as well for anyone to look at.

J. Normand Jutras, 412 Mulholland Park, 409 Emmett St addressed the Board, noting that he had recently purchased a home in the South Historic District with a badly leaking roof and he requested direction from the Board if it would be acceptable to install a architectural shingle roof. Mr. Crowe added that the current standards allowed Staff to approve a metal, wood shingle, or slate roof, since they were accepted historic roof materials, but he believed that this list should now include architectural shingles, since the Board had approved such a roof at their last meeting. Chairperson Correa agreed that the board did set a precedent for the architectural shingles and that staff could go ahead and approve this roof type administratively.

Motion made by Mr. Beaton to adjourn, seconded by Mr. Evans.

ADJOURNMENT

With no further business the meeting was adjourned at 5:10 pm.

Agenda Item

8



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE amending Zoning Code Section 94-2, 94-149, and 94-202, defining mobile medical units, allowing the use as either a permitted or conditional accessory use/structure in the C-2 (intensive commercial) zoning district - First Reading

SUMMARY:

This ordinance would amend the Zoning Code to allow mobile medical units, either as freestanding "Bloodmobile" type units, permissible by right, or as conditional accessory uses/structures associated with established medical clinics. Applicable criteria and standards for this use include parking, traffic circulation, appearance, and other factors.

RECOMMENDED ACTION:

Pass on first reading an ordinance allowing mobile medical units in the C-2 zoning district either as permitted uses or as conditional accessory structures. Second reading is scheduled for November 20, 2014.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance	Ordinance
<input type="checkbox"/> Staff Report	Backup Material
<input type="checkbox"/> Planning Board Minutes Excerpt	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Crowe, Thad	Approved	10/10/2014 - 2:25 PM
City Clerk	Driggers, Betsy	Approved	10/10/2014 - 3:23 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:49 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:53 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:43 AM

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 14 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING FOR THE DEFINITION OF MOBILE MEDICAL UNITS; ALLOWING SUCH USES IN THE C-2 (INTENSIVE COMMERCIAL) ZONING DISTRICT BY RIGHT OR BY CONDITIONAL USE PERMIT, AND PROVIDING CRITERIA FOR CONDITIONAL USE REVIEW; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on October 7, 2014, and two public hearings before the City Commission of the City of Palatka on October 23, 2014, and November 13, 2014; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. The following Zoning Code Sections shall be amended as follows.

ZONING CODE ARTICLE 1. -

Sec. 94-2. - Definitions and rules of construction.

Mobile medical unit. An use and activity contained within a travel trailer or similar vehicle, incidental and subordinate to principal medical clinic use and immediately adjacent to principal use, including specialized medical equipment, intended to provide a premises for medical testing, and intended to be used only for limited time periods. Use includes freestanding mobile units associated with state or federal agencies and the American Red Cross and similar quasi-public agencies, for example like the "Bloodmobile."

ZONING CODE ARTICLE III. - DISTRICTS

DIVISION 1 - No changes

DIVISION 2. - SCHEDULE OF DISTRICT REGULATIONS

Section 94-141 through 94-148 - no changes

Section 94-149 - C-2 intensive commercial district

(a) - no changes

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in the C-2 district are the same as for the C-1 district (except that no new residential construction is permitted), and in addition:

- (1) Retail outlets for sale of new and used automobiles, motorcycles, trucks and tractors, boats, automotive

- vehicle parts and accessories (but not junkyards or automobile wrecking yards), secondhand merchandise in completely enclosed buildings, heavy machinery and equipment, dairy supplies, feed, fertilizer, lumber and building supplies, monuments, and package liquors.
- (2) Service establishments such as automobile service stations, repair and service garages, motor vehicle body shops, rental of automotive vehicles, trailers and trucks, carwashes, drive-in restaurants, fast food restaurants, catering establishments, bars or taverns for on-premises consumption of alcoholic beverages, auction houses or pawnshops, commercial laundries or dry cleaning establishments, animal boarding in soundproof buildings, book binding, pest control, plant nurseries or landscape contractors, carpenter or cabinet shops, home equipment rental, job printing or newspaper establishments, sign shops, upholstery shops, marinas, boat sales, boat storage, and commercial water softening.
 - (3) Commercial recreation facilities such as open air motion picture theaters, golf driving ranges, par three golf courses, nightclubs and similar uses.
 - (4) Air conditioning and heating sales and service.
 - (5) Auditoriums and convention centers.
 - (6) Beverage distributors, but not including bottling plants.
 - (7) Banks and financial institutions with drive-in facilities.
 - (8) Hotels and motels.
 - (9) Dwelling units in Community Redevelopment Areas.
 - (10) Mobile medical units associated with state or federal agencies and the American Red Cross and similar quasi-public agencies, meeting supplementary district standards to the greatest degree practicable.

(c) through (d) - no changes

(e) Conditional uses. (Conditional uses are permissible after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses in the C-2 district are as follows:

- (1) Wholesale, warehouse or storage uses, but not bulk storage of flammable liquids.
- (2) Building trades contractors with storage yard for materials and equipment on the premises.
- (3) Crematories.
- (4) Television or radio transmitter towers.
- (5) Truckstops.
- (6) Carnivals or circuses, archery ranges, miniature golf courses, pony rides and skating rinks, and indoor pistol or rifle ranges.
- (7) Machine shops.
- (8) Manufacturing or processing which is clearly incidental to retail use, provided such manufacturing or processing is limited to that which employs not more than ten persons in the manufacturing and processing.
- (9) Boat yards and ways (see section 94-2, definitions).
- (10) Essential services (see section 94-2, definitions).
- (11) A single caretaker or manager dwelling unit for a nonresidential principal use.
- (12) Child care facilities.
- (13) Assembling, packaging or fabricating in completely enclosed buildings.
- (14) Indoor commercial recreational facilities, such as motion picture theaters, billiard parlors, swimming

- pools, bowling alleys and similar uses, provided such uses shall be in soundproof buildings.
- (15) Bait and tackle shops with the following limitations:
 - a. Sale, display, preparation and repair incidental to sales and storage shall be conducted within a completely enclosed building.
 - b. Products shall be sold only at retail.
 - c. All other requirements for a conditional use shall be met (see section 94-2, definition of "conditional uses").
 - (16) Shopping centers.
 - (17) Mobile medical units, meeting supplementary district regulations.

ZONING CODE DIVISION 3. - SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 94-182 through 94-201 - no changes

Sec. 94-202. - Mobile Medical Unit.

- (a) Intent and purpose. To allow such uses, defined in Sec. 94-2, in the C-2 (Intensive Commercial) zoning districts either as accessory uses in the case of public or quasi-public control, or as conditional accessory uses to a principal medical clinic use in the case of private businesses.
- (b) Criteria. The following standards shall be considered in the conditional use review of such uses.
 - (1) The use and unit shall adhere to the requirements of the State of Florida Department of Business and Professional Regulations (DBPR).
 - (2) The unit shall not encroach into required building setbacks or buffers outlined by the zoning district.
 - (3) The unit shall be located on an approved paved vehicular use area and shall not occupy fire lanes, required drive aisles, or required minimum parking spaces.
 - (4) The placement of the unit shall not alter or obstruct the flow of traffic or present a safety hazard to vehicles or pedestrians.
 - (5) Proper Americans with Disabilities Act (ADA) and pedestrian access must be provided, and any accessory components shall meet the requirements of the Land Development Code and the Florida Building Code.
 - (6) All electrical items and connections shall conform to the National Electric Code and shall be properly protected.
 - (7) Outdoor storage to accommodate the unit is prohibited.
 - (8) Permanent or temporary landscaping and/or fencing shall be utilized to partially screen the trailer from public rights-of-way and adjacent properties.
 - (9) Signage shall be limited to the following: signage that is permanently integrated into or part of the unit; a 20 square foot banner permitted by the Development Services Department, Building Division (streamers, flags, pennants, snipe, and other type of advertising is prohibited)
 - (10) The use shall be allowed no more than two days per week or eight days per month; with the ability for the Planning Board to allow longer time periods in an individual conditional use application.
 - (11) The use shall only be allowed when the principal medical clinic use is open for business.
 - (12) Freestanding mobile medical units such as the "Bloodmobile" shall be allowed with staff approval, meeting these criteria when practicable.

- (13) Mobile medical units shall not locate within 1,000 feet of any approved and established mobile medical unit.
- (14) Applications shall be accompanied by proof of a valid City of Palatka Business Tax Receipt for the primary business, copy of the license issued for the unit from the State of Florida (DBPR), written authorization from the owner of the host site allowing the placement of the Mobile Medical Unit, contact information for the applicant, the primary business, the property owner, and the representative for the Mobile Medical Unit, a site survey indicating the location of the unit, the dimension of the unit, existing buildings, existing landscaping, setbacks from buildings and property lines, location of parking spaces including handicapped spaces, location of drive aisles, number of existing and displaced parking spaces, proposed screening, and any other pertinent information.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 20th day of November, 2014.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Case 14-27

Request to Amend Zoning Code

(Allow mobile medical units as an accessory conditional use in the C-2 zoning district)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: September 30, 2014

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to allow mobile medical units as a conditional accessory use. Public notice included legal advertisement.

