

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
May 28, 2015

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 28th day of May, 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 Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Interim Police Chief James Griffith; Fire Chief Mike Lambert; Grants & Projects Manager Jonathan Griffith

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

INVOCATION & PLEDGE OF ALLEGIANCE – The Reverend Chad Perry, Pastor; The River Community Church

APPROVAL OF MINUTES – 5/14/15 Regular Meeting; 05/18/15 CM Interviews – Commissioner Campbell moved to adopt the minutes as read. Commissioner Borom seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION/PRESENTATIONS

VOLUNTEER RECOGNITION – Mayor Hill presented Certificates of Recognition to Nina Rojas and Seth Torres, youth volunteers who joined the ranks of volunteers involved with the Palatka Pride St. Johns Avenue Clean-Up. Mayor Hill noted they were instrumental in making the Palatka Pride St. Johns Avenue Clean-up a success through their infectious enthusiasm.

STUDENT OF THE MONTH – May, 2015 – Commissioner Norwood joined Mayor Hill presenting certificates of achievement to the following students in recognition of their attendance, leadership, citizenship, and academic achievement at their respective schools:

Kendell Cheatham	Browning-Pearce Elementary
Edan Collins	C. L. Overturf, Jr. 6 th Grade Center
Jaylen Moore	Children's Reading Center Charter School
Milagros Salazar-Barrientos	E. H. Miller Elementary School
Caleb McDaniel	James A. Long Elementary School
Jar'Tiyona Melton	Jenkins Middle School

Willow Skidmore
Mekhi Pettyjohnn
Ny'ah Williams
Jonell Williams
Michaela Heini
Heather Smith
Jasmine Martinez

Kelley Smith Elementary School
Mellon Elementary School
Moseley Elementary School
Palatka High School
Peniel Baptist Academy
Putnam Academy of Arts & Sciences
Putnam EDGE High School

INTERIM CITY MANAGER "RETIREMENT" - Mayor Hill was joined by Allen Bush, Interim City Manager, and his wife, Jackie. Mayor Hill said when the City was without a City Manager, he called upon Allen Bush to come back and lead the City, who did not hesitate to come back as the Interim Manager. He said he had the great pleasure of getting to know him as a City Manager and leader over the past few months. Mr. Bush was presented with a Key to the City and gift certificates to Lowes and Bass Pro Shops so he could get started on his "second retirement."

ORDERS OF THE DAY – Having received consensus from the Commission, Mayor Hill moved Item No. 10(a) to the front of the Orders of the Day

CITY MANAGER SEARCH – Update; Proposed Employment Agreement with Terry K. Suggs for the position of City Manager – Mr. Bush said he and Mr. Suggs met and agreed upon the terms of an Employment Agreement yesterday, which was distributed and added to the Agenda. The City Attorney has looked at it and made one change which has been incorporated into the final document. After discussion, Commissioner Norwood moved to table the matter to June 11. Commissioner Brown seconded the motion, which passed unopposed.

Mayor Hill then returned the Commission to the Orders of the Day

2. **PUBLIC COMMENTS** –

Askew Vickers, 207 N. 18th Street, spoke about certain clauses in the City Manager's contract. He said at the end of the meeting they have no comments. He believes someone should discuss the things that need to be addressed and then do something about them.

Mr. Vickers asked Mr. Holmes how the 'buy-out' clause in the red light contract was missed. Mr. Holmes said he didn't miss anything in the contract. He doesn't make the terms of the contract. He provides advice regarding the legality of the contract. Mr. Vickers said Chief Getchell stated in a meeting that if the City wanted to get out of the contract there would be no cost to the City.

Commissioner Brown thanked Mr. Vickers for consenting to be on one of their new committees. She looks forward to working with him and moving that committee forward.

3. **CONSENT AGENDA:**

Adopt Resolution No. 2015-11-33 awarding the bid for one Fire Department Medical Rescue Truck to Beck Ford for \$45,950.69 and one Fire Department Heavy Rescue Truck to Bartow Ford for \$95,258.00 – USDA Grant funded at 50% - The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AWARDING THE BID FOR THE PURCHASE OF FIRE DEPARTMENT VEHICLES TO BECK AUTOMOTIVE GROUP IN THE AMOUNT OF \$45,950.69 AND BARTOW FORD IN THE AMOUNT OF \$95,258.00. Commissioner Campbell moved to pass the item on the consent agenda as presented. Commissioner Norwood seconded the motion, which passed unopposed by voice vote.

4. **APPOINTMENTS** – Consider applicants for appointment to the Palatka Better Place Plan Oversight Committee to serve at the pleasure of the Commission

1. Wanda W. Brown
2. Allegra Kitchens

Mayor Hill noted this is Commissioner Campbell's appointment. Commissioner Campbell stated his last appointment was to appoint Ms. Kitchens to a committee and therefore his choice would be Ms. Brown. Commissioner Norwood moved to appoint Wanda Brown to the Palatka Better Place Plan Oversight Committee for an indefinite term to serve at the pleasure of the Commission. Commissioner Brown seconded the motion, which passed unopposed.

