

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

JAMES A. GRIFFITH
INTERIM CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

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

MINUTES
CITY OF PALATKA
February 26, 2015

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 26th day of February, 2015.

PRESENT:	Mayor	Terrill L. Hill
	Commissioner	Mary Lawson Brown
	Commissioner	Rufus Borom
	Commissioner	Justin Campbell
	Commissioner	James Norwood, Jr.

Also Present: City Manager Michael J. Czymbor; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Interim Police Chief James Griffith; Assistant Fire Chief Mark Lynady; Planning Director Thad Crowe; Water Plant Superintendent Melvin Register; Main Street Manager Charles Rudd

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

INVOCATION & PLEDGE OF ALLEGIANCE – The Reverend Ben Tippet, Pastor; Freedom Worship Center of E. Palatka

APPROVAL OF MINUTES – 01/05/15 Installation & 02/12/15 Regular Meetings – Commissioner Norwood moved to adopt the minutes as read. Commissioner Campbell seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION/PRESENTATIONS

BLACK HISTORY RECOGNITION - Sam Taylor and Askew Vickers

Ora Jean Bell and other family and friends of Sam Taylor joined Mayor Hill and Vice Mayor Brown at the podium for recognition and presentation of a plaque commemorating the life and contributions of the late Samuel "Sam" Taylor. Vice Mayor Brown provided biographical remarks. He was the first African American to serve on the Putnam County School Board and Putnam County Board of County Commissioners, serving two terms on both.

Askew Vickers was present for recognition. Mayor Hill provided biographical remarks, noting he is an active political voice, although sometimes critical, and a local entrepreneur and owner of Vick's Supper Club. Mr. Askew said his mother instilled good values in her children. God came first, followed by pride, principals and morals. She insisted they get a good education, saying you will pay for it for the rest of your life if you don't. He noted Commissioner Norwood was one of the boys in his Boy Scout Troop. He picks the battles he wants to fight. He will let his work speak for him after he is gone.

RECOGNITION – Lowes Home Improvement – Joel Jackson, Manager and Paula Blackburn, Kids Clinic Coordinator as well as other Lowes Associates were present for recognition. Mayor Hill said Lowes has been a strong partner with the City in doing clean-up projects, and have gotten many young people involved. They have worked with Boyz II Men on projects and worked with the City on the Fred Green Project, for which they donated all the materials for a “face lift” of that park. They have assisted disadvantage citizens in helping them repair and paint their homes. They are partnering with the City to do a mentoring program for crime prevention. He thanked Lowes for their partnership and wants the citizens to know what the employees do for the community and that they do this work as volunteers.

Mr. Jackson said they do this because Lowes wants to help people love where they live. This team does things like this on a daily basis. Lowes is all about the community and they love Palatka. They do their work within a 30-mile radius of the community. This weekend they are hosting a “monster jam” at the store and next weekend they will be at the Azalea Festival.

Paula Blackburn, Kids Clinic Coordinator, said they have learned to love where they work as well as their hometown. This Saturday they will have a Monster Jam workshop. This is free and all are invited. Hog Waller will be there. St. Johns Auto Body is sponsoring the event. She is proud to be part of Lowes and part of the community.

PROCLAMATION – Azalea Days – March 6 thru 8, 2015 – Kathy Griffin and Alice Cooper, DPI, were present to accept the Proclamation, which was read and presented by Mayor Hill. Organizers asked the citizens to come out and visit the festival, noting Billy Graham’s daughter will be preaching on Sunday morning.

PROCLAMATION – Clean Sweep Month – February, 2015 – Marcia Marinello, Keep Putnam Beautiful, was present to accept the proclamation, which was read and presented by Mayor Hill. Ms. Marinello said this also kicks off The Great American Clean Up, a country-wide effort. They partner with Palatka Pride in property clean-up projects and are always looking for volunteers. Litter affects everyone; it is important to keep the community clean. She thanked the Commission for the support they have provided KPBB. They will be announcing a Children’s Poster Contest and other recycling activities, and will be awarding “Golden Trash Cans” for those in the community who have gone above and beyond in the community to Keep Putnam Beautiful.

NATIONAL GUARD TROOP DEPLOYMENT - Mayor Hill encouraged everyone in the community to attend tomorrow’s send-off ceremony for National Guard A Battery 1-265th Unit, which is being deployed to Afghanistan. The ceremony begins at 12:30 p.m. at the Riverfront.

STUDENT OF THE MONTH – February, 2015 – Commissioner Campbell joined Mayor Hill in presenting Certificates to the following students in recognition of academic excellence, leadership, citizenship and attendance at their respective schools:

Devon Hart	Browning-Pearce Elementary
Lane Singleton	C. L. Overturf, Jr. 6 th Grade Center
Nolan Faircloth	Children’s Reading Center Charter School
Franklin Thompson	E. H. Miller School
Austin Robinson	James A. Long Elementary School
Brian Barfield	Jenkins Middle School (December Honoree)
Hailey Lansing	Kelley Smith Elementary School
Nyeasha Hudson	Mellon Elementary School
Damyia Woods	Moseley Elementary School
Sade Anderson	Palatka High School
Ainsley Perkins	Peniel Baptist Academy
Kenne Eubanks	Putnam Academy of Arts & Sciences
Kacey Christian	Putnam EDGE High School

2. PUBLIC COMMENTS

Robert Browning, 225 River Drive, East Palatka, said he has comments regarding the proposal to build a restaurant on the waterfront. He said he understands it has been in the planning for several years but only a few weeks ago was the church brought in. He inquired as to project financing, asking if and how the grant will have to be repaid if the restaurant is not successful. He had hoped to ask these questions of Mr. Griffith, who is not in attendance tonight. Mr. Czymbor said he will be glad to meet with Mr. Browning to answer all of his questions. He answered many of these questions for the Church Session last week.