APPLICATION BACKGROUND

The owner of property located at 321 S SR 19 has requested this code change to allow for the use of a mobile medical imaging vehicle on the property. This property is occupied by a 3,250 square foot, two-unit commercial building, with one unit occupied by a Quizno's Subs, and the other unit now vacant. The Applicant is the property owner, who wishes to rent the vacant unit to a medical clinic specializing in cancer care. The clinic utilizes a 48-foot long trailer, similar to a "Bloodmobile," that would be parked adjacent to the existing medical clinic for a day or two a week. (The specifics of this case would be presented in a separate conditional use application, should this code change be approved.) This vehicle would be considered an accessory structure in Zoning Code terms. Zoning Code Sec. 94-149 (c) lists the following permitted accessory structures in the C-1 zoning district:

(1) Uses and structures which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.*
 - b. Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.*
 - c. Do not involve operations or structures not in keeping with the character of the district.*
- (2) On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.*

While the use of the proposed medical mobile unit, medical imaging/scanning, mostly meets the test above (customarily accessory and subordinate to the principal medical office use, located on the same lot, in keeping with the zoning district's character), there is some question as to whether the structure is in keeping with the character of the district. C-2 is an intensive commercial zoning, but the "worst-case scenario" of a multitude of trailer trucks or RVs located around buildings might be somewhat out of character with the traditional arrangement of businesses operating within buildings, particularly since the Zoning Code carefully limits outdoor sales and activities. Based on this, Staff has decided that the mobile medical unit currently does not meet the test of a permitted accessory use or structure, hence the required code change. This change would

Allow mobile medical units as a conditional accessory use in the C-2 zoning district

add "mobile medical unit" to the list of accessory conditional uses found in Zoning Code Sec. 94-149 (e) in the C-2 district with the following definition to be added to the definitions section of the zoning code.

Mobile medical unit, contained within a travel trailer or similar vehicle, incidental and subordinate to principal medical clinic use and immediately adjacent to principal use, including specialized medical equipment, intended to provide a premises for medical testing, and intended to be used only for limited time periods. Use includes freestanding mobile units associated with state or federal agencies and the American Red Cross and similar quasi-public agencies, for example like the "Bloodmobile."

Staff has found that other jurisdictions usually allow mobile medical units as accessory structures. Staff does not have the backing in the Zoning Code to do this, as explained previously. However a good example of regulating such accessory structures comes from the City of Kissimmee, which allows mobile medical units that are accessory to a medical establishment from three to 60 consecutive days if Staff finds this request to meet all requirements of the Code of Ordinances and is in the best interest of the public. The use is allowed in specific commercial zoning districts and must meet the following standards.

- The use and unit shall adhere to the requirements of the State of Florida Department of Business and Professional Regulations (DBPR).
- The unit shall not encroach into required building setbacks or buffers outlined by the zoning district.
- The unit shall be located on an approved paved vehicular use area and shall not occupy fire lanes, required drive aisles, or required parking spaces.
- The placement of the unit shall not alter or obstruct the flow of traffic or present a safety hazard to vehicles or pedestrians.
- Proper Americans with Disabilities Act (ADA) and pedestrian access must be provided, and any accessory components shall meet the requirements of the Land Development Code and the Florida Building Code.
- All electrical items and connections shall conform to the National Electric Code and shall be properly protected.
- Outdoor storage to accommodate the unit is prohibited.
- Signage shall be limited to the following: signage that is permanently integrated into or part of the unit; a 20 sq ft banner permitted by the Development Services Department, Building Division (streamers, flags, pennants, snipe, and other type of advertising is prohibited)
- The unit shall be removed after a period exceeding 2 consecutive days of non-activity.
- Applications shall be accompanied by proof of a valid City of Palatka Business Tax Receipt for the primary business, copy of the license issued for the unit from the State of Florida (DBPR), written authorization from the owner of the host site allowing the placement of the Mobile Medical Unit, contact information for the applicant, the primary business, the property owner, and the representative for the Mobile Medical Unit, a site survey indicating the location of the unit, the dimension of the unit, existing buildings, existing landscaping, setbacks from buildings and property lines, location of parking spaces including handicapped spaces, location of drive aisles, number of existing and displaced parking spaces, and any other pertinent information.

Staff believes these are reasonable regulations, with the exception of Bullet # 9, requiring the removal of the unit after two consecutive days of inactivity. Staff prefers a weekly or monthly limitation which would on an ongoing basis limit the accessory use. Staff recommends a weekly limit of two days OR a monthly limit of eight

days, with the ability for the Planning Board to consider longer timeframes on a case-by-case basis. Staff further recommends that 1) screening of the equipment in the form of permanent or temporary landscaping be provided to screen the trailer from public rights-of-way and adjacent properties; 2) a distance separation of 1,000 feet be provided to limit the proliferation of the use; and 3) standalone uses like the "Bloodmobile" be allowed without an accompanying principal use and approved by staff.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion). The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would allow for increased security for businesses.
- The amendment would make longstanding nonconforming dwelling units conforming.
- The amendment would promote a livelier mixed-use downtown environment.
- The amendment would allow for the same type of residential uses in the CRA C-2 zoning districts as are currently allowed in the CRA downtown districts.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill and mixed-use development, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 9J-5.006(3)(b)2

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 9J-5.006(3)(c)

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 9J-5.006(3)(c)3

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 9J-5.006(3)(b)9; F.S. 187.201(16)(b)3

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

STAFF RECOMMENDATION

Staff recommends approval of Case 14-27 with the following specific recommendations that would allow mobile medical units as a conditional accessory use in the C-2 zoning district:

1. Add the following definition to Zoning Code Sec. 94-2: *Mobile medical unit, contained within a travel trailer or similar vehicle, incidental and subordinate to principal medical clinic use and immediately adjacent to principal use, including specialized medical equipment, intended to provide a premises for medical testing, and intended to be used only for limited time periods. Use includes freestanding mobile units associated with state or federal agencies and the American Red Cross and similar quasi-public agencies, for example like the "Bloodmobile."*
2. Add the use of "mobile medical unit" to Zoning Code Sec. 94-149 (Intensive Commercial zoning district) with the new category of "Conditional accessory uses and structures."
3. Add the following standards to Zoning Code Article III (Districts), Division 3 (Supplementary District Regulations):
 - a. *The use and unit shall adhere to the requirements of the State of Florida Department of Business and Professional Regulations (DBPR).*
 - b. *The unit shall not encroach into required building setbacks or buffers outlined by the zoning district.*
 - c. *The unit shall be located on an approved paved vehicular use area and shall not occupy fire lanes, required drive aisles, or required minimum parking spaces.*
 - d. *The placement of the unit shall not alter or obstruct the flow of traffic or present a safety hazard to vehicles or pedestrians.*
 - e. *Proper Americans with Disabilities Act (ADA) and pedestrian access must be provided, and any accessory components shall meet the requirements of the Land Development Code and the Florida Building Code.*
 - f. *All electrical items and connections shall conform to the National Electric Code and shall be properly protected.*
 - g. *Outdoor storage to accommodate the unit is prohibited.*
 - h. *Permanent or temporary landscaping and/or fencing shall be utilized to partially screen the trailer from public rights-of-way and adjacent properties.*

Allow mobile medical units as a conditional accessory use in the C-2 zoning district

- i. Signage shall be limited to the following: signage that is permanently integrated into or part of the unit; a 20 sq ft banner permitted by the Development Services Department, Building Division (streamers, flags, pennants, snipe, and other type of advertising is prohibited)*
- j. The use shall be allowed no more than two days per week or eight days per month; with the ability for the Planning Board to allow longer time periods in an individual conditional use application.*
- k. The use shall only be allowed when the principal medical clinic use is open for business.*
- l. Freestanding mobile medical units such as the "Bloodmobile" shall be allowed with staff approval, meeting these criteria when practicable.*
- m. Mobile medical units shall not locate within 1,000 feet of any approved and established mobile medical unit.*
- n. Applications shall be accompanied by proof of a valid City of Palatka Business Tax Receipt for the primary business, copy of the license issued for the unit from the State of Florida (DBPR), written authorization from the owner of the host site allowing the placement of the Mobile Medical Unit, contact information for the applicant, the primary business, the property owner, and the representative for the Mobile Medical Unit, a site survey indicating the location of the unit, the dimension of the unit, existing buildings, existing landscaping, setbacks from buildings and property lines, location of parking spaces including handicapped spaces, location of drive aisles, number of existing and displaced parking spaces, proposed screening, and any other pertinent information.*

Planning Board - excerpts of October 7, 2014 meeting

Case 14-27 A request to revise Zoning Code [Sec. 94-149 (e)] to add mobile medical units to the list of conditional uses in the C-2 (Intensive Commercial) zoning district.