5. **SOE REQUEST** for City Elections Candidate Residency Verification Procedure – Charles Overturf, Putnam County Supervisor of Elections – Mr. Overturf said as the official qualifying agent for City candidates, he will take direction from them. He asked as to the reason behind the passage of an ordinance requiring a one year City residency prior to qualifying to run for office. They are limiting the field of candidates with this requirement. If this were in effect last year, Mayor Hill would not have been able to qualify to run for office. He related an instance wherein a man wanted his name placed on a ballot as a write-in candidate for State Senate, but a local law stated he had to live in the City at the time of qualifying and his name was removed from the ballot. The State Supreme Court said this was unconstitutional, forcing Pinellas County to hold another election. The State is going in the other direction concerning local residency requirements.

Allegra Kitchens, 1027 S. 12th Street, said she was a Commissioner at the time this was passed. The Commission wasn't aware the residency requirement had been removed from the Codes, but it was apparently done so at the request of Ms. McCool in her last years in office. At one time there was a six month residency requirement. This had nothing to do with Mayor Hill's residency or qualifying. The Commission felt that any candidate on a City ballot should be a resident of the City. She would be very disturbed if someone from outside of Putnam County ran for office and won, and only just had to move into the City prior to taking office. Residency should be required.

Mayor Hill said this creates an additional barrier and additional risk. He is not a proponent of it or the timing. He said this could just be an inconvenience for the Supervisor of Elections and staff to verify residency. He believes that if someone doesn't know the area they shouldn't be allowed to run. Vice Mayor Brown said she believes that in order to know the City you have to live in it.

Mr. Holmes said he researched municipal residency requirements at the time this ordinance was presented for first reading in November 2014, and found that a one-year requirement was the maximum restriction on what the courts were approving. He has not looked at it since that time. At this point they can reduce it from a year, or eliminate it altogether. They can't increase it. Discussion ensued regarding legal precedent on the constitutionality of preventing anyone from being placed on the ballot. Commissioners Norwood and Campbell said they would like to see the time frame reduced to six months. Mr. Overturf said at this time he is just looking for direction as to proof of residency for the requirement.

Betsy Driggers, City Clerk, said she researched the matter amongst other cities with residency requirements and for the examples provided in the agenda she provided examples amongst cities in North Florida. She provided examples of the three most commonly used methods employed by cities and/or Supervisors of Elections in those counties that qualify candidates in City elections. One is the candidate's signature on the Oath of Candidacy, which all candidates sign. The next is simply verification of the address on the voter registration card. If the address on the card and the candidate's registration information don't match, it is up to the Supervisor of Elections' office to determine which is current. The third is to require candidates to sign a separate, notarized oath which includes the candidate's name and current address, wherein the candidate certifies he/she has lived inside the City Limits for one year prior to qualification. In all instances the Supervisor of Elections is asked to look no further than "the four corners of the

page.” They accept the statements at face value. If someone wants to file a complaint against a candidate charging the candidate has not made true statements, they can do so through the State Division of Ethics. Mr. Overturf concurred.

Following further discussion, Commissioner Norwood moved to bring an ordinance forth for first reading on June 11 which reduces the residency restriction time from one year to six months and to accept voter registration records information as the method of proof of residency. Commissioner Borom seconded the motion, which passed unopposed.

6. **RESOLUTION** awarding a bid to finance the lease/purchase of a sanitation truck and police department administrative vehicles to US Bancorp, and authorizing the Mayor and Interim City Manager to execute and attest the Lease/Purchase Agreement and all other documents in connection therewith – Adopt - The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX-EXEMPT LEASE PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Campbell seconded the motion.

Art Leary, Ameris Bank, said he sent the members of the Commission an email in which he made several points concerning the award of this bid (not filed). He said Ameris Bank was not the lowest bidder, but the difference in the lowest to highest bid over the term of the loan is less than \$16.00 per month. Ameris Bank has been doing business with the City since 2001. Considering their lengthy partnership with the City, and being the only local bank that bid, he'd like the City to consider awarding the bid to Ameris. Their sponsorships of City events would eclipse that extra \$16.00 per month. They have all local people in their offices. He asks they do business locally. Ameris Bank can't compete with these very large banks that are bidding at rates much lower than they could ever offer.

Commissioner Brown said the Commission has held to the practice of keeping its business local as much as possible, and they have asked staff to consider local bids. They would like to keep local dollars here. Mr. Holmes said the city is required to award the bid to the “lowest and best” bidder. He hasn't studied all the nuances of the bids. It was addressed briefly at a staff meeting. They were close in all terms.

