

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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
April 9, 2015

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 9th day of April, 2015.

PRESENT:

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

Also Present: Interim City Manager Allen R. Bush; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Interim Police Chief James Griffith; Fire Chief Mike Lambert; Planning Director Thad Crowe; Airport Manager John Youell; Grants & Projects Manager Jonathan Griffith; Main Street Manager Charles Rudd

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

INVOCATION – The Reverend Kirby Kennedy, DoD, Pastor, First Baptist Church of Palatka

PLEDGE OF ALLEGIANCE – Shannon Hayes, Council President, Crestview FL

APPROVAL OF MINUTES – 03/16/15 Workshop and 03/26/15 Regular Meetings – Commissioner Campbell moved to adopt the minutes as read Commissioner Borom seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION/PRESENTATIONS

PROCLAMATION – Call Before You Dig Month – April, 2015 – Putnam Co. Underground Utilities Association – Sam Willis, Ed Chandler, Jud Neufeld representing the Palatka Gas Authority were present to receive the proclamation, which was read and issued by Mayor Hill. Mr. Willis said a call to 8-1-1 is free. A call to 9-1-1 is not and creates anguish for your neighbors.

PROCLAMATION – U-Turn Anti-Drug & Alcohol Week – April 12 – 18, 2015 – Casey Caison of Southside Baptist Church, organizer of the U-Turn Community Awareness Event was present to receive the proclamation, which was read and issued by Mayor Hill. Mr. Caison invited everyone to attend the event on Saturday, April 18 from 11 am to 4 pm, which will be held at Putnam County Triangle Park/John Theobald Sports Complex. He thanked Mayor Hill, Ms. Driggers and the Special Events Committee for their help in getting the permit issued. They want to help people make a “U-turn” through financial assistance and resources. Two Teen Challenge groups

will be attending. There will be live music, drinks and food. The event is free. He shared a testimony from "Lauren," a Teen Challenge youth from Palatka, written after last year's event.

PROCLAMATION – Aviation Appreciation Month – April, 2015 – John Youell, Airport Manager, and Jud Neufeld, Chairman of the Airport Advisory Board, were present to receive the Proclamation. Chairman Neufeld said the Board appreciates the opportunity to serve.

VOLUNTEER RECOGNITION – Airport Advisory Board Members Jud Neufeld, Melissa Miller, Dana Jones, and Wayne McClain were present for recognition. A letter was presented to each member, read by Mayor Hill, thanking them for their help in organizing the Annual Palatka Airport Fly-In each January. John Browning, Ken Johnson, Hugh Rawls, and Jeff Hathorn were recognized in absentia. Commissioner Brown said she is the Commission Liaison to the Airport Advisory Board. The Board was instrumental before and during the Fly-In. This board does a lot for the Airport and its members are working towards bringing Palatka into the age of the global economy. They are volunteers and should be thanked for all their time and service.

Mr. Youell said they have exhibited professionalism and teamwork in working with other board members, airport engineers, FDOT representatives and staff in making the Airport successful. Commissioner Brown said Mr. Youell has moved the Airport forward by leaps and bounds since he came to manage the Airport. He is from Palatka and they are glad to have his professionalism and fresh enthusiasm. A power point presentation was provided by Mr. Youell showing photos taken at the Fly-In.

VOLUNTEER RECOGNITION - Azalea Festival Organizers, DPI, Inc. – Sam Deputy, Angela Murtagh, Kathy Griffin, Alice Cooper, Dean Ferris, and Alex Sharp were present for recognition. Dannise Kemp was recognized in absentia. Mayor Hill read and presented Certificates recognizing them for their volunteerism in organizing the Florida Azalea Festival.

RETIREMENT RECOGNITION – Willie "Kool-Aid" Nelson – Streets & Sanitation Dept. – Mayor Hill was joined by the members of the Commission as he read and presented a plaque to Willie Nelson in grateful recognition of his 21 years of service. Mr. Nelson was joined by his wife, children, supervisor and co-workers. Members of the Commission lauded Mr. Nelson for his professionalism and strong work ethic.