(Public Hearing)

Mr. Crowe explained that the owner of property located at 321 S SR 19 has requested this code change to allow for the use of a mobile medical imaging vehicle on the property. The applicant wants to rent the one of their units to a medical clinic specializing in cancer care. The clinic would utilize a 48 ft. long mobile unit similar to a "bloodmobile" that would be parked adjacent to the existing medical clinic for a couple of days per week. Of course, the specifics of this case would be presented in a separate conditional use application, should this code change be approved. The vehicle would be considered an accessory structure in the zoning code terms and there is some question as to whether the structure is in keeping with the character of the district. This change would add "mobile medical unit" to the list of accessory conditional uses found in Zoning Code Sec. 94—149 in the C-2 district with the following definition to be added to the definitions section of the zoning code:

Mobile medical unit, contained within a travel trailer of similar vehicle, incidental and subordinate to principal medical clinic use and immediately adjacent to principal use, including specialized medical equipment, intended to provide a premises for medical testing, and intended to be used only for limited time periods. Use included freestanding mobile units associated with state or federal agencies and the American Red Cross and similar quasi-public agencies, for example "Bloodmobile."

He explained that this proposed amendment is modeled after the town of Kissimmee's ordinance. He reviewed the proposed conditional use standards:

- The use and unit shall adhere to the requirements of the State of Florida Department of Business and Professional Regulations (DBPR).
- The unit shall not encroach into required building setbacks or buffers outlined by the zoning district.
- The unit shall be located on an approved paved vehicular use area and shall not occupy fire lanes, required drive aisles, or required parking spaces.
- The placement of the unit shall not alter or obstruct the flow of traffic or present a safety hazard to vehicles or pedestrians.
- Proper Americans with Disabilities Act (ADA) and pedestrian access must be provided, and any accessory components shall meet the requirements of the Land Development Code and the Florida Building Code.
- All electrical items and connections shall conform to the National Electric Code and shall be properly protected.
- Outdoor storage to accommodate the unit is prohibited.
- Signage shall be limited to the following: signage that is permanently integrated into or part of the unit; a 20 sq. ft. banner permitted by the Development Services Department, Building Division (streamers, flags, pennants, snipe, and other type of advertising is prohibited)
- The unit shall be removed after a period exceeding 2 consecutive days of non-activity.
- Applications shall be accompanied by proof of a valid City of Palatka Business Tax Receipt for the primary business, copy of the license issued for the unit from the State of Florida (DBPR), written authorization from the owner of the host site allowing the placement of the Mobile Medical Unit, contact information for the applicant, the primary business, the property owner, and the representative for the Mobile Medical Unit, a site survey indicating the location of the unit, the dimension of the unit, existing buildings, existing landscaping, setbacks from buildings and property lines, location of parking spaces including handicapped spaces, location of drive aisles, number of existing and displaced parking spaces, and any other pertinent information.

Mr. Douglas and Mr. Harwell recused themselves from this case.

Charlie Douglas, 601 St. Johns Ave. stated that he is representing SR19, LLC and explained that the Cancer Specialists of North Florida operate around North Florida, with satellite offices in rural areas to provide cancer treatment to those in need. They are considering moving here and locate near the corner of St. Johns and Sr. 19 in the plaza where Quiznos is. He added that their entire framework is dependent upon this medical imaging coach. Mr. Douglas stated that the applicant fully supports Staff's recommendations but requested that the Board consider some flexibility with regards to the following recommended conditions:

- required drive isle; he had a letter of support from the Fire Marshal stating that would not be an issue with emergency services as the area intended for the mobile unit is not a required drive.
- Screening of mobile medical units; he requested that potted plants be considered acceptable - as previously discussed with Staff.
such as increasing the time limitation to 4 days per week.
- limitation on use – he asked that the Board consider 4 days per week to accommodate a possible weekend to avoid having to possibly come back at a later date.
- deleting paragraph K – to avoid any type of uncertainty that the medical unit would have to move once the clinic closes office hours and having the mobile unit leave.

Mr. Sheffield asked if the applicant would be amenable to 2 week day and 2 weekend days. Mr. Douglas said that they would. Mr. Pickens asked if the proposed was adopted as submitted, could the applicant of a conditional use request an expansion of their individual use. Mr. Crowe answered that was correct and stated that the intent that two days would be a 48 hour period and that the condition was intended in terms of hours of operation. Mr. Crowe suggested that the language could be amended to state that the mobile unit may only “operate” when the clinic is open for business.

Ryan Merrill, Attorney for Cancer Specialists of North Florida, 701 Beach Av., Atlantic Beach FL, explained that the mobile use may see patients on a Saturday, but it would not be the normal flow of patients and the clinic doors would certainly be open.

Mr. DeLoach asked if the adjacent tenants were in support of this.

David Miles, 65 Dolphin Dr. St. Augustine FL expressed that Mr. Gullett, owner of the proposed location for a future mobile medical unit was in support of the request and believes it may even be a benefit to his business.

Tony Harwell, 322 Madison St. asked how the screen would screening would work for such as the Bloodmobile. He asked how the Florida Building code intermixes with “mobile” buildings. Mr. Crowe advised that there is a certain amount of grandfathering to be accepted, and that practicality is part of the requirement. Mr. Crowe explained that at the time of set up, the Building Official and the Fire Marshal will make sure that building & life safety codes are met.

(Regular Meeting)

Mr. Crowe based on the discussions with the applicant he suggested the following revisions to the proposed amendment outlined in the staff report:

Item C: remove the words required drive isles.

Item J: adding two weekend days per week for a total of 4 days per week.

Item K: replace the language (after the word operate) and replace with the following words “to operate when the principal medical clinic is open for business” after the word allowed.

Motion by Mr. DeLoach and second by Mr. Pickens to approved the amendment with the revisions as recommended by Mr. Crowe. All present voted affirmative, motioned carried unanimously.

Agenda Item

9



CITY COMMISSION AGENDA ITEM

SUBJECT:
ORDINANCE establishing regulations for illegal drug manufacturing sites - 2nd Reading, Adopt

SUMMARY:
 This is 2nd reading of this ordinance.

Illegal Drug Manufacturing sites are a growing threat and are being discovered in many areas of Florida, including municipalities. In 2007, there were four documented methamphetamine laboratories seized by law enforcement officials in Putnam County. Three of the four methamphetamine production sites were located inside populated communities within the City of Palatka. In 2010 there were an additional three methamphetamine labs discovered in the City limits. During 2012, two marijuana cultivation laboratories were discovered in the City of Palatka.

The current method of addressing illegal manufacturing sites consists of identification, collection, and disposal. In response to the manufacturing sites being discovered, new and innovative measures must be taken by not only law enforcement officials, but by other regulatory agencies and municipal departments. The potential health risks related to manufacturing sites are well documented by narcotics experts and medical professionals all over the country. Once a lab is discovered and broken down from a law enforcement perspective, the threat of harm to innocent persons remains a considerable possibility. Measures need to be enacted to insure that the threats of long term exposure from a pre-existing clandestine laboratory site are in place to protect the citizens of Palatka.

Enacting a Decontamination of Illegal Manufacturing Sites Ordinance will ensure that the proper steps are followed such as; identification, public notification, clean up and proper disposal, site inspections, and deferring all cost from the City of Palatka to the property owners. The City of Jacksonville has adopted a Decontamination of Illegal Manufacturing Site Ordinance, in which the new ordinance for the City of Palatka is modeled after. The ordinance created for Palatka has been made Palatka specific. The new ordinance will require that all of the appropriate steps are taken, ensuring that there are no public health issues before Code Enforcement will release the property.

RECOMMENDED ACTION:
Adopt on 2nd reading an ordinance establishing regulations for illegal drug manufacturing sites. This ordinance was passed on first reading on October 9, 2014

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	10/10/2014 - 1:25 PM
City Clerk	Driggers, Betsy	Approved	10/10/2014 - 1:31 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:49 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:53 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:44 AM

ORDINANCE No. 14-28

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 18, ARTICLE X OF THE CODE OF ORDINANCES TO ESTABLISH REGULATIONS FOR THE DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES; CREATING DEFINITIONS, PROVISIONS FOR THE DETERMINATION OF PROPERTY AS BEING UNSAFE BECAUSE OF USE AS AN ILLEGAL DRUG MANUFACTURING SITE; ESTABLISHING PROCEDURES FOR OWNERS OF SUCH PROPERTIES; PROCEDURES FOR ASSESSMENT, DECONTAMINATION, SAMPLING AND TESTING; PROVIDING FOR THE DISPOSAL OF UNSAFE CONTENTS; PROVIDING FOR THE DESTRUCTION OF UNSAFE PROPERTIES, REQUIRING DISCLOSURE OF THE SALE OR TRANSFER OF SUCH PROPERTIES; SETTING FORTH REGULATIONS FOR LICENSING AND REGULATION OF DRUG LABORATORY DECONTAMINATION CONTRACTORS, INCLUDING PROVISIONS FOR THE DENIAL, SUSPENSION AND REVOCATION OF DRUG LABORATORY DECONTAMINATION CONTRACTOR LICENSES; PROVIDING FOR THE ASSESSMENT OF FINES AND FEES; AND AMENDING APPENDIX "A", FEE SCHEDULE OF THE CODE OF ORDINANCES TO INSERT FINES AND FEES PERTAINING TO THIS SECTION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is important for the City of Palatka to establish a process to address properties found to be unsafe and unfit for use due to chemical contamination that may result from illegal drug manufacturing, processing, refinement or creation; and

WHEREAS, the City recognizes an increase in the number of properties that have been identified in the City as sites of illegal drug manufacturing, processing, refinement or creation; and

WHEREAS, the potential health risks related to illegal drug manufacturing sites are significant;

WHEREAS, sites with chemical contamination require professional clean-up and disposal; and

WHEREAS, the presence of vacant and abandoned properties may discourage buyers from purchasing property within the City; and

WHEREAS, the City wishes to require that proper steps are followed in the identification, public notification, clean-up, disposal and inspections of illegal drug manufacturing sites are taken; and

WHEREAS, the City wishes to insure that responsible parties held accountable for the costs involved in the clean-up of illegal drug manufacturing sites; and

WHEREAS, the City wishes to require the use of professional contractors to perform clean-ups on contaminated sites; and

WHEREAS, the City wishes to require the use of professional contractors to perform clean-ups on contaminated sites; and

WHEREAS, the City wishes to require the proper inspection of contaminated sites by City of Palatka personnel.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA, that the following Sections 1 through 19 of this Ordinance shall be adopted and inserted into Chapter 18 of the Palatka Municipal Code of Ordinances and Section 20 shall be adopted and inserted into Appendix A, Fee Schedule of the Palatka Municipal Code, as follows:

Section 1. Recitals. The above-listed “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby rendered a specific part of this Ordinance upon adoption and shall serve as its legislative history.