Matt Reynolds, Finance Director, said a sheet in their packet shows the three bids received and total payments including principal and interest over seven years. Mr. Holmes said it is his opinion that it is not a substantial deviation to accept a bid as close as this is. Because the City already has a business relationship with Ameris Bank, it is not wrong to take into account their local participation. Given the minor difference, and no other real difference in terms, he believes the Commission can award the bid to Ameris and do nothing unlawful. Commissioner Norwood asked if any grant prohibits them from going with the lowest bid. Mr. Reynolds said they are not using grant funds for the purchase of these vehicles.

Commissioner Norwood withdrew his motion. Commissioner Brown moved to award the bid to Ameris Bank on the basis that Ameris Bank's bid is not the lowest bid, but is the best bid. Commissioner Borom seconded the motion. A roll-call vote yielded the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, yes; nays, none. The resolution was declared amended and adopted.

Commissioner Brown said they need to direct staff to remember that they want to do business within the boundaries of the City and include proximity as a factor in bids. Discussion ensued on adoption of a “local preference” clause for bids.

PUBLIC HEARINGS:

7. **ORDINANCE** amending Municipal Code Section 10-6 to allow alcohol consumption in the River Center and in Riverfront Park buildings, with proper approvals and permissions – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ADDING THE ST. JOHNS RIVER CENTER AND BUILDINGS ON THE GROUNDS OF THE RIVERFRONT PARK TO THE LIST OF BUILDINGS EXEMPTED FROM AN ALCOHOL CONSUMPTION AND SERVING BAN; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Campbell moved to adopt the ordinance on 2nd reading as read. Commissioner Norwood seconded the motion.

Allegra Kitchens, 1027 S. 12th Street, said “buildings” in the title denotes multiple buildings. She asked if other buildings will be required to go through the conditional use process to sell alcohol. She said there is already a mechanism in place through the special events permit process to allow people to serve and consume alcohol at the Riverfront. Mr. Holmes said they can go ahead and exempt all public parks and buildings and allow the Commission to grant exceptions on a case by case basis. He noted the Riverfront Park is already listed in the ordinance as an exempt location. Commissioner Kitchens said she would like to see The River Center taken out of this ordinance as it is a children’s education center. Discussion ensued regarding there being no difference between Ravine Gardens and The River Center, as both are educational and children are or will be present at both. Mayor Hill said the Commission has the ability to control the days and hours of consumption.

Commissioners Norwood and Borom declared a conflict and recused themselves from the vote, citing their employment with Georgia-Pacific Corporation, the entity that is providing the funds to construct The River Center.

There being no further discussion or comment, a roll-call vote was taken, which yielded the following vote: Commissioners Brown and Campbell and Mayor Hill, Yes: Commissioners Borom and Norwood: Recused. Nays, none. The ordinance was declared adopted on second reading.

8. **DISCUSSION** regarding shoreline or dock fishing at the Riverfront Park and placement of splash pad fountain – Commissioner Brown said she has done some traveling, and has noted that many cities have installed splash pad fountains in place of regular fountains. They do not have the funding to do this at this time. There is a Veteran’s Memorial Fountain at the park. There is also a torpedo memorial dedicated to the veterans. She made a promise not to remove any veteran’s memorial. She believes this is a good opportunity to get some community help and support in putting this splash pad in place of the fountain. She hopes the local veteran associations will help the City fund this. They can dedicate it to the memory of the veterans. They want to keep this area as a public area.

Stan Owens, 171 Grandview Drive West, E. Palatka, said every few years the Commission speaks of changing or moving the monuments. He asked the Commission to notify the veterans associations of any pending plans for memorials, or put them on a Committee that works with the Commissioners on pending plans for the Park.

Rev. Ted Rodda, 2010 Maplewood Drive, Palatka, said they need to honor and respect veterans. The veterans’ memorials memorialize those who not only died in service but those who came back drastically changed. He is disappointed in the lack of maintenance on the memorials. He would be vehemently opposed to anything to dishonor or disrespect the memorials. Mayor Hill said no one is suggesting they do anything to dishonor or not bring them prominence. What has been suggested will only enhance the memorials. He agrees they need input from the veterans.

Commissioner Norwood asked him to address help on funding the proposed splash pad. Rev. Rodda said these memorials should not be part of a playground. They should be kept separate.

Commissioner Brown said the City has held numerous workshops on riverfront park improvements. They can meet with the veterans groups and get input.

Charles Gauthier, 447 East End Road, said they do for the community and represent the military. They attend town meetings. The issue is the City changing things without speaking to veterans and they won't tolerate being walked across and upon. The Commission won't make the decision. This invitation is the first invitation they've received from the Commission. Mayor Hill said they will not and have not done anything to disrespect the veterans. Commissioner Brown said this commission has held many workshops on various topics that veterans have been invited to attend and at which they have provided input. If they will attend workshops they will have input. Their agenda items are featured in the newspaper for the purpose of providing notice to the public.