A RIDE TO GLORY – Darcy J Foundation – Darcy and Carissa Johnson – Mayor Hill said Darcy Johnson is a retired NFL player and son of Gwen Stiles, who was also present. He grew up in Palatka and has played football for the St. Louis Rams and New York Giants. He and his wife have committed their lives to helping young people and people in general.

Mr. Johnson said at this time they reside in Chicago. The Darcy J. Foundation was founded in 2008 when he was a NY Giant. They are all about healthy living for moms and their families. His mother has been a deputy sheriff in Putnam County for 28 years. She was hard on them but also loved them, and provided them with opportunities.

Carissa Johnson said their church, Orlando World Outreach Center will present their Easter Celebration on March 17, 2016 at 10:00 a.m. at the Citrus Bowl. They want to fill the Citrus Bowl with homeless, underprivileged children, veterans, handicapped and unemployed as well as members of communities from Florida. They will host a breakfast for all in attendance. After the service, from noon to 5:00 p.m. they have local community organizations, restaurants, hotels, local players' associations from NBA and NF and media will be there. They will offer medical services, job information, haircuts, etc. The goal is to serve the people of Florida. They want to get help to those in need. The City of Orlando and many area businesses, hotels and schools

have come together to sponsor the event. Comedian Chris Tucker is also involved. They'd like to involve the City of Palatka.

Mr. Johnson said he read an article stating Putnam County is the poorest county in the State of Florida and 9th poorest county in the country. Through the Foundation they are offering a Ride to Glory from Palatka to Orlando to carry people to this event. They are donating 10 buses to Palatka for those who want to attend. They want the City to make this their event, too. He is making a plea for the Commission and the community to get involved and make this event a success. He loves Palatka and wants to return back here one day.

Mayor Hill said Mr. Johnson grew up in Public Housing and his mother raised college educated children. He has a strong family and lovely wife and never forgets where home is. Mayor Hill presented Mr. and Mrs. Johnson with a Key to the City of Palatka, stating they are proud of him and his family's contributions through his Foundation.

2. PUBLIC COMMENTS

Patrick Souci, 105 Algonquin Street, Satsuma, said the City shut down shrimping on the Gazebo last year. He cleaned up the gazebo every morning last year. He suggested they open up the gazebo for shrimping and charge a \$25 permit to shrimp at the gazebo, as Crescent City does.

Webster Marlow, 120 Kirkland Street, said he is concerned as it appears the City's riverfront will no longer be open to the citizens because of a restaurant being built there. He understands it will only be built to bring in people from outside of Putnam County. He objects to a restaurant there serving alcohol. There are other restaurants being planned in the downtown area.

Askew Vickers, 217 N. 18th street, congratulated the Commission on the good job they are doing. He said he has not met with Mr. Bush on the budget as numbers don't lie, people make numbers lie. The budget doesn't reflect what's going on. They have allowed people to come into Palatka to use the town as a stepping stone for their own personal gain. They have high taxes and unemployment in the poorest county. The City needs to be accountable for what's going on and do what's right for the community. Commissioner Brown said they can't fix things in 90 days. They are looking at putting together a Business Incubator Board. They need people on it who know how to start a business and keep it going. She challenged him to become a member of that Board and become part of the solution.

3. CONSENT AGENDA

- a. **Adopt Resolution No. 2015-11-22** authorizing the Interim City Manager to execute the FDOT State Highway System Lighting, Maintenance and Compensation Program Agreement
- b. **Adopt Resolution No. 2015-11-23** declaring certain golf course restaurant equipment to be surplus and directing the City Manager to dispose of said property in accordance with City administrative procedures
- c. **Adopt Resolution No. 2015-11-24** authorizing the execution of a Professional Services Agreement with Mark G. Lawson, PA to provide counsel and services for the initial phase to develop a Fire Service Fee Assessment
- d. **Grant waiver of Class B Application Deadline and grant permission to exceed allowable noise levels for Special Events Permit No. 15-26; U-Turn Community Outreach, April 18, 2015, 11 am. To 4 p.m. at John Theobald Sports Complex (Triangle Park) – Casey Caison, Agent for Southside Baptist Church, Applicant**

Commissioner Norwood moved to pass all items on the consent agenda as proposed. Commissioner Campbell seconded the motion, which passed unopposed.

4. **CITIZEN REQUEST** – Discussion on New Police Chief Search – Roxanne O. Weeks, 205 Nellie Street, said on February 26 she appeared during public comments to make the Commission

aware that the interim police chief falsified documents concerning crime stats. She pointed out a typographical in the minutes of that meeting and stated 2001 should be corrected to 2011, as in the stats indicated there had been no murders in Palatka since 2011. She appeared in March to inform the Commission about falsified reports and false information given during the 2014 accreditation process. A PD sergeant's brother in law was hired as a first time officer and later wrecked his cruiser while intoxicated with his children in the car. Instead of being arrested, he was taken home. PPD ordered the investigation not be turned over to FHP, but undertook it themselves. Based upon testing for levels of alcohol, Florida Statute required his arrest. He had an outstanding drug warrant when he was hired. The warrant was later recalled and the charges were dismissed. During the 5.5 months it took to get this warrant dismissed, he was not certified as a law enforcement officer and had no powers of arrest, but he arrested 26 people during the 5.5 months it took to get the warrant recalled. Judge Boatwright's office prosecuted those arrests. She has amassed years of history of violations which stem from a culture of abuse of public trust. She has asked the Commission to start a citizen review board. She believes the department should be cleaned out and renewed. She is outraged that there is no money in the budget for a new police chief search. Money is spent on the wrong things. She referenced a portion of a report on the PPD's investigation into the Palatka Golf Course, which is very disturbing, and which she hopes the Commission will read (not filed or provided). She stated she would like the Commission to look at this report (not provided) and what appears to be a lot of money missing. A recommendation was made for the City to proceed with a full forensic audit of the Golf Course. She referenced an email from former Commissioner Leary to the City Manager.

Commissioner Campbell said Mrs. Weeks is speaking about documents that were not submitted for inclusion in the agenda package. They only have the one page she submitted. They have no idea of what she's speaking. Ms. Weeks again asked them to look at the report. She believes a great deal of money has been wasted and spent on things that are not top priority. She hopes the new members of the Commission will look at the budget.

Mayor Hill said they have had extensive talks about the budget and available funds. They have left no stones unturned. This is not the proper forum to accomplish what she wants to accomplish. Ms. Weeks said she said she wants Palatka to find a new police chief. Mayor Hill said the Commission made a decision to hold off on that until December. At this time they are being fiscally responsible with the dollars they have. He invited her to have a conversation with him at any time. They don't want to speculate on where the money sources are located.

5. **RESOLUTION** affirming support of the Palatka Housing Authority's application for the 2015 Federal Home Loan Bank of Atlanta Competitive Affordable Housing Program – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA FLORIDA AFFIRMING SUPPORT OF THE PALATKA HOUSING AUTHORITY'S APPLICATION FOR THE 2015-2017 FEDERAL HOME LOAN BANK OF ATLANTA COMPETITIVE AFFORDABLE HOUSING PROGRAM. Jonathan Griffith said these are specifically for the construction of single family homes. These funds have been used by the PHA in the past to construct 11 houses throughout the city which have been returned to the tax rolls.

John Nelson, Executive Director, Palatka Housing Authority, said they have used these funds to develop 11 units which are now taxable properties in the City of Palatka. They held a meeting with City staff and Mayor Hill to discuss the feasibility of going after a grant to secure funds that will enable them to develop single-family homes for the City. If they are funded they will go after low-interest mortgage loans and will identify buyers that can apply for a mortgage loan through USDA. If they qualify they will be eligible to purchase the homes and will pay taxes on the property. Mayor Hill said this is an excellent opportunity for the PHA to partner with the City to remove blight and provide decent housing for citizens of the City.

It was noted that the wrong resolution was provided in the Agenda Package and the correct resolution was not provided in advance of the meeting. Commissioner Norwood moved to table the resolution as the wrong resolution was provided in the agenda package. Commissioner Borom seconded the motion, which passed unopposed.

6. **DISCUSSION** of plans for a restaurant in connection with the Water Taxi Operation and Ship's Store at the Palatka Riverfront Park – **tabled on 3/26/15 to a "time certain" of April 9, 2015.**

REQUEST from Jeff Rawls to cease all negotiations with Boathouse Marina Group - Jeff Rawls, 1100 Carr Street, said he asked for this because of the way the RFP was put out and mismanaged. There were a lot of changes to it. The process eliminates everyone but the Boathouse Marina. He asks they leave the riverfront as is and reissue the RFP. After the last meeting he spoke with Mr. Lagassee and they are both in agreement that the City shouldn't need to build a marina as it competes with existing marinas. He's asking the City to cease negotiations or go back to the original RFP and force the operator to operate the boats as originally proposed in the RFP.

Commissioner Norwood said Boathouse Marina was given the opportunity to obtain consultation from professionals. They developed a pro forma based upon those consultations. The City has boats coming. This is not just about a marina and a restaurant.

Don Holmes, City Attorney, spoke to the legality issue surrounding the RFP, stating he has looked into the allegations that were made by Mr. Rawls. He met with Mr. Griffith and obtained information from him. He has not spoken with Mr. Czymbor. He was not asked if this was a good idea, but whether the process was flawed as a matter of law, so as to challenge or void the Plan before them. Based upon what he's been told, and his review of the RFP and both responses received, he does not believe the RFP was changed. The RFP was very vague in terms of a restaurant, and was vague on purpose so the responders could submit their own proposals so that the review committee could evaluate both and make a choice. He read the passage from the RFP concerning "concessions," stating this was intended to be a heading of a category and not a description of the operation. It stated the operator must provide a description of the planned concession business including hours of operation and include whether or not the operator intends to sell beer, wine or liquor. Two proposals were submitted and both were very vague. Boathouse Marina said it intended to outsource the concession to a provider. R&R Marine said it intends to vend hot and cold items such as sandwiches and cold cuts. In terms of legality, there was enough room on both sides so that once the selection committee chose Boathouse, it's hard to say that what they ended up planning to do was in violation of the specs in the RFP. He heard there were communications that may have misled those who intended to bid. Every response in the pre-bid award was answered in the form of an addendum to all parties that had filed notice of their interest in the project. All got the same answers. If people had gotten different answers, he'd have concerns, but answers were provided in writing and provided to all who had put their name on the notice list. The Bid was subsequently awarded to Boathouse Marina. He understands questions were asked, answers were given, but his point is the proposal was already awarded when those questions were being asked. As this evolved from what may have been different than what was contemplated, as a matter of law, this is not a result of a flawed process. Had the losing respondent in this case submitted a proposal which called for a 150 seat restaurant, and which had been rejected and the City ended up with a 150 seat restaurant with Boathouse Marina, his opinion would be different, but that's not what occurred. What the Commission ultimately decides will be based on many different things, but he doesn't believe that the RFP process was flawed. It was vague and intentionally so. They did this in prior RFPs concerning riverfront development. The process they went through in the first development RFP was similar, which was awarded to Fred Ashji's group.

Mr. Rawls said his focus is on the boats. The RFP required the respondent to calculate a certain number of trips per week with certain stops. Mr. Lagassee hired a consultant to put his RFP together. Based on Mr. Lagassee's submission, the boats would be a winning proposition. His RFP stated it was a losing proposition. Now one of the original boats has disappeared and another boat has been substantially changed. Their position is that the RFP process is flawed based upon the change in the boats, not the restaurant, although they were told in the pre-bid meeting that the restaurant area would be 4,000 sf. After a 2nd consultant came on board, who told Mr. Lagassee that the boat operation wouldn't make money, and then the boats were changed. In his proposal, they were truthful with the City up front.

Commissioner Brown said it is not true that the water taxis wouldn't be profitable; they had another operator on board who said it would be profitable, but he died before they could get the boats in the water. They have many studies on marketing strategies on the boats. Mr. Rawls said this group did their due diligence; they spoke with professionals. Every opinion they received said they had to charge between \$100 to \$150 per ticket in order to make it work. Now the City has changed the boats to make them smaller, lighter and profitable. His group said up front that the boats would not be profitable and said they couldn't run a profitable operation from a 4,000 sf building.

Misty Bell Blevins, 123 Chapin Road, Palatka, General Manager, Corky Bells, said 2-1/2 years ago her father was told the golf course would be receiving a grant for a kitchen expansion and eventually he was asked to put in a bid to operate a restaurant there to make the community prosper and bring commerce to the golf course. They knew the opportunity would be open to anyone in the community. In the end they were the only bidder on the project. They signed a lease. After speaking with their fellow restaurant owners, they learned no one else bid because it was not a money making venture, and they knew that up front. They bid to be good community partners. Being in the food industry, she recognizes "concession" as a concession stand serving finger food and sandwiches. She now realizes that to government this has a different definition. When this "concession" was mentioned to her by the City, the phrase "finger foods" was used.

She had a message to call Scott Lagassee to discuss the riverfront restaurant project. She happened to be at meeting at City Hall prior to returning his call and asked the officials they were meeting with if they knew what the phone call was about. She was told by city employees that she didn't need to call him back because it was about a small restaurant operation on the riverfront. Now this is a 150-seat seafood restaurant. Anyone has the right to open a restaurant. This is two restaurants owned by the City within 2 miles of each other and they will compete with each other. The local restaurant owners have high overhead and work hard to make a living. The new restaurant will have low overhead. This restaurant will now compete against their restaurant at the golf course. They are not now under an active lease with the golf course. It will be difficult for them to continue with the golf course project if the City opens this restaurant as their total focus will be on keeping Corky Bell's in East Palatka open. Throughout the process she was told this proposed restaurant was just going to be a small concession.

Mayor Hill said he has spoken with Ms. Bell at length about this topic. She has made comments to him that he has heard from others.

Allegra Kitchens, 1027 S. 12th Street, said boat tickets can be sold at the St. Johns River Center and other locations at hotels and at City Hall. There are other viable options. She was on the Commission when these RFPs went out. She is now hearing things that she was never privy to as a Commissioner. She was told that it was called a "concession" because that was a term that people understand, as there used to be a "concession stand" there. She was told the grant was to redo the current concession stand and restrooms and that is where the tickets would be sold. She was told as a commissioner that "restaurant" was in there so that a restaurant could be

contemplated in the future. This may not be legally flawed, but she questions what went on before the RFP went out. Mr. Lagassee stated Mr. Czymbor negotiated with him prior to the RFP being issued. Given everything that has gone on behind the scenes, the Commission needs to cease negotiations, issue a new RFP and decide whether or not they want to put a restaurant there.

Commissioner Borom said if he was to bid on this, and read the requirements, he's not going to look at a 150-seat restaurant when the RFP asks for a concession stand. The boat description was included in the RFP. This raises concerns as to whether this was a fair process. Commissioner Campbell said if they "cease and desist" with negotiations now the progress will halt on what's to be built on the Riverfront. They can hold workshop after workshop. Every time they hold public comment they will learn something new. They need to find a way to move forward. Commissioner Borom noted there seems to be confusion over the word "concession." They know now it means a 150-seat restaurant.

Scott Lagassee, 135 Millpoint Lane, Welaka, said he keeps hearing there is new information; there is no new information, just misinformation. He made it clear that the first discussions he had with Mr. Czymbor was on a public-private partnership to provide fuel for a marina operation. This was the first negotiation. Two weeks later Mr. Czymbor approached him and said that offer was off the table. The City said at that time they would move forward with a fuel operation at his marina. There was nothing else discussed. He did not make the statement to Mr. Rawls that he wishes there would be no marina after the last meeting. He stood before the commission and said that two years ago. The City at the time made a decision to move forward with a marina. The RFP was very vague. He's never responded to an RFP before. Professionals advised him on his response regarding what they would do with the space, how they'd run the water taxis, how they'd run the concession operation. That is how they responded. If the City is going to have a marina there, it will need some support to drive traffic. He takes offense to accusations that the RFP was flawed. A lot of time and effort went into his response. In regards to the boat, Mr. Rawls admitted they made the right decision. A trip to Welaka or Crescent City would take all day there and back. A smaller boat would make the trip more efficiently. Regardless of what they decide, he hopes they don't take as gospel whatever people decide to stand up and say.

Commissioner Brown said the water taxi project was begun in 1999 as an economic development tool to bring people to Palatka. She originally wanted a big paddlewheel boat. They started speaking to congress people and senators about grants and consulted with staff people. They started getting grants. They wanted to provide transportation to allow people to visit restaurants all over town. In the process they have changed city managers, mayors and commissioners. The process evolved from what started as a terminal with kiosks to other concepts provided by different city managers. When different things came up, they all believed there was Commission consensus on changes and new ideas. They knew the boats couldn't travel to Crescent City and Welaka except on a charter basis. The boats were mostly for river tours. In the process a restaurant was borne. Some of these specs were changed by people who aren't here anymore.

Commissioner Norwood asked if the City Attorney saw anything in the response backing up Mr. Rawls' claim that he stated the boats couldn't be operated. Mr. Holmes said in the response Mr. Rawls offered to operate the boats, just as Mr. Lagassee did. He did ask for a concession in the form of a rent reduction to offset the loss he felt he would experience due to the operation of the boat. Mr. Rawls believed that's why he didn't get the bid. He doesn't know what all the factors were in the committee's decision to award the RFP to Boathouse Marina. In his conclusion page Mr. Rawls' proposal states they said they felt the pricing of the boats needed subsidizing. It wasn't demand for a concession, but he did make reference that they felt there would be a loss in operating the boats. In looking at this as a matter of law, he doesn't see that the RFP process

was flawed. It wasn't perfect, but legally they would have more liability to Mr. Lagassee than Mr. Rawls due to the processes he's had after having been awarded the RFP. He was not involved in those negotiations. The City did tell Mr. Lagassee to go forward and keep moving forward with this process.

Jonathan Griffith said when it was awarded in May 2013 the selection committee made a selection based upon various factors. The Commission made the recommendation to award the RFP based upon further vetting of the business plan to be included in the negotiations, specifically in reference to the water taxis.

TJ Smith, 110 Cat Bay Lane, San Mateo, Owner, Beef O'Bradys, said none of them came back with a restaurant operation because they asked specific questions and were given different answers. He asked the former mayor about the rumor about it being changed to a larger restaurant, and he was told it was going to be just a concession. People did ask direct questions, but weren't given direct answers. Mr. Holmes said a big part of his evaluation on the RFP process is that once the RFP was let out, when questions were asked, written responses were provided to all who proposed to respond. If a question was directed to the employee who was dealing with the RFP, the same answer would have been provided. Mr. Smith said these questions were asked and answers provided after the project was awarded to Boathouse Marina.

John Browning, 119 Browning Lane, East Palatka, said he asked Mr. Czymbor before a meeting, if the City was trying to put a large restaurant on the Riverfront, and Mr. Czymbor told him it was just a concession. They have to trust what's in the RFP. Mr. Holmes replied, saying there were no references to sandwiches and finger foods written in the RFP. Mr. Browning said many people asked City staff and the former mayor these questions and were all given different answers. As to the alcohol, they were told that City staff had met with the Presbyterian Church on the alcohol service and were told the Church had no issue with it, and that is not true. They need to look at what this Commission wants to put at the Riverfront. The prior administration and members of the Commission did not tell the truth. Mr. Lagassee can run a concession and do a great job. When the Planning Board voted on the alcohol variance the first time they denied it. If it fails before the Planning Board and doesn't come back before the City Commission, it's over. Mr. Czymbor filed the appeal on that decision. Then he took the same exact application back to the Planning Board and it passed. The City should be held to the same standard as any member of the public. They support the riverboats. They need to be fair to Mr. Lagassee and put a concession there.

Commissioner Brown said when they worked on getting a boat operator, they said they wouldn't charge a fee to the operator to operate the boats. They asked for maintenance fees to be put aside so the boats could take care of themselves. When she heard former Commissioner Kitchens speak, she realized that they had gotten different answers from Mr. Czymbor. He never spoke to them about how they planned to operate those boats. They worked this out in meetings with FDOT in prior years. Their riverfront should be booming by now but it's not because no progress has been made.

Mayor Hill said he has concerns on how this project has gone forward as a whole. Ultimately this project has already started. The boats are ordered and in construction. The docks are in place. There are 35 jobs pending. If they start over, no one can tell him where those jobs will come from. No decision that comes today will be good for everyone. They need jobs and money has already been spent. They need to do what's best for Palatka. There are concerns with the process. Some statements have not put people in the best light. They have to look at the overall picture. They have to bring life to Palatka. Competition is healthy and not his concern. He wants everyone to look at this from the perspective of what's best for the community. Re-advertising an RFP would have to be generated by action of the commission.

Commissioner Campbell moved to continue forward with the negotiations with Boathouse Marina, stating they should not table this or issue any cease and desist order or hold up further negotiations. Commissioner Norwood seconded the motion. Further discussion resulted in a motion by Commissioner Campbell, seconded by Commissioner Norwood, to refine the motion to include an option to decrease the size of the restaurant as offered by Mr. Lagassee in his letter distributed today (filed) and to include the City Attorney in all negotiations on this project going forward.

Commissioner Campbell asked why Mr. Holmes was not included in the original negotiations. Commissioner Norwood said it's the job of the City Manager to ask the City Attorney to participate in negotiations. Mr. Holmes said the City Manager tells him when he gets involved and when he doesn't. Once an RFP is advertised, it would be his advice for no one to speak to the specifications of the bid except the person who is in charge of the bid, who then puts the same answer out to everyone. Per Mr. Bush's questions, Mr. Holmes said there was nothing amiss with the RFP as questions were answered in writing to all who expressed interest in the responding to the RFP. The questions were answered in an addendum to the RFP.

Mr. Rawls said Mr. Griffith told the four people that attended the pre-bid conference that this was contemplated to be a concession stand serving finger foods. Mr. Lagassee said he never heard the word concession stand used during that meeting. Discussion ensued as to whether minutes of the meeting were kept. Mr. Holmes said if misinformation was provided at a pre-bid meeting, this causes him concern.

There being no further discussion or comment, a roll-call vote was requested and taken, which yielded the following result: Commissioners Brown, Campbell, Norwood and Mayor Myers, Yes; Commissioner Borom, No. The motion was declared passed with four in favor, opposed by Commissioner Borom. Commissioner Brown asked Mr. Lagassee to consider working with current restaurant operators instead of bringing someone from out of town.

7. CITY MANAGER & ADMINISTRATIVE REPORTS

Mr. Bush distributed a memorandum (filed) concerning his intention to hire a road crew to address right of way maintenance and to work with Palatka Pride. He has identified funds for this crew.

8. COMMISSIONER COMMENTS

Commissioner Brown and Mayor Hill noted flyers had been distributed regarding a Palatka Pride Clean Up Day scheduled on May 9th to clean up St. Johns Avenue to College Road.

9. ANNOUNCEMENT OF EXECUTIVE SESSION - City Attorney Don Holmes said, pursuant to Florida Statute 286.011 (8)(a), the predicate to this closed session is that he desires input and advice from the City Commission concerning litigation filed in the matter of City of Palatka vs. Poseidone LLC and American Southern Insurance. A notice has been provided to the Commission, press and public concerning his desire to hold an attorney-client meeting with members of the Commission concerning this litigation. Commissioner Brown moved to adjourn the regular meeting in order to hold the executive session. Commissioner Borom seconded the motion, which passed unopposed.

Mayor Hill read the following Executive Session meeting call, which was issued on April 7, 2017:

**TO COMMISSIONERS: MARY LAWSON BROWN, RUFUS BOROM,
JUSTIN CAMPBELL AND JAMES NORWOOD, JR.:**

You are hereby notified that a special called meeting of the Palatka City Commission is called to be held on Thursday, April 9, 2014, at the regular meeting place of the Palatka City Commission, in

City Commission Chambers at Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 6:45 p.m. or as soon as possible following the adjournment of the regular Palatka City Commission meeting being held on that date.

The purpose of the meeting is to conduct a closed Executive Session at 6:50 p.m. or as soon thereafter as possible in the *City Hall Upstairs Conference Room*, 201 N. 2nd Street, Palatka, in order to hold an attorney/client session to discuss ongoing litigation. After the public meeting is convened, the Commission will go into closed session pursuant to Section 286.011(8), Florida Statutes. The subject matter of the executive session is the litigation in the matter of City of Palatka vs. Poseidone, LLC; and American Southern Insurance.

Discussion in this session shall be confined to settlement negotiations and/or strategy sessions related to litigation. In addition to members of the Palatka City Commission, in attendance at this Executive Session will be Interim City Manager Allen R. Bush, City Attorney Donald E. Holmes, Finance Director Matt Reynolds and Grants/Projects Manager Jonathan Griffith, as well as a certified court reporter. This executive session will last approximately 1 hour.

Following the closed session, the Commission will reconvene in open session so that the termination of the Execution Session can be announced. At that time, the special meeting will be adjourned.

/s/ Terrill L. Hill
Terrill L. Hill, MAYOR

The following Commissioners acknowledged receipt of a copy of the foregoing notice of an Executive Session meeting on the 7th day of April, 2015.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Justin Campbell
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Rufus Borom
COMMISSIONER

Mayor Hill announced the persons authorized to attend the Closed Session, those being Mayor Terrill L. Hill, Commissioners Mary Lawson Brown, Rufus Borom, Justin Campbell, and James Norwood, Jr., Interim City Manager Allen R. Bush, City Attorney Donald E. Holmes, Finance Director Matt Reynolds, Grants/Projects Administrator Jonathan Griffith, and a Certified Court Reporter. Mayor Hill stated the Executive Session will last approximately one (1) hour.

RECESS – at 8:45 p.m. Mayor Hill recessed the regular meeting to convene the Executive Session, stating authorized attendees participating in the Closed Executive Session will move immediately to the upstairs conference room in order to convene the Executive Session. Mayor Hill noted that the public will be excluded from the Executive Session; however, the public may be present upon reconvening of the Called Meeting of the Commission.

RECONVENE – Mayor Hill reconvened the regular meeting at 9:20 p.m. in Commission Chambers and stated the Executive Session had concluded.

- ADJOURN** - There being no further business to discuss, the meeting was adjourned at 9:21 p.m. upon a motion by Commissioner Campbell.

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