Section 2. Title. This ordinance shall be known as the Decontamination of Illegal Drug Manufacturing Sites Ordinance.

Section 3. Purpose of article. The purpose of this article is to protect the health, safety, and welfare of the citizens of Palatka by prohibiting the possession, use, sale, and manufacture of synthetic substances as defined herein which, when consumed, mimic the effects of narcotics or controlled substances, and more specifically as follows:

Purpose and scope.

- (a) *Purpose.* The purpose of this Subpart is to provide a means whereby property can be evaluated, decontaminated and returned to use when found to be unsafe and unfit for use due to chemical contamination that may have resulted from illegal drug manufacturing, processing, refinement or creation wherein hazardous chemicals are used in such process.
- (b) *Scope.* These rules apply to any property deemed to be unsafe pursuant to this Chapter as a result of its use due to manufacturing, processing, refinement or creation of illicit drugs wherein hazardous chemicals are used in such process and also includes the following: criteria used by agencies when determining property unsafe for use; maintenance of listing of unsafe for use properties; property owner responsibilities; assessment, decontamination, sampling and testing procedures; requirements for demolition and disposal of property contents; disclosure requirements for property sale, lease (both short term and long term) or transfer; qualifications for decontamination and sampling personnel; licensing requirements for decontamination contractors; and contractor penalties.

Section 4. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Agent of the Owner* means a current employee of the owner of record who was in the employ of that owner at the time the property was determined to be an illegal drug manufacturing site; or is a current employee of any new owner and who was an employee of that owner at the time the property was sold or transferred to that owner prior to decontamination.

- (b) *Certificate of Fitness* means a certificate issued for a particular property by the Municipal Code Enforcement Unit indicating that the property is fit for use.
- (c) *Contractor* means a contractor licensed by the Municipal Code Enforcement Unit under these rules to perform assessment and decontamination activities at illegal drug manufacturing sites.
- (d) *Decontamination and Contamination Reduction* mean reduction in levels of known contaminants within structures to at or below 0.1 micrograms methamphetamine per one hundred square centimeters (ug/100 sq.cm) for surface area wipe samples and 1 part per million (ppm) for total volatile organic compounds for air samples. Levels of other contaminants associated with the illegal drug manufacturing process shall be mitigated to acceptable clean-up levels appropriate for the medium within which such contamination is found as established by the Florida Department of Environmental Protection using currently available methods and processes.
- (e) *Full Disclosure* means written notice to a prospective buyer, lessor or recipient of any illegal drug manufacturing site as set forth in Section 18 – 11.
- (f) *Illegal Drug Manufacturing Site* means any property, building, structure, vehicle or other location which has been used in whole or in part for the unauthorized manufacture, processing, refinement or creation of any illicit drug wherein hazardous chemicals are used in such process. This shall include, but is not limited to, single-family residences, individual units of multi-family structures, hotels, motels, or other public lodgings, storage units, trailers intended to be pulled behind a motor vehicle, motorized vehicles, manufactured housing, or any shop, booth, or garden or yard.
- (g) *Owner* means:
 - (1) For real property, the owner of record as disclosed by the records of the Putnam County Tax Collector; or,
 - (2) For personal property for which a certificate of title or ownership has been issued, the person shown as owner on such certificate.
- (h) *Reasonable Grounds* includes, but is not limited to, the presence of chemicals, substances, apparatus and chemical residues commonly associated with an illegal drug manufacturing site.
- (i) *Unsafe for Use* means a determination made by the Municipal Code Enforcement Unit that a property is or has been an illegal drug manufacturing site and may be contaminated with hazardous chemicals or substances.
- (j) *Unsafe for Use Listing* means a listing of properties in the City of Palatka that have been determined to be illegal drug manufacturing sites, and that have not been issued a Certificate of Fitness. The list shall be maintained by the Municipal Code Enforcement Unit.
- (k) *Use* means occupancy, physical presence in or entry for any reason including, but not limited to, entry for such things as cleaning, remodeling, repairs, or demolition, as allowed in Section 18 - 8.

Section 5. Determination of unsafe for use classification.

- (a) The determination that a property is unsafe for use applies to any property that is known to have been used as an illegal drug manufacturing site, or for which there are reasonable grounds to believe that the property has been used as an illegal drug manufacturing site.
- (b) Any owner of a property that was an illegal drug manufacturing site may obtain a Certificate of Fitness by following all the procedures and meeting all the criteria of these rules.
- (c) When the Code Enforcement officer has made a determination that a property is unsafe for use, it shall proceed as follows:
 - (1) Notify the owner or agent of the affected property by personal service or by certified mail sent within three working days of the determination. Proof of such mailing shall be considered service. Proof of actual delivery is not required. Where the owner of record or the title or certificate holder is not listed in public records or cannot be reasonably notified, service of notice on the registered agent or other designated agent or posting on the affected property is sufficient;
 - (2) Notify the Building Inspector, the Police Department and/or other affected agencies; and
 - (3) Post a standard warning notice provided by the Code Enforcement Unit at all entrances to the contaminated property at the time of the determination. Such notice(s) shall be displayed continuously until a Certificate of Fitness has been issued by the Code Enforcement officer and shall specifically state that unauthorized entry or physical presence in the contaminated structure or property may result in such individual's physical arrest and criminal prosecution pursuant to Florida Statute 810.09 (1) (a)
- (d) The notice required in subsection (c)(1) of this section shall include a statement that the owner may obtain a hearing as specified in Section 2-286.

Section 6. Unsafe for Use listing by the Code Enforcement Unit

- (a) The City Code Enforcement Officer shall place any property on an official "unsafe for use" listing after a determination that a property is unsafe for use has been made by Code Enforcement Unit.
- (b) To remove a property from the unsafe for use list, the owner must petition The Code Enforcement Unit and provide written proof that:
 - (1) The determination that the property is unsafe for use has been reversed by a Code Enforcement Officer; or
 - (2) A determination has been reversed by a court of law or the Code Enforcement Board pursuant to the hearing procedures specified in Section 2-286; or
 - (3) A Certificate of Fitness has been issued for the property.

Section 7. Procedures for owners of unsafe for use properties.

- (a) The owner of property determined to be unsafe for use shall:
- (1) Prevent by reasonable means the entry into, physical presence in, occupancy of or any use whatsoever by anyone of the property in question until the property has been issued a Certificate of Fitness or until the determination that the property is unsafe for use has been reversed in writing by Code Enforcement Officer, Code Enforcement Board or by a court of competent jurisdiction; except that qualified contractors and regulatory and law enforcement agencies and their authorized agents may enter such properties for purposes of evaluation, sampling, investigation and/or decontamination; and owners or agents of the owner may enter such properties for the purposes of decontamination when approved by Code Enforcement Officer as set forth in subsection (b) of this section; and
 - (2) Retain a contractor to supervise the decontamination efforts, including: performing a site assessment; supervising site sampling by an independent third party as required in Section 18-8(c); submitting a work plan for Code Enforcement Unit's approval; and decontaminating the property or supervising the decontamination of the property. An owner or an agent of the owner may perform the decontamination when the requirements of this subsection and the criteria of section (b) or (c), below, are met.
- (b) A Code Enforcement Officer may approve the performance of the decontamination work by the owner or an agent of the owner in accordance with subsection (a)(2) of this rule if all of the following criteria are met:
- (1) Methamphetamine was the only drug manufactured at the site; and
 - (2) The method of manufacturing was the ephedrine-red phosphorus or ephedrine-sodium/lithium metal method; and
 - (3) The manufacturing occurred after 1996; and
 - (4) No visual or apparent evidence of manufacturing-related contamination, filth and debris, or biohazards are present; and
 - (5) No manufacturing-related fire occurred.
- (c) When a contractor is proposing a demolition as a method of decontamination as set forth in subsection (b), above, a Code Enforcement Officer may waive sub-subsections b(1) through b(5) if:
- (1) Methamphetamine was the only drug manufactured; and
 - (2) The owner or agent of the owner is prohibited from entering the structure(s) to be demolished.
- (d) The Code Enforcement Unit may disallow the owner or agent of the owner from performing the decontamination work when there is evidence of removal of contents or any other form of decontamination not approved by a Code Enforcement Officer.