W. G. "Doc" Sweeny, San Mateo, said he is satisfied with the promise of participating in discussions regarding the Riverfront Park Memorials. He welcomed the new commissioners.

Bruce Howe, (address), said he likes the idea of a splash pad but believes it should be moved away from the Memorial. He hopes they will repair the fountain. Monuments and memorials should be considered hallowed ground to honor those who have fallen for their county. They should not be moved.

Allegra Kitchens, 1027 S. 12th Street, said the prior commission ordered the fountains repaired and restored. She understands it will cost \$50,000 to repair the fountain. She believes it can be repaired for less. The splash pad should not be placed where the fountain is located. Veterans Memorial Plaza should not be removed. She asked the Mayor to order city crews to repair it.

Commissioner Brown said another place was set aside for the splash pad. She asked it be located at this location because there is plumbing in place there. By working together she hopes they can respectfully work to make improvements to the Park.

As to the fishing area, Commissioner Brown said they promised to leave the section of land on the other side of Memorial Plaza for public use. People sit and fish under the pecan trees so they can feed themselves and their families. She'd like them to plan and erect a short dock so people can fish in that location. This is being done in places like Eustis. Commissioner Campbell said Mr. Griffith has a proposed plan that will eventually come before the Commission that he can speak to, which addresses this.

Jonathan Griffith, Projects Manager, said there is a section of boardwalk that has been completed that will not be renovated this summer. This is the boardwalk that is beneath the pecan trees. What they could do is construct a boardwalk that cantilevers over the "undesirable" boardwalk that would not require FDEP permitting. This would provide better access for the public. They submitted applications for FRDAP grants for park improvements; although the City was ranked highly, the funding was not adequate to fund their applications. They have submitted the same applications this year and hope to be funded. Commissioner Norwood said during shrimping season they have a hard time keeping the riverfront clean, as individuals leave their trash behind. The odor is terrible. They need a commitment from users to keep the area clean. He doesn't believe the users will keep the area clean because they don't live in the City; they come from areas out in the County and outside the County. Citizens need to become accountable for their activity. Commissioner Brown said they need to change people's

perceptions and behaviors. Commissioner Norwood said this issue needs to be addressed at some point. They have to be able to maintain what they build there

Commissioner Brown asked the veterans in attendance to leave their contact information with Staff so that they can be contacted in the future regarding future meetings.

9. **UPDATE** on Business Incubator Non-Profit Group – Commissioner Brown said they have been talking about putting a business incubator group together and meeting with the proposed members. She has prior provided a list of people to the Commission who are interested in participating in the process. If they have someone who would be willing to serve she asked that they provide that information. They need to decide the best avenue to push this forward, whether to form a non-profit committee or keep it in-house. Mayor Hill asked her to arrange a Town Hall meeting to speak to the public regarding this matter.

10. **CITY MANAGER & ADMINISTRATIVE REPORTS**

11. **COMMISSIONER COMMENTS**

Commissioner Norwood said he asked for the fountain to be repaired some time ago. This needs to be done. They put things in place, but they have to be able to maintain them going forward. They don't want people coming to the City and seeing things that look like junk. He has received complaints about the infrastructure being in disrepair, which keeps people from investing in the community. If they are going to install anything, they need a plan in place to maintain it long-term. Commissioner Borom concurred. You have to look at the total cost of ownership. Commissioner Campbell said this is an opportune time for them to look to different organizations within the community to help maintain these things. If it is a Veteran's memorial, he hopes the veterans will help them maintain it. They are making progress, but they need citizen buy-in.

Commissioner Brown asked when the boats will be delivered. Mr. Griffith said the Coast Guard has requested more information on Boat #2, which was submitted on the 26th. They have made repeated calls as to the status.

Commissioner Brown thanked the local Veterans for attending the meeting. She said if they want things to be better, they need to help make it better.

Mayor Hill said until they start to take responsibility and better care of the City's property, they can't expect anyone in the community to do better. Their standard of care needs to be greater. They need to set a standard of excellence. If they don't clean up, they can't expect guests. A comment was made that the Commission never comes to the citizens and asks them anything; the Commission has shown otherwise over the past few months. They have spent countless hours talking with citizens. He is committed to making sure their voices are heard. They have spent hours dealing with the community's issues. They need to set the example.

Mayor Hill said they have completed the process of selecting a new City Manger. Mr. Holmes was one of the applicants. He is a sincere individual and they look forward to working with him for many more years. He has helped the City move forward. They are glad to have him here and sitting beside and with them at the dais.

12. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:07 p.m. upon a motion by Commissioner Brown.

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