Askew Vickers, 207 N. 18th Street, Palatka, spoke in reference to cleaning up Palatka, which will take time and money. It is not the taxpayers' properties, but the City's properties that need to be cleaned up, particularly ditches on the Northside. Some of the City's property has not been cleaned up in 30 years. This is only present on the Northside.

Mr. Vickers said the water system infrastructure and streets need to be addressed. There is a lot to be done here.

Marlene Lagassee, 329 River Street, said she appears on behalf of Downtown Palatka Inc. regarding Blue Crab Festival. She read a letter (not filed) stating DPI wishes to go on record as saying volunteers are important in making a successful festival. The Downtown Merchants voted to go on the recording to state keeping the Festival in downtown is extremely important to merchants. For only 10 merchants polled, lost revenue would exceed \$31,000 should the Festival not be held downtown. She said the letter was signed by Sam Deputy,

George Head, Pastor, First Presbyterian Church, said he was disappointed with the outcome of the Planning Board meeting last night, but that said, he was delighted in the outcome of working with the City, which was a good experience. It did not work out to the Church's satisfaction but the process was not wrong. In the process they worked with the leadership of the development projects and honed the proposal down to something more palatable, and what was approved last night was a much clearer project. He hopes they will bring the community in earlier in every process, not just at the last minute. The church wants to have input in any projects that involve the service of alcohol in the area surrounding them. City leadership did a wonderful job of working with the Church; however, they'd like to be involved earlier in the process.

Robert Blyth, 116 Sand Lake, Pomona Park, said he wanted to put forth his idea of using kids from Boyz II Men and others in the community to lend their time to fix the golf carts and get them back on the course for free and give out vouchers for play at the course in exchange.

Webster Marlow, 120 Kirkland Street, said the City has proposed to build something on the Riverfront Park that will prevent him from walking on the park where he now walks. He understands the need for a restaurant, but this location is close to First Presbyterian Church.

Roxanne Weeks asked for information on the search for a new Police Chief. Mayor Hill said they are putting together parameters for the search now. Ms. Weeks said she hopes this new commission will move forward with new leadership. She provided a copy of a memorandum dated July 2014 in regards to the alteration of FDLE Crime Stats report by the then Assistant Police Chief, written by former Chief Getchell, and said to alter those stats is not only a breach of the public trust, but gives a false sense of security to the citizens. Under Florida Statute this is a 3rd degree felony because the report is used for procurement of grant funds. Chief Getchell stated Chief Griffith is quite familiar with crime stats, so this is not accidental. She will leave other documents with the Clerk for distribution. The Crime Stats show there have been no murders in Palatka since 2001, which is false. She will bring forth additional documents later.

3. CONSENT AGENDA

- a. **Adopt Resolution No. 2015-11-11** authorizing the expenditure of Law Enforcement trust Funds in an amount not to exceed \$3,200 to purchase educational material for community events
- b. **Adopt Resolution No. 2015-11-12** declaring one (PD) seized motorcycle to be surplus and directing the City Manager to dispose of said property in accordance with City Administrative Procedures
- c. **Adopt Resolution No. 2015-11-13** authorizing the execution of a three-year contract in the amount of \$10,881 for the purchaser of code enforcement reporting software program from Comcate and mobile reporting equipment from SHI, utilizing funds from Code Enforcement Fines & Fees
- d. **Adopt Resolution No. 2015-11-14** designating the City Manager as the City's Economic Development Official and City Clerk as the keeper/holder of certain proprietary information as authorized by 288.075, Florida Statutes
- e. **Adopt Resolution No. 2015-11-15** authorizing the issuance of Special Events Permit No. 15-14 for the 69th Annual Florida Azalea Festival, setting forth provisions of the permit, authorizing the closure of certain streets to vehicular traffic during Festival events, waiving application deadline, allowing for sale and consumption of alcoholic beverages, granting permission to exceed allowable noise levels and setting advance and other permit fees
- f. **Grant permission to exceed allowable noise levels** and waive application deadline for Special Events Permit No. 15-15, City of Palatka Azalea Festival Mayor's Reception, on March 6, 2015 from 6:00 p.m. until 8:00 p.m. at the Bronson-Mulholland House – City of Palatka, Applicant
- g. **Grant permission to exceed allowable noise levels** and waive application deadline for Special Events Permit No. 15-04 – Just for Jesus Ministries Battle of the Banks, March 14, 2015 from 9:00 a.m. – 12:00 noon at the Riverfront Park (Live Entertainment) – Just for Jesus Ministries/Wayne Mustered, Applicant
- h. **Allow sales and consumption of alcoholic beverages** at the Palatka Municipal Golf Club during the Azalea Golf Tournaments on Sunday, March 15th and Sunday, March 22nd from 7:00 a.m. to 1:00 p.m.

Item 3c, 3d and 3e were pulled from the Consent Agenda for discussion. Commissioner Brown moved to approve all other items on the Consent Agenda as presented and recommended. Commissioner Norwood seconded the motion, which passed unopposed.

- 3c. **Adopt Resolution No. 2015-11-13** authorizing the execution of a three-year contract in the amount of \$10,881 for the purchase of a code enforcement reporting software program from Comcate and mobile reporting equipment from SHI, utilizing funds from Code Enforcement Fines & Fees – Chief Griffith was present for questions. Per the question, Chief Griffith said the software currently in use is severely inadequate; it is an add-on program with the financial software. It makes it difficult to track cases. One of their priorities was to find and purchase software that enabled them to track and report on Code Enforcement software. This software is economical and efficient. As to current cases, they will have to transfer current cases to this software, but because the data in the current program is inadequate, they are now manually transferring the data to a spreadsheet to keep track of it. It is the same work but will only have to be done once. Commissioner Borom said he likes to see comparisons from a matrix standpoint and asked how this software compares to what other cities use. Chief Griffith said they polled other municipalities as to what works best for them. This was one of two that got good reviews. Comcate is used nationally, not just in Florida, and got good reviews from everywhere. There will be no additional cost to transfer current cases over to this program. Commissioner Borom moved to table the item. Commissioner Brown seconded the motion. Mayor Hill said they he would like to look at comparisons of this and other software programs, and would like more

information on the hardware purchase. Commissioner Brown asked Chief Griffith to look into the Florida League of Cities' technical/software programs for Code Enforcement.

- 3d. Adopt Resolution No. 2015-11-14** designating the City Manager as the City's Economic Development Official and City Clerk as the keeper/holder of certain proprietary information as authorized by 288.075, Florida Statutes – Mr. Czymbor said this was tabled at the last meeting. Public Records law in Florida is very liberal. Almost every document they produce or receive is a public record. This resolution authorizes the City to limit access to certain documents containing proprietary information which is provided by economic development prospects. At this time the Chamber works with a lot of primary job creators, which are generally industrial and manufacturers. Ms. Lynch, the SBDC person, also works with small business developers. This would apply to individuals who are discussing private business practices with the City, including plans and surveys, which they pay for. This allows entrepreneurs to file a written request to withhold their proprietary information from public disclosure. Many private business people don't want to publicly disclose proprietary information they have paid money to develop. This will help the City to attract business. Potential businesses don't want their competitors to get this information for free and duplicate it. This is a tool that can be used in limited circumstances. This protects proprietary business information. The Chamber has that ability now, but as he said earlier, they deal with primary job creators. They are talking about small business and mixed use development, which they don't deal with. The City Manager would be designated as the Economic Development Official and the Clerk would be the keeper of confidential records, as she is currently the custodian of all records for the City and has this training.

Commissioner Campbell asked, if the City has a public/private partnership with the Chamber, doesn't that mean all of their records are subject to financial disclosure? Mr. Holmes said if a person is designated as an economic development officer, confidential information can be withheld from public disclosure for a determined period of time. It contemplates maintaining confidential records if a prospect comes in and wants to start up a new business with proprietary information. It is an existing statute and has been there for a while. The prerequisite is that the governmental entity has to designate a person as an economic development officer in order to exercise the exemption in that statute. Commissioner Campbell asked if the professional development person at the Chamber has been consulted. Mr. Czymbor said the Chamber deals with primary job creators. They don't deal with small or mixed use developments. The City does so on a daily basis. The CRA gives out grants for business. He talked to Dana Jones, Chamber President, and showed her this resolution. If the Commission wants to name the Chamber, who deals primarily with primary job creators such as industry and manufacturing, as the holder of the records, they can do so.

Mayor Hill said he initially read about this initially in the newspaper. At that time Mr. Griffith was going to be the development agent. He asked how this transitioned to the City Manager being the development official. Mr. Czymbor said he felt it was more appropriate. He deals with all of these matters and the Clerk is familiar with how to keep and file confidential records. He rethought his position and has re-proposed it. Mayor Hill asked how this is different from other significant contracts the City has entered into since Mr. Czymbor came on board. Mr. Czymbor said Mr. Lagassee has proposed a non-disclosure contract with the City based upon his attorney's recommendation. His first indication to Mr. Lagassee was that the City couldn't sign the document. Mr. Holmes wrote his memorandum advising there is an existing statute that would allow the City to enter into a non-disclosure agreement, and here is where they are. Mr. Lagassee has spent significant time and money on business plans and pro formas that he doesn't want disclosed to the public. The City should have had this ability years ago. Mayor Hill said people who deal with the City need to be aware that they are subject to certain layers of transparency. Having listened to several meetings and the presentation they received on Monday, he has grave concern with the transparency of this ever-changing proposal.

Commissioner Borom said they don't want to be in competition with the Chamber from an economic development standpoint. He can't see creating a whole other agency.

Mr. Holmes said the City Manager was accurate in saying he was provided an agreement which purported to make confidential certain pro formas and proprietary information. It was his opinion that the Agreement can't be signed by the City because it spoke to the authority of the City being the CRA. The AG's opinion is that the CRA can't sign confidentiality agreements. He researched the Statute, which has been in place for some time. Mr. Holmes read from a paragraph in the Statute that states that if a private person requests in writing that certain documents be kept confidential prior to signing the agreement, in which it has proposed to locate or expand any of its businesses, the information is exempt from public records laws for a certain amount of time. He informed Mr. Czymbor of the statute that allows the confidentiality agreement to be signed. They can't operate under the statute unless this economic development official is designated. Commissioner Norwood said this item was tabled so it could be workshopped. He didn't know they could change the directive to workshop this item. He was told that the decision was made between the Mayor and City Manager not to workshop the item. He expected a workshop on the issue. Mayor Hill stated he did not have that conversation with the City Manager. Commissioner Campbell said the Commission did not receive any communication that this would be back on the Agenda with a different person designated as the Economic Development Official.

Mayor Hill said they were all under the impression that this would be work-shopped. Any insinuation that he said otherwise is an absolute falsehood. He sat through two hours of a meeting with people saying they have grave concerns over how they are operating as a City over this particular project. They have to deal with issues publicly and in a straightforward fashion. The question came up as to why this project was not sent out for re-bid when the scope of the project changed. There has been a rush to deal with this project every step of the way. The inference of impropriety is just as bad as actual impropriety. He believes Mr. Czymbor is doing a great job. He struggles with this issue. His vision is not lining up with the vision in place.

Commissioner Campbell moved to deny the designation until this item is work-shopped, and he would like to have the Chamber personnel present as part of that workshop. Commissioner Brown seconded the motion, saying they have a city manager, but the "buck stops" with the Commission. It bothers her to pick up the newspaper to read that they've decided to do something that they haven't seen yet. They need to workshop this and may need to hold a lot of workshops to do what's best for Palatka. They need people to trust the City.

Scott Lagassee, 135 Middlepoint Lane, E. Palatka, co-owner, Boathouse Marina, 329 River Street, said this started out as a non-compete, non-disclosure agreement. Many cities have this in place. It is not intended to hide information. This is a timing issue. If he goes out and spends due diligence money for a pro forma and hires a consultant to do studies, he has made an investment of time and money. The City wants him to pay for the upkeep and maintenance of the marina. He has to find a way to make that work. He hired a broker and spent money on doing his due diligence. The pro forma that has been developed says they must have a revenue stream in order to operate the water taxi service. The restaurant will provide that revenue stream. His competitor in the area took public information he paid to develop and called the proposed restaurant operator to ask the operator to place his restaurant at his marina instead. He doesn't want to spend more money on this project when his competitor gets the information and has benefit of it without spending any money. He spent quite a bit of time and money identifying the restaurant operator who was then courted by the competitor. Many cities sign non-disclosure agreements in order to keep certain information confidential.

Alex McCoy, Chamber of Commerce, said he prepared a Power Point presentation to minimize his comments but will reserve his comments for the workshop. He wants to be on the record

regarding comments that were made regarding the Chamber working with small businesses. They do work with small business on a macro level. The Chamber has a small business division chaired by Steve Overturf. They partner with SBDC to take care of the micro-level work. They are proud to be the City's economic development partner no matter the decision on this issue.

Commissioner Norwood asked if the Chamber can hold the position of economic development official for the city or does the city have to have its own economic development official? Mr. McCoy said the Chamber is now the economic development official for the City.

Allegra Kitchens, 1027 S. 12th Street, said she 100% disagrees with any person doing business with a governmental entity and keeping documents secret. The City has done business with many entities and none of them have ever requested anything be kept confidential in fear of someone coming in and stealing it. Government doesn't need to keep secrets.

Mr. Czymbor said it was his error in misunderstanding the direction of the Commission. He will schedule a workshop to fully explore the matter. He repeated his conversation with Commissioner Norwood, saying Commissioner Norwood was mistaken in his interpretation of his answer regarding the Mayor's issue with the prior resolution, which stated the designation repealed all other prior designations. He specifically said he spoke to the Mayor about this and informed him that he had removed that provision from this resolution. It was his belief that the Mayor's main concern was the section that revoked all other previous designations as it relates to the Chamber's involvement in economic development. Commissioner Norwood said Mr. Czymbor repeated the conversation between them accurately, but he interpreted his remarks differently.

There being no further discussion, the question was called and a roll-call vote was requested and taken, which yielded the following results: Commissioners Brown, Borom, Campbell, Norwood and Mayor Hill, yes; Nays, none. The motion was declared passed unanimously.

- 3e. Adopt Resolution No. 2015-11-15** authorizing the issuance of Special Events Permit No. 15-14 for the 69th Annual Florida Azalea Festival, setting forth provisions of the permit, authorizing the closure of certain streets to vehicular traffic during Festival events, waiving application deadline, allowing for sale and consumption of alcoholic beverages, granting permission to exceed allowable noise levels and setting advance and other permit fees.

Allegra Kitchens, 1027 S. 12th Street, said in looking at the map it seems that the beer tent is on County property. It cannot be located on County property. This is the first time in its 96-yr history that alcohol will be served during the Azalea Festival. She asked where the tent will be placed.

Thad Crowe, Planning Director, said the beer tent will be located on public right of way. To answer Commissioner Borom's question, Mr. Crowe said the Alcohol Ordinance requires signage, barricades and volunteers, and requires organizers to delineate areas for alcoholic beverage sales and consumption.

James Griffith, Interim Chief of Police, was present to answer Commissioner Borom's concerns about the beer sales being so close in proximity to the courthouse, and described how they would enforce keeping people with alcohol off of the courthouse space. PD Officers will be concentrated in the area where alcohol is allowed. Festivals historically use volunteers to assist in keeping people inside the allowed area. Mr. Crowe there will be signage to show there is no alcohol consumed beyond a certain point. It is the organizers responsibility to enforce this.

Commissioner Brown moved to adopt the ordinance as presented. Commissioner Norwood seconded the motion, which passed unopposed.

ORDERS OF THE DAY - Upon consensus of the Commission, Mayor Hill moved Agenda Item No. 7 to the front of the Orders of the Day.

7. **RESOLUTION** accepting a proposal for trade-in of the current fleet of fifty-four (54) golf carts towards the purchase of fifty-four (54) new EZ-Go golf carts, and authorizing the execution of all documents associated with a fifty-four-(54) month lease agreement with PNC Equipment Financing to effectuate the transaction – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA; AUTHORIZING A LEASE AGREEMENT BETWEEN E-Z-GO AND PALATKA GOLF CLUB; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A LEASE-PURCHASE AGREEMENT WITH PNCEF, LLC, DBA PNC EQUIPMENT FINANCE IN THE AMOUNT OF \$223,953.66 TO FINANCE THE LEASE OF FIFTY-FOUR (54) 2015 EZGO TXT 48 V ELECTRIC GOLF CARTS; AND OTHER ACTION IN CONNECTION WITH THE DELIVERY OF SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Mr. Czymbor said this was tabled on February 12 for additional information requested by Commissioner Borom. Bobby Weed, BWGD, has provided a memo describing why it is necessary to replace the fleet every four years. Mr. Weed and Andy Hertz, Course manager, were present for questions. Commissioner Brown asked County Commissioner and Chairman of the BOCC Karl Flagg, who was present in the audience, if he could ask the County if they would be interested in paying for golf carts, as County residents are using them.

Mayor Hill said he has visited the Golf Course since this discussion. Out of 54 leased carts, 8 or 9 are down due mostly to battery issues. They have rented 15 extra carts for the month of March. This year the extra expense for the rental is higher as they plan to keep them for a few weeks into April. Typically, they can operate off of 40 carts. Mr. Hertz said all carts were operational until October; they have postponed getting new batteries because when they trade in carts they get carts with new batteries. For many tournaments with 100 players they need 50 carts. 54 carts is a small fleet for an 18-hole golf course. Mayor Hill said he ran the numbers and looked at expenditures. Mr. Hertz said they rent extra carts for the entire month of March. They have been working off 40 carts. Mayor Hill said the revenue is off 20% from last year. Mr. Reynolds said they are 20% below what was budgeted. Mr. Hertz said it is not accurate to say they revenue is down by 20% from last year. Mr. Reynolds said it is the difference between YTD actual versus budgeted amount. The golf course is much more seasonal than other funds. The highest play months are January/Feb through April/May. It may look like revenues are substantially lower than they should have been, the next few months make up for that. Discussion ensued regarding operable carts. Mr. Hertz said 54 carts is not a huge number. They have tournaments every weekend and sometimes 100 rounds of golf are played a day.

Mr. Weed said carts go out every day sometimes for 36 holes. They have taken every measure to extend the life of their carts. They have the lowest maintenance cost of anyone for carts. The other day they had 175 players. This is their season into May, and this is when they make their money. 54 carts is the least amount of any leased fleet of any municipal course in Florida. Giving carts a break and rotating them gives them the best performance. At four years of age the batteries, brakes and steering start going out. As the City's paid consultant, it is their recommendation that the City accept this most favorably negotiated deal, which is the lowest negotiated deal afforded to any municipality. They started this process in November. They have renegotiated with the dealer and a very good lease is on the table. They may only need 45 carts for a few months, but in other months they will need more. They've cut everything they can cut. Rounds are going up because staff is doing a good job. They will come closer to breaking even this year than during any other year. If they can meet revenue projections, which are very aggressive, it is their goal to break even. They need all those carts going out in order to do that. This is the best deal going for the City. Otherwise they will keep renting carts and spending

money. The City is under contract to buy a used fleet of four-year old carts. He sent a memo this past week to answer all these questions.

Commissioner Borom said he struggles with passing these costs off to taxpayers. Other municipalities are not turning profits on golf courses. The City is constantly putting money into the golf course. Mr. Weed said they have a budgeted line item for golf carts. This proposal puts them under the budgeted line item. He can't speak to the overall projections for year-end. They are meeting their budget for January and February. They feel confident with their projections. He can't speak to conjecture, but is speaking to the golf cart lease. This is a budgeted item; they have gone underneath the budgeted amount.

Commissioner Brown said the golf course used to take care of itself. The City went into debt when it built a new clubhouse. The County agreed to help, but then an election took place and the new commissioners denied the City help. They have talked about selling it and leasing it in the past. No one was buying or leasing golf courses. The spiral is slowing down and BWGD is pulling the City out of the red. The course is an asset for the City. They can start early looking for another way to do this next time. They have a grant to redo the kitchen and parts of the clubhouse. If there aren't enough people to play golf, the restaurant will get them back on track.

Discussion ensued regarding money coming from the General Fund to make golf course restaurant improvements. Commissioner Borom said they need to move forward with a plan and a deadline. Mayor Hill said the "bleeding" has slowed down due to Mr. Weed's work. He has heard people complaining about the golf carts. He believes there is an opportunity to reduce the fleet. This is the cost of doing business as the golf course. If they don't replace the fleet they will have higher maintenance costs.

Mr. Holmes noted the contract to lease/purchase the current fleet of 54 carts expires in June. At that time the City either has to turn the carts in or purchase them for \$1750 each. The new contract is with the same company. He asked if the number of carts being leased factors into the negotiation. Mr. Weed said they are turning in 54 and receiving 54. If they go lower on the number of carts purchased they will have to re-negotiate the lease contract.

Commissioner Norwood said they are making a significant investment with the new restaurant. The Course is up in revenue by 10% and down in expenditures by 10%. BWGD is doing what they were asked to do. He moved to adopt the resolution to lease 54 carts as proposed so the course can continue to trend upward and become solvent in the hopes that the course will become self-sufficient, noting they are on track to have their best year at the Course, even without the restaurant in place. Commissioner Brown seconded the motion and said the golf course is an asset for the city and helps with economic development. They need recreational facilities. Commissioner Borom said he had a conversation with One Stop and Bohannon Batteries from a partnership standpoint in helping the City reduce costs for maintenance. He hasn't seen the numbers on carts that don't make two rounds of golf. He would like time to gather more information from local dealers.

Mayor Hill said he is in no way saying they don't need golf carts to run a golf course. They do need to explore the option of scaling back. Golf Carts are necessary for operation of a golf course. There being no further discussion or comment, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Norwood and Mayor Hill, yes; Commissioners Borom and Campbell, no. The motion carried three in favor, opposed by Commissioners Borom and Campbell.

RETURN TO ORDERS OF THE DAY – Having disposed of Agenda Item No. 7, the Commission returned to the Orders of the Day.

4. **PLANNING BOARD VACANCY** – Interview Applicants for Planning Board: Allegra Kitchens and John Vogt were present for interviews. Mayor Hill asked that they table this to a future date. Commissioner Campbell moved to table the matter of interviews for the Planning Board vacancy. Commissioner Brown seconded the motion, which passed unopposed.
5. **REQUEST FOR COMMUNITY WATER FLUORIDATION** – Eric Jump, DO, Pediatrician; Johnny Johnson, Jr., DMD, MS, Co-Chair, Fluoridation Action Team, Oral Health Florida; and Steve Chapman, DDS, Orthodontist – Mayor Hill said the Commission is not prepared to make a decision on this tonight. A workshop should be scheduled to properly address this issue.

Dr. Eric Jump, 126 Timber Lane, was present to speak in support of community fluoridation as a pediatrician serving the community for 30 years. He has witnessed an epidemic of rotten teeth which is the result of no core preventative dental health. The safest way to prevent cavities is community fluoridation. The City ended community fluoridation in 2011, at which time not one public health official or dentist was consulted. Fluoridation is valuable for all citizens but especially for poor citizens. They need to put children at the top of the list. He urges the Commission to vote to fluoridate the community water supply.

Steve Chapman, DDS, 499 East River Road, said when looking at fluoridation from a scientific view, fluoridation causes no harm. You cannot find another university study that states fluoridation will harm children. He gives his children a 1 milligram fluoride tablet per day. For every dollar you put into fluoridation, you get back \$38 in dental care. This makes good economic sense. From a humanistic point, children have no representation; children don't get dental care until they are hurting. Fluoridation is correct scientifically and financially correct.

Commissioner Norwood moved to table the item to schedule a workshop on the matter. Commissioner Campbell seconded the motion, which passed unopposed.

Jan Pettit, 418 Emmett Street, said when she moved to Palatka into her family home she bought a reverse osmosis system to remove the City's fluoride from the water. She read a statement from Dr. John Lee, a Harvard Professor, who states that after having extensively researched the subject for the past 30 years, he finds no study exists that presents any proof of any significant dental benefits from fluoridation, and other studies are so flawed they should be ignored. Studies show that fluoridation causes dental problems. No studies show any cost savings by fluoridation; this has been researched by the Rand Corporation, which shows the claims made by the fluoridation industry are simply not warranted. Studies have all confirmed that bone cancer is correlated to fluoride intake by young males. There is no study that refutes this. Another study found that children drinking fluoridated water have more cavities than those in non-fluoridated communities. Vitamin C will stop toothaches. She uses a method of mixing Xylitol with yogurt and puts it on her teeth and brushes her teeth with it. She was diagnosed with two cavities that disappeared after a few weeks of using the mixture.

Johnny Johnson, Pediatric Dentist, Palm Harbor, Florida, said scheduling a workshop will mean another trip for him to come back from Pinellas County. In 30 years of dental practice treating children, he sees a lot of need. Florida has grant money available for refitting and start-up for fluoridation for up to two years. He provided the forms for the city's use. Commissioner Norwood said the City has already used that grant in the past. Mr. Johnson said they can qualify for the grant again. There was consensus to hold the workshop by April.

6. **RESOLUTION** authorizing the issuance of Special Events Permit No. 15-10 for the 2015 Blue Crab Festival; setting forth provisions of the permit, granting permission to serve/consume alcohol on public right-of-way, exceed allowable noise levels, authorizing the closure of certain streets to vehicular traffic during the Festival events, and setting permit fees – Adopt – The Clerk read a

resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, GRANTING A SPECIAL EVENTS PERMIT TO THE BLUE CRAB FESTIVAL, INC. FOR THE 2015 BLUE CRAB FESTIVAL; SETTING THE PROVISIONS OF THE PERMIT; ALLOWING THE CLOSURE OF CERTAIN STREETS TO VEHICULAR TRAFFIC DURING FESTIVAL EVENTS; AND SETTING PERMIT FEES. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Brown seconded the motion.

Buddy Thompson, 135 Pine Tree Lane, Melrose, Blue-Crab Tri-Chair, said they have been stonewalled for five months on their festival permit. The Festival is three months out and they can't sign contracts without a permit. He objected to the City using Blue Crab Festival's trademarked material for its presentation.

The question was called and a roll-call vote was taken on the motion, which yielded the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, Yes; Nays, none. The Resolution was declared adopted.

Commissioner Brown said she wants to be sure they keep this Festival in Palatka. They all need to sit down and communicate and make sure this remains the great festival they have always had. Mr. Thompson said he is amenable to this; he is frustrated with the process. Mayor Hill said they want to work with Blue Crab Festival; it is a wonderful event that is a large draw for the community. They want to continue with their working relationship. It is not the City's intent to take over this festival. Mr. Thompson said they have no intention of moving the festival; they are spending several thousand dollars to make infrastructure improvements to keep the festival on the Riverfront. Discussion ensued on mutual concerns. Mr. Thompson said they have no intention of moving the festival out of downtown, even though their available green space has decreased by 50% and fees have increase 100%. They don't believe they have to make a lot of money to be successful; they just need to put on a festival.

Commissioner Norwood moved to begin conversations with Palatka Main Street and iron out any issues that have arisen. Commissioner Borom seconded the motion, which passed unopposed. Mayor Hill said Blue Crab has their permit and can move forward with the festival. Now they can sit down and talk without duress on anyone's part.

PUBLIC HEARINGS

8. **ORDINANCE** – Planning Board Recommendation to allow changing (electronic) signs in C-2 & PBG-1 Zoning Districts – Building & Zoning Administrative Request – 2nd Reading, Adopt - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ALLOWING CHANGING (ELECTRONIC) SIGNS IN THE C-2 (INTENSIVE COMMERCIAL) AND PBG-1 (PUBLIC BUILDINGS AND GROUNDS) ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as written. Commissioner Campbell seconded the motion. There being no comment or discussion, a roll-call vote was taken, with the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, Yes; Nays, none. The Ordinance was declared adopted on second reading.
9. **ORDINANCE** – Planning Board Recommendation to cap Residential Density in R-3 (Residential, Multi-Family) Districts – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, CHANGING MAXIMUM DENSITY FROM 31 TO 18 UNITS PER ACRE IN THE R-3 (MULTIPLE-FAMILY) ZONING DISTRICT, AS CAPPED IN THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the Ordinance on second reading as read. Commissioner Norwood seconded the motion. There being no

comment or discussion, a roll-call vote was taken, with the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, Yes; Nays, none. The Ordinance was declared adopted on second reading.

10. CITY MANAGER & ADMINISTRATIVE REPORTS

Report on Status of Riverfront Development Projects – Mr. Czymbor said an update was provided in the form of a synopsis of those projects. As to the Water Taxi operation, the operator has not yet signed the operator agreement and that will be presented at a later date.

Robert Browning, 225 River Drive, asked when the City first devised the plan to put a restaurant on the Riverfront Park. Mr. Czymbor said the master plan was adopted in 2010. The City has been working on engineering and scheduling of the components for multiple years. Mr. Browning asked why he hadn't conferred on the plan with the Church before two weeks ago. Mr. Czymbor said this has been discussed throughout numerous public meetings held over several years. Mr. Browning asked when it went from being a concession stand to a restaurant. Mr. Czymbor said when the City accepted the proposal by the Boathouse Marina, they began working with the Lagassee's on the process of exploring a restaurant operation in connection with the marina operation. Mr. Lagassee talked about the process they went through when he spoke tonight. Mr. Browning said the church voted 100% to oppose having alcohol served within 300 feet of the Church. Regarding the grant, Mr. Czymbor said they have applied to DEO for a grant for \$1,049,000. A portion of this is a loan. The grant will come to the Commission for approval. Mr. Browning asked what will happen if the restaurant fails. Mr. Czymbor said as long as there is an active restaurant in the building, a portion of the money paid as "rent" goes to repay the "mortgage." If there is no one in the restaurant, there are no payments due on the "mortgage."

Mayor Hill said there will be a workshop held on this issue during which those details will be discussed.

Enterprise Funds – Discussion of charts showing the current fiscal year and five (5) previous years worth of revenues and expenditures for the City's Enterprise Funds – Matt Reynolds, Finance Director, said he prepared these slides at the Commission's request to put his budget information report into a visual format. He didn't have a lot of time to put this together due to the agenda deadline. He will email the color slides to the Commission. They did not raise water rates this year, so they will need to revisit water rates in the near future. If any commissioner wants to sit down and talk about the charts one on one, he will be glad to do so.

Vision Plan & Department Head Workshop – Mayor Hill said he wants to work towards a visioning session in the form of a retreat so they can start to have logical discussions on where the City is going in order to do consensus building with departments. They need to make some hard decisions. The Commission and department heads should come together and hold break-out sessions to brainstorm and do some team building. His vision for Palatka is that they are a commission that deals with issues in the open, and allow citizens to have a voice in issues. They won't make everyone happy but need positive dialogue. Their culture on how they do business has to change. Sometimes they have to change quarterbacks and do things that aren't popular. Citizens are looking for change. They have to do things differently.

Mayor Hill passed the gavel to Vice Mayor Brown and moved to terminate the City Manager's contract effective immediately in order to go in a different direction, noting the City Manager is an at-will employee and can be terminated at will. Commissioner Norwood seconded the motion.

Mr. Czymbor said this is not an agenda item and he has not had an opportunity to respond; there has been no public notice provided. He is operating under a set of circumstances and goals and objectives that were set by the Commission in April of last year. Until those are changed he

continues to operate under those goals and objectives. Commissioner Campbell said the request was made early in their tenure. They are addressing it now because of the way they as a commission are finding out things. Simple requests are not being met. They are putting bandages over wounds that need surgery. They will continue to have the infection once the bandages have been removed. Mayor Hill said he made this motion because elections were held in November. He made a request to have a visioning session prior to this meeting, which was ignored. He has sat in several meetings with other groups. He is not saying Mr. Czymbor has done anything wrong, but they need change, which started with this election. He is not alleging wrong-doing, He proposes to change the leadership. Mr. Czymbor's vision is different from his vision. They do not see 'eye to eye.' Based upon the terms of his contract, he is deemed an at-will employee, and his contract can be terminated for no cause. It is time for the City to change course.

Commissioner Borom concurred, adding their visions do not align. Commissioner Norwood said the City Manager has done a great job of positioning the City on certain projects such as the Riverfront redevelopment. He has done an admirable job of directing and motivating and getting all he can out of staff. He has too many individuals calling him about the direction the City is going in. They have lost the vision of the community. If the Commission gives a directive, the directive needs to be followed. He asks questions to be clear on the direction of the Commission. Once he is clear on direction, he expects that to be carried out. He asked for a workshop on the landscape ordinance several months ago and that workshop never occurred. They need to move in a different direction. This is nothing personal. He concurs with Mayor Hill. Mr. Czymbor has a unique style and is very direct and to the point, and they are different in the South. They build relationships by getting to know individuals. The City Manager should have a daily conversation with the county administrator and school superintendent. He does not believe the current city manager is a good fit anymore. The Community is divided in a lot of different areas.

Mayor Hill said this item is not on the agenda, but comes about because of the litany of things that have happened and continue to happen. This has to do with the vision of the City. Mr. Czymbor has moved forward based upon his perception of the vision of the City. Mayor Hill asked for concurrence of the seconder that it is friendly to the motion to append to the main motion the treatment of this item as an emergency Agenda Item. Commissioner Norwood concurred that this is friendly to the motion and his seconding of the motion. Mr. Czymbor said there are a lot of things happening at this time. Mr. Reynolds is leaving in April. He recommends he be allowed to have 30 days to get the City's affairs in order and get ongoing projects lined up. No one is irreplaceable, but immediately terminating his services may not be the best course.

Mr. Hill said based upon the Charter, Mr. Reynolds is second in command, and he can make administrative decisions until a new City Manager is appointed. His motion is to immediately terminate the contract. Mr. Czymbor repeated his request to be given time to get his affairs in order, noting a transition plan would be prudent. He needs to get his affairs in order. The question was called and a roll-call vote was requested and taken, which yielded the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, Yes; Nays, none. The motion was declared passed without opposition.

13. COMMISSIONER COMMENTS

Commissioner Borom thanked Lowes Home Improvement for partnering with the City on various community improvement projects, and praised the contributions of Mr. Sam Taylor and Mr. Askew Vickers to local black history.

- 14. ADJOURN** – There being no further business to discuss, the meeting was adjourned at 9:25 p.m. by Mayor Hill.

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