- (e) An owner must do one of the following before unsafe for use property can be used: provide evidence that the unsafe for use property designation has been reversed on appeal; provide evidence that the property has been assessed as set forth in Section 18-8(a)(1), found not to be contaminated, and a Certificate of Fitness issued; or provide evidence that the property has been decontaminated and a Certificate of Fitness issued.

Section 8. Procedures for assessment, decontamination, sampling and testing.

- (a) A contractor who has been retained to assess a property shall submit all information, proposals and the appropriate fee to the city on the form supplied by the City of Palatka.

- (1) The contractor shall assess the site and characterize the extent of contamination by, but not limited to, the following:

- i. Securing any documentation available from Code Enforcement Unit, law enforcement agencies, other appropriate state agencies or other sources regarding the nature and extent of the illegal drug activity and evidence of such activity;
- ii. Evaluating the property site to determine the nature and extent of observable damage and contamination;
- iii. Providing a written site assessment with an accompanying sampling and analysis plan. The contractor shall submit the assessment and sampling plan, along with the appropriate fee listed in Section 18-18(d), to The Code Enforcement Unit for approval prior to commencement of the decontamination work;
- iv. Supervising qualified, third-party sampling personnel, as set forth in Section 18-8(c) in the collection of site samples;
- v. Arranging for the qualified scientific testing of air, surfaces, and articles and materials on or taken from the site;
- vi. Providing a brief written description of the contaminated site and buildings, and a scale drawing of the property including the location and type of all site structures; floor plans drawn to reasonable scale of all affected buildings; location of any surface waters, wells, and/or septic tanks; location of any damage, observable contamination, chemical storage, dump sites, burn piles, or drug lab operations;
- vii. Supplying photographs of the site and the interior and exterior of any buildings, vehicles, boats or other potentially contaminated structures or areas. These photographs must show any damage, observable contamination or identified dump sites that may be present;
- viii. Providing a list of the sample locations, methods, and laboratory tests to be performed prior to decontamination of the property, and a list of the articles and materials that may need removal from the site during the decontamination process; and
- ix. Supplying the name of the company retained to collect the samples, name(s) of the analytical laboratory(ies) performing the analyses on the samples, and the name and qualifications of the sample collector.

- (2) The contractor shall submit the assessment along with all tests, findings and conclusions, the name of the owner, mailing and street address, legal description of the property, clear directions for locating the property, and a completed application for a Certificate of Fitness along with the applicable fee to the Code Enforcement Unit if no contamination is

found. If the findings are acceptable to a Code Enforcement Officer, a Certificate of Fitness may be issued.

- (b) If contamination is found, the contractor shall proceed as follows to decontaminate the property, or to supervise the owner or agent of the owner in the decontamination:
- (1) Prepare and submit to the Code Enforcement Officer a written work plan for decontamination along with the applicable fee. The work plan, at a minimum, shall include:
- i. Complete identifying information such as street address, mailing address, owner of record, legal description, and clear directions for locating the property;
 - ii. A drawing of the contaminated property including floor plans of all affected buildings drawn to reasonable scale showing the location of damage and contamination, chemical storage, and the location of all sampling points used in the initial evaluation;
 - iii. A summary of the information obtained from any law enforcement agencies, Code Enforcement officer and/or other sources and a discussion of its relevance to the contamination;
 - iv. A summary of all tests performed, test results and a discussion of the significance of the test, along with a copy of the laboratory test results;
 - v. Specific procedures for decontamination detailing any and all materials or articles to be removed, all procedures to be employed to remove contaminants, any proposed processes to cover or encapsulate contaminants, appropriate labeling of contaminated materials removed from the property to alert members of the general public that such materials are unsafe, and any other proposed procedures for decontamination and disposal of contaminated materials;
 - vi. A complete listing of proposed post-decontamination laboratory tests of the property and the name(s) of the laboratory(ies) doing the testing;
 - vii. A listing of all personnel who will participate in the on-site decontamination and qualifications of each;
 - viii. Certification that all workers, except as set forth in Section 18-7(b), are qualified and trained under applicable OSHA rules, per 29 CFR 1910.120(e) and associated state rules and will use appropriate protective clothing and equipment whenever on the property;
 - ix. All results of the site assessment; and
 - x. Documentation that the site to be decontaminated meets the criteria established in Section 18-7(b) or (c) when proposing an owner decontamination.

After securing written approval from a Code Enforcement Officer for the work plan or amended work plan, the contractor shall complete the decontamination work, or supervise the completion of the work, in accordance with the approved work plan;

- (2) The contractor shall arrange for, and supervise as necessary as set forth in Section 18-8(c), all follow-up sampling as specified in the approved work plan;
 - (3) The contractor shall submit to the Code Enforcement Unit, written and photographic documentation showing that the decontamination has been completed in accordance with the approved work plan, along with all follow-up test results required by the approved work plan, and a completed affidavit on a form supplied by Code Enforcement Unit attesting to compliance with the approved work plan; and
 - (4) If in the course of decontamination, factors are discovered requiring modifications to the work plan, such modifications may be made only upon prior written approval from a Code Enforcement Officer. The contractor shall provide the Code Enforcement Officer with written confirmation that the modified work as approved was performed.
- (c) The contractor shall insure that all samples collected from the site, including the taking of air, surface and bulk samples prior to and after decontamination of the property are performed by independent, qualified personnel using industry-recognized standards and protocols. The contractor shall insure that the sampling personnel utilize the most current Standard Operating Procedures developed by the Florida Department of Environmental Protection for such activity.
- (1) The contractor shall insure that all laboratory tests on the samples collected from the site are performed by a laboratory following standard laboratory practices. The laboratory shall:
 - i. Be currently certified or approved under appropriate state, federal, or professional programs;
 - ii. Use standard methods and procedures when available;
 - iii. Have implemented a quality assurance program, including use of quality control measures, that has been accepted by the Florida Department of Environmental Protection; and
 - iv. Have a US Drug Enforcement Administration registration on file with the Code Enforcement Unit if analyzing for controlled substances.
 - (2) The contractor shall insure that the following components of the site sampling and laboratory testing are integrated into the work plan:
 - i. The materials, equipment and techniques used, or to be used, for sampling at each location;
 - ii. All control samples taken, or to be taken, including the location, materials, techniques and results;
 - iii. The exact location within the property where each test sample was or will be collected. Samples collected after decontamination shall be collected immediately adjacent to the location initially tested, and shall be sampled by identical methods in order to accurately reflect the effectiveness of the decontamination work; and

- iv. Surface sample test results are reported as total weight of contaminant per appropriate unit of area to equal ug/100 sq.cm and air sample test results shall be reported in ppm. If other media or contaminants are to be sampled, such results shall be reported in the manner most common to the industry standard for such sample.
- (3) All site assessment reports and test results shall be retained by the contractor for a period of not less than one calendar year from the date of certification of the site.

Section 9. Compliance with regulations and disposing of contents of unsafe for use properties.

A contractor must conduct any abatement activities in compliance with applicable local, state and federal regulations. Permits may be required for such activities. The contractor shall provide written documentation to the Code Enforcement Unit of proper disposal of all materials removed from unsafe for use properties. The contractor shall prominently post all dumpsters or other waste collection areas with notice that the contents of such dumpster or waste collection area are contaminated.

Section 10. Destruction of property determined to be unsafe for use.

Property found to be unsafe for use may be demolished completely or in part in order to remove the contamination. A contractor shall comply with all state and local requirements, including any permits, for protecting health and the environment in any demolition approved by the Code Enforcement Unit, and shall remove or contain all hazards resulting from the illegal drug manufacturing. A contractor shall submit a written work plan to the Code Enforcement Officer and receive written approval from the Code Enforcement Unit prior to the demolition. Where required, permits for demolition shall also be obtained from the city before demolition begins.

Section 11. Disclosure for sale or transfer of illegal drug manufacturing sites.

- (a) An owner of unsafe for use property may transfer or sell the property before a Certificate of Fitness is issued if the owner provides full written disclosure to the buyer or transferee. The owner shall attach the disclosure statement to the earnest money receipt, if any, or otherwise attach the disclosure statement to the sale or transfer document for each transaction, and shall, at a minimum, include each of the following:
- (1) A verbatim statement as follows: "The property in this transaction has been determined to be an illegal drug manufacturing site and cannot be rented, leased, entered or used for any reason without first being issued a Certificate of Fitness by the Municipal Code Enforcement Unit." The statement shall be in 10-point, bold type or equivalent;
 - (2) A brief description of the property including street address and legal description;
 - (3) A brief description of the kind and location of all drug manufacturing activities on the property if known;
 - (4) The name and address of the owner of record, the name and address of the buyer/recipient, and the date of the transfer;
 - (5) The name of the agency that determined the property was used as an illegal drug manufacturing site;

- (6) The address and telephone number of the agency that made the above determination; and
 - (7) A photocopy of the written notice of determination as issued by the Municipal Code Enforcement Unit.
- (b) The owner shall provide a copy of the disclosure statement for each transaction to the Municipal Code Enforcement Unit within 10 days of the closing of the sale or transfer.

Section 12. Qualifications, training and licensing of contractors and employees.

- (a) No person or entity shall advertise to undertake, or perform the work necessary to assess or decontaminate properties found to be unsafe for use, without first complying with these rules and securing a license to do from the Code Enforcement Unit and Municipal Code Enforcement Division, except as set forth in subsection (b), below, or in Section 18-12 (b) and (c).
- (b) Before applying for a decontamination contractor license, a contractor must be registered, bonded and insured as a general contractor with the Florida Department of Professional Regulation. Companies and persons providing only sample collection, transportation and testing services for drug laboratory decontamination contractors are not required to be licensed pursuant to these rules; however, a contractor shall supervise anyone providing sample collection as set forth in Section 18-8(c), and anyone providing sample collection services shall comply with the hazardous materials training required in subsection (e), below, and the qualification and training requirements of Section 18-8 (b) (1) viii. Laboratories providing sample analysis shall comply with Section 18-8 (c) (1).
- (c) The contractor shall provide documentation to Code Enforcement Officer that its supervisory personnel seeking training and certification as a drug laboratory decontamination supervisor have successfully completed at least 40 hours of hazardous materials training satisfying the requirements of 29 CFR 1910.120(e). The contractor shall insure that only persons so qualifying are admitted for training, examination or on-site work as an illegal drug manufacturing site decontamination supervisor.
- (d) The contractor shall insure that its employees and agents who have on-site duties or who handle contaminated materials, chemicals or contaminated equipment, shall be trained as required by 29 CFR 1910.120(e) before engaging in assessment, testing or decontaminating illegal drug manufacturing sites. Refresher training as required by said rules and regulations shall be kept current.
- (e) The contractor's supervisory employees performing on-site drug site decontamination activities shall successfully complete the initial training course required in section (d), above, and shall successfully complete refresher training specified by Code Enforcement Unit every other year to renew their certification. Code Enforcement Unit may also require more frequent training updates.
- (f) The contractor's non-supervisory employees who have on-site exposure to properties found unsafe for use shall receive specialized drug site decontamination training before having any on-site exposure, and must attend refresher training at least every other year to renew their certification. The contractor shall supply the Code Enforcement Unit with documentation of such training for each employee who enters an illegal drug manufacturing site. Training

referred to in subsections (e) and (f) is required in addition to the training required by Federal OSHA regulations referred to in subsection (d) of this rule.

- (g) All contractors and all employees of any contractor shall carry identification provided by the Code Enforcement Unit attesting to their training credentials and level of training whenever performing duties at an illegal drug manufacturing site.

Section 13. Contractor listing.

The Municipal Code Enforcement Unit shall maintain a complete listing of Drug Laboratory Decontamination Contractors and shall provide copies of the list upon request, to any property owner, prospective buyer, licensee or other interested person.

Section 14. On-site supervision.

- (a) The contractor shall insure that at all times during site assessment and sampling activities on illegal drug manufacturing sites, a qualified supervisor employed by the contractor shall be on site and responsible for the activities performed. A Code Enforcement Officer may also require the presence of such a supervisor on these sites during decontamination activities. Supervisors shall at all times while on site carry identification required by the Municipal Code Enforcement Unit attesting to their training and credentials.
- (b) An applicant for a decontamination license must demonstrate that it has one or more qualified supervisors on staff.
- (c) A contractor may not perform any illegal drug manufacturing site activities unless the contractor has at least one certified supervisor.

Section 15. Entry and inspection.

Properties determined to be unsafe for use may be entered and inspected as set forth in Section 18-16 (a). Law enforcement officials may accompany such entries for safety or security purposes. The owner, manager, tenant, or occupant of such property shall allow access to all parts of such property for these purposes and for quality control evaluations pursuant to Section 18-16 from the date of the finding that the property is unsafe for use and up to six months after a Certificate of Fitness has been issued.

Section 16. Quality control checks.

- (a) A Code Enforcement Officer or designated agent may inspect, evaluate and perform tests upon any property for which a Certificate of Fitness has been requested or issued. The inspection, evaluation and tests shall determine whether the approved work plan was followed, whether post-cleaning tests submitted meet the requirements of Section 18-8 (c), and whether the property has been decontaminated adequately. The contractor shall be subject to license revocation, suspension, civil penalties or other penalties pursuant to if inadequate decontamination is found.
- (b) A Code Enforcement Officer may monitor the work of any contractor at any illegal drug manufacturing site.

Section 17. Advice and consultation.

Code Enforcement Officer shall be available to consult with contractors, as well as those planning to become contractors, on information pertinent to illegal drug manufacturing sites, including but not limited to chemicals found at such sites and their toxicity, new or revised decontamination procedures, personal protective equipment and applicable federal regulations and state rules.

Section 18. Licenses and fees.

Fees for initial license application, renewal of license, penalty for late renewal, and fees for site assessment review, work plan review and project completion review/certificate of fitness shall be as listed in Appendix A to Chapter 18 of the Palatka Municipal Code.

No portion of any fee is refundable unless the fee was submitted in error and the application is withdrawn by written request of the applicant within ten working days of submission.

Section 19. Denial, suspension, revocation of license and civil penalties.

- (a) An applicant for an initial license as a Drug Laboratory Decontamination Contractor will be denied if the applicant fails to meet any of the qualifications or requirements of these rules.
- (b) Code Enforcement may deny, suspend or revoke the license of any contractor found to be in violation of the rules set forth.

Section 20. That Appendix A to Chapter 18 of the Palatka Municipal Code is hereby amended to insert the following fees, which correspond to the provisions of this Ordinance;

- (a) Initial license application fee - \$100.00
- (b) Renewal of license - \$50.00
- (c) Penalty for late renewal - \$100.00
- (d) Site assessment review fee - \$100.00
- (e) Work plan review - \$50.00
- (f) Project completion review and certificate of fitness fee - \$100.00

Section 21. Conflicts. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section 22. Severability. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, of unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect or any other section or portion of a section, subsection, or part of the ordinance.

Section 23. Effective Date. That this ordinance shall take effect upon its passage as provided by law.

Section 24. Codification. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida, and shall be appropriately numbered to conform to the uniform numbering system of the City of Palatka Code.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, on this 23rd day of October, 2014.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

*Agenda
Item*

10



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE establishing regulations for synthetic drugs - 2nd Reading, Adopt

SUMMARY:

This is the 2nd Reading for this ordinance.

Synthetic chemical and/or liquid mixtures are being marketed and sold in the City of Palatka which are not necessarily controlled by federal or state law but which are designed and marketed to mimic the effects of controlled substances such as cannabis and cathinones. These synthetic drugs are commonly marketed for sale to the general public, but especially to young adults and teenagers as a “safe” and/or “legal” alternative to marijuana or other controlled substance.

Synthetic cannabinoids, also known as “Spice” or “K2”, are mixtures of herbs that are typically sprayed with a synthetic compound that chemically mimics tetrahydrocannabinol (THC), the principal psychoactive chemical in marijuana. The product generally resembles potpourri, but can also be found in powder form or may be in liquid form to be smoked in electronic cigarettes. These products are marketed and users generally expect them to mimic the effects of THC which affects the function of the human body. In fact, reporting from users, health professionals and poison control authorities indicate the physical and psychological effects of these products greatly exceed the severity of symptoms associated with marijuana. Rather than just marijuana’s heightened senses, slowed response, impaired skills and anxiety, these products typically also produce short-term effects such as hallucinations, breathing difficulty, increased heart rates, chest pains, seizures and death. Long-term physiological effects are unknown.

Synthetic cathinones, commonly known as “bath salts,” refers here to an emerging family of drugs containing one or more synthetic chemicals related to cathinone, an amphetamine-like stimulant found naturally in the Khat plant. These illicit synthetic cathinones typically take the form of a white or brown crystalline powder and are sold in small vials, capsules, and plastic or foil packages labeled “not for human consumption.” Sometimes also marketed as “plant food,” “jewelry cleaner” or “phone screen cleaner,” reports of severe intoxication and dangerous health effects associated with use of bath salts have made these drugs a serious and growing public health and safety issue. The synthetic cathinones in bath salts can produce euphoria and increased sociability and sex drive, but users also experience paranoia, agitation, and hallucinatory delirium; some even display psychotic and violent behavior, and deaths have been reported in several instances.

Efforts have been made to prohibit the manufacture, sale and distribution of these synthetic drugs through state legislation. The State of Florida, in an attempt to curtail the marketing, sale, and consumption of synthetic drugs has added in Chapter 893, Florida Statutes, many of the chemicals and chemical compounds used in the manufacture of synthetic drugs as controlled or prohibited substances, but the manufacturers alter the composition slightly to get around the named illegal substances. This effectively thwarts the prohibition. Due to the ease of making slight molecular alterations of these chemicals or chemical compounds, law enforcement agencies have found it extremely difficult to bring criminal charges against the manufacturers, producers, and marketers of synthetic drug products.

The current method of addressing the synthetic drugs is not effective due to the ability of manufacturers to

alter the compounds slightly and get around the intent of Florida Statute 893.

In an effort to assist local agencies in combating the synthetic drug problem described, the Florida Department Law Enforcement has suggested utilizing local ordinances that incorporate language from Florida Statute 499, "misbranded drugs". As "misbranded" "drugs" under Chapter 499, such products would then be subject to search warrants of non-residential locations under Florida Statutes Chapter 933. Local ordinances have been found that have been effective in dealing with the synthetic drug sales by utilizing the language described. Those ordinances from Hillsborough County, Pasco County, the City of Ocala and Broward County have provided a template to develop an ordinance for the City of Palatka. The ordinance would prohibit the sale or distribution of misbranded drugs and provide for fines to be charged to retail outlets that violate the ordinance.

RECOMMENDED ACTION:

Adopt on 2nd Reading the proposed ordinance establishing regulations for synthetic drugs. This ordinance was passed on first reading on October 9, 2014.

ATTACHMENTS:

Description	Type
D Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	10/10/2014 - 1:24 PM
City Clerk	Driggers, Betsy	Approved	10/10/2014 - 1:24 PM
City Manager	Czymbor, Michael	Approved	10/14/2014 - 10:49 AM
Finance	Reynolds, Matt	Approved	10/14/2014 - 10:53 AM
City Clerk	Driggers, Betsy	Approved	10/14/2014 - 11:44 AM

ORDINANCE No. 14 - 29

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROHIBITING THE POSSESSION, SALE, OR MANUFACTURE OF SYNTHETIC DRUGS; PROVIDING A STATEMENT OF INTENT; PROVIDING FOR A TITLE; DEFINITIONS; DETERMINATION OF A PRODUCT WHICH CONSTITUTES A SYNTHETIC DRUG; PROHIBITED ACTS; LABORATORY ANALYSIS; ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY, CODIFICATION, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, synthetic chemical and/or liquid mixtures are being marketed and sold in the City of Palatka which are not necessarily controlled by federal or state law but which are designed and marketed to mimic the effects of controlled substances ; and

WHEREAS, the manufacture or production of synthetic drugs is not regulated by the U.S. Food and Drug Administration; and

WHEREAS, pursuant to Article 8 of the Florida Constitution and Section 125.66, Florida Statutes, and in accordance with the proscriptions on local regulation imposed by the Fair Packaging and Labeling Act, 15 U.S.C. § 1461, The City of Palatka possesses the police powers to enact ordinances in order to protect the health, safety, and welfare of the County's citizens; and

WHEREAS, synthetic drugs are commonly marketed for sale to the general public, but especially to young adults and teenagers as a "safe" and/or "legal" alternative to marijuana or other controlled substance; and

WHEREAS, the City of Palatka Commissioners has been advised by the Palatka Police Department of a significant increase in the use of synthetic drugs and substances by young adults and teenagers; and

WHEREAS, synthetic drugs, including the common references "synthetic cannabinoids", "bath salts", cathinones and substituted cathinones, and other dangerous chemicals, are being added by producers and manufacturers to products in an effort to mimic the effects of illegal drugs when ingested into the human body; and

WHEREAS, due to the absence of FDA testing and regulation, the long term health effects of synthetic drug products are unknown, have not undergone human clinical testing, and their manufacturing and production process has no regulatory oversight; and

WHEREAS, "synthetic cannabinoids", also known as "Spice" or "K2", are mixtures of herbs that are typically sprayed with a synthetic compound that chemically mimics tetrahydrocannabinol (THC), the principal psychoactive chemical in marijuana. The product generally resembles potpourri, but can also be found in powder form or may be in liquid form to be smoked in electronic cigarettes. These products are marketed and users generally expect them to mimic the effects of THC which affects the function of the human body. In fact, reporting from users, health professionals and poison control authorities indicate the physical and psychological effects of these products greatly exceed the severity of symptoms associated with marijuana. Rather than just marijuana's heightened senses, slowed response, impaired skills and anxiety, these products typically also produce short-term effects such as hallucinations, breathing difficulty, increased heart rates, chest pains, seizures and death. Long-term physiological effects are unknown; and

WHEREAS, "synthetic cathinones", commonly known as "bath salts," refers here to an emerging family of drugs containing one or more synthetic chemicals related to cathinone, an amphetamine-like stimulant found naturally in the Khat plant. These illicit synthetic cathinones typically take the form of a white or brown crystalline powder and are sold in small vials, capsules, and plastic or foil packages labeled "not for human consumption." Sometimes also marketed as "plant food," "jewelry cleaner" or "phone screen cleaner," reports of severe intoxication and dangerous health effects associated with use of bath salts have made these drugs a serious and growing public health and safety issue. The synthetic cathinones in bath salts can produce euphoria and increased sociability and sex drive, but users also experience paranoia, agitation, and hallucinatory delirium; some even display psychotic and violent behavior, and deaths have been reported in several instances.

WHEREAS, synthetic drugs are marketed as substances which affect the function of the human body and users generally expect synthetic drugs to affect the function of the human body, however ingestion of synthetic drugs has been known to produce undesired and dangerous side effects such as headaches, agitation, nausea, vomiting, hallucinations, loss of consciousness, elevated blood pressure, tremors, seizures, severe paranoia, aggression, anxiety, kidney failure, increased heart rate, and even death; and

WHEREAS, according to the American Association of Poison Control Centers, exposure to, or ingestion of synthetic cannabinoids and synthetic cathinones continue to result in thousands of calls to emergency medical facilities and poison control centers across the United States; and

WHEREAS, the manufacture, sale, and use of synthetic drugs has become a crisis problem negatively affecting the health, safety, and welfare of the citizens of Palatka, in particular the youth of Palatka; and

WHEREAS, the State of Florida, in an attempt to curtail the marketing, sale, and consumption of synthetic drugs has added in Chapter 893, Florida Statutes, many of the chemicals and chemical compounds used in the manufacture of synthetic drugs as controlled or prohibited substances; and

WHEREAS, the Palatka Police Department has determined that the manufacturers and producers of synthetic drugs have slightly altered the molecular composition of the chemicals or chemical compounds to avoid regulation under the state statutes and have plans to continue that practice; and

WHEREAS, due to the ease of making slight molecular alterations of these chemicals or chemical compounds, law enforcement agencies have found it extremely difficult to bring criminal charges against the manufacturers, producers, and marketers of synthetic drug products; and

WHEREAS, undercover investigations by the Police Department into the manufacture, marketing, sale, use, and consumption of synthetic drugs have proven to be lengthy, costly, and man-power intensive; and have failed to curtail the marketing, sale, and consumption of synthetic drugs;

WHEREAS, the Palatka Police Department has indicated that continued enforcement of synthetic drugs under the state statutes has been, and continues to be, hampered merely by the slight changing of the molecular make-up or recipe of the chemicals or chemical compounds used in the manufacture of synthetic drugs in order to defeat law enforcement investigations; and

WHEREAS, it is not the intent of this ordinance to interfere with legitimate actions and conduct of individuals which are protected under the constitutions and laws of the United States and the State of Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA, that the following Sections 1 through 9 of this Ordinance shall be adopted, inserted into and made part of the Palatka Municipal Code of Ordinances:

Section 1. Recitals. The above-listed "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby rendered a specific part of this Ordinance upon adoption and shall serve as its legislative history.

Section 2. Title. This ordinance shall be known as the Synthetic Drug Ordinance.

Section 3. Purpose of article. The purpose of this article is to protect the health, safety, and welfare of the citizens of Palatka by prohibiting the possession, use, sale, and manufacture of synthetic substances as defined herein which, when consumed, mimic the effects of narcotics or controlled substances.

Section 4. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Synthetic chemical or synthetic chemical compound* refers to a chemical or chemical compound whose molecular composition is similar to, or mimics any of those substances listed as controlled substances in F.S. Ch. 893, and whose intended use when introduced into the human body is to mimic the effects of a controlled substance. "Substantially similar chemical structure" of a controlled substance is described in F.S. 893.0356.
- (b) *Synthetic cannabinoids* means any herbal, vegetal or liquid material which has been soaked, sprayed, blended, combined or otherwise enhanced with a synthetic chemical or synthetic chemical compound that enables the herbal, vegetal or liquid material, or the smoke or vapor emitted from its burning, or vaporization, to mimic or simulate the effects of a controlled substance, tetrahydrocannabinol (THC), when inhaled, ingested, or otherwise introduced into the human body or otherwise affects the function of the human body. Any herbal, vegetal or liquid material described above shall be considered a synthetic cannabinoid regardless of the labeling posted on the packaging for the material and regardless of whether the labeling states that its contents are "not for human consumption," "not for smoking," or other similar statement. The fact that a herbal, vegetal or liquid material, packaged and advertised as a food additive, potpourri, herbal incense, etc., has

been soaked, sprayed, blended, combined or otherwise enhanced with a synthetic chemical or synthetic chemical compound which has no legitimate relation to the advertised use of the product may be considered in determining whether the product is considered a synthetic cannabinoid. This term specifically does not include any herbal, vegetal or liquid material containing synthetic chemicals or chemical compounds which: (1) require a prescription; (2) are approved by the United States Food and Drug Administration; and (3) are dispensed in accordance with Florida and Federal law.

- (c) *Synthetic Cathinones*, also known as *bath salts*, means any granular, crystalline, powdered, pill, encapsulated, stick, or block material form of synthetic chemical or synthetic chemical compound that enables the material, or the smoke or vapor emitted from its burning or vaporization, to mimic or simulate the effects of a narcotic or other controlled substance when inhaled, ingested, injected or otherwise introduced into the human body or otherwise affects the function of the human body. Any material described above shall be considered a synthetic drug regardless of the labeling posted on the packaging for the material and regardless of whether the labeling states that its contents are "not for human consumption," "not for smoking," or contains some other similar statement. Material packaged and advertised as a cleaning agent, food additive, therapeutic bath crystals, plant food, insect repellent, etc. is, in fact, a synthetic chemical or synthetic chemical compound which has no legitimate relation to the advertised use of the product and is considered a synthetic drug. This term specifically does not include any legitimate, traditional materials known as bath salts or Epsom salts containing synthetic chemicals or chemical compounds which may: (1) require a prescription; (2) are approved by the United States Food and Drug Administration; and (3) are dispensed in accordance with Florida and Federal law.
- (d) *Controlled substance* means any substance defined or listed in Schedule I, II, III, or IV of F.S. § 893.03, as amended including any analogues, isomers, esters, ethers, salts, and salts of isomers, esters and ethers of such substances.
- (e) *Drug* means an article or substance that is intended to affect the structure or any function of the body of humans as defined in F.S. § 499.003.
- (f) *Misbranded drug* means a drug that violates Section 499.007, F.S., including, but not limited, to drugs for which (1) the label is in any way false or misleading; (2) the label does not bear the name and place of business of the manufacturer, repackager, or distributor of the finished form of the drug; (3) the label does not bear adequate directions for use; or (4) the label does not bear adequate warnings against use.
- (g) *Drug paraphernalia* means other than devices to ingest or inject prescription drugs, any object used, intended for use of designed for use in ingesting, inhaling or otherwise introducing illicit drugs or controlled substances into the human body. In determining whether an object is drug paraphernalia, a court may consider any of the factors enumerated in § 893.146, F.S.

Section 5. Determination of a product as a synthetic drug.

The following factors, taken in the totality of the circumstances, may be considered in determining whether a product, substance, or other material should be classified as a synthetic drug. For the purposes of enforcement pursuant to Section 8 of this ordinance, the establishment of two or more of these factors shall constitute prima facie evidence that the product is a synthetic drug.

- (1) *Marketing*: A product routinely advertised to be a substance for which it is rarely, if ever, suitable to be used for (i.e. - incense, potpourri, food additive, therapeutic bath

crystals, plant food, insect repellent, communication device screen cleaner, jewelry cleaner, glass cleaner, etc.).

- (2) **Sales location:** Products, whether displayed or not, but offered or sold in, or through, businesses such as liquor stores, smoke shops, and gas/convenience stores where such advertised products are not typically sold.
- (3) **Labels and packaging:**
 - a. Products marketed as common non-consumable products which contain warnings not normally found on such products. The warnings may be similar, but not limited to, "not for human consumption", "not for purchase by minors", etc., or
 - b. Products containing notices on the package not normally found on similar products such as, but not limited to, "does not contain any chemical compounds prohibited by State law," "contains no prohibited chemicals," "product is in accordance with State and Federal laws," "product is in compliance with new Florida Law HB 1175," "does not contain AM2201 or any DEA banned substance", "legal herbal substance," "aromatherapy only," "legal in 50 States," "100% compliant guaranteed," etc.
 - c. Products whose package labeling or design suggests the user will achieve a "high", euphoria, relaxation, mood enhancement, or that the product has other drug-like effects on the body or otherwise affects the function of the human body.
 - d. Products using brand names and packaging designed to make the product appear similar to illicit street drugs or commonly used street slang for illicit drugs or their effects or employs symbols, terms or effects of illegal drugs, such as marijuana leaf, blunts, red eyes or crossed-out eyes.
 - e. Packages are misleading, deceptive or misbranded, including but not limited to (1) the label is in any way false or misleading; (2) the label does not bear the name and place of business of the manufacturer, repackager, or distributor of the finished form of the drug; (3) the label does not bear adequate directions for use; or (4) the label does not bear adequate warnings against use and/or the product contains contradictory warnings/directions for the product's use, which is not consistent for the type of product advertised. (Example: "For fragrance or aromatherapy only" which requires human inhalation and/or "blueberry flavor" upon packages that also read "not for human consumption" or similar statements.)
- (4) **Price:** The price of the synthetic drug product is incongruent with other products marketed in the City for legitimate use as incense, plant food, etc.
- (5) **Similarity to illicit street drugs:** Products designed to make the substance appear similar to illicit street drugs (Examples: a white powder made to resemble, in color and texture, cocaine, or dried vegetal material resembling marijuana).
- (6) **Ingredients:** A product which is, or has been enhanced with, a synthetic chemical or synthetic chemical compound that has no legitimate relation to the advertised use of the product but mimics the effects of a controlled substance when the product, or the smoke or vapor from the burned or vaporized product, is introduced into the human body.
- (7) **Verbal or written representations:** Verbal or written representations made at the place of sale or display regarding the purpose, methods, use, or effect of the product on the human body.

- (8) *Co-sale*: Offers or suggestions to purchase products such as cigars, pipes, cigarette papers or e-cigarettes that are used with synthetic drugs and demonstrate intent for human consumption.
- (9) *Subterfuge*: Use of passwords, signs, vouching or other means to vet purchasers and hiding product from general view or offsite to evade law enforcement as to the product's presence.

Section 6. Prohibited acts.

- (a) The possession, use, sale, distribution, production, or manufacture of synthetic drugs, as defined in this article, is prohibited in the City of Palatka.
- (b) The display for sale or marketing of synthetic drugs, as defined in this article, in retail stores is prohibited in the City of Palatka.
- (c) The display for sale, marketing, advertisement, or other offer for sale or trade of any product described in Subsections (1) through (9) of Section 4 of this Ordinance is prohibited, and may be enforced as a City Ordinance violation.
- (d) No person in control of the premises of any place of business selling or displaying drug paraphernalia shall allow or permit any person under the age of 18 to enter or remain on the premises unless the minor person is accompanied by one of his or her parents or by his or her guardian.
- (e) Such premises must prominently display a sign (approved by or provided by the City of Palatka) posted at the entrance, stating that drug paraphernalia is located within the premises, and prohibiting persons under 18 from entering the establishment without their parent or guardian.

Section 7. Laboratory analysis.

Any laboratory analysis of suspected synthetic drug products shall be conducted by a State certified laboratory, competent to provide expert testimony in a court of law as to the chemical contents of the product and to the effect such contents may have if introduced into a human body. The Palatka Police Department shall collect the suspected synthetic as evidence and may submit it to the proper laboratory for analysis and expert testimony. Upon the determination of a violation, costs for investigative work shall be assessable against the person or entity charged with the violation.

Section 8. Enforcement and penalties.

(a) Primary responsibility for the enforcement of this article shall be with any law or code enforcement officer. Any products found in violation of this section may be seized and held by the enforcing entity as evidence to be used in any further proceeding. This article may be enforced as a code enforcement violation pursuant to Chapter 2 Article V of the City Ordinances and Laws, as amended. This article is enforceable against any natural person, business entity, trust, partnership, corporation, lessee, or property owner. Due to the dangerous medical and health effects the products prohibited by this article can have on the user of the product, each violation shall be considered a serious threat to the public health, safety, and welfare of the citizens of the City of Palatka.

A duly appointed Special Magistrate, or the Code Enforcement Board of the City of Palatka, upon determining that a violation of this article has occurred, shall order the violator(s) to pay a civil penalty of \$500.00 for each violation. Upon determining that a repeat violation of this article has occurred within one year of a previous violation, the Special Magistrate, or Code Enforcement Board shall order the violator(s) to pay a civil penalty of \$1,000.00 for each violation. For the purposes of administrative enforcement of this article, each package containing a synthetic drug or misbranded drug shall be considered a separate code violation. In any order finding a violation of this article, the Special Magistrate, or Code Enforcement Board, shall order that, in addition to the above referenced civil penalties, a daily civil penalty shall be assessed for failure to comply with the order within 30 calendar days of its execution. In any order finding a violation of this article, the Special Magistrate, or Code Enforcement Board, shall also order the violator(s) to pay any investigative costs incurred by the City in the enforcement of this article. All orders not complied with within 30 days shall be recorded in the Public Records of the City of Palatka and shall become a lien on the violator's property or any property later acquired by the violator.

- (b) Nothing contained herein shall prevent the City from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this article including but not limited to:
- (1) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;
 - (2) Initiating an action to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this article; or
 - (3) Utilizing any other action or enforcement method allowable by law.

Section 9. Conflict with State law. Nothing in this article is intended to conflict with the provisions of the Florida Constitution or any Florida Statute. In the event of a direct and express conflict between this article and either the Florida Constitution or the Florida Statutes, then the provisions of the Florida Constitution or Florida Statutes, as applicable, control.

Section 10. Severability. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section 11. Conflict – That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. Effective Date - That this ordinance shall take effect upon its passage as provided by law.

Section 13. Codification. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida, and shall be appropriately numbered to conform to the uniform numbering system of the City of Palatka Code.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, on second reading this 23rd day of October, 2014.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY