

**TERRILL L. HILL**  
MAYOR - COMMISSIONER

**MARY LAWSON BROWN**  
VICE MAYOR - COMMISSIONER

**RUFUS J. BOROM**  
COMMISSIONER

**JUSTIN R. CAMPBELL**  
COMMISSIONER

**JAMES NORWOOD, JR.**  
COMMISSIONER



# CITY of *Palatka* FLORIDA

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

**TERRY K. SUGGS**  
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

## AGENDA CITY OF PALATKA August 6, 2015

### CALL TO ORDER:

- a. **Invocation** – The Reverend Wayne Colbert, Sr., Pastor; Victorious Faith Impact Ministries
- b. **Pledge of Allegiance** – Edwin Font
- c. **Roll Call**

### APPROVAL OF MINUTES – 7/9/15 (Budget) and 7/23/15 Workshops; 7/23/15 Regular Meeting

#### 1. PUBLIC RECOGNITION/PRESENTATIONS

- a. **Volunteer Recognition** – Caroline Parson, Bronson-Mulholland House Volunteer
- b. **Employee Recognition** – Mandi Tucker and Jonathan Fillion – Aid in Missing Child
- c. **“Edwin’s Happy Bags”** - Edwin Font

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

#### 3. CONSENT AGENDA

- \*a. **Adopt Resolution No. 2015-11-54** authorizing the Mayor and City Clerk to execute and attest Change Order No. 6 with Scherer Construction of North, Florida, LLC in the amount of \$4,190.00 to provide for additional wayfinding signage associated with hangar improvements at the Palatka Municipal Airport
- \*b. **Adopt Resolution No. 2015-11-55** authorizing the submission of an application for the FDEP Florida Recreation Development Assistance Program (FRDAP) in the amount of \$50,000.00 for federal fiscal year 2016-2017 (Hank Bryan Park)
- \*c. **Adopt Resolution No. 2015-11-56** authorizing the submission of an application for the FDEP Florida Recreation Development Assistance Program (FRDAP) in the amount of \$50,000.00 for federal fiscal year 2016-2017 (Booker Park)
- \*d. **Adopt Resolution No. 2015-11-57** authorizing the City Manager to apply to the Florida Department of Environmental Protection (FDEP) for a loan in the amount of \$75,000; pledging the City's "Utility Enterprise Fund" as the source of repayment for the loan; authorizing the City Manager to provide assurances to the Florida Department of Environmental Protection (FDEP); and designating the City Manager as the City's representative in carrying out the responsibilities under the loan agreement.

- \* 4. **REQUEST FOR ENDORSEMENT**, Letter of Support and assistance for Bethel A.M.E Church Economic Development Division's City/County Promotional Program – Gary J. McGriff, Representative

### PUBLIC HEARINGS

- \* 5. **PUBLIC HEARING: Fire Service Assessment**
  - a. **ORDINANCE** adopting a Fire Service Assessment – 2<sup>nd</sup> Reading , Adopt
  - b. **ANNUAL ASSESSMENT RESOLUTION** – Adopt
  - c. **NOTE RESOLUTION** - Adopt

201 N. 2ND STREET • PALATKA, FLORIDA 32177

PHONE: (386) 329-0100

www.palatka-fl.gov

FAX: (386) 329-0106

## AGENDA - CITY OF PALATKA

August 6, 2015

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- \* 6. **PUBLIC HEARING** - Planning Board Recommendation to amend the Future Land Use Map and Element designation from RH (Residential High) to PB (Public Buildings) and rezone Public Buildings & Grounds bounded by Osceola, Morris, Kirby Streets & Crill Avenue from R-3 (Residential Multi-Family) to PBG-1 (Public Buildings & Grounds) - City of Palatka; Bert Hodge Post 45 American Legion, Inc.; Lions Club of Palatka, Inc.; and Catholic Diocese of St. Augustine - owners/applicants
  - \*a. **FUTURE LAND AMENDMENT ORDINANCE** – Adopt
  - \*b. **REZONING ORDINANCE** – 2<sup>nd</sup> Reading, Adopt
  
- \* 7. **PUBLIC HEARING - PUBLIC HEARING** - 908 Husson Ave - Planning Board Recommendation to Annex and Rezone from Putnam County R-1A (Residential Single-Family) to City R-1A (Single-Family Residential) - Diane and Randolph Jenkins, owners; Palatka Building & Zoning Dept, Applicant
  - \*a. **ANNEXATION ORDINANCE** - 1st Reading
  - \*b. **REZONING ORDINANCE** - 1st Reading
  
- \* 8. **PUBLIC HEARING** - 2404 Tommy Ave - Planning Board Recommendation to Annex, and rezone from Putnam County R-1A (Residential Single-Family) to City R-1A (Single-Family Residential) - Vincent McKeever and Edith Velaque, owners; Palatka Building & Zoning Dept, Applicant
  - \*a. **ANNEXATION ORDINANCE** - 1st Reading
  - \*b. **REZONING ORDINANCE** - 1st Reading
  
- \* 9. **PUBLIC HEARING** - 908 N 20th St - Planning Board Recommendation to Annex and rezone from Putnam County R-2 (Residential Two-Family) to City R-1A (Single-Family Residential) - Gerald and Deborah Ragans, owners; Palatka Building & Zoning Dept, Applicant
  - \*a. **ANNEXATION ORDINANCE** - 1st Reading
  - \*b. **REZONING ORDINANCE** - 1st Reading
  
- \* 10. **ORDINANCE** prohibiting dogs and other pets from City of Palatka Cemeteries - 1<sup>st</sup> Reading
  
- 11. **CITY MANAGER & ADMINISTRATIVE REPORTS**
  
- 12. **COMMISSIONER COMMENTS**
  
- 13. **ADJOURN**

\*Attachment \*\*Separate Cover

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

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

### Upcoming Events:

August 13 – 15 – Annual FLC Conference, Orlando, FL  
Sept. 5 & 6 – Downtown Palatka Shrimp Blast  
Sept. 7 – City offices closed to observe Labor Day holiday  
Sept. 17 – Palatka Hosts NEFLC Meeting  
Oct. 2 – Employees' Safety Luncheon (tentative)  
Oct. 31 – Halloween Trick-or-Treat 6 to 8 pm

### Board Openings:

Board of Zoning Appeals – 3 vacancies (at-large)  
General Empl. Pension Board – 1 Commission Appointee  
Putnam Co. Better Place Plan Oversight Committee Rep  
Planning Board – 1 Vacancy (at large)



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

a. **Volunteer Recognition - Caroline Parson, Bronson-Mulholland House Volunteer**

**SUMMARY:**

Caroline has spent her summer vacation as a volunteer docent at the Bronson Mulholland House in the mornings on Monday through Thursday. There she was able to interact and educate visitors on its vivid history. Caroline is from Putnam County and when not away at school, resides in Florahome. This Fall, Caroline returns to Flagler College in St. Augustine where she achieved the Dean's Honor Roll last year majoring in Public History. Caroline has been a valuable and knowledgeable asset this summer and we hope that she will continue to volunteer when she is home on vacation from school.

**RECOMMENDED ACTION:**

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	7/28/2015 - 3:41 PM

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**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**Adopt Resolution No. 2015-11-54 authorizing the Mayor and City Clerk to execute and attest Change Order No. 6 with Scherer Construction of North Florida, LLC in the amount of \$4,190.00 to provide for additional wayfinding signage associated with hangar improvements at the Palatka Municipal Airport (100% grant funded)**

**SUMMARY:**

The City awarded a base contract to Scherer Construction of North Florida, LLC to construct an eight (8) unit T-Hangar Building, two (2) unity T-Hangar addition, widen the Hangar apron pavement and one (1) box hangar addition with future toilet room utilities. The proposed project is 100% funded by the Florida Department of Transportation.

The proposed change order includes signage for the new hangars and modifications to the existing airport wayfinding signage system. This change order proposal increases the contract price by \$4,190 bringing the total Scherer contract price to \$899,722.28. The total project cost is currently \$1,515,837.57. Total available grant funds are \$1,548,245.00.

**RECOMMENDED ACTION:**

**Adopt a resolution authorizing the Mayor and City Clerk to execute and attest Change Order No. 4 with Scherer Construction of North Florida, LLC in the amount of \$4,190.00 to provide for additional wayfinding signage associated with hangar improvements at the Palatka Municipal Airport (100% grant funded)**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Scherer CO #6 Resolution	Resolution
<input type="checkbox"/> Scherer CO #6	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	7/21/2015 - 8:52 AM
City Clerk	Driggers, Betsy	Approved	7/24/2015 - 4:27 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 9:24 AM
Finance	Reynolds, Matt	Approved	7/30/2015 - 2:34 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 3:24 PM

**RESOLUTION No. 2015-11-**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST CHANGE ORDER NO. 6 WITH SCHERER CONSTRUCTION OF NORTH FLORIDA, LLC IN THE AMOUNT OF \$4,190 FOR ADDITIONAL WAYFINDING SIGNAGE ASSOCIATED WITH HANGAR IMPROVEMENTS AT THE PALATKA MUNICIPAL AIRPORT**

**WHEREAS**, on December 18, 2014 the City received and opened bids for construction of Palatka Municipal Airport Hangar Improvement Project, which is 100% funded by FDOT; and

**WHEREAS**, the apparent lowest and best bid for said project, in the opinion of Passero Associates, its airport engineers, was submitted by Scherer Construction of North Florida, LLC in the amount of \$2,817,036.76; and

**WHEREAS**, on January 22, 2015 the City awarded a contract to Scherer Construction of North Florida, LLC in the amount of \$1,219,966.66, and

**WHEREAS**, City Staff and Airport Engineers have negotiated terms of a contract change order with Scherer Construction to install emergency exit and egress lighting for said **Project**; and

**WHEREAS**, the current contract price is \$895,582.28 and the new total contract price with Scherer Construction shall be \$899,772.28 for said **Project**; and

**WHEREAS**, the City deems it reasonable and necessary to enter authorize Change Order #6 in the amount of \$4,190.00 to install signage with Scherer Construction of North Florida, LLC for said **Project**.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Palatka, Florida that the Mayor and City Clerk are hereby authorized to execute and attest the Scherer Construction of North Florida, LLC Change Order #6 in an amount not to exceed \$4,190.00

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 6th day of August 2015.

**CITY OF PALATKA**

By: \_\_\_\_\_  
Its **MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM  
AND CORRECTNESS:**



2504 NW 71 Place  
Gainesville, FL 32653  
Tel: 352-371-1417  
Fax: 352-338-1018  
License No. CGC057622  
www.schererconstruction.com

## Change Order Proposal #06

July 15, 2015

City of Palatka  
201 N. Second Street  
Palatka, Florida 32177

Subject: Change Order Proposal #06  
**Additional Airport Signage, Palatka Municipal Airport**  
FDOT Project # 434748-1

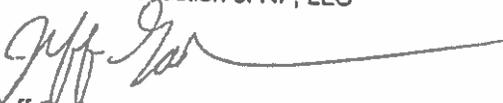
Please accept this cost proposal to add the following work changes:

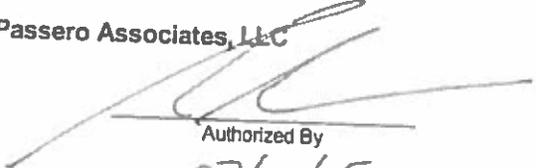
1. Provide Additional signage per the attached quotation and sign plan by.

No additional time is required for this change.

**The total cost of the work is: \$4,190.00**

Sincerely,  
Scherer Construction of NF, LLC

  
Jeff Godman  
Project Manager

<b>APPROVED BY:</b>	
City of Palatka	
_____	
Authorized By	
_____	
Date	
Passero Associates, LLC	
	
_____	
Authorized By	
07/15/15	
_____	
Date	

**Cost Proposal #06**

**Project: Eight Unit T-Hangar Building, Palatka Municipal Airport**  
**FDOT Project FIN No: 434748-1**  
**Project No: PA 24010.45R**

15-625

July 15, 2015

Description COP 6 Additional Airport Signage

ITEM NUMBER	DESCRIPTION	QTY	UNIT	U/L	LABOR	U/M	MATERIAL	U/S	SUB	TOTAL
01	Project Management	1	HR	0.00	65.00	0.00	0.00	0.00	0.00	65.00
02	Sign Credit	1	LS	0.00	0.00	(225.00)	(225.00)	0.00	0.00	(225.00)
03	New Signs	1	LS	0.00	0.00	0.00	0.00	3,935.00	3,935.00	3,935.00
										<b>3,775.00</b>
	GC Fee (10%)									378
	Bond (1%)									38
	<b>Total</b>									<b>4,190</b>

# de signs

TINN-56-2427680

7/15

PRICE FOR:

SCHERER CONST. & ENG.  
C/O PASSERO ASSOCIATES

TO:

PROVIDE & INSTALL  
LETTERS & NUMBERS AT  
PALATKA AIRPORT  
AS PER DISCUSSION

⑤ 32" x 48" ——— \$850.00

③ 20" x 30" ——— 450.00

⑧0 HANGER UNITS — 1560.00

CHANGE(S) ON  
GROUND SIGN — 125.00

ALL INSTALLATIONS — 950.00

COMPLETED WORK \$3935.00

1309 ST. JOHNS AVE. - PALATKA, FLORIDA 32177

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**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**Adopt Resolution No. 2015-11-55** authorizing the submission of an application for the FDEP Florida Recreation Development Assistance Program (FRDAP) in the amount of \$50,000.00 for federal fiscal year 2016-2017 (Hank Bryan Park)

**SUMMARY:**

See attached proposed budget and application for a Florida Recreation Development Assistance Grant for Hank Bryant Park for the 2016-2017 FRDAP cycle. This application includes the renovation of three (3) basketball courts and the development of parking, lighting, landscaping,, benches and signage. There is no match required for this grant.

**RECOMMENDED ACTION:**

**Adopt the resolution authorizing the submission of an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$50,000.00 for federal fiscal year 2016-2017 for improvements to Hank Bryant Park**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Hank Bryan FRDAP Application Resolution	Resolution
<input type="checkbox"/> Hank Bryan FRDAP Budget	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	7/27/2015 - 12:13 PM
City Clerk	Driggers, Betsy	Approved	7/28/2015 - 3:42 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 4:09 PM
Finance	Reynolds, Matt	Approved	7/30/2015 - 2:33 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 3:23 PM

RESOLUTION NO. 2015 – 11 - 52

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AUTHORIZING THE SUBMISSION OF AN APPLICATION  
FOR THE FLORIDA RECREATION DEVELOPMENT  
ASSISTANCE PROGRAM (FRDAP) IN THE AMOUNT OF  
\$50,000 TO THE FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION FOR STATE OF FLORIDA  
FISCAL YEAR 2016-2017 FOR THE HANK BRYAN PARK  
PROJECT**

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

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

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

**WHEREAS**, meeting the increasing demand for, recreation opportunities can best be met with the development of Hank Bryan Park as detailed in the application for funding in which the City is submitting an application in the August 2015 application cycle requesting \$50,000.00 in grant funds.

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

1. That the City of Palatka City Commission hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor and City Clerk are authorized to execute and attest all documents required in connection with the filing of said application, to be submitted during the August 2015 cycle.
3. That the City of Palatka Capital Improvement Plan is hereby amended to include the Project.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 6<sup>th</sup> day of August, 2015.

**CITY OF PALATKA**

By: Its MAYOR \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM  
AND CORRECTNESS:**

\_\_\_\_\_  
**CITY ATTORNEY**

**CITY OF PALATKA**

**Hank Bryan Park**

**2015 Application Cycle**

**Renovation**

**Points**

**Cost**

Basketball Court – renovate three (3) existing courts		\$ 35,000.00
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**Construction**

**Points**

**Cost**

Support – add additional fencing, signage, benches and lighting		\$ 6,000.00
Landscaping – install canopy trees and buffer landscaping		\$ 4,000.00
Parking- clear land and develop paved handicap and grass overflow parking area		\$ 5,000.00

<b>Total</b>		<b>\$50,000.00</b>
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**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**Adopt Resolution No. 2015-11-56** authorizing the submission of an application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$50,000.00 for federal fiscal year 2016-2017 (Booker Park)

**SUMMARY:**

See attached a proposed budget application for Booker Park for the 2016-2017 FRDAP cycle. This application includes the renovation of two (2) basketball courts and the development of parking, lighting, landscaping, signage and a multi-use court (basketball, tennis and volleyball). This grant does not require a match.

**RECOMMENDED ACTION:**

**Adopt the resolution authorizing the submission of the Booker Park application for the Florida Recreation Development Assistance Program (FRDAP) to the Florida Department of Environmental Protection in the amount of \$50,000.00 for federal fiscal year 2016-2017**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Booker Park Application Resolution	Resolution
<input type="checkbox"/> Booker Park FRDAP Budget	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Grants & Projects	Griffith, Jonathan	Approved	7/16/2015 - 8:59 AM
City Clerk	Driggers, Betsy	Approved	7/28/2015 - 3:54 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 4:08 PM
Finance	Reynolds, Matt	Approved	7/30/2015 - 2:33 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 3:23 PM

**RESOLUTION NO. 2015**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AUTHORIZING THE SUBMISSION OF AN APPLICATION  
FOR THE FLORIDA RECREATION DEVELOPMENT  
ASSISTANCE PROGRAM (FRDAP) IN THE AMOUNT OF  
\$50,000 TO THE FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION FOR STATE OF FLORIDA  
FISCAL YEAR 2016-2017 FOR THE BOOKER PARK  
PROJECT**

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

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

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

**WHEREAS**, meeting the increasing demand for, recreation opportunities can best be met with the development of Booker Park as detailed in the application for funding in which the City is submitting an application in the August 2015 application cycle requesting \$50,000.00 in grant funds.

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

1. That the City of Palatka City Commission hereby authorizes the filing of an application for a Florida Recreation Development Assistance Program Grant, and
2. That the Mayor and City Clerk are authorized to execute and attest all documents required in connection with the filing of said application, to be submitted during the August 2015 cycle.
3. That the City of Palatka Capital Improvement Plan is hereby amended to include the Project.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 6<sup>th</sup> day of August, 2015.

**CITY OF PALATKA**

\_\_\_\_\_  
By: Its MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**CITY OF PALATKA**

**Booker Park**

**2015 Application Cycle**

<b>Renovation</b>	<b>Points</b>	<b>Cost</b>
Basketball Court – resurface two (2) existing courts		\$ 7,000.00

<b>Construction</b>	<b>Points</b>	<b>Cost</b>
Basketball Court – add a multi-use basketball court		\$ 23,000.00
Support – add additional fencing, signage and lighting		\$ 5,000.00
Landscaping – install canopy trees and buffer landscaping		\$ 5,000.00
Parking- clear land and develop paved handicap and grass overflow parking area		\$ 10,000.00

<b>Total</b>		<b>\$50,000.00</b>
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**SUBJECT:**

**Adopt Resolution No. 2015-11-57** authorizing the City Manager to apply to the Florida Department of Environmental Protection (FDEP) for a loan in the amount of \$75,000; pledging the City's "Utility Enterprise Fund" as the source of repayment for the loan; authorizing the City Manager to provide assurances to the Florida Department of Environmental Protection (FDEP); and designating the City Manager as the City's representative in carrying out the responsibilities under the loan agreement.

**SUMMARY:**

At the City Commission meeting on June 25, 2015, the City Commission adopted Resolution 2015-11-43 which authorized the application to the Florida Department of Environmental Protection (FDEP) of a loan in an amount not to exceed \$1.5 million to replace components of the City of Palatka Platt Drew Wastewater Treatment Plant related to the treatment of bio-solids by anaerobic digestion and mechanical sludge dewatering with the BCR Clean B Biosolids Treatment System.

In order to begin this process, the attached Resolution needs to be passed in order to authorize the City Manager to apply for a planning loan in the amount of \$75,000 from the FDEP Clean Water Revolving Loan Fund.

Additional loans will be requested once the plan documents have been completed in order to complete the design and then construction phases of this project, however the total cost of the project is estimated to not exceed the \$1.5 million as outlined in the Resolution that was passed at the meeting on June 25, 2015.

**RECOMMENDED ACTION:**

**Adopt the resolution authorizing the City Manager to apply to the Florida Department of Environmental Protection (FDEP) for a loan in the amount of \$75,000; pledging the City's "Utility Enterprise Fund" as the source of repayment for the loan; authorizing the City Manager to provide assurances to the Florida Department of Environmental Protection (FDEP); and designating the City Manager as the City's representative in carrying out the responsibilities under the loan agreement.**

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Finance	Reynolds, Matt	Approved	7/30/2015 - 5 58 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 6 30 PM

**RESOLUTION No. 2015-**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A LOAN IN THE AMOUNT OF \$75,000.00; PLEDGING THE CITY'S "UTILITY ENTERPRISE FUND" AS THE SOURCE OF REPAYMENT OF SAID LOAN; AUTHORIZING THE CITY MANAGER TO PROVIDE ASSURANCES TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND DESIGNATING THE CITY MANAGER AS THE CITY'S REPRESENTATIVE IN CARRYING OUT THE CITY'S RESPONSIBILITIES UNDER THE LOAN AGREEMENT.**

**WHEREAS**, the City of Palatka requires funds to plan for the replacement of certain components of waste-water treatment facilities related to the treatment of bio-solids by anaerobic sludge digestion and mechanical sludge dewatering; and

**WHEREAS**, the funds to accomplish the purposes described in the preceding paragraph may be loaned to the City of Palatka by the Florida Department of Environmental Protection, Bureau of Water Facilities Funding pursuant to the terms of a state revolving loan program for pollution control; and

**WHEREAS**, the Florida Department of Environmental Protection, Bureau of Water Facilities Funding requires, as a condition of any loan, that an application containing specified information and providing certain assurances be filed by a designated representative of the City who is further authorized to represent the City in carrying out the responsibilities imposed upon the City by the loan agreement.

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

**Section 1.** The City of Palatka shall apply for a loan in the amount of \$75,000.00 from the Florida Department of Environmental Protection, Bureau of Water Facilities Funding, with the proceeds of said loan being utilized to plan for the replacement of certain components of waste-water treatment facilities related to the treatment of bio-solids by anaerobic sludge digestion and mechanical sludge dewatering.

**Section 2.** The City Manager, Terry Suggs, is specifically authorized and designated as the City's representative in the filing of the loan application referred to in Section 1 above, and as the City's authorized representative in carrying out the City's responsibilities under the loan agreement.

**Section 3.** The City does hereby pledge the net revenues of the City's "Utility Enterprise Fund", both now and in the future, as a source of repayment of the loan described herein.

**Section 4.** The City of Palatka does hereby provide assurance, and does hereby specifically designate Terry Suggs, City Manager, to confirm the City's assurance that the City has complied or will comply, as appropriate, with those of the following requirements which are applicable in undertaking the project at issue:

- a) Complete all facilities for which funding has been provided.
- b) The Archaeological and Historic Preservation Act of 1974, PL 93-291, and the National Historic Preservation Act of 1966, PL 89-665, as amended, regarding identification and protection of historic properties.
- c) The Clean Air Act, 42 U.S.C. 7506(c), which requires conformance with State Air Quality Implementation Plans.
- d) The Coastal Zone Management Act of 1972, PL 92-583, as amended, which requires assurance of project consistency with the approved State management program developed under this Act.
- e) The Endangered Species Act, 16 U.S.C. 1531, et seq., which requires that projects avoid disrupting threatened or endangered species and their habitats.
- f) Executive Order 11593, Protection and Enhancement of the Cultural Environment, regarding preservation, restoration and maintenance of the historic and cultural environment.
- g) Executive Order 11988, Floodplain Management, related to avoiding, to the extent possible, adverse impacts associated with floodplain occupancy, modification and development whenever there is a practicable alternative.
- h) Executive Order 11990, Protection of Wetlands, related to avoiding, to the extent possible, adverse impacts associated with the destruction or modification of wetlands and avoiding support of construction in wetlands.
- i) The Fish and Wildlife Coordination Act, PL 85-624, as amended, which requires that actions to control natural streams or other water bodies be undertaken to protect fish and wildlife resources and their habitats.
- j) The Safe Drinking Water Act, Section 1424(e), PL 93-523, as amended, regarding protection of underground sources of drinking water.
- k) The Wild and Scenic Rivers Act, PL 90-542, as amended, related to protecting components or potential components of the national wild and scenic rivers system.
- l) The federal statutes relating to nondiscrimination, including: The Civil rights Act of 1964, PL 88-352, which prohibits discrimination on the basis of race, color or national origin; the Age Discrimination Act, PL 94-135, which prohibits discrimination on the basis of age; Section 13 of the Federal Water Pollution Control Act, PL 92-500, which prohibits sex discrimination; the Rehabilitation Act of 1973, PL 93-112, as amended, which prohibits discrimination on the basis of handicaps.
- m) Executive Order 11246, Equal Employment Opportunity, which provides for equal opportunity for all qualified persons.

- n) Executive Orders 11625 and 12138, Women's and Minority Business Enterprise, which require that small, minority, and women's business and labor surplus areas are used when possible as sources of supplies, equipment, construction and services.
- o) The Coastal Barrier Resources Act, 16 U.S.C. 3501 et seq., regarding protection and conservation of the coastal barrier resources.
- p) The Farmland Protection Policy Act, 7 U.S.C. 4201 et seq., regarding protection of agricultural lands from irreversible loss.
- q) The Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646, which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs.
- r) The Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754, as amended, which requires that projects be carried out in accordance with area wide planning activities.
- s) Section 306 of the Clean Air Act, Section 508 of the Clean Water Act and Executive Order 11738, which prohibit manufacturers, firms, or other enterprises on the EPA's list of Violating Facilities from participating in the Project.
- t) Executive Order 12549, Debarment and Suspension, which prohibits any award to a party which is debarred or suspended or is otherwise excluded from, or ineligible for, participation in federal assistance programs.
- u) Minority and Women's Business Enterprise participation in project work using numerical goals, established by the U.S. Environmental Protection Agency, and to be set forth in the specifications for construction and materials contracts.

**PASSED AND RESOLVED** by the City Commission of the City of Palatka, Florida this 6<sup>th</sup> day of August, 2015.

**CITY OF PALATKA**

\_\_\_\_\_  
**By: Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM  
AND CORRECTNESS:**

\_\_\_\_\_  
**CITY ATTORNEY**

*Agenda  
Item*

**4**



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**REQUEST FOR ENDORSEMENT**, letter of support and assistance for Bethel A.M.E. Church Economic Development Division's City/County Promotional Program - Rev. Gary J. McGriff, Representative

**SUMMARY:**

The Reverend Gary McGriff of Bethel A.M.E. has submitted a request seeking a "letter of endorsement or support" acknowledging the City's willingness to assist and agreement to a proposed Faith Based Economic Development Program. A summary of the Program follows this page.

A Sample Letter of Support, submitted by Rev. McGriff, follows the Program Summary and is the last page of this item.

**RECOMMENDED ACTION:**

**Consider request for endorsement/support for Bethel A.M.E. Church's proposed City/County Promotional Program and authorize issuance of proposed letter of support.**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Agenda Placement Request	Discussion
<input type="checkbox"/> Program Description/Summary	Presentation
<input type="checkbox"/> Sample Letter of Support	Discussion

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	7/24/2015 - 1:53 PM
City Clerk	Driggers, Betsy	Approved	7/24/2015 - 1:53 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 9:21 AM
Finance	Reynolds, Matt	Approved	7/30/2015 - 2:33 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 3:23 PM

TERRILL L. HILL  
MAYOR - COMMISSIONER

MARY LAWSON BROWN  
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM  
COMMISSIONER

JUSTIN R. CAMPBELL  
COMMISSIONER

JAMES NORWOOD, JR.  
COMMISSIONER



# CITY of Palatka FLORIDA

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

TERRY K. SUGGS  
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

## REQUEST TO BE PLACED ON CITY COMMISSION AGENDA

**NOTE:** Regular City Commission meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of the month at 6:00 p.m. If you wish to appear on the Palatka City Commission meeting agenda, you should submit this request form, together with any attachments or backup material that would help the Commission to better consider your request, to the City Clerk's office either in person, by mail (201 N. 2<sup>nd</sup> Street, Palatka 32177), fax (386-329-0199) or e-mail (bdriggers@palatka-fl.gov). Please note that without adequate supporting documentation or information, the Commission may not be in a position to take any action on your request. Materials submitted for the Commission's review during the meeting may not be considered as this does not give the Commission or Staff adequate time to read or consider such material. If you plan to make a PowerPoint presentation, please submit your media (thumb drive, DVD, etc.) to the Clerk's Office in advance.

Meeting agendas close at 10:00 a.m. on the Friday two weeks prior to the next regularly scheduled Thursday City Commission meeting. Please verify the closing date for agenda items with the Clerk's office, as meeting dates are subject to change. Staff will make every attempt to accommodate a request for a specific agenda date, but all requests will be handled on a case-by-case basis and may be assigned to a commission meeting to be held at a future date. If your request can typically be handled by a City department or staff member, you will be referred to the appropriate department or staff member.

Name of Individual, Organization and/or Group making presentation or request:

BETHEL A.M.E Church/Economic Development div. Gary J. McCall (Rep.)

Address: 719 Reid St. / Palatka FL 32177 e-mail: garyjmc@palatka-fl.gov

Daytime Phone: (386) 546-5454 Other ph: (386) 277-4880 Fax: NONE

Requested meeting date: Next meeting Meeting date assigned: 8/6/15  
(For Clerk's Office Use Only)

Request for Commission Action; OR  Presentation Only; no action required

Subject Matter you wish to address: Bethel A.M.E seeking City of Palatka's endorsement & other assistance in implementing a city/county promotional program to attract industry. (attach additional sheet if necessary)

Commission Action Requested, if any: A "letter of endorsement" or "support" acknowledging the city's willingness to assist and agreement to the program.

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 288.105

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

201 N. 2ND STREET • PALATKA, FLORIDA 32177

PHONE: (386) 329-0100

www.palatka-fl.gov

FAX: (386) 329-0106

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# Faith-Based Community Economic Development: Principles & Practices



Principal Authors:

T. David Reese

Christina A. Clamp, Ph.D.

Produced by:

Federal Reserve Bank of Boston

Public and Community Affairs Department

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# Faith-Based Community Economic Development: Principles & Practices

## Principal Authors:

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Southern New Hampshire University, Manchester, NH

Christina A. Clamp, Ph.D.

Southern New Hampshire University, Manchester, NH

Produced by  
Federal Reserve Bank of Boston  
Public and Community Affairs Department

<http://www.bos.frb.org/commdev/index.htm>

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# Faith-Based Community Economic Development: Principles & Practices

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### ACKNOWLEDGEMENTS

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- ◆ T. David Reese, Southern New Hampshire University, Manchester, NH
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- ◆ Marques Benton, Manager, Public & Community Affairs Department, Federal Reserve Bank of Boston
- ◆ Anitt Wilkinson, Community Affairs Analyst, Public & Community Affairs Department, Federal Reserve Bank of Boston
- ◆ Joan Poskanzer, Editor, Research Department, Federal Reserve Bank of Boston
- ◆ Kristin Kanders, Editor, Public & Community Affairs Department, Federal Reserve Bank of Boston

*The assistance and support of Southern New Hampshire University, Manchester, NH, in the development of this guide is much appreciated.*

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## Introduction

*The notion that communities of faith should confine their concerns only to spiritual matters is being reconsidered...*

*For many, living their faith means aiding the poor—not by feeding them in soup kitchens or bringing them to homeless shelters, but by revitalizing their neighborhoods. All across the country, churches, synagogues, mosques, interfaith coalitions and other religious organizations are channeling their energies into programs that do more than provide bandaids for the problems of poverty. They are illustrating how, as they did during the civil rights movement, deeply held religious values can be a powerful force for change.<sup>1</sup>*

The notion that communities of faith should confine their concerns only to spiritual matters is being reconsidered, as reports of Faith-Based Community Economic Development grow in number. These reports build on a history of community economic development activity by faith-based institutions, extending back to the 1960s.

This booklet provides an introduction to faith-based community economic development (CED). It is not intended to be exhaustive, but to serve as a foundational framework for those new to, or with limited experience in, faith-based community economic development. Its primary objective is to familiarize readers with the following aspects of faith-based CED:

- ◆ Goals and objectives;
- ◆ Principal tools;
- ◆ Techniques for soliciting the support of a congregation in undertaking a faith-based CED project; and
- ◆ Examples of typical faith-based CED projects.

Who can benefit from this publication?

- ◆ Members of congregations currently involved in faith-based CED;
- ◆ Economic development committees or boards of community enterprises or development corporations, especially those who have limited business experience; and
- ◆ Economic development professionals and prospective managers of community enterprises who have had limited exposure to faith-based congregations.

In the first chapter, we define faith-based CED and highlight the differences between faith-based CED and traditional economic development (TED). The second chapter introduces the reader to some of the tools that are used to assess a community's needs and resources. Chapter three identifies some methods and techniques for mobilizing a congregation and the related community to undertake a faith-based CED project. Chapter four provides

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## Faith-Based Community Economic Development: Principles & Practices

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several examples of successful faith-based CED initiatives. In Chapter five, some of the principal factors that typically have an impact on the organizational and legal structure used to house proposed faith-based CED activities are identified.

Following chapter five are a glossary of terms relevant to faith-based CED and a bibliography listing the various sources relied upon to generate this publication.

At this point, a word about terms may be useful. This publication uses the terms *faith-based congregation* and *congregation* interchangeably to mean any group of individuals who share a particular religious tradition and regularly celebrate that religious tradition. For these purposes, the term *congregation* includes a synagogue, a mosque, a church, or a temple. The reader also will encounter the term *underserved communities*, which includes but is not limited to low-income and moderate-income communities. Finally, the abbreviations CED and TED refer to community economic development and traditional economic development, respectively.

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### Footnotes:

- <sup>1</sup> Lora Engdahl, "Faith in the Community." *The Neighborhood Works* (September 1996). Available <http://www.cnt.org.tnw/19/195faith.htm>
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## What is Faith-Based Community Economic Development?

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### WHAT IS FAITH-BASED COMMUNITY ECONOMIC DEVELOPMENT?

**L**et us take this opportunity to define faith-based community economic development and highlight the differences from traditional economic development.

Faith-based community economic development may be defined as the involvement of faith-based institutions in projects designed to revitalize their communities, establish sustainable economic development initiatives, attract investments, build wealth, and encourage entrepreneurship. In order to launch their projects, faith-based institutions often form a separate nonprofit community development corporation (CDC) or partner with an existing CDC, foundation, local government, or other faith-based institution.<sup>1</sup>

A brief review of representative examples of TED and faith-based CED will illustrate their principal differences and similarities. First, let us look at a representative example of TED.

The mainstream news media frequently report examples of traditional economic development. In June 1997, an article in *Fortune* heralded the opening of a Mercedes automobile plant in Vance, Alabama. The Alabama state government's successful campaign to convince Mercedes to build in Vance is emblematic of TED. Seeking to bolster the economic prospects of Vance and the surrounding communities, the state of Alabama pulled together a \$253 million package of investment incentives. "As part of the package, the Alabama business community came up with an \$11 million offering, presented to Mercedes as a single bank check."<sup>2</sup> The total package included \$77.5 million for roads, water and sewer lines, and other infrastructure improvements; \$92.1 million to acquire the site, erect the plant, and construct a training school for prospective auto plant workers; and \$83.6 million in training funds, tax rebates, and other incentives.<sup>3</sup>

Vance sits about 50 miles southwest of Birmingham. Prior to the arrival of the Mercedes plant, Vance (population 400) was just another sleepy central Alabama town clinging to the remnants of a withering agriculture-based regional economy. So when Alabama public officials learned that Mercedes was looking for a site for a plant that would employ 1,500, they went all-out to get Mercedes to site the plant in Alabama. The impact studies commissioned by the state of Alabama indicated that the Mercedes plant, if located in Vance, would employ 1,500 workers directly and support the creation of approximately 13,500 other jobs in the state between the years 1997 and 2017.<sup>4</sup> Now, Vance is the home of a 1.2 million sq. ft. plant with the capacity to produce 60,000 sport utility vehicles annually, and its economic

*Faith-based community economic development may be defined as the involvement of faith-based institutions in projects designed to revitalize their communities, establish sustainable economic development initiatives, attract investments, build wealth, and encourage entrepreneurship.*

## Faith-Based Community Economic Development: Principles & Practices

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star is rising.<sup>5</sup> The state's primary motive for pursuing the Mercedes plant might be described simply as an effort to improve the economic prospects of Vance and the surrounding communities.

The desire to improve the economic prospects of a given community is something TED shares with faith-based CED. A principal difference between CED and faith-based CED is that a faith-based congregation often plays the role of primary coordinator and organizer of the efforts to enhance the economic prospects of a given community. In essence, the faith-based congregation plays a role similar to that typically played by a state or municipal government in TED.

When Reverend Floyd Flake became pastor of Allen African Methodist Episcopal (A.M.E.) Church in Queens, New York, in 1976, the neighborhood surrounding the church was dotted with empty storefronts and other signs of a dying local economy. A number of the buildings in the community were poorly maintained. The streets were littered with broken glass and trash.

Flake recalls, "We realized we were sitting in the middle of an area that was deteriorating, and the only way to protect our investment was to begin buying other properties."<sup>6</sup>

Flake's first effort at faith-based CED was the building of a 400-unit apartment complex for senior citizens, financed in part by a \$10.7 million grant from HUD.<sup>7</sup> Building on that first step, Allen A.M.E. has developed eleven nonprofit entities and several for-profit businesses to serve the needs of its community.

A partial list of these entities follows:

- ◆ The Allen Home Care Agency, LTD—provider of skilled nursing and personal care services;
- ◆ The Allen Housing & Development Fund Corp.—property manager: manages and maintains 300 units;
- ◆ Allen A.M.E. Senior Transportation—provider of transportation to elders;
- ◆ Allen Federal Credit Union—provider of banking services;
- ◆ Allen A.M.E. Hall Estates—developer of 50 new affordable two-family homes;
- ◆ The Allen Transportation Corporation—for-profit charter bus company.

First among these is the Allen Neighborhood Preservation Corporation (the Preservation Corporation). Created in 1978, the Preservation Corporation "has engaged in rehabilitating vacant houses, assisted owners in

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## What is Faith-Based Community Economic Development?

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upgrading and remodeling their homes, acquired property for new housing development, and managed the 30,000-square-foot Multi-Service Center constructed by the City of New York."<sup>9</sup>

In addition to renovating existing homes, the Preservation Corporation has sponsored the development of more than 170 units of new affordable housing. These units are not clustered around the Church. "This is scatter-site housing that has helped to renew and stabilize neighborhoods."<sup>9</sup> A substantial number of these units were purchased by individuals unaffiliated with Allen A.M.E. Church.

A number of the organizations are housed in the South Jamaica Multi-Service Center. Among other things, prenatal and postnatal care is available at the Center. It also houses a number of other state and federally funded social services programs.

In addition to providing affordable housing and various social services, the Church "became a builder of businesses, buying and rehabilitating more than 15 boarded-up storefronts in its Queens, NY, community. Today, these storefronts house a travel agency, medical and legal professional offices, a barber shop, a restaurant, a home-care agency and a preschool."<sup>10</sup>

Over the course of the last twenty years, the Church has been instrumental in revitalizing its community. No longer are the streets littered with glass. Instead, they shine with pride. The major boulevard near the Church is populated with a number of successful ventures, some owned in whole or in part by the Church, others owned by local business people. Allen's commitment to the revitalization of its community has paid handsome dividends for both the community and the Church. The Church's membership has grown from 1,200 in 1976 to over 10,000 members in 1998.<sup>11</sup>

When a faith-based congregation uses its resources and reputation to engage in CED activities as an element of its sacred mission, that is 'faith-based CED.' In other words, faith-based CED occurs when community economic development becomes an integral part of the ministry of a faith-based congregation.<sup>12</sup>

Pastor Flake notes, "Church-sponsored, nonprofit community corporations do not preach the gospel, they bring life to it every day of the week."<sup>13</sup>

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## Faith-Based Community Economic Development: Principles & Practices

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### Footnotes:

- <sup>1</sup> Anitt Wilkinson, "Faith-based Economic Development Initiatives in New England," *Communities & Banking*, Fall 1999 n27 p. 14.
  - <sup>2</sup> Justin Martin, "Mercedes: made in Alabama," *Fortune*, July 7, 1997 v136 n1 p. 150+. Retrieved August 27, 2000 from World Wide Web: <http://www.infotrac.galegroup.com>
  - <sup>3</sup> "In the Shadow of Mercedes," *Time*, November 9, 1998, pp. 40+. Retrieved August 27, 2000 from World Wide Web: <http://www.infotrac.galegroup.com>
  - <sup>4</sup> Jay Reeves, "Sweet Mercedes deal leaves bitter aftertaste," *Journal of Commerce and Commercial*, January 12, 1994 v399 n28141 pp. 9A. Retrieved August 27, 2000 from World Wide Web: <http://www.infotrac.galegroup.com>
  - <sup>5</sup> "Mercedes-Benz chooses Alabama," *Industrial Distribution*, November 1993, p. 9. Retrieved August 27, 2000 from World Wide Web: <http://www.infotrac.galegroup.com>
  - <sup>6</sup> Quoted by Tomka DePriest and Joyce Jones, "Economic Deliverance thru the church," *Black Enterprise*, February 1997 v27 n7, pp. 195-199. Retrieved August 15, 2000 from World Wide Web: <http://www.softlineweb.com/bln/KaStasGw.exe>
  - <sup>7</sup> Lloyd Gite, "The new economic agenda of the black church: economic development for black America," *Black Enterprise*, December 1993 v24 n5, pp. 54-59. Retrieved July 29, 2000 from World Wide Web: <http://www.infotrac.galegroup.com>
  - <sup>8</sup> Nile Harper, *Urban churches, vital signs: beyond charity toward justice*. Grand Rapids: Wm. B. Eerdmans Publishing Co., 1999, p. 34.
  - <sup>9</sup> Nile Harper, p. 34.
  - <sup>10</sup> Lloyd Gite, p. 54ff.
  - <sup>11</sup> Nile Harper, p. 32.
  - <sup>12</sup> This definition was proposed by Phillip Clay, Professor, Department of Urban Studies, Massachusetts Institute of Technology, conversation with authors, 14 December 1999.
  - <sup>13</sup> Nile Harper, p. 34.
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# 2

*It is important to step back and assess what the community needs are and what resources are available to bring about change.*

### ASSESSING COMMUNITY NEEDS AND RESOURCES

There are many issues and pulls on community leaders and congregations that can make it difficult to decide on where and how to begin a faith-based community economic development (CED) initiative. It is important to step back and assess what the community needs are and what resources are available to bring about change. In this section of the guide, we discuss how community residents can do a community assessment, usually the first step in a strategic planning process. Using strategic planning, we bring together our values and our community assessment in order to define our strategic vision for the community with reasonable goals and objectives. These steps provide a map for a faith-based community economic development initiative.

Government reductions in spending for the alleviation of poverty have presented new challenges to concerned community leaders in poor urban sections of our cities. The situation requires new ways to revitalize and rebuild our communities using self-help approaches, while competing for ever more limited external sources of funding. Community economic development strategies, which seek to organize self-help efforts that build on local resources, are essential in this political and economic environment. Community economic development (CED) refers to any activity that results in the strengthening of the economic, social, or cultural base of the community, through activities that strengthen the local capacity to address local needs and enhance the community's ability to rebuild itself.

#### FACTORS THAT CHARACTERIZE DISTRESSED COMMUNITIES

According to Halpern (1995: 4-18), distressed communities are characterized by such problems as the following:

- ◆ Lack of adequate access to finance capital;
- ◆ Damaging effects of racial and social exclusion;
- ◆ Loss of jobs to the suburbs;
- ◆ Significant immigration of rural poor and newly arrived foreign immigrants;
- ◆ The loss of community due to the fragmenting effects of ethnic pluralism and urban life, coupled with the shift of social functions from primary institutions, such as family, church, and neighborhood, to bureaucratic ones;
- ◆ High school dropout rates, and lack of mobility for the poor;
- ◆ Heavy reliance on transfer payments and federal grants;

## Faith-Based Community Economic Development: Principles & Practices

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- ◆ Poor or inadequate public services;
- ◆ Aging or deteriorated housing stock.

Social isolation, poverty, and joblessness are the core problems of these distressed communities. In his book, *Rebuilding the Inner City*,<sup>1</sup> Halpern examined how the character of poor neighborhoods has evolved historically. He found that neighborhood initiatives to ameliorate poverty often fail because of a reliance on outside resources. John McKnight in *The Careless Society*<sup>2</sup> makes a similar point. He argues that external initiatives to address poverty come in the form of bureaucratic solutions. The bureaucratic approach in turn shifts social functions away from the community to professional caregivers, who are typically from outside the community.

Robert Putnam provides an important framework for analyzing why some communities are healthy while others lack the resources to organize themselves. The key to healthy communities is social capital: "features of social organization, such as networks, norms and trust that facilitate coordination and cooperation for mutual benefit. Social capital enhances the benefits of investment in physical and human capital."<sup>3</sup> Putnam conducted a study of civic participation in Italy over a twenty-year period; he concluded that communities do not become civic because they are rich. Rather, they become rich because they are civic.<sup>4</sup> Civic participation, whether it is in bowling leagues or churches, is necessary for a healthy community. Social capital is a necessary ingredient for successful economic development.

Halpern sees healthy communities as places where people want to live. Community residents share information, work toward common goals, and obtain support from established institutions and relationships. Using formal and informal mechanisms, residents identify and solve problems, reinforce social norms, and promote productive outcomes for themselves and their families. Community residents have mechanisms for securing resources and controlling how responses are developed to issues, that is, social capital. Similarly, the NeighborWorks® network writes, "Healthy communities are those in which rational investment in homes and businesses is possible, residents are involved in decisions affecting community life, and impediments to community life—such as drug dealing, gangs and crime—are actively battled."<sup>5</sup> This is consistent with Robert Putnam's research. Social capital is key to building better communities.

Many of these distressed communities were once healthy communities. According to Lisbeth Schorr (1997: 304), the decline in urban areas has been caused by several factors:

- ◆ The loss of the manufacturing base;
  - ◆ The increased number of women in the workforce;
  - ◆ Fear of crime; and
-

## Assessing Community Needs and Resources

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- ◆ The decline of neighborhood commercial districts and the rise of technologies in the home such as computers and television, which reduce community-based social interactions.

All distressed communities face some common challenges, such as the extent to which residents have control, the leadership base, development capacity, human resources, infrastructure, and economic diversity. Rural communities often have smaller leadership pools and even greater challenges to the development of infrastructure, economic diversity, and human resources than urban communities. Clearly, we need to nurture social capital, but we will also require strategies to address the structural problems that plague these communities as well.

In community development, it is understood that "the people for whom the development means the most must be the people who set the priorities and choose and execute the tactics that the strategy implies for them."<sup>6</sup> Faith-based CED initiatives can play an important role in revitalizing communities. Congregations already have an organized base within the community. A community planning process is an effective way to begin to mobilize a community and to build leadership capacity in the process.

### COMMUNITY ASSESSMENT AS A MOBILIZING STRATEGY

Studies of persistent poverty have found that community residents who are active in the development process are building local development capacity and empowering themselves in the process. As the Strategy Development Group of the Boston Foundation/Boston Persistent Poverty has observed, "People living below the poverty line are the real experts about poverty."<sup>7</sup> They know what will work and feel a sense of urgency about the problems. Participatory methods of community assessment often lead to the inclusion of community resources in development projects. The need to create opportunities for community residents to be included as partners in community development is now recognized.

In communities where poverty has persisted, many people are distrustful of community planning assessments conducted by outsiders. Government and other regional planning bodies have often conducted studies of communities without including the community in the research. Those studies are then used in determining the allocation of resources and the design and planning of community development initiatives. Where community residents have been excluded in the design and planning dialogue and community-building, they should conduct their own independent assessments. The rise of community economic development and community-building has given legitimacy to the inclusion of community residents in planning and has fostered support for it in state and local government.

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## Faith-Based Community Economic Development: Principles & Practices

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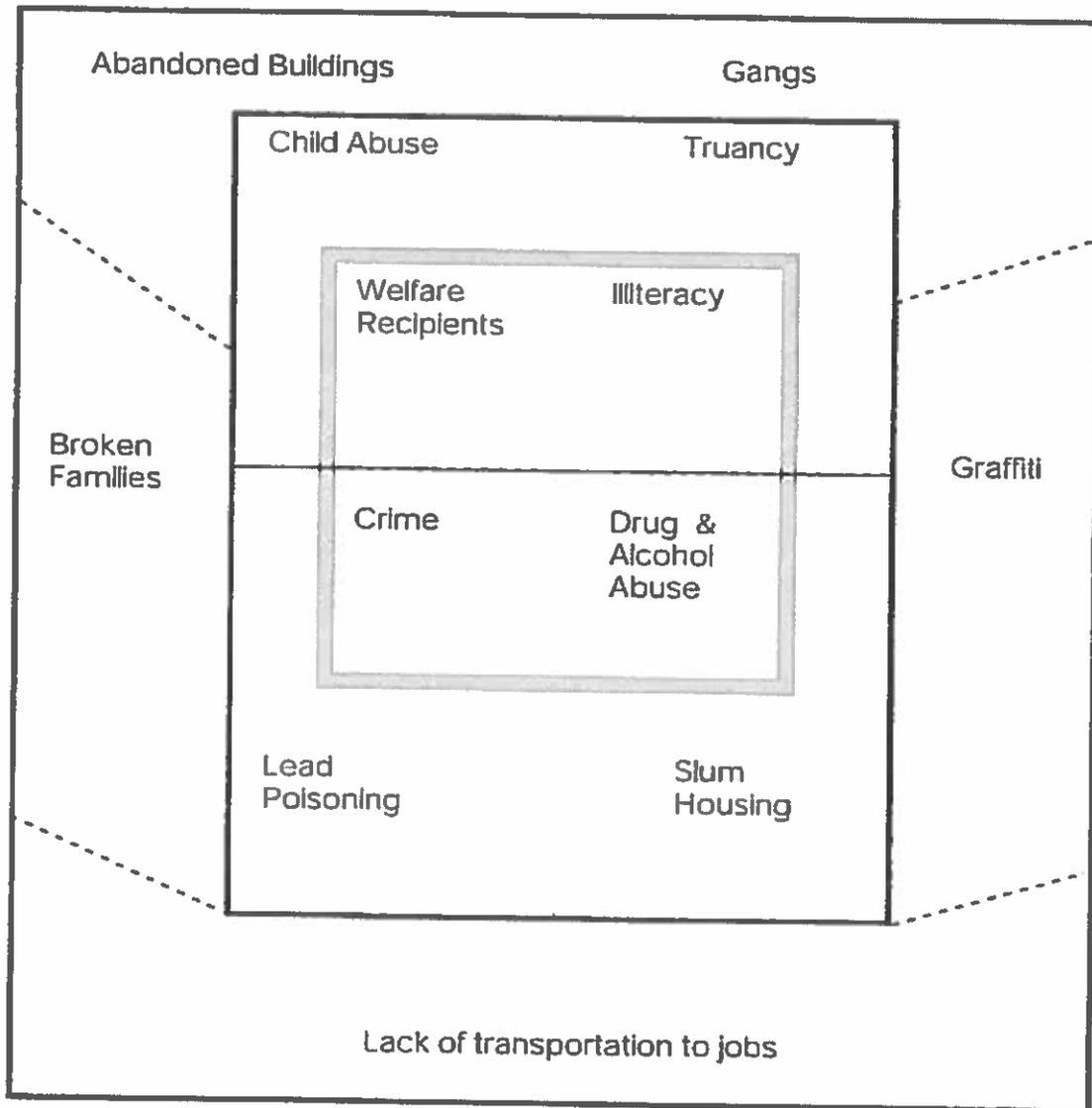
"Asset-based community development," a process addressed by Kretzman and McKnight (1993),<sup>8</sup> is an important internally focused strategy that stresses the importance of building relationships between local institutions, neighborhood associations, and community residents. In asset-based community development, poor communities are mobilized to help themselves. The focus is on what human capacity and other resources, both individual and institutional, exist in the community rather than on what is absent. The process redefines the role of local people in defining the development agenda themselves.

In their book, *Building Communities from the Inside Out*, Kretzman and McKnight provide a critique of conventional approaches to community analysis and a guide for a participatory asset-mapping alternative.<sup>9</sup> The conventional approach to community analysis focuses on the deficiencies, problems, and negative images as the total reality of the community. This denies the wisdom of community residents in diagnosing problems and their capacity to provide solutions. Community residents are viewed as dependent and powerless to act. Outside experts, not neighbors, are considered the only ones capable of resolving problems. The service providers are the ones in control of financial resources. Community leaders have to denigrate their neighbors and community to successfully attract resources to the community. A deficiency strategy ensures that the focus will be on individual successes in overcoming deficiencies rather than on transforming and developing the community. This orientation fosters a sense of hopelessness about the future in community discussions. (See the Conventional Community Needs map.)

Community asset mapping is an alternative approach proposed by Kretzman and McKnight. In this approach, "asset-based community development" starts by looking at three types of assets:

- (1) Assets and capacities located inside the neighborhood and largely under neighborhood control: for example, the skills, talents, and experiences of the residents; individual businesses and home-based enterprises; resident income; community business, civic, and cultural associations; and religious organizations.
  - (2) Assets located within the community but largely controlled by outsiders: examples are public schools, police, private hospitals, vacant land, and energy and waste resources. These are assets that can be brought under community influence with the right strategy.
  - (3) Resources originating outside the neighborhood and controlled by outsiders: for example, welfare expenditures, public capital improvement expenditures, and public information.
-

**CONVENTIONAL COMMUNITY NEEDS MAP**



*Adapted from Kretzman and McKnight (1993:3)*

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## Faith-Based Community Economic Development: Principles & Practices

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Asset-based community development is characterized as starting with what is present in the community (see the "Community Assets Map")—community residents' and workers' capabilities and assets, and the associational and institutional base. It is an internally focused process that concentrates first on the agenda-building and problem-solving abilities of local residents, local associations, and local institutions. It recognizes the impact of external forces on the community but stresses the importance of building the internal capacity to address the local development challenges.

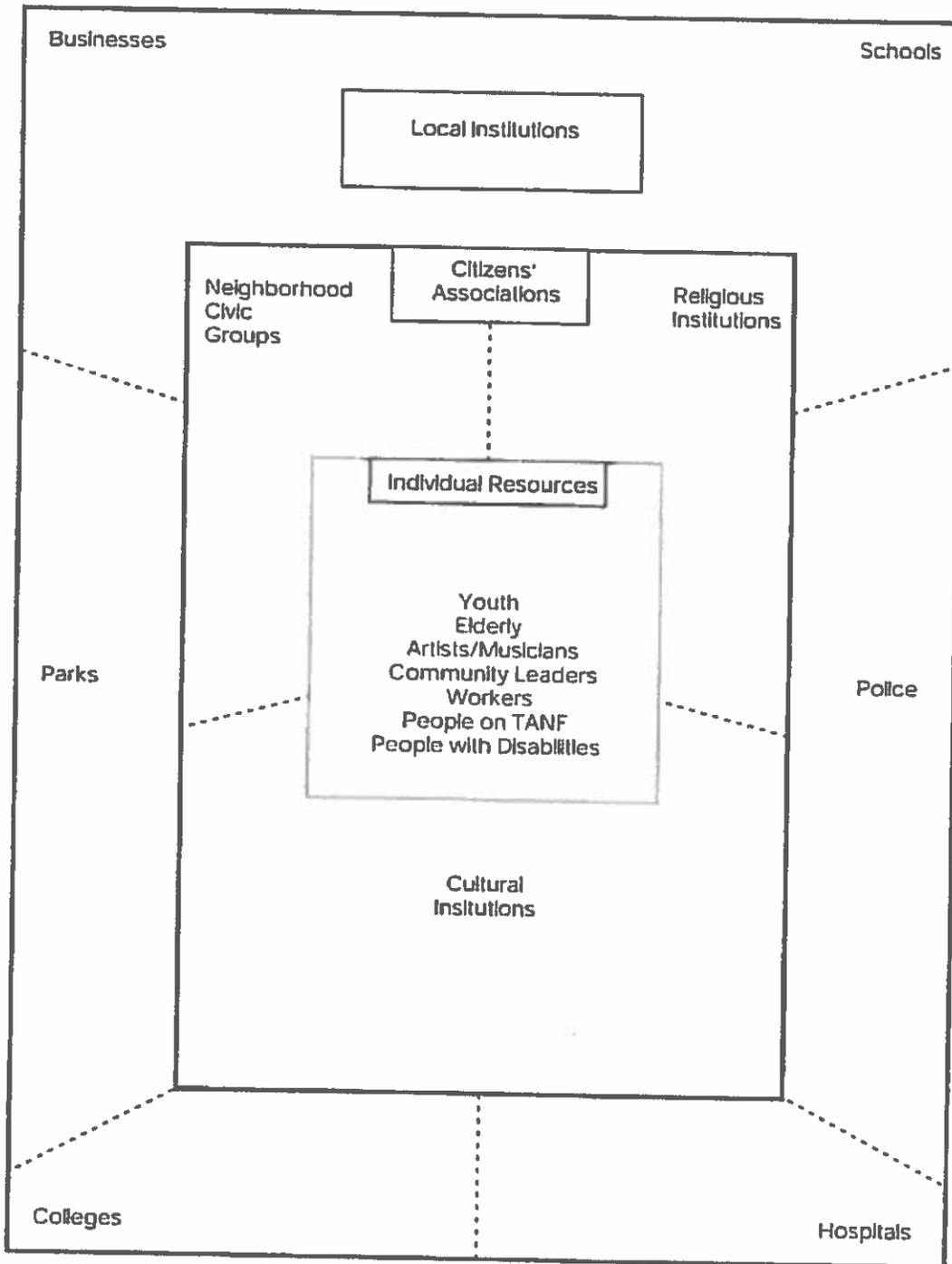
Finally, Kretzman and McKnight emphasize that this approach is "relationship-driven." As the Boston Foundation observed in *To Make a Community Whole* (1994: 39), there is a need to develop new collaborative philosophies of community-building strategies and to involve and employ community residents in program planning, decision-making, and evaluation.

Congregations are well suited for developing a community assessment. Either in partnership with other congregations or alone, a congregation can undertake a project to map the assets of the congregation and other community residents. Residents can work on developing the questions to include in the study. The Kretzman and McKnight manual includes suggested questionnaires for conducting an asset-based assessment. Once completed, the community assessment can form the basis for the setting of priorities and development of community projects and collaborations.

### *How to Create a Community Assets Map*

- Step 1: ♦ Identify the people who will conduct the survey and compile the data. Ideally, community residents should do most of the data collection. It may be possible to get student volunteers from a local college to help organize and interpret the data.
- Step 2: ♦ Gather information on community households and residents' skills.
  - ♦ Identify the abilities and best skills of each person.
- Step 3: ♦ Identify community capabilities (community activities in which residents have participated).
- Step 4: ♦ Record the experiences and skills of entrepreneurs.
- Step 5: ♦ Collect personal information from people you interview, for future contacts.
- Step 6: ♦ Organize and interpret the information that you have collected.
  - ♦ Write up a summary of what you have learned about your community.
  - ♦ It may be possible to get some technical support from a local college or community-based organization in the preparation of your report.

**COMMUNITY ASSETS MAP**



*Adapted from Kretzman and McKnight (1993:3)*

## Faith-Based Community Economic Development: Principles & Practices

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Computers and telecommunications have made a new tool available to facilitate the work of doing a community assessment. The HUD Community 2020<sup>9</sup> software makes use of Geographic Information Systems (GIS) for community mapping. This tool enables communities to adapt information on their neighborhoods and prepare sophisticated presentations capable of documenting such problems as joblessness, poverty, and lack of affordable housing. The HUD 2020 software can assist communities in many ways:

- ◆ To democratize information and help stakeholders use information directly.
- ◆ To help stakeholders use data to tackle individual issues, but do so in a way that leads toward more comprehensive strategies.
- ◆ To use information as a bridge to promote local collaboration.
- ◆ To ensure integrity in the data and the institutions that provide them.

As communities build their skills in the use of these tools, they should be able to design indicator systems for the explicit purpose of changing things—not just to monitor trends. Communities will be able to develop indicators at the neighborhood level—not just for the city as a whole. These tools emphasize using information to build capacity in poor communities.

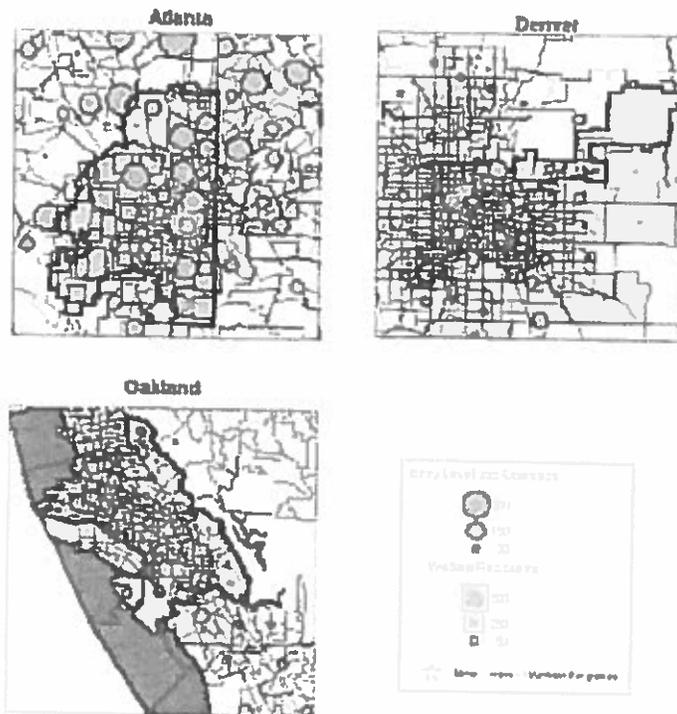
Once a group has conducted an assessment and determined what resources are available, the group will need to develop a strategic vision, define goals, and set priorities. Strategic objectives can be developed and specific projects described, through a strategic planning process. Typically the group will then need to decide which projects or activities can be accomplished, given the available resources. It is time to mobilize the congregation and orchestrate collaborations.

This sample map illustrates how the GIS mapping can be used to illustrate the challenges of getting community residents into entry-level jobs. Information such as this can build a strong case for a community to approach the city government or a local employer to provide affordable transportation for residents to jobs outside the city or to commit resources for business development where residents live.

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## Assessing Community Needs and Resources

Map 5



Source: U.S. Department of Housing and Urban Development, Online Internet 11 July, 2000 Available on the HUD web page, <http://www.hud.gov/adm/c2020/into.html> and Coalition for Low Income Community Development, Online, Internet, 29, May, 2000. Available on the web page, <http://www.cled.org/map/possibilities.htm>

### Tools for Strategic Planning

The following are some suggested resources to guide you in the strategic planning process:

B.W. Barry (1986) *Strategic Planning Workbook for Nonprofit Organizations*. St. Paul, MN: Amherst Wilder Foundation.

J. M. Bryson & F. K. Alston. (1996) *Creating & Implementing Your Strategic Plan: A Workbook for Public & Non-Profit Organizations*. San Francisco: Jossey-Bass Publishers.

T.D. Connors. (1997) *The Nonprofit Handbook: Management*, 2<sup>nd</sup> ed. NY: John Wiley & Sons, Inc.

S. Sites (1995) *Advanced Strategic Planning (VL04)* CUNA Volunteer Achievement Program Series.

T. Viguera. (1995) *Strategic Planning (V404)* CUNA Volunteer Achievement Program Series.

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### Footnotes:

- <sup>1</sup> Robert Halpern, *Rebuilding the Inner City*. New York: Columbia University Press, 1995.
  - <sup>2</sup> John McKnight, *The Careless Society*. New York: Basic Books, 1995.
  - <sup>3</sup> Robert D. Putnam, "The Prosperous Community: Social Capital and Public Life," *The American Prospect*, (Spring 1993), pp. 35-36.
  - <sup>4</sup> Putnam, p. 37.
  - <sup>5</sup> NeighborWorks®, "Community Revitalization," Online. Internet. 14 January, 1997. Available at <http://www.nw.org/comrev.htm>.
  - <sup>6</sup> Stewart E. Perry and Mike Lewis, *Reinventing the Local Economy*. Vernon, B.C.: Center for Community Enterprise, 1994, p. 5.
  - <sup>7</sup> The Boston Foundation/ Boston Persistent Poverty Project, *To Make Our City Whole*. Boston: The Boston Foundation, 1994.
  - <sup>8</sup> John P. Kretzmann and John L. McKnight, *Building Communities from the Inside Out*. Chicago: ACTA Publications, 1993.
  - <sup>9</sup> U.S. Department of Housing and Urban Development, Online. Internet 11 July, 2000. Available on the HUD web page, <http://www.hud.gov/adm/c2020/into.html> and Coalition for Low Income Community Development, Online. Internet. 29, May, 2000. Available on the web page, <http://www.clcd.org/map/possibilities.htm>
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## Mobilizing the Congregation and the Community

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### MOBILIZING THE CONGREGATION AND THE COMMUNITY

**R**eligious institutions are frequently a beacon of stability in low-income communities. Often they are the only organizations controlled by the otherwise disenfranchised residents of decaying communities. Religious institutions serve as social organizations validating and transmitting culture by preserving and recreating cultural practices and norms as they minister. Churches can put a decidedly cultural spin on activities intended to address spiritual needs and meet biblical and doctrinal mandates. The perpetuation of cultural identity builds community.

*Religious institutions are frequently a beacon of stability in low-income communities.*

Sherman (1997) notes that congregations that are dedicated to reaching out to broken people and broken places with a message of hope are able also to bolster "decent culture" and counter "street culture." She calls these congregations "RESTORERS."

To counter street culture, RESTORERS reinforce decent culture in at least four ways: They strengthen families; they shore up neighborhood schools; they expose the myths of the consumerist gospel; and they break through the demographic isolation of the ghetto. To counter the problem of chronic dependency, RESTORERS engage in what Rev. Gerald Austin calls "responsible caring." Basically, this means challenging the entitlement mindset and helping the needy in ways that promote self-sufficiency.<sup>1</sup>

An important facet of these congregations is that they have adopted an outward orientation rather than focusing inward, only on the members of their congregation. The first step in developing a faith-based CED initiative may have to be the education of your membership. The congregation must come to value the opportunities that an outward or public focus will bring to the institution.

The shift to a community ministry is not an easy one for many churches. Community ministry goes "beyond charity," according to John M. Perkins. This requires skills beyond traditional charity and ministerial roles. Short-term solutions are more readily adopted, says Donna Schaper. "Ministry in cities is desperate for these transformations. We are stuck in old, ordinary ways."<sup>1</sup> Short-term solutions are more readily adopted where ministries take care of victims.

We all give lip service to the misery of this pattern, but few find their way out of it. As a society we seem to be intent on making more victims, whether through poorly conceived welfare policies or the number of social "workers" per square foot.... Upstream ministry, although rare, can be beautiful. Upstream, clients and victims turn into members of congregations and community organizations. Time is taken to

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nourish leadership, to feed it the good bread of scripture and community, of hope and promise, to educate it and ourselves to the real sources of oppression. In upstream ministry, soup kitchens become training centers, shelters become places of education and organization, mental health centers become sites of anger formation, welfare offices become places to protest. Communities don't need "workers"; they need work.

Community ministries are open or public ministries. They have a focus on the community as well as the congregation. The church may see itself as a partner with other community organizations. In an open ministry, the church adopts a community-building approach, which is preventative and fosters the development of a more democratic leadership in the community. Putnam, citing a study by Anne Case and Lawrence Katz, points to the importance of churches.

Urban poverty and joblessness are directly influenced by community norms and networks and "neighborhood effects." Anne Case and Lawrence Katz, for example, found that controlling for all relevant individual characteristics (such as race, gender, education, parental education, family structure, religious involvement, and so on), youths whose neighbors attend church are more likely to have a job, less likely to use drugs, and less likely to be involved in criminal activity. In other words, churchgoing (the most common form of civic engagement in America) has important "externalities," in the sense that it influences the behavior and life of "bystanders," whether or not they themselves are so engaged.<sup>4</sup>

Ammerman (1997) identified four typical ways that churches orient themselves. Congregations with a "civic" orientation work at being good, cooperative citizens of the community, helping out where they can, without significantly challenging the status quo. Their emphasis is on individual citizenship, in contrast to the corporate action of the "activist" congregations. Activist congregations, who also want to be good citizens, see that goal as requiring advocacy and change. The "sanctuary" orientation is the most otherworldly in seeking to shield members from this world's temptations and prepare them for the world to come. The "evangelist" orientation sees the church as an agent for changing individual lives.

"Civic" congregations are by far the most numerous. . . . The civic orientation in itself is uninformative for understanding responses to change because it does not specify the community to which the congregation should relate or how it is to accomplish that task. One can endorse the goal of being a good citizen without any clear sense of which needy people should be served or how to work with others toward community

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betterment. When congregations are already well focused on their constituencies, these mission goals give shape to their action. But when the constituency itself is in doubt, the ideas of service, cooperation, and citizenship are not sufficient to motivate adaptation.<sup>5</sup>

Ammerman concludes that activist congregations have openness to new populations and a creative flexibility to adopt new ways of serving their old congregants.

Faith-based organizations develop leaders within their ranks.<sup>6</sup> The abundance of need and dearth of resources allow otherwise ignored and marginalized individuals to surface. A man who works as a janitor during the week may be a deacon on Sunday. In this context people are empowered to take charge, make changes, and forge new opportunities.<sup>7</sup> They can build the social capital of the community. Otto Maduro believes that

Religion could be—besides and at times, despite other functions—a possible medium, among others, for the articulation and proactive stimulation of a people's empowerment, that is, for the actualization of their capacity to transform their social environment in consonance with their own interests.<sup>8</sup>

Green elaborates on this point in his conclusions on church-based neighborhood renewal. He believes that "congregations can be powerful agents of neighborhood renewal...."<sup>9</sup> Capacity building is necessary for faith-based institutions to achieve this goal. In this section, strategies for mobilizing the congregation and the community will be examined. Once a group has done a community assessment and established strategic priorities, it may realize that it needs to reach out to other groups in the community to accomplish its goals. It is useful to consider how best to organize your congregation if it is new to this community ministry.

In a study of Hispanic Protestant churches, Clamp, Coonan, and Mallona (1997) identified three models for faith-based community ministries:

- (1) **Congregation-based community development.** In this model a single congregation promotes programs and activities within its geographic area of concentration. This model has the advantage of drawing on the resources of the congregation as volunteers and for financial support and physical space for the projects. However, congregations have more difficulty raising outside funds for their projects, since they do not have a 501C3 nonprofit status. This model is also not advisable in denominations that rotate pastors, unless the congregation has strong lay leadership to sustain the programs and activities.

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- (2) A para-church or community-based organization that provides training and support to a coalition of religious institutions. In this model, a 501C3 nonprofit provides training, technical assistance, and support to various churches for creating community development initiatives. Strategically this approach can take the form of an interfaith group and is able to serve a larger geographic area.
- (3) A community development project-oriented para-church or faith-based community-based organization. In this model, a 501C3 faith-based organization functions in a manner similar to a community development corporation. Such groups have the benefit of professional staff who are able to draw on their specialized and technical expertise to participate effectively in collaborations with private, nonprofit, and government entities.

David Mann sees a need for resources to train ministers to be effective leaders, based on the experience of congregation-based community organizing. According to Mann, many ministers have the "hearts and faith, but no method."<sup>10</sup> Ministries committed to improving the lives of low-income and moderate-income families require strong leadership to guide transformation. According to Mann, this requires four elements in ministers' leadership skills: accountability, ongoing evaluation, relationship-building, and mentoring.<sup>11</sup> These are all tools for building social capital.

Strong leadership, by itself, is not enough if a church's goal is to be an activist for social transformation. Based on the experience of Lutheran Urban Ministry, Richard Luecke argues, "*community revitalization is not achieved through a housing project here, a new school principal there, a jobs program somewhere else. It begins to look like a circle of things.*"<sup>12</sup>

It takes organizational capacity and the ability to access the technical expertise necessary to support those projects if they are to be successful. The following case study describes how efforts in New Orleans have piloted the development of faith-based community economic development.

### THE AFRICAN AMERICAN CHURCH COMMUNITY ECONOMIC DEVELOPMENT INSTITUTE OF GREATER NEW ORLEANS: A CASE STUDY

The Greater New Orleans Foundation launched the African American Church Capacity Building Institute in Community Economic Development in 1998. The Community Economic Development program of Southern New Hampshire University was hired to advise the foundation on the design of the initiative and to develop training for faith-based groups. The training occurred over a period of eight months. The participating congregations were required to send a group of leaders from their congregation or faith-based

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community organization to participate in all the training sessions. By the end of the training, participants were to develop a project proposal and submit it to the foundation for funding.

The program sought to create the tools and support faith-based leaders' need to become new voices in community economic development in their locale. It also hoped to strengthen the local and regional networks of community economic development and to begin to develop community capacity for implementation of economic development within their parishes. The goals for the two-year program were as follows:

- ◆ To build skills and knowledge about promising strategies in CED.
- ◆ To broaden the leadership group within the region involved in public decision-making concerning local economic development.
- ◆ To demonstrate local programs successfully blending human capital development and sustainable development

The curriculum centered on three fundamental concepts:

- (1) *Leadership development* in areas of communication, conflict resolution, leadership style, and group process.
- (2) *Community-based business development*, with special emphasis on a community economic development approach, which included the steps of business development and development of a project proposal.
- (3) *Planning and leading change for faith-based community economic development*, including how to do a community assessment and how to conduct strategic planning.

Local leaders in community economic development were recruited into the institute as trainers and mentors. Each of the congregations was assigned a mentor to work with them between training sessions and to advise them on the development of their projects during and after the training phase.

The initiative hoped that the various faith-based groups would come to see ways in which they could collaborate and support each other's efforts. The training provided opportunities for peer learning and for mentoring by more experienced groups of the less experienced groups. Training sessions utilized team-building simulations and group work.

The initiative recruited eight congregations to participate in the training. Seven of the groups completed the training and developed a funding proposal. The eighth group had to drop out almost immediately because of flooding from a hurricane. At the end of the training, one of the groups was deemed not ready to move to the next step because they recently experienced a change in their church leadership. The church had had two changes of pastor in two years. The outgoing pastor proposed that a collaborative be

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developed with six other local churches in order to build a sustainable CED initiative in their area. They have since been funded as part of their newly formed collaborative.<sup>13</sup>

Collaboration is strategically important to faith-based community development. In some denominations, the periodic turnover in pastors is one of the toughest hurdles to overcome.

### COLLABORATION AS A MOBILIZING STRATEGY

The increasing popularity of collaboration is often driven by downsizing and cost reductions. As the New Orleans case points out, there are other compelling reasons to use collaborations within the field of faith-based community economic development. Collaboration can be an excellent way to harness resources when groups would not have the capacity to develop a program or activity on their own. Funders often prefer to fund a collaborative organization rather than a single one. In *Religious Institutions as Partners in Community-Based Development*, Schele et al. (1991) conducted an evaluation of collaborations between religious institutions and other community organizations for the Lilly Endowment. The Lilly Endowment study (1991) identified several partnership structures based on an examination of 28 funded participating projects of religious institutions, including the following:

- ◆ A partnership is centered on a single person who may be either clergy or laity and is the dominant decision-maker. Two groups that were started this way are Bethel New Life in Chicago and Brooklyn Ecumenical Cooperative (BEC) in Brooklyn.
  - ◆ A single congregation forms an affiliated development organization such as the Lawndale Community Church in Chicago or the Abyssinian Baptist Church in Harlem.
  - ◆ A partnership is formed between a community-based organization (CBO) and one or more congregations. The CBO is usually the lead partner in these relationships. Examples of this approach are Manna, Inc. in Washington, DC, and Quitman County Development Organization, Inc. in Mississippi.
  - ◆ A group of religious institutions create an affiliated development organization or do development directly. Neighborhood of Affordable Housing (NOAH) in Boston, BEC New Communities, Inc., and interfaith housing groups are examples of this type of partnership.
  - ◆ A CBO organizes a group of religious institutions, which will be its partners in development. Coastal Enterprises in Maine and Bethel New Life created this type of partnership.
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- ◆ A hybrid organization (not a religious organization or a CBO) creates a new development partnership or does development directly. The Naugatuck Valley Project in Connecticut and more recently the Merrimack Valley Project in Massachusetts are examples of this type of partnership.
- ◆ A CBO and an organized group of religious institutions mutually initiate a partnership. This is the classic partnership of peers. Inner City Christian Federation, which is supported by 50 congregations, partnered with Grand Rapids Area Center for Ecumenism to create a revolving loan fund.

Collaborations exist for the life of the project. A religious organization may be involved in more than one partnership at a time and may be in different types of partnerships. Nor do collaborations have to be with other religious institutions, as illustrated in the Lilly Endowment study.

Collaborative networks can be service delivery networks that seek to coordinate and provide a continuum of services. They can also be composed of public and private stakeholders to focus on community planning or on issues such as public health.

Scheie, Markham, Mayer, Slettom, and Williams (1991: 4) have observed: "Most keys to building strong partnerships with religious institutions are similar to those applicable to other partners." As with all successful collaborations, there should be shared need, shared values, and shared goals. The organizations must be able to trust one another and be willing to collaborate. Faith-based organizations are not as hurried to move forward as secular institutions, say Scheie et al. This may be a result of their greater reliance on volunteers and the need to be accountable to their membership. Faith-based institutions need project goals and activities that are responsive to their own members and to the people of their community. When the religious institution is an active partner, groups are able to increase access to resources from public and private as well as religious sources.

Two successful neighborhood collaborative initiatives that have been documented are the Dudley Street Neighborhood Initiative in Boston (see Medoff and Sklar: 1994) and the Lawndale Community Church in Chicago (see Gordon: 1995). While the Dudley Street Neighborhood Initiative is not a faith-based initiative, it has had the important support of the local Catholic Church, St. Patrick's, in the advisory group and as a site to host events. Lawndale is a faith-based model based in the Lawndale Community Church. The stories of their experiences, as recounted in these source documents, can be a very good introduction for newcomers to this sort of initiative.

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Hastad and Tymeson (1997), in their article "Demonstrating visionary leadership through community partnerships," identify six steps to developing collaborative ventures. The *first* is to identify community needs that match your strategic vision. As outlined earlier in this guide, a community assessment and the strategic planning process can establish the context for initiating collaborative efforts. Hastad and Tymeson recommend that you not attempt to address multiple issues but instead identify one need and focus time, resources, energy, and talent to that need. In the process of the assessment and planning, potential partners may be identified in the analysis of the stakeholders in your community. You can facilitate this process if you obtain support from your organization for collaboration in the development of your strategic plan.

The *second step*, according to Hastad and Tymeson, is to orchestrate collaboration. They caution that one should be sure to narrow the focus of the initiative but to think big in terms of the involvement of potential partners. Do research on the organization that you wish to recruit as a partner. Learn about its mission and history. Review annual reports or other documents to assess its financial position, resource base, and previous experience in collaborations and other community initiatives. Speak to others familiar with the organization's track record. Once you are sure that this is a suitable partner, identify the appropriate contact person(s) in the organization and initiate discussions with them. Your research on the organization should help you to determine who the best contact person is, and whether it is best to initiate contact by phone call or by letter. In some cases, the best initial contact may be face-to-face. You should have a well-defined agenda and a proposal for review. The proposal should outline the goals, objectives, target audience, activities, and roles of potential partners. Go prepared to present the benefits of the collaboration to the potential partner.

The *third step* is to capitalize on community assets. If you have done an asset mapping assessment using Kretzman and McKnight's method, you can use your findings to get you started. Share your findings with all partners and discuss whether the findings are complete or need further work.

Formalizing the partnership is the *fourth step*. It is important to spell out the duties, commitments, and responsibilities of all the participants in the partnership. Since you are the lead partner, it is up to you to draft the document that spells out the partnership. It should detail the goals, activities, method of evaluation of the initiative, length of the partnership, liability issues, any use of facilities, and other factors needing clarification. The partners should be given time to review the agreement. Allow for several drafts in this step. Once the agreement is final, a press event can be organized where the highest-ranking officials gather to sign the agreement and publicly acknowledge the collaborative effort and its potential value to the community.

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The *fifth step* is to encourage the collaboration. The encouragement can take a number of forms. Its purpose is to maintain the interest, energy, and commitment of the partners. In some cases, partners will receive compensation for staff time on the project. When the project involves uncompensated time for volunteers, it is important to build in ways of acknowledging the efforts of volunteers. Media events and press releases can showcase the partnership and the efforts of individuals. Open houses and informal gatherings are also effective. In some cases, the development of a publication about the initiative will encourage the collaboration. Since one of the reasons for collaboration is to capture outside funds, these types of public events can be very helpful for gaining recognition and support for your efforts.

*Step six* is to retain leadership. The success of collaborations and their future direction often depend heavily on the visionary leadership of the lead partner. The lead partner also needs to be able to work effectively with the other partners and to deflect credit to the other partners for the success of the collaborative effort.

This section has outlined methods and strategies for organizing your congregation to do faith-based CED. The next section will present examples of successful efforts.

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### Footnotes:

- <sup>1</sup> Amy L. Sherman, *Restorers of Hope*. Wheaton, IL: Crossways Press, 1997, p. 48.
  - <sup>2</sup> Donna Schaper, "Bricks Without Straw," in *Envisioning the New City*, ed. Eleanor Scott Meyers, Louisville: Westminster/John Knox Press, 1992, p. 31.
  - <sup>3</sup> Schaper, p. 35.
  - <sup>4</sup> Robert D. Putnam, "Bowling Alone, Revisited," *The Responsive Community*, (Spring 1995), p. 19.
  - <sup>5</sup> Nancy Tatom Ammerman with Arthur E. Farnsley II et al. *Congregation and Community*. New Brunswick, NJ: Rutgers University Press, 1997, pp. 338-339.
  - <sup>6</sup> Manuel Ortiz describes this as a major issue of Hispanic ministry, in *The Hispanic Challenge*. Downers Grove, IL: Intervarsity Press, 1993, p. 129.
  - <sup>7</sup> A.F. Deck, "Latinos Shift Loyalties," *The Christian Century*, (6 April 1994): 2 pp. Online. Infotrac Search Bank. 17 September 1998. Available.
  - <sup>8</sup> Otto Maduro, "Notes Toward a Sociology of Latina/o Religious Empowerment," in *Hispanic/Latino Theology* ed. Ada Maria Isasi-Diaz and Fernando F. Segovia, Minneapolis: Fortress Press, 1996.
  - <sup>9</sup> Green, p. 285.
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<sup>10</sup> David Mann, "Pastor, Priest, Organizer: Leadership in Community Ministries." in *Envisioning the New City*, ed. Eleanor Scott Meyers, p. 67.

<sup>11</sup> Mann, pp. 68-69.

<sup>12</sup> Richard Luecke, "Themes of Lutheran Urban Ministry, 1945-85," in *Churches, Cities, and Human Community*, ed. Clifford Green, Grand Rapids: Wm. B. Eerdmans Publishing Co., p. 3.

<sup>13</sup> Greater New Orleans Foundation, (2000, February). F.B. Heron Foundation, "Reporting on Project Support Grant," African American Church Community Economic Development Institute. New Orleans, LA: Greater New Orleans Foundation.

### SUCCESSFUL MODELS OF FAITH-BASED CED ACTIVITIES

*You must act as if it is impossible to fail.<sup>1</sup>*

**A**ll successful faith-based community economic development projects share a common characteristic: They address a pressing need. In general, successful community-based enterprises share three traits:

- (1) They address an existing problem or need;
- (2) They participate in growing markets; and
- (3) They do not require employees with extensive formal training.

In this chapter, we will look at three examples of successful faith-based CED projects: The REACH program of Greater Christ Temple (Meridian, MS); the Revolving Loan Fund of First AME Church (Los Angeles, CA); and NOI Security Agency, Inc. of the Nation of Islam (Washington, DC). These three examples illustrate how successful ventures are developed by addressing a need of a community.

#### ■ Greater Christ Temple (Meridian, MS)<sup>2</sup>

Can a small church with fewer than 50 members and no support from foundations or federal, state, or local authorities successfully initiate a faith-based CED project? Bishop Luke Edwards, pastor of Greater Christ Temple, would answer with a resounding "Yes."

When Pastor Edwards founded the Pentecostal church in 1974, it had only 35 members (33 were on welfare). Within the first year, Edwards had convinced the members to pool their food stamps and buy their groceries wholesale. With the money they saved from buying wholesale, the members bought peanuts and resold them in the church basement. By 1975, church members were selling food to community members out of a makeshift food market set up in the church.

By 1978, the congregation had generated an \$18,000 nest egg, allowing them to buy a small local supermarket. The congregation ran the supermarket for several years before selling it. During the same period, the congregation created a nonprofit corporation, REACH Inc., to house its faith-based CED projects. Today, Reach Inc. (Research Education And Community Hope) owns, among other things, two motels, three restaurants, a bakery, a four-thousand-acre farm with a thousand head of cattle, a hog operation, two chicken farms and two meat-processing plants.

*You must act as if  
it is impossible to fail.*

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The congregation of Greater Christ Temple has built its successful faith-based initiatives largely around one of our most basic needs: Everyone has to eat! They grow crops; raise cattle, hogs, and chickens; and operate restaurants. They met a need and have prospered.

### ■ First A.M.E. Church (Los Angeles, CA)<sup>1</sup>

First A.M.E. Church also has developed a number of successful faith-based CED initiatives by discerning and responding to the pressing needs of its community. While the church has developed more than a dozen successful initiatives during the last ten years, we will focus on one, the Business Resource Center. The center operates a revolving loan program for entrepreneurs who wish to start or expand their own businesses.

The Business Resource Center was started after the civil unrest that accompanied the acquittal of the police officers accused of beating Rodney King. Prior to the civil unrest, the church had a long and proud tradition of providing education and social services. After the burning and destruction in April 1992, the church began to commit its considerable resources and influence to work for economic development. The Church adopted the acronym FAME (First A.M.E.) to describe collectively its various community-focused ministries.

A major element of the FAME program is a Revolving Loan Program that makes loans to inner-city businesses ranging from a few thousand dollars to one-quarter million. So far, the program has made more than 60 five-year loans, for a total of \$1.4 million. All payments go back into the loan program so that the Business Resource Center can continue to provide financing.

Successful businesses assisted by FAME include a shopping center, Prime Tech Electronic Manufacturing, Athletic Apparel Retailing, Pyramid Art Gallery, and several restaurants. Business Resource Center Director Linda Smith notes that there are two different loan programs: the Micro Loan program, which provides loans in amounts up to \$20,000, and the Financial Restructuring Assistance Loan program, which provides loans in amounts from \$50,000 to \$250,000.

The initial \$1 million for the Micro Loan program came from the Walt Disney Corp., which had put out a Request for Proposal (RFP) to manage a loan program. Recalling FAME's efforts to secure the funds, Smith noted:

They [Walt Disney] recognized that one of the primary causes of the social ills in our community is a lack of economic development and good jobs and that job creation requires more than just getting a big company to hire people. . . . It also

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## Successful Models of Faith-Based CED Activities

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means nurturing small business development so they can, in turn, nurture growth and hiring from within their own community.

The original proposal guidelines stipulated that 30 percent of the money go to start-ups and 70 percent to existing businesses that could not qualify for conventional bank financing. The average loan in 1993, the program's first year, was \$10,000. Loan applications must include a comprehensive business plan of the sort a conventional banker would require. By doing this plan, the applicants prepare themselves for the time when they must seek credit from conventional financing sources.

The completed applications are reviewed by the Business Resource Center's staff and distilled into five- to six-page written summaries that highlight the skills and expertise of management, financial forecasts, key risks, and, for existing businesses, prior performance. These summaries are reviewed by the Center's loan committee.

Linda Smith's initial contact with the Business Resource Center was as a volunteer on the loan committee. She was one of fifteen individuals who served on the first loan committee, which included professional bankers like Smith, entrepreneurs, and representatives of other community-based organizations. "You must bring in that professional expertise because the credit process is more than just handing out loans," says Smith. "There is a whole administrative process that is very labor-intensive and time-consuming," she adds.<sup>3</sup>

An applicant also must make a brief presentation to the loan committee. "The consensus was that character was a key component in the process," Smith says, especially since a number of the loan requests fail to meet conventional underwriting standards. "We look past the traditional benchmarks to determine if it will be a good or bad loan." Meeting the individual making the loan request helps the loan committee decide whether the applicant has the experience and skills to succeed. Sometimes, after a presentation, it is apparent to the loan committee that the applicant did not produce the business plan. Other times, an applicant clearly demonstrates a competence and capacity to succeed that were not conveyed by the written business plan, and the committee will approve a loan it might otherwise have declined.

"Micro-lending in itself is not sufficient to meet the needs of an underserved community, but it's a stepping stone you can build on for the next opportunity," explains Smith.<sup>4</sup>

The successful track record of the Micro-Loan Program enabled the Business Resource Center to compete for and win a U.S. Commerce Department grant, which helps businesses that were hurt by the Northridge earthquake but denied assistance from the Small Business Administration. The Commerce Department grant totaled \$2.4 million and was used to

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## Faith-Based Community Economic Development: Principles & Practices

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establish the Financial Restructuring Loan Program for businesses recovering from the earthquake. Business Resource Center loan recipients whose businesses have been in operation less than two years also participate in a ten-week entrepreneurial training program. The Financial Restructuring Assistance Loan program provides loans in amounts from \$50,000 to \$250,000.

Once the loan application process has been successfully completed, FAME's moral and technical support network kicks in. "Our membership base has some 300 attorneys, 200 CPAs, and 700 business owners," explains Mark Whitlock. "For every loan we make, the recipient also gets a mentor to help support that business." Finally, there is that crucial business advantage: "We suggest to the congregation that they do business with the company owner we just made a loan to."<sup>7</sup>

FAME's Director of Economic Development, Mark Whitlock, summarizes the church's faith-based CED initiative in the following way:

We are on fire for correcting the economic livelihood of communities. We burn the midnight oil managing economic development programs. Our effort focuses on job creation, business development, transportation, legal aid, and environmental protection. The multicultural voice of FAME (First AME) Renaissance accomplishes its mission via public and private sector collaboration, and through the enabling power of the One who calls all things into being.<sup>8</sup>

To paraphrase Mark Whitlock, FAME not only tends to the socioeconomic wounds of its South Central community, it attempts to cure the economic deficiencies that cause the wounds, by addressing the community's fundamental needs... like the need for credit and capital.

### ■ Nation of Islam (Washington, DC)

The third example of a successful faith-based CED project involves the Nation of Islam (NOI). Well known for its leader, Louis Farrakhan, NOI is also becoming well known for its security work in inner-city neighborhoods. The market for private security services has shown tremendous growth during the past two decades, and the NOI has seized the attendant business opportunity.

Private security consists of physical security, alarm services, private investigations, locksmiths, security consulting services, and manufacturers and distributors of security equipment. NOI is a provider of physical security, which typically involves the provision of one or more of the following services:

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## Successful Models of Faith-Based CED Activities

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- ◆ Controlling and monitoring the access of persons and vehicles;
- ◆ Preventing and detecting unauthorized intrusions; and,
- ◆ Safeguarding property (information, buildings, materials and equipment).

The key elements in physical security are trained guards for patrolling on foot or in vehicles, maintaining fixed security posts, monitoring entry areas, and overseeing internal protection systems.

While the National Crime Survey actually shows sharp declines in most areas of violent crime, a broad spectrum of Americans reports a diminished sense of personal safety. This broadly held perception has fueled and continues to fuel a growing demand for security guards. According to the U.S. Bureau of Labor Statistics, as published in its *Outlook 2000*, security operations rank among the top eight service industries in terms of growth rates. The following chart summarizes their findings and projections.

<u>Year:</u>	<u>1980</u>	<u>1990</u>	<u>2000</u>
Gross Annual Revenues: (Contract Guards)	\$6.0 billion	\$9.8 billion	\$21 billion
Number of Companies: (Contract Guards)	7,500	10,000	15,000
Employees: (Contract Guards)	n/a	520,000	750,000

The average annual revenues per company for the private security guard sector are \$980,000, with an average workforce of 52.

The security industry is not federally regulated, although most states do have laws requiring agencies to obtain a license and mandating minimum standards for screening and training personnel. While approximately 75 percent of the states regulate the private security industry and its employees to some extent, in general the various state provisions are not stringent. Liability and bonding insurance are required by some states, but the amounts of the surety typically range from \$2,000 to \$5,000.

The Nation of Islam has seized the opportunity to participate in this high-growth business. In addition to its high growth trend, setting up a private security firm does not require much capital. By comparison, starting a small restaurant would require more capital. Finally, the employees do not require extensive formal education. NOI has obtained security contracts in New York, Chicago, Philadelphia, Los Angeles, Atlanta, and Baltimore. Spike Lee, the film producer, has used NOI security services on a number of his films.

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## Faith-Based Community Economic Development: Principles & Practices

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The faith-based initiatives of Greater Christ Temple (Meridian, MS), First A.M.E. Church (Los Angeles, CA), and the Nation of Islam testify to the variety among faith-based CED projects. Despite their differences, these three examples illustrate that most successful faith-based CED projects share a common characteristic: They address a pressing need. In general, successful community-based businesses share three traits:

- (1) They address and solve an existing problem or need;
- (2) They participate in growing markets; and
- (3) They do not require employees with extensive formal training.

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### Footnotes:

- <sup>1</sup> Iyanla Vanzant, *Acts of Faith: Daily Meditations for People of Color*. New York: Fireside, 1993, April 14.
- <sup>2</sup> This description of Greater Christ Temple's faith-based CED projects largely relies on two articles: Lloyd Gite, "The new agenda of the black church: economic development for black America," *Black Enterprise*, December 1993 v24 n5, pp. 54-59, and Ralph R. Relland, "Mixing religion & business," *Commonweal*, June 2, 1995 v122 n11, pp. 6-7.
- <sup>3</sup> This description of Greater Christ Temple's faith-based CED projects largely relies on the following four sources:
  - I. Tomika DePriest and Joyce Jones, "Economic deliverance thru the church," *Black Enterprise*, February 1997 v27 n7, pp. 195-199.
  - II. Lloyd Gite, "The new agenda of the black church: economic development for black America," *Black Enterprise*, December 1993 v24 n5, pp. 54-59.
  - III. Nile Harper, *Urban churches, vital signs: beyond charity toward justice*. Grand Rapids: Wm. B. Eerdmans Publishing Co., 1999, pp. 244-53.
  - IV. John Orr, *Los Angeles Religion: 1998 Civic Profile*. Los Angeles: Center for Religion and Civic Culture, 1998. Available [http://www.usc.edu/dept/LAS/religion\\_online/center\\_publ.html](http://www.usc.edu/dept/LAS/religion_online/center_publ.html).
- <sup>4</sup> Quoted by Tomika DePriest and Joyce Jones.
- <sup>5</sup> Quoted by DePriest and Jones.
- <sup>6</sup> Quoted by Tomika DePriest and Joyce Jones.
- <sup>7</sup> Quoted by Lloyd Gite.
- <sup>8</sup> Quoted by Harper Nile, *Urban churches, vital signs: beyond charity toward justice*. Grand Rapids: Wm. B. Eerdmans Publishing Co., 1999, pp. 247-248.

CREATING A LEGAL ENTITY FOR  
FAITH-BASED CED ACTIVITIES: THE MAJOR ISSUES

*Unto all things there is a season...*

INTRODUCTION

**A**s faith-based congregations engage in activities beyond the conduct of worship services and the traditional programs that address the immediate needs of the poor (for example, a soup kitchen), the question of how to organize and control the new activities arises. Addressing this task requires the consideration of three major factors: the nature of the proposed activity (function), the desired governance structure, and taxation.

*Unto all things  
there is a season...*

GOALS AND OBJECTIVES

The goal of this chapter is to familiarize the reader with the three major factors that influence the decision to "house" a given faith-based CED activity in either a for-profit corporation or a not-for-profit corporation. For example, a church may have a kitchen that is only used on Sundays. The congregation may elect to use the kitchen to sell meals. In this instance, the activity is the preparation and sale of meals. Should the congregation house that activity in a for-profit corporation or a not-for-profit corporation?

The objectives of this chapter are the following:

- ◆ Answer the question, "What is a corporation?"
- ◆ Identify the advantages and difficulties associated with establishing and running a corporation.
- ◆ Indicate the principal difference between "for-profit" and "not-for-profit" corporations.
- ◆ Identify which characteristics typically qualify a not-for-profit corporation as "tax-exempt."
- ◆ Outline the basic steps necessary to establish a faith-based community development corporation (CDC).
- ◆ Describe several basic models for the governance of a faith-based community development corporation (CDC).

**Disclaimer:** *Before reading any further, please note that the observations, suggestions, and opinions expressed in this chapter are no substitute for consultation with appropriate legal counsel and, thus, should not be relied upon in making decisions. It is strongly advised that you consult with a competent lawyer and/or tax professional in your state before acting on any of the matters discussed here.*

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*The purpose of this chapter is to provide the reader with some familiarity with the important issues that might be considered in designing legal entities to house faith-based CED activities. This material may assist the reader in preparing for a consultation with a lawyer.*



### MAJOR ADVANTAGES AND DIFFICULTIES ASSOCIATED WITH ESTABLISHING AND OPERATING A CORPORATION

The principal reason for establishing a separate corporation to house any faith-based CED activity is to protect the assets of both the members of the congregation and the religious corporation. If a religious corporation operates a job-training program and one of the participants is injured, the religious corporation may be deemed legally responsible. While liability insurance offers some protection, the more prudent course typically is to establish a separate corporation to house and run the faith-based CED activities.

When we use the term "religious corporation," it implies that the faith-based congregation has established a not-for-profit corporation to "house" all of the activities and assets associated with the congregation's worship services and practices. If the faith-based congregation is not properly incorporated as a not-for-profit corporation, a "religious corporation," the first step in creating a structure to house faith-based CED projects is probably the legal incorporation of the congregation. Many congregations operate as an "unincorporated association," which is a legal structure that has much in common with a general partnership. Typically, each partner in a general partnership has unlimited liability for the debts and actions of the other partners. Similarly, in an unincorporated association, individual members potentially may be held liable for the negligent acts of the minister, the congregation's employees, or other members. Under most circumstances, a faith-based congregation operating as an unincorporated association will want to incorporate as a not-for-profit corporation.

In addition to the legal protection afforded the religious corporation, the establishment of a separate corporation may make it easier to secure funds to finance the proposed faith-based CED activities. We will explore this further, later in the chapter.

A third advantage of establishing a separate corporation is that it can create an institution that brings together various disparate stakeholders. "For example, a faith-based CDC that is initially formed by one religious corporation can include people from different community groups and religious corporations on its board of directors."<sup>1</sup>

## Creating a Legal Entity for Faith-Based CED Activities: The Major Issues

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While there are definite advantages to establishing a separate corporation to house faith-based CED activities, it takes time and effort to establish and operate a separate corporation. The operation of every corporation requires maintaining books and records, the filing of tax returns, and the like.

### THE THREE MAJOR FACTORS TO BE CONSIDERED

**Function:** The first factor to be considered is the nature of the activity to be undertaken (that is, the proposed function). A faith-based congregation might want to start an elementary school, a licensed daycare center, a restaurant, an employee referral service, an auto repair shop, or a credit union. Let's return to our previous example, the congregation with a kitchen that is only used on Sundays. The congregation may elect to use the kitchen to sell meals. So, the activity is the preparation and sale of meals. "Should the congregation house that activity in a *for-profit* corporation or a *not-for-profit* corporation?" The answer to that question depends largely on the answers to four questions:

- (1) Who will purchase the meals?
- (2) What is the anticipated price of the meals?
- (3) Who will prepare the meals?
- (4) What are the expected profits from the activity?

For example, if the kitchen plans to prepare meals primarily for homeless individuals and charge \$1.00 a plate, the activity probably would best be housed in a not-for-profit corporation, because the overriding objective is to feed the homeless and not the generation of profits.

In contrast, if the kitchen is slated to support a catering service that primarily will serve Fortune 500 firms and generate significant profits, that activity would best be housed in a for-profit corporation.

**Governance:** In addition to function, some attention must be given to the issue of governance. Governance is another way of asking, "Who will control the corporation?" For example, a congregation might create a corporation to house a specific business activity. Assuming the corporation's affairs are to be overseen by a board of directors, some thought must be given to who will participate in the election of future members of the board. How often will elections occur? Will all board members be replaced at the same time?

**Taxes:** Finally, we come to taxes. Will the proposed activity generate sizable profits? Could the income generated by the proposed activity jeopardize the religious corporation's tax-exempt status if commingled with the congregation's tithes and offerings?

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*Before we revisit each of these three factors in more detail, it would be helpful to identify the various types of corporations and define a few terms.*



### TYPES OF CORPORATIONS

#### WHAT IS A CORPORATION?

The "corporation" is one of three forms of business organization. The other two forms are the proprietorship and the partnership. The corporation is the only form of business organization that is legally considered an entity separate from the individuals that own and/or manage it. Legally, a corporation has the capacity commercially and contractually to do anything that a person might do. Legally, it is responsible for its actions. "The corporation's directors, officers, and members are only vulnerable to third-party lawsuits in limited circumstances, such as if they act in a manner inconsistent with a true corporate structure or if they personally engage in unlawful behavior."<sup>2</sup>

Generally, corporations are creatures of the state laws under which a given corporation is formed. For example, different laws of the Commonwealth of Massachusetts authorize the formation of for-profit corporations and not-for-profit corporations. Each of these laws contains a number of rules regarding the governance and operation of that specific type of corporation.

#### *For-Profit Corporations:*

For-profit corporations typically have as their principal objective the generation of profits via some commercial activity. A for-profit corporation is owned by its shareholders. Typically, the shareholders elect the board of directors, and the board of directors is charged with running the corporation in a manner that enhances the value of the firm for the benefit of the shareholders.

#### *Not-for-Profit Corporations:*

Not-for-profit corporations do not have shareholders. In some instances, they might have members (for example, a church). Unlike a for-profit corporation, a not-for-profit typically has as its principal objective something other than the generation of profits. In other words, the organization must be organized and operated to further some charitable purpose (religious, educational, scientific, or literary activity; assisting the poor; testing for public safety; fostering national or international amateur sports competition; or preventing cruelty to children or animals, for example). Not-for-profit organizations include a wide variety of organizations: colleges and universities; hospitals; trade associations; veteran and fraternal organizations; performing arts groups, and the like. Your local chamber of commerce probably is a not-

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## Creating a Legal Entity for Faith-Based CED Activities: The Major Issues

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for-profit corporation.<sup>3</sup> Further, with the exception of reasonable wages or compensation for services rendered, no part of the assets or income of the not-for-profit corporation may be distributed or inure to the benefits of the organization's employees, officers, directors, or members.<sup>4</sup>

Generally, corporations are creatures of the state under whose laws a given corporation is formed. The laws of most states provide for four types of not-for-profit corporations: A, B, C, and D. While the laws of the various states may vary with respect to some of the rules regarding the governance and operation of a given type of corporation, the basic categories are relatively consistent across the fifty states.

"Type A corporations, which are generally formed for the benefit of their members, include fraternal societies and trade associations. Type B corporations include those corporations with "charitable," educational," or "religious" purposes. Type C corporations are those corporations that are organized for any lawful business purpose but with dominant or ultimate objectives that are not-for-profit. Finally, Type D corporations are those corporations that are authorized under another state law, such as the Private Housing Finance Law."<sup>5</sup>

Not all not-for-profit corporations are eligible to receive tax-deductible contributions. To be eligible to receive tax-deductible contributions, a nonprofit corporation must be deemed by the Internal Revenue Service (IRS) to be both organized and operated primarily for one or more of the "charitable" purposes specified in the Internal Revenue Code (Code).

Tax-exempt corporations are those not-for-profit corporations recognized by the IRS to be both organized and operated primarily for one or more of the 'exempt' purposes specified in section 501(c)(3) or other appropriate sections of the Code. Generally, tax-exempt corporations are Type C not-for-profit corporations.

In this discussion of the three major factors that influence the desired legal structure, proposed function, desired governance structure, and taxation are discussed separately for convenience. In reality, one would consider all of these factors concurrently before arriving at a final decision.

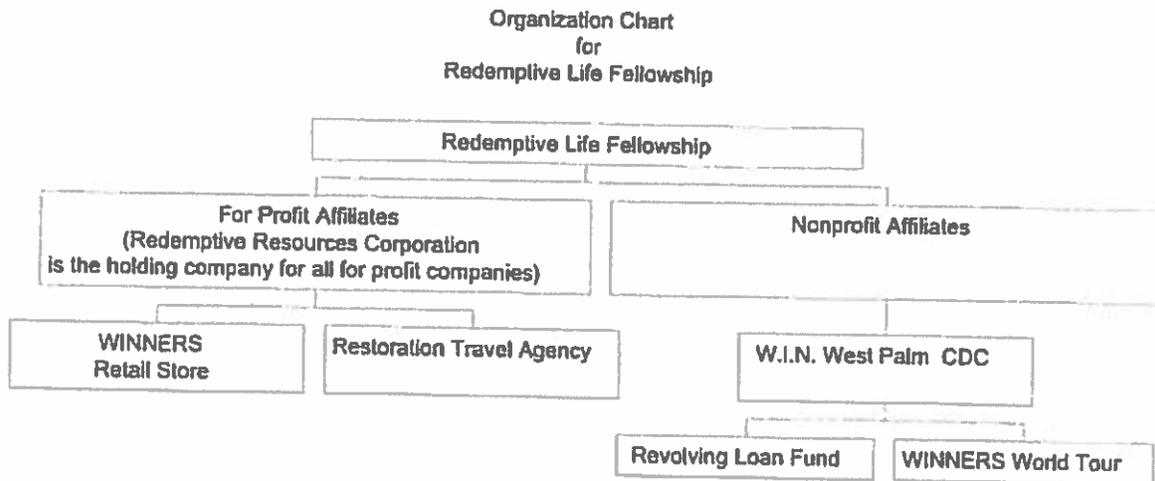
### I. FUNCTION

The first factor to be considered is the nature of the activity to be undertaken (the proposed function). A faith-based congregation might want to start an elementary school, a licensed daycare center, a grocery store, an employee referral service, a travel agency, or a revolving loan fund.

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## Faith-Based Community Economic Development: Principles & Practices

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**NOTE:** The above chart does not show all of the entities affiliated with Redemptive Life Fellowship. It was adapted from a chart shown in the following source: Harold Calvin Ray, *Corporate Organization and Structure for Church Related Business*. West Palm Beach, FL: Redemptive Life Press, p. 13.

Using this simplified organization chart for Redemptive Life Fellowship (West Palm Beach, FL), we can illustrate how function informs legal structure. Redemptive Life Fellowship operates a retail clothing and accessories store, a travel agency, and a revolving loan fund, and via WINNERS World Tour, it sponsors fashion shows. The retail store (WINNERS) and the travel agency (Restoration Travel Agency) are organized as for-profit businesses. Both the store and the travel agency do a substantial amount of business with the general public with the intent of generating a profit. Neither of these businesses would seek grant funding or support from a private foundation or a public agency. Both the retail store and the travel agency may seek conventional bank financing in the future. So, given the nature (function) of these two businesses (all else being equal), it makes sense to organize these activities in a for-profit corporation.<sup>6</sup>

In contrast, Redemptive Life Fellowship also operates a revolving loan fund and WINNERS World Tour (a sponsor of fashion shows). At first glance, it might seem advisable to organize WINNERS World Tour as a for-profit organization. It periodically organizes fashion shows that feature the clothes and accessories sold at the WINNERS retail store. However, a closer examination reveals that one of the primary purposes of the WINNERS World Tour is to "promote [positive self-] esteem, dignity and poise" among the youth who participate in the fashion shows. Further, all net proceeds from the fashion shows fund scholarships for needy inner-city students. Finally, the fashion shows are held infrequently. For these reasons, WINNERS World Tour is conducted under the umbrella of a not-for-profit corporation, W.I.N. West Palm Community Development Corporation.<sup>7</sup>

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## Creating a Legal Entity for Faith-Based CED Activities: The Major Issues

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Like the WINNERS World Tour, the revolving loan fund is operated under the umbrella of W.I.N. West Palm CDC. The revolving loan fund provides loans to entrepreneurs who find it difficult to secure credit from traditional sources. As a result, the revolving loan fund typically would seek grants and contributions from foundations and public agencies that are concerned with those members of society with limited access to credit. To add to its available funds for lending, the revolving loan fund typically would seek capital from foundations and federal, state, county, and municipal agencies. Often, foundations and public agencies are limited in their ability to provide funds and support to for-profit corporations. So, by operating under the umbrella of a not-for-profit corporation, the revolving loan fund expands its possibilities for both raising capital and securing grants.

### II. GOVERNANCE

Attention must also be given to the issue of governance. For example, a congregation might create a corporation to house a specific business activity. Assuming the corporation affairs are to be overseen by a board of directors, some thought must be given to deciding who will participate in the election of future board of directors. How often will elections occur? Will all board members be replaced at the same time?

As we noted earlier, the law conceives of a corporation as a "legal" person. More specifically, the law sees a corporation like an orphaned minor child. Because a minor typically lacks the judgment and skills to see to its own welfare, a court will appoint a guardian or trustee to be responsible for the child's welfare. Similarly, a corporation is not capable of any action without the intervention of some person. The law conceives of the board of directors (or the equivalent body) of a corporation in a role analogous to that of a guardian of a minor. The law has similar expectations of a board of directors with respect to its duties and obligations to the corporation.

Typically, the elements of governance of a corporation are prescribed in the bylaws of the corporation. The bylaws generally note who is eligible to serve on the board of directors (or equivalent body). The number of directors (trustees, overseers, or the like) is specified. The bylaws also specify the frequency of election of the board of directors and the length of each director's term in office. Most important, they indicate who may participate in the election of directors.

At one extreme, one finds not-for-profits where the current board of directors picks any and all new directors without consultation with other parties. At the other extreme, you may have a not-for-profit CDC in which all members participate in the election of the board of directors and membership can be held by anyone who pays a small membership fee. Each organization must determine the arrangement that best suits the situation. However, it is

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## Faith-Based Community Economic Development: Principles & Practices

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generally advisable to create some mechanisms for capturing the input of the various stakeholders of the faith-based CED initiative in question.

Finally, the bylaws typically specify the officers of the corporation and their powers.

Generally, a not-for-profit corporation offers more flexibility for creating nontraditional governance structure.

### III. TAXES

This brings us to the third and final factor—taxes. Will the proposed activity generate sizable profits? Could the income generated by the proposed activity jeopardize the congregation's tax-exempt status if commingled with the congregation's tithes and offerings?

It is helpful here to revisit Redemptive Life Fellowship (West Palm Beach, FL). As we noted earlier, Redemptive Life Fellowship operates a retail clothing and accessories store, a travel agency, and a revolving loan fund, and via WINNERS World Tour, it sponsors fashion shows. The retail store (WINNERS) and the travel agency (Restoration Travel Agency) are organized as for-profit businesses. In both instances, the store and the travel agency do a substantial amount of business with the general public with the intent of generating a profit. Neither of these businesses would seek grant funding or support from a private foundation or a public agency. While the retail store and the travel agency are patronized by members of the congregation, neither of the activities was deemed by the IRS to be one of the "exempt" purposes specified in section 501(c)(3) or other appropriate sections of the Code. As a result, any monies generated by these two activities would be deemed taxable, whether they occurred in a for-profit or not-for-profit corporation. So, all other things being equal, the tax treatment would suggest that both the retail store and the travel agency be organized as for-profit corporations.

In contrast, Redemption Life Fellowship operates a revolving loan fund that provides loans to entrepreneurs who find it difficult to secure credit from traditional sources. The activities of the revolving loan fund would be deemed by the IRS to be one of the "exempt" purposes specified in section 501(c)(3) or other appropriate sections of the Code. Therefore, grants from foundations and contributions from individuals would qualify as tax-exempt. Often, foundations and public agencies are limited in their ability to provide funds and support to for-profit corporations. By operating under the umbrella of a not-for-profit corporation, the revolving loan fund expands its possibilities for both raising capital and securing grants.

### INCORPORATING A FAITH-BASED CDC: THE STEPS<sup>8</sup>

While some congregations will deem it appropriate to establish both for-profit and not-for-profit corporations to house their various faith-based CED activities, with few exceptions, all will want to establish a CDC (Type C not-for-profit). In this section, we outline the five basic steps required to incorporate a faith-based CDC:

1. Select a corporate name;
2. Prepare and sign a certificate of incorporation;
3. Obtain required approvals and waivers from appropriate state agencies;
4. File the certificate of incorporation with the department of state; and
5. Hold an organizational meeting of the board of directors.

#### (1) Select a Corporate Name

The first step is to select a name for the faith-based CDC:

- ◆ The name cannot be the same as (or confusingly similar to) the name of an existing corporation.
- ◆ The name cannot imply that the organization is a public governmental agency.
- ◆ The name cannot be indecent or obscene or "ridicule or degrade any person, group, belief, business or agency of the government."
- ◆ The name cannot contain the noun or adjective form of any of the professions licensed and regulated by the state in question unless the incorporators and members are licensed to practice that profession.
- ◆ The name cannot contain certain terms such as "bank," "insurance," and "loan" without obtaining approval from the appropriate state agency.
- ◆ The name should include the word "corporation," "incorporated," or "limited" (or an abbreviation of such words.)

#### (2) Prepare and Sign a Certificate of Incorporation

Step two is the preparation of the certificate of incorporation. It is akin to a birth certificate for a person. The certificate of incorporation indicates under which law the corporation has been created, the purpose(s) of the organization, and the major activities to be undertaken by the corporation. It

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is critical that the certificate of incorporation be drafted properly. We encourage the reader to retain an attorney with the appropriate experience with not-for-profit corporations to draft the certificate of incorporation.

A properly drafted certificate of incorporation contains a paragraph known as the "purposes clause." The purposes clause is the most critical part of the certificate of incorporation because it states the specific purposes and major activities of the corporation both now and in the foreseeable future. In preparing the purposes clause, it is critical to consider the following three factors.

One, a not-for-profit corporation legally may not engage in activities outside of its purposes clause. Thus, the activities of a faith-based CDC may be unduly constrained by a purposes clause that is too narrowly drafted.

Two, in reviewing the application for tax-exempt status, the IRS will scrutinize the purposes clause thoroughly to determine if the corporation's intended activities are charitable and educational in nature. The IRS may reject the faith-based CDC's application for tax-exempt status if it is improperly drafted.

Finally, if the certificate of incorporation includes in its purposes clause certain activities listed in Section 404 of the Not-for-Profit Corporation Law, the organization must obtain waiver and/or consents from certain state agencies. *[The reader should note that this reference to Section 404 is specific to New York State Law. In other states, there would be comparable provisions in that state's laws.]*

For example, Section 404(v) of the Not-for-Profit Corporation Law states that if a corporation's certificate of incorporation includes among its purposes "the establishment or operation of facilities for providing alcoholism services," then the corporation must obtain the consent of the Commissioner of the Office of Alcoholism and Substance Abuse prior to filing the certificate of incorporation with the Department of State.<sup>9</sup>

The process of obtaining waivers is dealt with in more detail in step three.

### **(3) Obtain Required Approvals and Waivers from State Agencies**

The third step consists of obtaining any required approvals, consents, or waivers. If the purposes clause of the certificate of incorporation includes activities contained in Section 404 of the Not-for-Profit Corporation Law, the faith-based CDC must obtain the consents or waivers of the state agencies responsible for the activities in question. *[The reader should note that this reference to Section 404 is specific to New York State Law. Other states would have comparable provisions in their laws.]*

We strongly recommend that the faith-based CDC retain an attorney with experience in these matters. Further, we suggest that the leaders of the CDC discuss with the attorney the types of activities that are envisioned for the CDC

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## Creating a Legal Entity for Faith-Based CED Activities: The Major Issues

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both now and in the foreseeable future. With an understanding of the intended activities of the CDC, the attorney would review the appropriate law to determine which consents or waivers would be required.

Often, programs with some sort of educational or training function require the consent of the Department of Education. Similarly, programs involved in the care and supervision of small children typically require consents or waivers from a state agency with that charge (for example, in New York State, the Department of Family Assistance and the Office of Children and Family Services). Programs that provide treatment and counseling for drug or alcohol abuse usually require the consent or waiver of a state agency with that charge.

Typically, the faith-based CDC would retain an attorney to assist in obtaining the appropriate waivers and consents.

### **(4) File the Certificate of Incorporation with the Department of State**

The fourth step is the filing of the certificate of incorporation with the department of state. In order to file the certificate of incorporation, originals of the following items are necessary:

- ◆ Executed certificate of incorporation, with cover page that includes the name of the organization, the name(s) of the incorporator(s), and the addresses of the incorporator(s); and,
- ◆ All required approvals, waivers, consents and affidavits.

The previously listed items should be submitted at the appropriate offices of the department of state for your state, along with a request for a certified copy of the certificate of incorporation. This certified copy of the certificate of incorporation, once received, will be sent to the IRS to request tax-exempt status. While the filing fees associated with filing the certificate of incorporation with the department of state vary from state to state, typically the fees will not exceed \$250.

Please note that the \$250 figure does not include any estimate of fees and expenses that an attorney might require to prepare and submit the certificate of incorporation.

### **(5) Hold an Organizational Meeting of the Board of Directors**

The fifth and final step is to conduct an organizational meeting of the initial members of the board of directors of the faith-based CDC, after the certificate of incorporation has been filed successfully with the secretary of state.

The following actions should occur at that meeting:

- ◆ Adoption of the initial bylaws of the faith-based CDC by the initial directors.
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## Faith-Based Community Economic Development: Principles & Practices

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- ❖ Election of the board of directors by the initial directors of the organization, unless the certificate of incorporation or the bylaws of the corporation provide that the initial directors shall serve until the first annual meeting of the organization.
- ❖ Transaction of any other business necessary to setting up the corporation, such as electing officers, approving a corporate seal, authorizing the application for an Employer Identification Number, and authorizing the opening of a corporate bank account.

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### Footnotes:

- <sup>1</sup> "Legal Guide to Starting a Faith-based CDC." New York: Lawyer Alliance for New York & Faith Center for Community Development, Inc., 1999, p. 3.
  - <sup>2</sup> "Legal Guide to Starting a Faith-based CDC," p. 3.
  - <sup>3</sup> Accountants for the Public Interest, "What a Difference Understanding Makes: A Guide to Nonprofit Management, Classifying 501(c) Nonprofits." Washington, DC: Accountants for the Public Interest, 1994, p. 5.
  - <sup>4</sup> "Legal Guide to Starting a Faith-Based CDC," p. 7.
  - <sup>5</sup> "Legal Guide to Starting a Faith-Based CDC," p. 7.
  - <sup>6</sup> Harold Calvin Ray, *Creating Wealth—Determining Destiny*. West Palm Beach, FL, Redemptive Life Press, 1996.
  - <sup>7</sup> Harold Calvin Ray, *Corporate Organization and Structure for Church Related Businesses*. West Palm Beach, FL, Redemptive Life Press, 1997.
  - <sup>8</sup> This section of Chapter 5 relies heavily on material found in "Legal Guide to Starting a Faith-Based CDC," pp. 11–22. Much of the material contain in the referenced pages paraphrases relevant New York State Law. In those instances, we generally quoted the "Legal Guide to Starting a Faith-Based CDC" with quotations marks. While the "Legal Guide to Starting a Faith-Based CDC" is specific to those starting CDCs in New York State, the information is instructive for anyone seeking to start a CDC in any of the fifty states across the U.S.
  - <sup>9</sup> "Legal Guide to Starting a Faith-based CDC," pp. 15.
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## CONCLUSION: NEXT STEPS

Throughout this publication, we have attempted to provide for the reader a clear and concise understanding of the principles and practices of faith-based community economic development: what it is, what it involves, the benefits to the community of becoming involved, how to get started, and the importance of collaborations.

We have included several real life examples of some successful faith-based initiatives, involving both large and small congregations of various denominations and faith, throughout the United States. We have also included a glossary of community economic development terms, which we hope will serve as a resource to our readers as they continue to seek to enhance their knowledge and understanding of the intricacies of faith-based community economic development.

Again, this publication is not intended to be exhaustive, but to serve as a foundational framework. As you move forward with your endeavors, note that a variety of local as well as national organizations stand ready to provide you with the support and direction you will need as you seek to engage in faith-based community economic development.

The following is a partial resource list of organizations involved in community economic development:

- ◆ The National Congress for Community Economic Development (NCCED)  
Faith-based Community Development Program  
1030 Fifteenth Street, NW, Suite 325  
Washington, DC  
Tel: (202) 289-9020  
Website: <http://www.ncced.org>
  
  - ◆ U.S. Department of Housing & Urban Development  
Center for Faith-based and Community Initiatives  
451 7th Street, S.W.  
Washington, DC 20410  
Website: <http://www.hud.gov>
  
  - ◆ The Congress of National Black Churches  
1225 Eye Street NW  
Suite 750  
Washington, DC 20005  
Tel: (202) 371-1091
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- ◆ Harvard University's Summer Leadership Institute  
c/o Harvard Divinity School  
45 Francis Avenue  
Cambridge, Mass 02138  
Website: <http://www.hds.harvard.edu>  
Tel: (617) 495-5761
  - ◆ Coalition for Low Income Community Development  
1118 Light Street, Suite B  
Baltimore, MD 21230  
Tel: (410) 752-7222
  - ◆ The Pew Charitable Trust  
2005 Market Street  
Suite 1700  
Philadelphia, PA 19103-7077  
Website: <http://www.pewtrust.com>
  - ◆ The National Center for Faith-Based Initiative  
2101 Australian Avenue  
West Palm Beach, FL 33407  
Bishop Dr. Harold Calvin Ray, Chief Executive Officer
  - ◆ United Way of America  
701 N. Fairfax Street  
Alexandria, Virginia 22314-2045  
Website: [national.unitedway.org](http://national.unitedway.org)
  - ◆ The Community Development Financial Institution Fund  
601 13th Street, NW  
Suite 200 South  
Washington, DC 20005  
Tel: (202) 622-8662  
Fax: (202) 622-7754  
Website: <http://www.treas.gov/cdfi/overview/index.html>
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## Conclusion: Next Steps

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- ◆ **Pratt Institute Center for Community & Environment Development (PICCED)**  
379 Dekalb Avenue  
Brooklyn, NY 11205  
Tel: (718) 636-3486  
Fax: (718) 636-3709  
Website: <http://www.picced.org/advocacy/bdghope.htm>
  
  - ◆ **National Community Capital Association**  
Public Ledger Building  
620 Chestnut Street  
Suite 572  
Philadelphia, PA 19106  
Tel: (215) 923-4754  
Fax: (215) 923-4755  
Website: <http://www.communitycapital.org/inside/contact.html>
  
  - ◆ **National Federation of Community Development Credit Unions**  
120 Wall Street, 10th Floor  
New York, NY 10005  
Tel: (212) 809-1850  
Fax: (212) 809-3274  
Website: <http://www.natfed.org>
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## GLOSSARY OF CED TERMS

*These easily recognizable terms were taken from public sources as well as a publication called "Breaking Ground—A Beginner's Guide for Nonprofit Developers," published by the Federal Reserve Bank of Dallas.*

**AMORTIZATION**—Liquidation of a debt by making periodic installment payments over a set period of time, at the end of which the loan balance is zero.

**ANNUAL REPORT**—A yearly report of an organization's financial statements and accomplishments.

**APPRAISAL**—The process through which valuations of property are obtained.

**APPRECIATION**—Increase in the value of property due to improvements made to the property or surrounding area/neighborhood by the owner or other parties, including the government and/or more general market forces.

**ARTICLES OF INCORPORATION**—Legal document submitted to a designated officer of the state for permission to commence business as a corporation (for-profit or nonprofit). The articles of incorporation, or charter, state the purpose, rights, and duties of the corporation.

**ASSETS**—Anything owned by an individual or business (including nonprofit corporation) that has commercial or exchange value.

**AUDIT**—An examination of the financial records of an organization to ensure that they are complete and accurate.

**BALANCE SHEET**—A financial statement showing a "snapshot" of the assets, liabilities, and net worth (fund balance) of an organization on a given date.

**BANK-OWNED COMMUNITY DEVELOPMENT CORPORATION**—A corporation, either for-profit or nonprofit, that is capitalized by one or more banks for the purpose of making debt and/or equity investments in projects that promote community and economic development, including affordable housing development. It can be a wholly owned subsidiary of an individual bank or bank holding company or a shared-ownership corporation among several banks, or among banks, other financial institutions, community organizations, and public and private investors.

**BOARD OF DIRECTORS**—The policy-making unit of the organization that is legally responsible for the corporation.

**BUSINESS PLAN**—A document prepared by an organization that guides the development, operation, marketing, and financial management of the organization.

**BYLAWS**—The rules governing the internal affairs of an organization.

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**CASH FLOW**—Incoming cash to the organization less the outgoing cash during a given period.

**CERTIFIED DEVELOPMENT COMPANY (504 Corporation)**—A nonprofit corporation that provides small businesses with 10- and 20-year private, Small Business Administration (SBA)-guaranteed financing. The company's structure and activities must meet certain SBA guidelines, including a membership representing public agencies, lenders, businesses, and community organizations.

**CLOSING**—The final procedure in a real estate sale, in which property ownership is transferred in exchange for an agreed-upon payment.

**COLLATERAL**—Assets pledged to secure a loan.

**COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)**—Flexible federal aid that is intended for use by cities and towns to promote neighborhood revitalization, economic development, and improved community facilities and services. Specific uses of the funds are left to the discretion of local governments. Funds are administered by either state or city or town (see Entitlement Community).

**COMMUNITY DEVELOPMENT LOAN FUND (CDLF)**—A private, nonprofit organization that channels private investment capital to community-based organizations and projects. It may operate independently or as part of a community-based organization. Lenders to the fund may have some control over the term and rate of interest on their loans, which are generally more flexible than conventional financing, as well as the usage of their funds. CDLFs can also provide borrowers with technical assistance to reduce the chance of losses on higher-risk loans. Since CDLFs are not chartered or licensed, they have flexibility in their organizational structure, although they may be subject to state laws and regulations. In most cases, they are incorporated as nonprofit 501(C)3s.

**COMPARABLE**—Real property that can be used to establish the value of a specific property by comparison.

**DEBT SERVICE**—Loan principal and interest payments.

**DEED**—A legal instrument that identifies property ownership.

**DELINQUENCY**—Failure to make timely payments under a loan agreement.

**DEMOGRAPHIC DATA**—Information about the characteristics of human populations, including size, income, age, wealth, race/ethnicity, gender, housing conditions, and so on.

**ENTERPRISE ZONE**—An economically depressed area that has been targeted for revitalization by a city or state through tax and other incentives given to companies that locate or expand their operations within the zone.

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## Faith-Based Community Economic Development: Principles & Practices

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**ENTITLEMENT COMMUNITY**—A metropolitan city or urban county with a population of 50,000 or more that, because of its size, is entitled to receive annual Community Development Block Grant funds directly from the federal government. Non-entitlement communities receive CDBG funds through the state office of economic development.

**ESCROW**—Funds to be paid by a second party to a third party for expenses on property held by the first party; for example, funds held by a bank, often collected with monthly mortgage payments, to meet tax bills and insurance premiums.

**EQUITY**—Ownership interest in a project after liabilities are deducted.

**FAIR HOUSING ACT**—Title VIII of the Civil Rights Act of 1968 which, among other requirements, prohibits lenders from discriminating in their housing-related lending activities against any person because of race, color, religion, national origin, or sex. The act covers transactions regarding the sale or rental of housing, including for the purposes of purchasing, constructing, improving, repairing or maintaining a dwelling. Persons or groups may file complaints with the Department of Housing and Urban Development.

**FAIR MARKET VALUE**—The price that a willing buyer will pay and that a willing seller will accept for real or personal property.

**FINANCIAL STATEMENTS**—Written record of the financial status of an individual or organization. Statements commonly include income statement, balance sheet, cash flow statement, and, if the organization is a nonprofit, a funds balance statement.

**FINANCING FEE**—A fee charged by a lender to originate a loan. The fees are based on a percentage of the loan amount, and one point is equivalent to 1 percent.

**FORECLOSURE**—The legal process used to enforce the payment of debt secured by a mortgage whereby the property is sold to satisfy the debt.

**GRANTS**—Gifts of money given by foundations, government, or others.

**INCLUSIONARY ZONING**—A zoning ordinance that requires a developer to include affordable housing or its funding as part of the development. Typically, a developer makes a certain percentage of the units affordable in exchange for a density bonus.

**INCOME STATEMENT PROFIT AND LOSS**—Summary of revenues, costs, and expenses for a business over a period of time.

**INTEREST**—A fee for a loan, usually a percentage of the amount loaned.

**INVESTOR**—An organization, corporation, individual, or other entity that acquires an ownership position in a project, thus assuming risk of loss in exchange for anticipated returns.

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**LEASE-UP PERIOD**—The amount of time it takes for a building to reach a stable occupancy rate and income stream.

**LEVERAGE**—The ability to use a small amount of funds to attract other funds, including loans, grants, and equity investments.

**LIABILITIES**—Money owed by an individual or organization.

**LINKED DEPOSIT**—The deposit of public funds by a city or state government in exchange for a commitment from the financial institution to provide low-interest loans to qualified borrowers. These deposits are not necessarily earmarked for particular usage, but are conditional in the sense that they will be withdrawn if the institution's record worsens.

**LIEN**—A creditor's claim against a property, which may entitle the creditor to seize the property to satisfy the lien.

**LOAN CONSORTIUM**—Collaboration among financial institutions that pools capital used to finance affordable housing and economic development projects. The consortium can be structured as an independent nonprofit corporation or as an informal lending agreement. The former has paid staff responsible for all aspects of the lending process, while the latter relies on collaboration among participating institutions to select and service the loans. An institution's participation in each loan may be predetermined or done on a case-by-case basis.

**LOAN-TO-VALUE RATIO**—The loan amount(s) as a percentage of the property's appraised value or sales price, whichever is less. A lender will use a loan-to-value ratio to determine the maximum amount it will lend on a property.

**LOCAL DEVELOPMENT CORPORATION**—An investment company, certified by the U.S. Small Business Administration, formed to help finance small businesses. An LDC can obtain special financing from the SBA that enables it to extend long-term fixed-asset financing to local small businesses.

**MICRO ENTERPRISE LOAN FUND**—A revolving loan fund that provides small, short-term loans and technical assistance to small businesses. Loan amounts and terms are more flexible than conventional financing.

**MISSION STATEMENT**—A statement of purpose, or the assignment the organization is to carry out.

**MORTGAGE**—A temporary and conditional pledge of property to a creditor as security for the repayment of a debt.

**NET OPERATING INCOME (NOI)**—Gross profits minus operating expenses and taxes.

**NONPROFIT CORPORATION**—A corporation established under state law for purposes other than making profits that would be distributed to the owners, directors, members, or officers.

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## Faith-Based Community Economic Development: Principles & Practices

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**PRINCIPAL**—The currently unpaid balance of a loan, not including interest.

**PRO FORMA FINANCIAL STATEMENTS**—Projected financial statements for a given period in the future in which certain amounts are hypothetical or estimated.

**PROPERTY TAX ABATEMENT**—Reduction or exemption from property tax for a specified time period.

**PURCHASE OPTION**—The right to buy a property at a specified price within a specified time.

**REAL PROPERTY**—Land, including all things permanently attached to the land, such as buildings and infrastructure.

**RESERVES**—Funds held to pay future liabilities. Typical reserves include replacement reserves for major repairs, operating reserves for covering negative cash flow, and contingency funds.

**REVOLVING LOAN FUND (RLF)**—A pool of funds structured so that loan payments are used to make more loans. RLFs are often funded by public investments and then leveraged by private investments to make affordable housing or economic development loans. Terms and rates are typically more favorable than conventional financing.

**SECONDARY MARKET**—Markets into which originating lenders sell their loans to investors who are seeking longer-term investments.

**SECTION 501(C)(3) EXEMPT ORGANIZATION**—Internal Revenue code for nonprofit organizations entitled to receive tax-exempt status and tax-deductible donations. Organizations include religious, educational, charitable, scientific, and literary.

**SMALL BUSINESS ADMINISTRATION (SBA)**—An independent federal agency that guarantees loans to small businesses and assists them with certain management and financial problems.

**SMALL BUSINESS DEVELOPMENT CENTER (SBDC)**—Provides management and technical assistance to small business owners. SBDCs are part of an SBA-established program. They are generally located in academic institutions and are structured as a joint venture among the institutions, the state and local governments, and the SBA.

**STRATEGIC PLAN**—A plan of action that guides how a goal, such as developing affordable housing, will be accomplished.

**SUBORDINATED DEBT**—If more than one lender has a lien on a property, the subordinated debt is paid after the debt of lien holders in superior positions.

**SUBSIDY**—Financial assistance granted by a government to an individual or organization.

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## Glossary of CED Terms

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**SWEAT EQUITY**—The equity that is added to a property when the owner or potential owner saves labor costs by putting his or her own labor into its improvement.

**TAX CREDIT**—A credit against the amount of tax owed, reducing the overall tax payments.

**TERM**—The period of time from when the loan is made until maturity.

**TERMS**—Provisions specified in a loan agreement.

**TITLE**—The documented evidence that a person or organization has ownership of real property.

**TITLE INSURANCE POLICY**—A policy insuring an owner or mortgage lender against loss by reason of defects in the title to a parcel of real estate, other than those encumbrances, defects, and matters that are specifically excluded by the policy.

**UNDERWRITE**—To agree to lend money after a lender has assessed the risk of the proposed loan.

**UNSECURED**—A loan that has no collateral pledged as security.

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David teaches courses in Accounting and Economics and serves as a Consultant to governmental agencies and for-profit and non-profit organizations on matters related to Economic Development, Community Development and Business Development.

Over the past twenty years, David has held management positions with a range of public, private and community-based financial institutions. He spent more than ten years on Wall Street, working as an Investment Analyst with Metropolitan Life and as a Vice President of Citicorp Investment Bank. During this period, he worked with a number of major corporations, investor groups and entrepreneurs to structure and finance leveraged buyouts. Subsequent to his tenure at Citicorp, David made an investment in a small Long Island aircraft parts manufacturer, and served as its Chief Financial Officer.

David has been active in community economic development throughout his career. He worked with two municipally sponsored non-profits in New York City which serve small businesses owned by women and people of color. David also served as the youngest board member of 100 Black Men of New York, a group of business and community leaders dedicated to the political and economic empowerment of African-Americans. From 1992 to 1996, he served as President and Executive Director of LEAF (Local Enterprise Assistance Fund), a community development venture capital fund based in Boston, MA. LEAF extends loans to and makes equity investments in community-based businesses throughout the U.S.

David has written several articles on topics in Management, Finance and Community Economic Development. He holds a Master's in Community Economic Development from New Hampshire College and a Bachelor's degree from Dartmouth College. Currently, he is pursuing a Ph.D. in Community Economic Development. His research interests center on African-American Entrepreneurship.

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## About the Authors

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Chris serves as the Academic Coordinator of the National CED Weekend Master's Program and a Professor at New Hampshire College. She teaches courses in cooperatives, training of trainers and organizational development.

Chris has been active in community economic development throughout her career. She currently serves on the board of directors of several organizations including the following: the ICA Group; Childspace Development and Training Institute Board; and Allston Brighton Community Development Corp.

She has written a number of articles on various issues related to cooperatives and community-based businesses and is interested in women's economic development issues.

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*Agenda  
Item*

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## CITY COMMISSION AGENDA ITEM

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### SUBJECT:

**PUBLIC HEARING - Adoption of Fire Service Assessment**

**\*a. ORDINANCE 2015-14** adopting a Fire Service Assessment - 2nd Reading, Adopt

**\*b. ANNUAL ASSESSMENT RESOLUTION - Adopt**

**\*c. NOTE RESOLUTION - Adopt**

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### SUMMARY:

On July 9, 2015 during regular session the Commission adopted a Directory Resolution, which authorized the initiation of the process necessary for the City Commission to ultimately impose and collect a special assessment to fund fire protection services, and as since directed:

(1) the published notice of public hearing scheduled for August 6 appeared in the newspaper on July 16 (Ad Copy Attached)

(2) the City made available the preliminary Assessment Roll showing the Assessment for each and every tax parcel in the City on its website as of July 16; this interactive search engine on our website allows research by parcel ID number, owner name, and parcel address (this was an anticipated separate cost item for this service which was provided by our assessment consulting team through ENNEAD LLC, the search engine can be used throughout the process to update and communicate effectively; access can even be done on a smartphone, or the public can come to the City Clerk's offices to review during business hours), and

(3) the Assessment Ordinance has been prepared, and reviewed by staff and counsel. That ordinance follows this summary and has been duly advertised for first and second readings (ad copy attached).

The Assessment Ordinance is procedural in nature. Tonight, following a public hearing on the matter, the City will consider passage of the ordinance on second reading. This can only be done following the public hearing. The Commission passed this ordinance on first reading on July 23, 2015.

Mark Lawson, Esquire, the City's consultant, recommends the following "Next steps:"

- Consideration of any written comments, and comments made at public hearing on August 6;
- After public hearing the Commission can consider the ordinance and an annual assessment resolution at that meeting or subsequently.

Because there are two matters being subjected to public comment – the second reading of the procedural Fire Service Assessment Ordinance, and the Annual Assessment Resolution which will adopt this supplemental and alternative means to fund a large portion of our City's fire service budget, it is acceptable to simply have the public hearing on both at the same time because of the obviously similar subject matter.

Following 2nd Reading and adoption of the Fire Service Assessment Ordinance, which is being considered as a part of the public hearing duly advertised for that purpose on August 6, the Commission is scheduled to consider the following resolutions:

**Annual Assessment Resolution** - This resolution provides for the imposition of assessments, utilizing the "Simplified Fire" apportionment method approach, sets the rate of assessment, and provides for directions concerning the collection of assessments. The rates shown are what have been on the City's website for the last few weeks.

**Note Resolution** - the "note" is the Series 2015 Note to be issued and any outstanding "Additional Notes," which will ultimately fund the "Project." The "Project" means the acquisition and/or construction of capital improvements and equipment for the City's fire protection services including, without limitation, the construction of fire stations and the acquisition of equipment necessary for the suppression of and from fires but not limited to, fire engines or trucks, which are permitted to be funded with the proceeds of any Notes issued. This is necessary and done to make sure the City can in fact use the Fire Service Assessment proceeds to fund capital and equipment. The only source of revenue to be pledged will be the Fire Service Assessment proceeds. The actual issuance of any debt, of course, will only be done at a future date upon further review of the City Commission and after the ability to use these proceeds has been properly confirmed with finality.

Assuming adoption of the ordinance and these two resolutions after public comment, then going forward the City will work to validate the program and its revenue source over the next several weeks, and then direct bill the assessments later this fall. No amounts or payments will be due until in October or November, and separate bills are to be sent to every property owner affected, and only then will the amounts become due. The City staff and attorney will continue to work with the Simplified Fire professionals and consultants to implement the directions of the Commission contained in these documents, and advise the City Commission as to progress. The City will keep the website feature up and update it as this process progresses, as well.

**RECOMMENDED ACTION:**

**Conduct the second reading of the assessment ordinance for adoption, following the public hearing on August 6th.**

**Suggested motion: 'Move to pass FIRE SERVICE ASSESSMENT ORDINANCE on 2nd reading for adoption.'**

**Following adoption of the Ordinance, the City Commission should consider adoption of the Annual Assessment Resolution and Note Resolution, in that order.**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Ordinance	Ordinance
<input type="checkbox"/> Advertisements	Backup Material
<input type="checkbox"/> Advertisements	Backup Material
<input type="checkbox"/> Annual Assessment Resolution	Resolution
<input type="checkbox"/> Note Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	7/24/2015 - 4:03 PM
City Clerk	Driggers, Betsy	Approved	7/24/2015 - 4:03 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 9:22 AM

*Agenda  
Item*

*5a*

**CITY OF PALATKA, FLORIDA**

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**FIRE SERVICE ASSESSMENT ORDINANCE RELATED  
TO THE PROVISION AND FUNDING OF FIRE PROTECTION  
SERVICES, FACILITIES AND PROGRAMS**

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**FIRST READING JULY 23, 2015  
SECOND READING AND ADOPTION AUGUST 6, 2015**

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ORDINANCE NO. 15 - 14

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, RELATING TO THE PROVISION AND FUNDING OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF PALATKA, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I

INTRODUCTION

SECTION 1.01. DEFINITIONS. As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

“Annual Assessment Resolution” means the resolution described in Article II hereof, establishing the rate at which an Assessment for a specific Fiscal Year will be

computed; and the adoption of which, after a duly noticed public hearing, shall be the final proceeding for the imposition of assessments related to the provision and funding of fire protection services, facilities and programs.

**"Assessed Property"** means all Tax Parcels of land included in the Fire Service Assessment Roll that receive a special benefit from the continual availability of fire protection services and facilities.

**"Assessment" or "Fire Service Assessment"** means a special assessment imposed by the Commission pursuant to this Ordinance, after a public hearing, to fund the Fire Service Assessed Cost. The term "Assessment" and the reference to special assessments or non-ad valorem assessments herein means those assessments which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution, as amended.

**"Assessment Coordinator"** means the City Manager, or such person's designee, responsible for coordinating calculation and collection of Assessments as provided herein.

**"Assessment Ordinance" or "Ordinance"** means this Ordinance.

**"Assessment Roll" or "Fire Service Assessment Roll"** means the special assessment roll relating to an Assessment confirmed by the City Commission after a public hearing required in Article II hereof.

**"City"** means the City of Palatka, Florida.

**"City Clerk"** means the Clerk to the City Commission, or such person's designee.

**“City Commission”** means the governing body of the City of Palatka, Florida.

**“City Manager”** means the City Manager of the City.

**“Fire Service Assessed Cost”** means that portion of the annual budget for any Fiscal Year representing all or some portion of the cost of maintaining continual readiness to provide fire protection to Tax Parcels within the City which will be funded through the imposition of Fire Service Assessments. In the event the City also imposes an impact fee upon new growth or development for capital improvements related to fire protection, the Fire Service Assessed Cost shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which are otherwise funded by such impact fee.

**“Fiscal Year”** means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the City.

**“Government Property”** means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

**“Obligations”** means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance fire protection facilities and equipment and secured, in whole or in part, by proceeds of the Assessments.

**“Pledged Revenue”** means, as to any series of Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Assessments pledged to secure the payment of such Obligations, and (C) any other legally available non-ad valorem revenue pledged, at the City Commission's sole option, to secure the payment of such Obligations, as specified by this Ordinance and any resolution authorizing such Obligations.

**“Property Appraiser”** means the Property Appraiser of Putnam County, Florida.

**“Tax Collector”** means the Tax Collector of Putnam County, Florida.

**“Tax Parcel”** means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**“Tax Roll”** means the real property ad valorem tax assessment roll and data base maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**“Uniform Assessment Collection Act”** means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**SECTION 1.02. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms

refer to this Ordinance; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

**SECTION 1.03. FINDINGS.** It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of City ordinances.

(B) The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to fire protection services, facilities or programs.

(C) The special benefits to affected lands provided as a result of an Assessment include by way of example and not limitation, the continual availability of fire protection services to each Tax Parcel within the City, protection of public safety, stable or decreasing

insurance costs, a potential increase in value to property, and an assured level of service to landowners and tenants.

(D) The constant and continued preparedness to provide fire protection services, facilities and programs possess a logical relationship to the value, use and enjoyment of real property by: (1) protecting the value of the improvements and structures through the continual availability of fire control and provision of fire protection and associated rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of real property; (3) lowering the cost of casualty or liability insurance by the presence of a professional and comprehensive fire protection and associated rescue program within the City; (4) providing protection for uninsured or underinsured property and property owners; and (5) containing the spread of fire incidents, sometimes occurring on vacant or undeveloped property, with the potential to spread and endanger the structures and occupants of nearby improved property, thereby limiting liability.

(E) The combined fire control and associated basic life support emergency medical services of the City under its existing fire protection program enhances and strengthens the relationship of such services to the value, use and enjoyment of the parcels of property within the City.

(F) The Assessment imposed pursuant to this Ordinance is imposed by the City Commission, not the Property Appraiser or Tax Collector. Any activity of the Property

Appraiser or Tax Collector under the provisions of this Ordinance shall be construed as ministerial.

(G) The annual Assessments to be imposed pursuant to this Ordinance are special assessments and may also constitute and be described as non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(H) The purpose of this Ordinance is to: (1) provide procedures and standards for the imposition of city-wide Assessments under the home rule powers of a municipality to impose special assessments, (2) authorize a procedure for the funding of fire protection services, facilities, or programs providing special benefits to property within the City, and (3) establish a revenue or tax equity tool for funding fire protection services, facilities and programs, reduce demand on other legally available funds, allow for local policy discretion as difficult overall budget choices are made by the City Commission each year, and give the community a more equitable, balanced, sustainable and dedicated means of funding essential fire protection related services and capital improvements.

[Remainder of page intentionally left blank.]

ARTICLE II  
ANNUAL FIRE SERVICE ASSESSMENTS

SECTION 2.01. GENERAL AUTHORITY.

(A) The City Commission is hereby authorized to impose an annual Assessment to fund all or any portion of the Fire Service Assessed Cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the City's provision of fire protection services, facilities, or programs. For purposes of this Ordinance, references to 'benefit', 'special benefit', 'benefitted property' or the like also include the relief of a burden to continually stand in readiness created by real property as well as improvements thereon. All Assessments shall be imposed in conformity with the procedures set forth in this Article II.

(B) The amount of the annual Assessment imposed each Fiscal Year against each parcel of Assessed Property shall be determined pursuant to an apportionment methodology based upon a fair and reasonable apportionment of the Fire Service Assessed Cost among properties on a basis reasonably related to the special benefit provided by the availability of fire protection services, facilities, or programs funded with Assessment proceeds. The amount of the annual Assessment imposed each Fiscal Year shall include administration and collection costs associated with the annual Assessment. In the event the Assessments are collected pursuant to the Uniform Assessment Collection Act, the amount of the annual Assessment will also include fees imposed by the Property Appraiser and Tax

Collector and will be adjusted as necessary to account for any statutory discounts which are necessitated when employing the efficiencies of collecting the Assessments annually on the same bill as property taxes. Nothing contained in this Ordinance shall be construed to require the imposition of Assessments against Government Property.

**SECTION 2.02. PROCEEDINGS.**

(A) The proceedings for the imposition of an Assessment shall include a public hearing noticed in the manner set forth in Section 2.04 hereof, and the adoption at or anytime thereafter of an Annual Assessment Resolution which shall (A) contain a brief and general description of the fire protection services, facilities or programs to be provided or made available, (B) describe the method or methods of apportioning the Fire Service Assessed Cost among affected Tax Parcels, (C) describe the Tax Parcels, if any, to be exempted from the Fire Service Assessment for legal or public policy purposes, (D) identify the rate or rates of assessment and approve and adopt the annual Assessment Roll, consistent with the requirements of Section 2.03 hereof, and (E) determine the method of collecting the Fire Service Assessment.

(B) So long as the development and articulation of any method of apportionment, rates of assessment, the Assessment Roll or methods of notice have been reasonably undertaken and otherwise promulgated to the public in accordance with the time periods and provisions hereof, the Annual Assessment Resolution may be adopted at the same

meeting of the City Commission, or at any subsequent meeting of the City Commission, immediately after adoption of this Ordinance, or any amendment hereto.

**SECTION 2.03. ASSESSMENT ROLL.**

(A) The Assessment Coordinator shall prepare, or direct the preparation of, the Assessment Roll, which shall contain the following:

(1) A summary description of all Assessed Property by Tax Parcel conforming to the description contained on the Tax Roll.

(2) The name of the owner of the Assessed Property.

(3) The extension or application of the rates of the proposed Assessment to be imposed against each such Tax Parcel of Assessed Property.

(B) The Assessment Roll shall be retained by the Assessment Coordinator and shall be open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel of property can be determined by use of the internet, a computer terminal available to the public or similar technology available to the public.

**SECTION 2.04. NOTICE.** At least twenty (20) days prior to the public hearing, the City shall notice the public hearing by publication in a newspaper generally circulated within the boundaries of the City. The notice shall provide the date, time and place of the hearing. The notice shall contain a general statement that the City Commission will consider imposing a special assessment throughout the City on the various parcels of

property within the City to fund all or a portion of the cost to continually be available and stand ready to provide fire protection services, facilities and programs, the proposed rates or explanation of the schedule of Assessments and include general information pertaining to the proposed apportionment methodology, the method of collection and a statement that all affected property owners have a right to appear at the public hearing and the right to file written objections within twenty (20) days of the publication of the notice. The notice shall direct all interested persons to the Assessment Roll and information concerning the amount of the proposed Assessment applicable to each parcel of property; provided, however, that such Assessment Roll need not be in printed form if the amount of the Assessment for each parcel of property can be determined by use of the internet, a computer terminal available to the public, or similar technology available to the public.

**SECTION 2.05. ANNUAL ASSESSMENT RESOLUTION.** At the time named in such notice, or to which an adjournment or continuance may be taken by the City Commission, the City Commission shall receive any written comments or objections of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the Annual Assessment Resolution which shall (A) establish the rate or rates of assessment to be imposed in the designated Fiscal Year; (B) approve and adopt the Assessment Roll, with such amendments and directions as it deems just and right; and (C) provide direction as to the method of collection. All parcels assessed shall derive a special benefit from the fire protection services, facilities, or programs to be provided or

constructed and the Assessment shall be fairly and reasonably apportioned between the properties that receive the special benefit. All objections to the Annual Assessment Resolution shall be made in writing, and filed with the Assessment Coordinator at or before the time or adjourned time of such hearing. The Annual Assessment Resolution as confirmed shall constitute the final action necessary annually to impose or re-impose Assessments hereunder.

**SECTION 2.06. EFFECT OF ANNUAL ASSESSMENT RESOLUTION.**

The Assessments for the initial Fiscal Year and each subsequent Fiscal Year shall be established upon adoption and confirmation of the Annual Assessment Resolution. The adoption and confirmation of the Annual Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment and assessment, the rate or rates of assessment, the Assessment Roll, and the levy and lien of the Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the City Commission action adopting and confirming on the Annual Assessment Resolution. The initial Assessment Roll, as approved by the Annual Assessment Resolution, shall be delivered for collection using the traditional direct billing method of collection described in Section 3.02 hereof to collect the Assessments, or such other method as the City Commission by resolution shall designate.

**SECTION 2.07. ADOPTION OF SUBSEQUENT ANNUAL ASSESSMENT**

**RESOLUTIONS.** The City Commission may adopt subsequent Annual Assessment Resolutions as a part of and during its budget adoption process for each Fiscal Year following the initial Fiscal Year for which an Assessment is imposed hereunder. The Annual Assessment Resolution shall approve the Assessment Roll for the upcoming Fiscal Year. The Assessment Roll may be prepared in accordance with the methods of apportionment set forth in the prior Assessment Resolution but may include modifications as a matter of policy as to what, if any, portion or portions of the City's budget is paid for from legally available funds other than Assessment revenues. Failure to adopt an Annual Assessment Resolution during the budget adoption process may be cured at any time.

**SECTION 2.08. ALTERNATIVE USE OF UNIFORM ASSESSMENT  
COLLECTION ACT.**

(A) The City may determine to use the uniform method of collection provided for in the Uniform Assessment Collection Act; provided, however that all of the extraordinary procedures required by the Uniform Assessment Collection Act can be and are timely complied with.

(B) In the event the uniform method of collection provided for in the Uniform Assessment Collection Act is determined to be used, the Assessment Coordinator shall publish notice which shall conform to the requirements set forth in the Uniform Assessment Collection Act and, in addition to the requirements set forth in this Ordinance,

the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment which shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such mailed notice may be provided by including the Assessment in the Property Appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under Section 200.069, Florida Statutes, or its successor in function. The Assessment Coordinator may provide proof of such notice by affidavit. Failure of the owner to receive notice due to mistake or inadvertence shall nevertheless not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of an Assessment imposed by the City Commission pursuant to this Ordinance.

(C) The City Commission may also establish by resolution or directive such reasonable procedures or directions to confirm and comply with the Uniform Assessment Collection Act as may be practicable and necessary.

(D) Nothing herein shall preclude the City Commission from establishing by resolution a maximum rate of assessment provided that notice of such maximum assessment rate is provided pursuant to the Uniform Assessment Collection Act. In the event that the uniform method of collection provided for in the Uniform Assessment Collection Act is used and (1) the proposed Assessment for any Fiscal Year exceeds the maximum rate of assessment adopted by the City Commission and included in notice previously provided to the owners of Assessed Property pursuant to the Uniform

Assessment Collection Act, (2) the method of apportionment is changed or the purpose for which the Assessment is imposed is substantially changed from that represented by notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, (3) Assessed Property is reclassified in a manner which results in an increased Assessment from that represented by notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice and opportunity to be heard shall be provided to the owners of such Assessed Property. Such notice shall substantially conform to the notice requirements set forth in the Uniform Assessment Collection Act and inform the owner of the time, date and place for adoption of the Annual Assessment Resolution. The failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of an Assessment imposed by the City Commission pursuant to this Ordinance.

(E) The Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified and delivered to the Tax Collector as required by the Uniform Assessment Collection Act.

**SECTION 2.09. LIEN OF FIRE SERVICE ASSESSMENTS.** Upon the adoption of the Assessment Roll, all Assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal

taxes and special assessments. Except as otherwise provided by law, until paid such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims. The lien for an Assessment shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution. The lien for an Assessment collected under the Uniform Assessment Collection Method shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the Tax Roll. The lien for an Assessment collected under the traditional method of collection provided in Section 3.02 hereof shall be deemed perfected upon adoption and confirmation by the City Commission of the Annual Assessment Resolution, after a public hearing, and shall attach to the property on such date of each such Annual Assessment Resolution.

**SECTION 2.10. REVISIONS TO FIRE SERVICE ASSESSMENTS.** If any Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the City Commission is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has omitted any property on the Assessment Roll which property should have been so included, the City Commission may take all necessary steps to impose a new Assessment against any property benefited by the Fire Service Assessed Costs, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Assessment is annulled, vacated, or set aside, the

City Commission may obtain and impose other Assessments until a valid Assessment is imposed.

**SECTION 2.11. PROCEDURAL IRREGULARITIES.** Any informality or irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all other proceedings adequate to such Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

**SECTION 2.12. CORRECTION OF ERRORS AND OMISSIONS.**

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, Assessment Coordinator, City Commission, or their deputies, employees, or agents shall operate to release or discharge any obligation for payment of an Assessment imposed by the City Commission under the provision of this Ordinance.

(B) When it shall appear that any Assessment should have been imposed under this Ordinance against a parcel of property specially benefited by the provision of fire

protection services, facilities, or programs, but that such property was omitted from the Assessment Roll, the City Commission may, upon provision of notice to the owner by first class mail, impose the applicable Assessment for the Fiscal Year in which such error is discovered, in addition to the applicable Assessment due for the prior two Fiscal Years. Such total Assessment shall become delinquent if not fully paid upon the expiration of sixty (60) days from the date of the adoption of said resolution. The Assessment so imposed shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles and claims in and to or against the real property involved and may be collected as provided in Article III hereof.

(C) The Assessment Coordinator shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to an Assessment, based upon presentation of competent and substantial evidence, to correct any error in annually applying the Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of mailed notice pursuant to this Ordinance or the Uniform Assessment Collection Act. Additionally, because the size and nature of the Tax Roll may yield anomalies, the Assessment Coordinator is authorized to apply sound public administration judgment and delete or remove individual Tax Parcels from the Assessment Roll that due to specific circumstances do not receive a special benefit, are not developable (e.g. subsurface rights, submerged,

slivers, right-of-way, common elements) or are reasonably determined to be inappropriate, infeasible or impracticable to assess, and do not merit the expenditure of public funds and resources to impose or collect such Assessments. Unless the Assessment Coordinator determines that a Tax Parcel otherwise does receive benefit, for any Tax Parcel with a just value of less than \$5,000 (as determined solely by the Property Appraiser), such value may be used as a prima facie determination that the Tax Parcel need not be included on the Assessment Roll. Any such corrections shall be considered valid ab initio and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the Assessment Coordinator and not the Property Appraiser or Tax Collector.

(D) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the Tax Roll upon timely written request and direction of the Assessment Coordinator.

#### **SECTION 2.13. INTERIM ASSESSMENTS.**

(A) An interim Assessment may be imposed against all property for which a Certificate of Occupancy is issued after adoption and confirmation of the Annual Assessment Resolution. The amount of the interim Assessment shall be calculated upon a

monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the Annual Assessment Resolution for the Fiscal Year in which the Certificate of Occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the Fiscal Year. In addition to the monthly rate, the interim Assessment shall also include an estimate of the subsequent year's Assessment. If the Commission determines to impose an interim Assessment, no Certificate of Occupancy shall be issued until full payment of the interim Assessment is received by the City. Issuance of the Certificate of Occupancy by mistake or inadvertence, and without the payment in full of the interim Assessment, shall not relieve the owner of such property of the obligation of full payment. For the purpose of this provision, such interim Assessment shall be deemed due and payable on the date the Certificate of Occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all State, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved.

(B) Exclusive of property for which an interim Assessment was paid pursuant to subsection (A) hereof, an interim Assessment may also be imposed against any property which for any reason was omitted from the Fire Service Assessment Roll or was not listed on the Tax Roll as an individual Tax Parcel as of the effective date of the Assessment Roll approved by the Annual Assessment Resolution for any upcoming Fiscal Year. For the

purpose of this provision, such interim Assessment shall be deemed due and payable and shall constitute a lien against such property for which it is imposed. Said lien shall be equal in rank and dignity with the liens of all State, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved.

**SECTION 2.14. ADMINISTRATIVE HARDSHIP DEFERMENT.**

(A) Annually upon application of the Owner of a Tax Parcel subject to the Assessments contemplated herein, the Assessment Coordinator may grant a hardship deferment, in which case the Tax Parcel in question will receive a deferral. The owner shall be required to execute a binding agreement encumbering the Tax Parcel and otherwise assure the City that payment in full of the Assessment and any recording cost, plus interest at an estimated cost of City funds compounded annually, shall be due over a period of time or upon sale or transfer of the property. Such agreement or a memorandum thereof shall be recorded in the Official Records of Putnam County, Florida. Dependent upon the volume or demand for such deferment, the City Commission may determine to release such deferments in the future. However, all funding for such hardship deferment, or the consequences of the deferment or any future release, shall be from legally available funds other than direct proceeds of other Assessments. The Assessment Coordinator is authorized to use sound public administration judgment in applying this authority and considering such applications.

(B) This provision serves to promote a public purpose and the general welfare, morals and contentment of the inhabitants and residents of the City.

[Remainder of page intentionally left blank.]

**ARTICLE III**  
**COLLECTION OF FIRE SERVICE ASSESSMENTS**

**SECTION 3.01. COLLECTION.**

(A) The process of collection is driven by many equitable, practical and economic factors. The traditional direct billing method is initially far less expensive and provides fair and adequate notice and opportunity to be heard through publication in a newspaper of general circulation. The uniform method of collection additionally provides extraordinary notice by individual mailing, but such notice is many times more expensive than published notice. The individually mailed notice required by the Uniform Assessment Collection Act is extraordinary and unique to collection of an Assessment occurring along with and included on the same bill as for ad valorem taxes.

(B) Unless otherwise directed by the City Commission, the Assessments shall be collected pursuant to the traditional direct billing method provided in Section 3.02 hereof. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by this Ordinance or the Uniform Assessment Collection Act.

**SECTION 3.02. TRADITIONAL METHOD OF COLLECTION.** The City may elect to collect the Assessments by any other method which is authorized by law or provided by this Section as follows:

(A) The City shall provide Assessment bills by first class mail to the owner of each affected parcel of property, other than Government Property. The bill or

accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the unit of measurement or method used to determine the amount of the Assessment, (3) the number of units contained within the Tax Parcel, (4) the rate or rates applied to the units of measurement or method and the total amount of the Assessment imposed against the Tax Parcel for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Assessments throughout the City may be recorded in the Official Records of the County. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law.

(D) An Assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The City or its agent shall notify any property owner who is delinquent in payment of his or her Assessment within ninety (90) days from the date such assessment was due. Such notice shall state in effect that the City or its agent may either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law

for foreclosure of mortgages on real property; or (2) cause an amount equivalent to the delinquent Assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

(E) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(F) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses otherwise reasonably attributable thereto, may be collected subsequently pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this Ordinance, and (2) any existing lien of record on the affected parcel for the

delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(G) Any City Commission action required in the collection of Assessments may be by resolution.

**SECTION 3.03. UNIFORM METHOD OF COLLECTION.**

(A) In lieu of utilizing any other method of collection available to the City, the City may elect to collect Assessments using the uniform method pursuant to the Uniform Assessment Collection Act; and, for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and expenses and recording costs for a prior years' assessment for a comparable service, facility, or program provided, (1) the collection method used in connection with the prior years' assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the owner, and (3) any lien on the affected parcel for the prior years' assessment is supplanted and transferred to such Assessment upon certification of a non-ad valorem roll to the Tax Collector by the City.

(B) If the City Commission determines the Assessments are to be collected on the same bill as for ad valorem taxes, then the Assessment coordinator shall comply and conform to the extraordinary requirements of the Uniform Assessment Collection Act.

**SECTION 3.04. GOVERNMENT PROPERTY.**

(A) To the extent permitted by law, the City reserves the right to impose a charge or fee comparable in amount to Assessments on Governmental Property. As used in this section, the context of the term 'Assessment' shall refer to such a charge or fee. If Assessments are imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner or agent of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the unit of measurement used to determine the amount of the Assessment, (3) the number of units contained within the Tax Parcel, (4) the rate or rates applicable to the units of measurement or method and the total amount of the Assessment imposed against the Tax Parcel for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.

(B) Assessments imposed against Government Property shall be due on the same date as all other Assessments and, if applicable, shall be subject to the same discounts for early payment.

(C) An Assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment within ninety (90)

days from the date such assessment was due. Such notice shall state that the City will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) As an alternative to the foregoing, an Assessment imposed against Government Property may be collected as a surcharge on a utility bill provided to such Government Property in twelve installments with a remedy of a mandamus action in the event of non-payment. The City Commission may also contract for such billing services with any utility not otherwise owned by the City.

[Remainder of page intentionally left blank.]

**ARTICLE IV  
ISSUANCE OF OBLIGATIONS**

**SECTION 4.01. GENERAL AUTHORITY.**

(A) The City Commission shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in series, for the issuance of Obligations to fund fire protection facilities and equipment and any amounts to be paid or accrued in connection with issuance of such Obligations including but not limited to capitalized interest, transaction costs and reserve account deposits.

(B) The principal of and interest on each series of Obligations shall be payable from Pledged Revenue. The City Commission may agree, by ordinance or resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the Obligations or in the payment of the Obligations, from other non-ad valorem revenue sources. The City Commission may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

**SECTION 4.02. TERMS OF THE OBLIGATIONS.** The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by ordinance or resolution of the City Commission, and may be made

redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the City Commission. Said Obligations shall mature not later than forty (40) years after their issuance. The City Commission shall determine by ordinance or resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the City Commission shall determine by ordinance or resolution. The Obligations may be delivered to any contractor to pay for the provision of fire protection facilities and equipment or may be sold in such manner and for such price as the City Commission may determine by ordinance or resolution to be for the best interests of the City.

**SECTION 4.03. VARIABLE RATE OBLIGATIONS.** At the option of the City Commission, Obligations may bear interest at a variable rate.

**SECTION 4.04. TEMPORARY OBLIGATIONS.** Prior to the preparation of definitive Obligations of any series, the City Commission may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The City Commission may also provide for the replacement of any Obligations

which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Ordinance.

**SECTION 4.05. ANTICIPATION NOTES.** In anticipation of the sale of Obligations, the City Commission may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the City Commission deems appropriate by ordinance or resolution. Said notes shall mature within five (5) years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The City Commission may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

**SECTION 4.06. TAXING POWER NOT PLEDGED.** Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the Assessments, in the manner provided herein and by the ordinance or resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation whatsoever. No holder of

any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the City, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the Pledged Revenue.

**SECTION 4.07. TRUST FUNDS.** The Pledged Revenue received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the City, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the City shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the City providing credit enhancement on the Obligations.

**SECTION 4.08. REMEDIES OF HOLDERS.** Any holder of Obligations, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the Obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part, or by such ordinance or resolution, to be performed by the City.

**SECTION 4.09. REFUNDING OBLIGATIONS.** The City may, by ordinance or resolution of the City Commission, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the City issued to finance fire protection facilities and equipment, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in an Annual Assessment Resolution or other resolution, the City Commission shall provide notice to the affected property owners and conduct a public hearing in the manner required by this Ordinance.

[Remainder of page intentionally left blank.]

**ARTICLE V**  
**GENERAL PROVISIONS**

**SECTION 5.01. APPLICABILITY** This Ordinance and the City's authority to impose assessments pursuant hereto shall be applicable throughout the City.

**SECTION 5.02. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**SECTION 5.03. ALTERNATIVE METHOD.** This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

**SECTION 5.04. REPEALER.** All ordinances, resolution or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

[Remainder of page intentionally left blank.]

**SECTION 5.05. EFFECTIVE DATE.** This Ordinance shall be in force and take effect immediately upon its passage and adoption by the City Commission.

**INTRODUCED AND PASSED** on first reading in regular session of the City Commission of the City of Palatka, this \_\_\_ day of \_\_\_\_\_ 2015.

**ATTEST: APPROVED:**

\_\_\_\_\_  
Betsy Driggers, City Clerk

\_\_\_\_\_  
Terrill L. Hill, Mayor  
Ex-Officio Chair of the City Commission

**PASSED** on second and final reading by the City Commission of the City of Palatka, Florida, at regular session this \_\_\_ day of \_\_\_\_\_ 2015.

**THE CITY OF PALATKA, FLORIDA**

By: \_\_\_\_\_  
Terrill L. Hill, Mayor  
Ex-Officio Chair of the City Commission

**ATTEST:**

\_\_\_\_\_  
Betsy Driggers, City Clerk

**APPROVED AS TO  
CORRECTNESS AND FORM:**

By: \_\_\_\_\_  
Donald E. Holmes, City Attorney

**NOTICE OF PUBLIC HEARING BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, TO CONSIDER ADOPTION, LEVY, AND IMPOSITION OF CERTAIN SPECIAL ASSESSMENTS AGAINST REAL PROPERTY TO DEFRAY COSTS ASSOCIATED WITH THE CONTINUAL READINESS TO PROVIDE FIRE PROTECTION**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Palatka, Florida, will hold a public hearing at the City Commission Meeting on Thursday, August 6, 2015, at 6:00 p.m., or as soon thereafter as may be heard, at City Hall, 201 N. 2nd Street, Palatka, Florida, for the purpose of hearing interested parties with respect to the following proposed special assessments.

The City of Palatka (the "City") is in the process of establishing a dedicated funding source for the provision of fire protection services and facilities through the imposition of non-ad valorem assessments, sometimes referred to as special assessments, against certain improved and vacant real property located within the City limits. The special assessments, if approved by the City Commission, will be allocated among assessable tax parcels according to a two-tiered methodology pursuant to which a portion of the costs attributable to the City's continual readiness to provide fire protection services to be shared equally among all tax parcels on a per parcel basis (Tier 2), and a portion of the remaining costs of service availability will be shared in accordance with the relative value of improvements for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City (Tier 1).

All affected property owners have the right to appear at the public hearing and to file written comments and objections with the City Commission within 20 days of publication of this Notice. Written comments and objections should be sent to the City of Palatka City Hall, 201 N. 2nd Street, Palatka, FL, 32177, Attn: Betsy Driggers, City Clerk.

The contemplated special assessment offers a reasoned approach for sharing and apportionment premised upon two distinct tiers or classes of assessment allocations: Tier 1 – a sharing of benefits, burdens, and costs for fire protection services and facilities based upon the relative value of improvements for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City; and, Tier 2 – a sharing of benefits, burdens, and costs for fire protection services and facilities through a per tax parcel allocation premised upon the annual budgetary necessity of maintaining a continual state of preparedness and readiness to serve. Each tax parcel within the City is uniquely identified by the county property appraiser using a parcel identification number. A more detailed description of the calculations and the reasoned method of computing and apportioning the assessment for each tax parcel of property and the preliminary fire service assessment roll are available online at [www.palatka-fl.gov/fireassessment](http://www.palatka-fl.gov/fireassessment) or at the City Clerk's Office located at City Hall, 201 N. 2nd Street, Palatka, Florida.

The special assessment will fund, in part, the costs associated with providing fire protection services and facilities each year beginning with the fiscal year 2015-16. The remainder of the fire protection budget will be funded with other legally available revenues of the City. The combination of funding sources offers a significant tax equity tool which will reduce dependence on property taxes alone as the sole source of funding for fire protection services, reduce the demand on the City's other legally available funds, and is intended to achieve a more equitable, balanced, sustainable and dedicated means of

funding the City Fire Department's service mission over time. By this approach the Commission is asking the owners of all property within the City, which enjoys the value and benefit of the assemblage of fire protection-related essential services and facilities, to contribute and, in part, participate in paying for the continual availability of fire protection service and facilities in our community.

The special assessment is an annual assessment which will continue from year to year. For the upcoming fiscal year, any assessment will be billed directly by the City to the property owner at the address shown on the records maintained by the county tax collector. In future fiscal years, the assessment will likely be collected pursuant to the tax bill collection method as authorized by Section 197.3632, Florida Statutes, in which case the annual assessment will include fees imposed by the county property appraiser and tax collector and will be adjusted as necessary to account for any statutory discounts which are necessitated when employing the efficiencies of collecting the assessments annually on the same bill as property taxes.

If approved by the City Commission after the conclusion of the public hearing, the special assessment for each tax parcel will not exceed the sum of (i) \$2.46 per \$1,000 of the value of improvements attributed to the tax parcel by the county property appraiser (Tier 1) plus (ii) \$125.00 per tax parcel (Tier 2) together with (iii) a share of administration and collections costs associated with the annual assessment.

The dollar amount of the proposed special assessment attributable to each tax parcel can be viewed and is available online at [www.palatka-fl.gov/fireassessment](http://www.palatka-fl.gov/fireassessment) or at the City Clerk's Office located at City Hall, 201 N. 2nd Street, Palatka, FL, 32177. Please take the opportunity to review the additional information available online.

This Notice is intended to inform all constituents about the City's efforts to effectively budget and use a blend of legally available revenues to meet fire service obligations, reduce costs, be efficient and continue to provide a reasonable level of service. The mission of the City's Fire Department is to always stand ready to protect the lives and property of the community through exemplary fire education, prevention, suppression and associated emergency rescue services. This special assessment provides a supplemental and dedicated means to accomplish these responsibilities and will serve as an additional and equitable means to address the overall management and budgeting responsibilities of the City Commission.

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person may need to ensure a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Persons with a disability, such as vision, hearing, or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or any other board or committee meeting, should contact the City Clerk in writing, or may call (386) 329-0100 for information regarding available aids and services.

/s/ BETSY DRIGGERS  
CITY CLERK  
City of Palatka, Florida

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Publication Instructions: Publish on July 16, 2015.



**Driver**

**DRIVER TRAINEES! GET PAID COL TRAINING NOW!** Learn to drive for Stivers Transport. **NO EXPERIENCE NEEDED!** New Drivers can earn \$900/wk + benefits! Carrier covers cost! Be trained & licensed locally! Now Offering New Regional Routes in FLJ 1-877-214-3824

**General**

**APPLY NOW! SO YOU DO NOT MISS OUT ON OPPORTUNITIES WITH OUR GROWING COMPANY!**

St. Johns Ship Building in Putnam County is hiring! We're seeking exp. Ship Right Tradesmen who are interested in competitive salaries starting wages up to \$22/hr DOQ. Employees receive a comprehensive benefit package including health, dental, vision & life ins., paid vacation & paid holidays. Interested applicants can fill out an application at [www.stjohnshipbuilding.com](http://www.stjohnshipbuilding.com) or email resume to [HR@stjohns-ship.com](mailto:HR@stjohns-ship.com). We are an EEO/Minority Disability & Minority Employer. Must pass bgkd & drug test.

Call Lot/Ball Bonds needs a Do-Everything Person! Wash cars, answer phones, data entry, repos, customer service & animal care. Must pass bgkd check. 385-3036

**Legal Notices**

**PUBLIC NOTICE**

**CITY OF PALATKA PROPOSED FIRE SERVICE ASSESSMENT ORDINANCE**

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, will consider the enactment of the following entitled Ordinance: **AN ORDINANCE RELATING TO THE PROVISION AND FUNDING OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF PALATKA, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, at its next regular meetings to be held at 8:00 p.m. on the 23rd day of July and 8th day of August, 2015, at City Hall, 201 N. 2nd St., Palatka, Florida. Said proposed ordinance may be inspected by the public at City Hall during regular hours of business. All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meetings at said time and place and be heard with respect to the proposed ordinance. This notice is given in accordance with section 166.041, Florida Statutes.**

**PLEASE GOVERN YOURSELVES ACCORDINGLY.**

**/s/ BETSY J. DRIGGERS CITY CLERK**  
7/16/15  
Legal No. 00035178

**PUBLIC NOTICE**

**NOTICE OF PUBLIC HEARING BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, TO CONSIDER ADOPTION, LEVY, AND IMPOSITION OF CERTAIN SPECIAL ASSESSMENTS AGAINST REAL PROPERTY TO DEFRAY COSTS ASSOCIATED WITH THE CONTINUAL READINESS TO PROVIDE FIRE PROTECTION**

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The City of Palatka (the "City") is in the process of establishing a dedicated funding source for the provision of fire protection services and facilities through the imposition of non-ad valorem assessments, sometimes referred to as special assessments, against certain improved and vacant real property located within the City limits. The special assessments, if approved by the City Commission, will be allocated among assessable tax parcels according to a two-tiered methodology pursuant to which a portion of the costs attributable to the City's continual readiness to provide fire protection services to be shared equally among all tax parcels on a per parcel basis (Tier 1), and a portion of the remaining costs of service availability will be shared in accordance with the relative value of improvements for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City (Tier 2).

All affected property owners have the right to appear at the public hearing and to file written comments and objections with the City Commission within 20 days of publication of this Notice. Written comments and objections should be sent to the City of Palatka City Hall, 201 N. 2nd Street, Palatka, FL, 32177. Attn: Betsy Driggers, City Clerk.

The contemplated special assessment offers a reasoned approach for sharing and apportionment premised upon two distinct tiers or classes of assessment allocations: Tier 1 - a sharing of benefits, burdens, and costs for fire protection services and facilities based upon the relative value of improvements for all tax parcels in the City as compared to the value of improvements for all tax parcels in the City; and, Tier 2 - a sharing of benefits, burdens, and costs for fire protection services and facilities through a per tax parcel allocation premised upon the annual budgetary necessity of maintaining a continual state of preparedness and readiness to serve. Each tax parcel within the City is uniquely identified by the county property appraiser using a parcel identification number. A more detailed description of the calculations and the reasoned method of computing and apportioning the assessment for each tax parcel of property and the preliminary fire service assessment roll are available online at [www.palatka.fl.gov/fireassessment](http://www.palatka.fl.gov/fireassessment) or at the City Clerk's Office located at City Hall, 201 N. 2nd Street, Palatka, Florida.

The special assessment will fund, in part, the costs associated with providing fire protection services and facilities each year beginning with the fiscal year 2015-16. The remainder of the fire protection budget will be funded with other legally available revenues of the City. The combination of funding sources offers a significant tax equity tool which will reduce dependence on property taxes alone as the sole source of funding for fire protection services, reduces the demand on the City's other legally available funds, and is intended to achieve a more equitable, balanced, sustainable and dedicated means of funding the City Fire Department's service mission over time. By this approach the Commission is asking the owners of all property within the City which enjoys the value and benefit of the assemblage of fire protection-related essential services and facilities, to contribute and, in part, participate in paying for the continual availability of fire protection services and facilities in our community.

The special assessment is an annual assessment which will continue from year to year. For the upcoming fiscal year, any assessment will be billed directly by the City to the property owner at the address shown on the records maintained by the county tax collector. In future fiscal years, the assessment will likely be collected pursuant to the tax bill collected by Section 187.3632, Florida Statutes in which case the annual assessment will include fees imposed by the county property appraiser and tax collector and will be adjusted as necessary to account for any statutory discounts which are necessitated when employing the efficiencies of collecting the assessments annually on the same bill as property taxes.

If approved by the City Commission after the conclusion of the public hearing, the special assessment for each tax parcel will not exceed the sum of (i) \$2.48 per \$1,000 of the value of improvements attributed to the tax parcel by the county property appraiser (Tier 1) plus (ii) \$123.00 per tax parcel (Tier 2) together with (iii) a share of administration and collections costs associated with the annual assessment.

The dollar amount of the proposed special assessment attributable to each tax parcel can be viewed and is available online at [www.palatka.fl.gov/fireassessment](http://www.palatka.fl.gov/fireassessment) or at the City Clerk's Office located at City Hall, 201 N. 2nd Street, Palatka, FL, 32177. Please take the opportunity to review the additional information available online.

This Notice is intended to inform all constituents about the City's efforts to effectively budget and use a blend of legally available revenues to meet fire service obligations, reduce costs, be efficient and continue to provide a reasonable level of services. The mission of the City's Fire Department is to always stand ready to protect the lives and property of the community through exemplary fire education, prevention, suppression and associated emergency rescue services. This special assessment provides a supplemental and dedicated means to accomplish these responsibilities and will serve as an additional and equitable means to address the overall management and budgeting responsibilities of the City Commission.

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person may need to ensure a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Persons with a disability, such as vision, hearing, or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or any other board or committee meeting, should contact the City Clerk in writing, or may call (385) 328-0105 for information regarding available aids and services.

**/s/ BETSY DRIGGERS CITY CLERK**  
City of Palatka, Florida  
7/16/15  
Legal No. 00035118

## CITY OF PALATKA

### PROPOSED FIRE SERVICE ASSESSMENT ORDINANCE

---

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, will consider the enactment of the following entitled Ordinance: AN ORDINANCE RELATING TO THE PROVISION AND FUNDING OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF PALATKA, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR ORBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE, at its next regular meetings to be held at 6:00 p.m. on the 23rd day of July and 6th day of August, 2015, at City Hall, 201 N. 2nd St., Palatka, Florida. Said proposed ordinance may be inspected by the public at City Hall during regular hours of business. All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meetings at said time and place and be heard with respect to the proposed ordinance. This notice is given in accordance with section 166.041, Florida Statutes.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS  
CITY CLERK

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Publication instructions: Publish on July 15 (or soonest date) and July 24, 2015.

(2) PROOFS OF PUBLICATION REQUIRED

Please send cost of advertisement with editing proof to  
Betsy Driggers, City Clerk, City of Palatka  
bdriggers@palatka-fl.gov

*Agenda  
Item*

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**RESOLUTION NO. 2015-11-58**

**A RESOLUTION OF THE CITY COMMISSION OF PALATKA, FLORIDA, RELATING TO THE AVAILABILITY AND FUNDING OF FIRE PROTECTION AND RELATED ESSENTIAL SERVICES WITHIN THE CITY; PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS WITHIN THE CITY TO FUND, IN PART, THE SERVICES, FACILITIES AND PROGRAMS ASSOCIATED WITH THE CONTINUAL READINESS TO PROVIDE FIRE PROTECTION; IDENTIFYING BENEFITS, BURDENS AND COSTS TO BE ASSESSED; ESTABLISHING THE METHOD OF APPORTIONING BENEFITS, BURDENS AND COSTS AMONG SPECIALLY BENEFITED PROPERTY; ADOPTING AN ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, AS FOLLOWS:**

**ARTICLE I**

**INTRODUCTION**

**SECTION 1.01. AUTHORITY.** This Resolution of Palatka, Florida (the "City") is adopted pursuant to Ordinance No. 15-14 (the "Assessment Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**SECTION 1.02. DEFINITIONS.** This Resolution constitutes the Annual Assessment Resolution as defined in the Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance, unless the context hereof otherwise requires.

**SECTION 1.03. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

**SECTION 1.04. FINDINGS.** It is hereby ascertained, determined and declared as follows:

(A) The constant and continued preparedness to provide fire protection services, facilities and programs possesses a logical relationship to the value, use and enjoyment of real property by: (1) protecting the value of the improvements and structures through the continual availability of fire control and provision of fire protection and associated rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of real property; (3) lowering the cost of casualty or liability insurance by the presence of a professional municipal fire protection and associated rescue program within the City; (4) providing protection for uninsured or underinsured property and property owners; and (5) containing the spread of fire incidents, sometimes occurring on vacant or undeveloped property, with the potential to spread and endanger the structures and occupants of nearby improved property, thereby limiting liability.

(B) The sharing of benefits, burdens and costs for fire protection services and facilities based upon the relative value of improvements for each Tax Parcel in the City as compared to the value of improvements for all Tax Parcels in the City could conceivably serve alone as a fair and reasonable means to apportion entirely the Fire Service Assessed Cost. Such approach substantially removes the underlying land values from consideration and reasonably focuses upon the built environment on the land protected by fire services, facilities and programs. This is a direct and logically related means to share benefits, burdens and costs of fire protection services, facilities and programs.

(C) It is also clear that the relative improvement value of improvements to land may be utilized as one factor among others considered in a given formula or calculus since the resulting Assessments are formed from a reasoned or logical base against which the special benefits, burdens and costs may be multiplied or determined.

(D) Apportionment on the basis of relative improvement value (as determined by data derived from the Tax Roll prepared by the Property Appraiser) recognizes the relatively higher benefit accruing to properties which face greater financial loss in the event of fire incident.

(E) Besides the advantage of relying upon data prepared by the Property Appraiser in the normal conduct of his or her responsibilities, an approach based in whole or in part upon relative improvement value is also advantageous because it is

self-correcting. Relative value of improvements may change from year to year in accordance with market conditions and other factors and such variation will be adjusted automatically each subsequent year in accordance with the updated improvement value determined by the Property Appraiser. If the improvements on a given Tax Parcel were to increase or decrease in value with the passage of time relative to the updated improvement value city-wide, that Tax Parcel's relative percentage to the total amount assessed for that Tax Parcel and all Tax Parcels would also increase or decrease proportionately.

(F) The mere availability of fire protection services and facilities benefits each Tax Parcel of real property in the City in a substantially uniform fashion by relieving the common burden placed upon City services and facilities collectively created by individual Tax Parcels whether a fire event occurs or not. Fundamentally, the presence of each Tax Parcel within the City creates a comparable and similar requirement to stand ready to serve and continually maintain a preparedness to provide fire protection and associated services and facilities for all Tax Parcels.

(G) The City's core preparedness costs are generally those necessary to maintain the readiness of fire personnel to respond in the event of random emergency calls and to assure an effective network of coverage, a metric used by insurance ratings organizations for calculation of basic insurance ratings. Such preparedness is continual and predominantly lies in wait for the emergency of a fire incident.

(H) The Commission has carefully considered the report prepared by GAI Consultants, Inc. describing a special assessment apportionment methodology designed to fund all or some portion of the City's annual budget expenditures corresponding to fixed (as opposed to more variable) costs incurred in maintaining common or similar continual readiness to provide fire protection to all parcels.

(I) These core preparedness costs of lying in wait are largely recurring, almost fixed over the course of a budgetary period, because they are strongly associated with wages, salaries, administration, and overhead which support the constant availability of fire protection related services and facilities. Such core costs must be absorbed even when firefighting capabilities remain exclusively in standby mode.

(J) Fixed costs can generally be described as those costs incurred in providing services, facilities or programs required for readiness to provide fire protection which do not necessarily vary from parcel to parcel based upon property classification, parcel-specific physical characteristics (improvements) or actual demand in the event of deployment. Variable costs are those dependent upon or which more closely bear a direct relationship to property classification and/or parcel-specific physical characteristics such as value of improvements, and therefore are more likely to vary from parcel to parcel.

(K) The constant potential for the outbreak of a fire represents the predominant requirement for service. When and where a fire incident occurs is

essentially an unknown and difficult variable to accurately predict. The scale of this potential defines the basic underlying cost of being prepared to limit fire loss and to protect property values. From a policy and public purpose standpoint, preparedness is the predominant activity of the City's fire services and facilities. The City, in this state of readiness, must consider the committable personnel, necessary equipment and facilities, and the time likely required to extinguish a fire (planning or preparing for the potential incident or event) prior to the emergency allocation of direct resources enabling a fire to be extinguished as quickly as possible (deploying to or intervening in the incident or event itself). The amount of resources for fire protection service, facilities and programs made available in such a continual preparedness exercise each year is a public administration and policy decision which necessarily focuses in the aggregate on all property within the City.

(L) In developing a recurring revenue source to fund a portion of the core fixed cost component of the City's annual budget associated with a continued readiness to provide fire protection services, facilities and programs, it is not necessary to solely focus on the size, value or physical characteristics of individual Tax Parcels for fire protection. Instead, in this context, each individual Tax Parcel contributes similarly to the required state of readiness, and similarly and substantially shares the same benefits from such core fixed cost component; and, therefore it is fair and reasonable to ask the owner of each Tax Parcel to contribute equally toward funding all or a portion of the

core fixed costs associated with such continual readiness to provide fire protection services and facilities.

(M) The findings contained herein are premised upon information, input, analysis and review from City staff, officials and experts, and public comment, as well as careful consideration by the City Commission. A combination of the foregoing yields a reasoned apportionment methodology premised upon two distinct tiers or classes of apportionment allocation: Tier 1 – a sharing of benefits, burdens and costs for fire protection services and facilities based upon the relative value of improvements for each Tax Parcel in the City as compared to the value of improvements for all Tax Parcels in the City; and, Tier 2 – a sharing of benefits, burdens and costs for fire protection services and facilities on a per Tax Parcel allocation premised upon maintaining a continual state of preparedness and readiness to serve whether or not a request for actual assistance is ever received. Although either of these two tiers might be used singularly to address a significant portion of the budget for special assessment apportionment purposes, together they provide a simplified and powerful equity tool for the City to fairly and reasonably share assessable benefits, burdens and costs among all assessable Tax Parcels in the City.

(N) Allocating a portion of the fixed costs attributable to the City's continual readiness to provide fire protection services and facilities on a Tax Parcel basis

reasonably avoids cost inefficiencies and unnecessary administration, and is a fair, efficient and reasonable mechanism to allocate such costs among all Tax Parcels.

(O) The use of data derived from the Tax Roll (both in form and content), which is a statutorily required and uniformly maintained database of all Tax Parcels employed by the Property Appraiser and Tax Collector, represents a reasonably accurate, fair and efficient means to allocate or distribute Fire Service Assessed Costs associated with standing ready to provide fire protection and associated services and facilities.

(P) It is fair, reasonable, effective, and efficient for all Tax Parcels, including statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability, to share equally in the core fixed costs represented by the special assessments to be imposed hereby, particularly since such costs are not necessarily dependent upon or determined by physical characteristics or demand in the event of deployment.

(Q) It is also fair and reasonable that some portion of fixed costs and variable costs be shared and distributed among Tax Parcels, including statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability, using apportionment methods which are weighted more heavily on the Fire Assessment Roll (using data from the Tax Roll) toward physical characteristics, such as those represented by the relative value of improvements.

(R) GAI Consultants, Inc. reviewed current and prior year budget information related to the provision of fire protection services and facilities and conducted a reasoned analysis of how the City advanced life support services (“ALS”) fall almost exclusively to emergency medical units operated by parties other than the City. Nevertheless, the budgetary analysis conservatively excluded even the appearance of funding any advanced life support services by eliminating costs associated with ALS training, certifications or special pay from the Fire Service Assessed Cost. Because the City’s Fire Department does not endeavor to provide, and the exemplary budget conservatively excludes any cross-over costs of, ALS services separately funded through the county government, the City’s exemplary budget used to determine the Fire Service Assessed Cost, on its face, avoids any question that the Fire Service Assessed Cost improperly includes emergency medical services other than first response medical services routinely delivered by fire fighters. This factually serves to isolate such advanced life support medical services from fire service related responses and avoids debate as to case law validity of the resulting Fire Service Assessment.

(S) GAI Consultants, Inc. reviewed current and prior year budget information related to the provision of fire protection services and facilities and conducted a reasoned analysis of fixed and variable cost budget components, resulting in the determination that all Tax Parcels benefit in a substantially uniform manner from services, facilities and programs characterized as fixed and otherwise necessary to

provide a continual readiness to provide fire protection. In light of how the community handles ALS and emergency medical services, and the exclusion of cross-over costs from the exemplary budget, GAI Consultants, Inc. and the City Commission have determined that as much as 65% of the exemplary fire department budget could be reasonably allocated per Tax Parcel to core fixed cost expenditures incurred in maintaining readiness to provide fire protection and associated services and facilities (Tier 2); and as much as 55% of the fire department budget could be reasonably allocated to both fixed and variable cost expenditures based upon the relative value of improvements associated with each Tax Parcel (Tier 1). In any event, the remainder of the exemplary budget for fire services can be provided through other legally available funds.

(T) It is fair and reasonable to fund all or a portion of the Fire Service Assessed Cost on the basis of the relative value of improvements associated with each Tax Parcel compared to the total value of all improvements in the City in order to recognize the proportional benefit accruing to properties which face greater financial loss in the event of fire incident.

(U) It is fair and reasonable to multiply the estimated budget for fire protection services, facilities and programs by an identified proportion of the core fixed costs associated with the continual readiness to provide fire protection, in order to determine a proportional amount of the estimated budget allocable to such core fixed

costs; and, then divide such amount by a reasonable estimate of the total number of Tax Parcels within the City in order to determine the proposed annual rate of assessment per Tax Parcel in an attempt to uniformly and proportionally fund such core fixed costs.

(V) The City is not required to fully fund any given essential service or capital cost through a special assessment. So long as the application of funds is for a public purpose and funds are legally available, the City may alternatively determine to fund all or some discrete portion of an essential service or capital cost, such as fire protection services, facilities and programs, with general fund or other legally available revenues. The determination as to whether to contribute other legally available revenues, and how much to contribute, lies solely in the discretion of the City Commission.

(W) There is no requirement that the City impose an assessment for the maximum amount of the budget that can be funded by special assessments. Stated in the alternative, the City Commission may annually determine as a tax equity tool to impose special assessments at a rate less than necessary to fund all or any specific portion of the costs which might otherwise be funded by special assessments associated with fire protection services and facilities. Costs incurred in providing fire protection services, facilities and programs not otherwise funded through Fire Service Assessments may be paid with general fund or other legally available revenues. Such legally available revenues as a matter of policy may be applied exclusively to any tier or class of budget allocation or expense otherwise funded by a special assessment, in part

to one tier or class of any budget allocation or expense, or in any combination thereof, and maintain the validity of each apportionment approach used for the remaining portion of the budget attributed to the Fire Service Assessed Cost. This flexibility is implemented through a policy and legislative determination employed through careful adherence to case law, statutory law, and the State Constitution, as well as the exercise of annual budget responsibility, discretion and equity vested in the City Commission. However, in no event shall any annual rate of special assessment exceed that previously noticed to the affected land owners without further notice and public hearing pursuant to the Assessment Ordinance.

(X) The City Commission is cognizant that any system, metric or analytical view of appraising benefits or assessing costs will be open to some criticism or suggestion of alternative methods or approaches, and has labored to educate itself as to the facts, analysis, law and policy latitudes available to it in determining the Fire Service Assessed Cost and the rate of the Fire Service Assessment in the process of approving the Fire Service Assessment Roll.

(Y) The apportionment among Tax Parcels of a portion of the City's annual budget for fire protection services, facilities and programs represented by the assessment rates and Fire Service Assessments hereby adopted (sometimes called "Simplified Fire"), are reasonably characterized as necessary for providing the continual readiness to provide fire protection, notwithstanding whether fire incidents or

fire calls materialize or not; and, is hereby determined to be a fair and reasonable means to annually allocate and share such benefits, burdens and costs.

(Z) The benefits derived or burdens relieved from the continual readiness to provide fire protection services, facilities and programs as to each Tax Parcel subjected to the Fire Service Assessments equal or exceed the amount of the special assessments levied and imposed hereunder. The Assessment for any Tax Parcel within the City in employing such an approach also does not exceed the proportional benefits (or corresponding relief of burdens) that such Tax Parcel will receive (or cause) compared to any other Tax Parcel so assessed within the City.

(AA) The Commission hereby finds and determines that the Fire Service Assessments to be imposed in accordance with this Resolution provide a proper and equitable method of funding associated fire protection services and facilities by fairly and reasonably allocating a portion of the cost thereof among specially benefited property.

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**ARTICLE II**  
**NOTICE AND PUBLIC HEARING**

**SECTION 2.01. ESTIMATED FIRE SERVICE ASSESSED COST; RATE OF ASSESSMENT.**

(A) The estimated Fire Service Assessed Cost to be recovered through Fire Service Assessments for the Fiscal Year commencing October 1, 2015 is \$1,098,128.38 (for Tier 1 – relative value of improvement for each Tax Parcel for variable costs) and \$550,875.00 (for Tier 2 – per Tax Parcel for fixed, readiness to serve costs).

(B) The Fire Service Assessments established in this Annual Assessment Resolution are determined by the assessment rates prepared for consideration by the public and City Commission in the preparation of the Fire Service Assessment Roll for the Fiscal Year commencing October 1, 2015.

(C) The rate of Fire Service Assessment is (1) \$2.46 per thousand dollars of improvements, or fraction thereof, for each Tax Parcel as reflected in the Tax Roll (Tier 1), plus (2) \$125.00 per Tax Parcel (Tier 2).

**SECTION 2.02. FIRE SERVICE ASSESSMENT ROLL**

(A) The Assessment Coordinator has prepared a preliminary Fire Service Assessment Roll that contains the following information:

(1) a summary description of each Tax Parcel (conforming to the description contained on the Tax Roll maintained by the Property Appraiser for

the purpose of levying and collecting ad valorem taxes) which is intended to be subject to the Fire Service Assessment;

(2) the name of the owner of record of each Tax Parcel, as shown on the Tax Roll; and

(3) the proposed amount of the total Fire Service Assessment for each affected Tax Parcel for the fiscal year commencing October 1, 2015, exclusive of anticipated costs of collection and administration.

(B) In the event the City also imposes or collects an impact fee upon new growth or development for capital improvements related to fire protection, the special assessments provided for hereunder shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which are otherwise funded by such impact fee.

(C) Copies of the Assessment Ordinance, this Resolution and the preliminary Fire Service Assessment Roll have been made available in the City Clerk's office at City Hall, 201 N. 2<sup>nd</sup> Street, Palatka, Florida, 32177, or have been open to public inspection in a manner consistent with the Assessment Ordinance. The amount of the proposed Assessment for each Tax Parcel has been noticed since July 16, 2015 at or through the City's website and accessible through the internet at [www.palatka-fl.gov/fireassessment](http://www.palatka-fl.gov/fireassessment) and at the City Clerk's office located at City Hall, 201 N. 2<sup>nd</sup> Street, Palatka, Florida.

(D) In the event the Assessment Coordinator makes any corrections, exemptions, administrative hardship deferrals or other modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution or otherwise, all funding for such changes to the Assessment Roll shall be funded by legally available funds other than direct proceeds of the Assessments. Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or any Annual Assessment Resolution.

**SECTION 2.03. NOTICE BY PUBLICATION.** The Commission directed the publication of notice of a public hearing in the manner and time provided in the Assessment Ordinance. Proof of publication of the notice is attached hereto as Appendix A.

**SECTION 2.04. PUBLIC HEARING.** A public hearing was held on August 6, 2015 commencing at or about 6 p.m. in City Hall Commission Chambers, 201 North Second Street, Palatka, Florida 32177, at which time the Commission received and considered information and comments on the Fire Service Assessments from City officials, staff, experts and advisors, as well as the public and affected property owners, and considered imposing Fire Service Assessments and the method of collection thereof as required by the Assessment Ordinance.

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**ARTICLE III  
ASSESSMENTS**

**SECTION 3.01. IMPOSITION THROUGHOUT CITY.** Upon adoption hereof, Fire Service Assessments are to be levied and imposed throughout the entire area within the boundaries of the City and this Resolution shall be deemed to be adopted and confirmed for all purposes.

**SECTION 3.02. IMPOSITION OF ASSESSMENTS.** Fire Service Assessments shall be imposed against Tax Parcels located within the City, the annual amount of which shall be computed for each Tax Parcel in accordance with this Resolution. When imposed, the Fire Service Assessment for each Fiscal Year shall constitute a lien upon Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments as provided in the Assessment Ordinance.

**SECTION 3.03. APPORTIONMENT APPROACH.**

(A) As provided for herein, the Fire Service Assessed Cost shall be apportioned among all Tax Parcels within the City, not otherwise exempted hereunder, and including any statutorily defined parcels such as individual condominium or cooperative units with extraordinary alienability. The estimated Fire Service Assessed Cost and rate of Fire Service Assessment shall be that described in Section 2.01 hereof.

(B) It is hereby ascertained, determined, and declared that the method of determining the Fire Service Assessments as set forth in this Annual Assessment Resolution is a fair and reasonable method of apportioning the Fire Service Assessed Cost among Tax Parcels of Assessed Property located within the City.

(C) The Fire Service Assessment Roll is hereby approved.

**SECTION 3.04. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the City from the Fire Service Assessments, after payment of costs and expenses associated with collection and administration of the Assessments, shall be utilized for the provision of fire protection related services, facilities, and programs associated with maintaining continual readiness to serve. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund costs associated with fire protection related services, facilities, and programs.

**SECTION 3.05. COLLECTION OF ASSESSMENTS; VALIDATION.**

(A) Unless otherwise determined by the Commission, collection of the Fire Service Assessments shall take place pursuant to the traditional direct billing method of collection described in Article III of the Assessment Ordinance.

(B) The amount of the Assessment imposed, levied, and billed to each owner of Assessed Property may include a pro rata share of the costs and expenses associated

with collection and administration of the Assessments, but not to exceed five dollars (\$5.00) per tax parcel.

(C) Capital equipment and facilities are fundamental components to the preparedness necessary to continually stand ready to provide fire protection services, facilities and programs. Following adoption of this Annual Assessment Resolution, but prior to the date on which the Fire Service Assessment Roll is certified for collection, the Assessment Coordinator and counsel for the City are directed and authorized to promptly institute proceedings pursuant to Chapter 75, Florida Statutes, for validation of any Obligations to be secured by the Assessments. Unless directed otherwise by resolution of the City Commission, the further imposition and collection of Assessments as provided herein shall be contingent upon the validation of any such Obligations and the appeal period having expired without an appeal having been taken and/or any appeal having been resolved in favor of the City. Any Obligations issued by the City shall contain a covenant by the City to adopt an Annual Assessment Resolution imposing Assessments for each Fiscal Year until the Obligations have been paid in full.

**SECTION 3.06. DIRECTION CONCERNING ANY EXEMPTION.**

(A) Tax Parcels which are statutorily exempted from the payment of ad valorem taxes are in certain circumstances subject to the Fire Service Assessments contemplated hereunder. Tax Parcels classified or described by the Property Appraiser as institutionally tax exempt, including the following classifications: (1) vacant

institutional, (2) churches & temples, (3) private schools & colleges, (4) privately-owned hospitals, (5) homes for the aged, (6) mortuary, cemetery & crematorium, (7) clubs, lodges & union halls, (8) sanitarium, convalescent & rest home, and (9) cultural organization facilities are all subject to the Fire Service Assessments contemplated hereunder.

(B) Tax parcels comprising Government Property are not subject to the Fire Service Assessments contemplated hereunder. Such Tax Parcels include those classified or described by the Property Appraiser as government-owned, including the following: (1) military, (2) forest, parks, recreational, (3) public county schools, (4) public colleges, (5) public hospitals, (6) other county-owned property, (7) other state-owned property, (8) other federal-owned property, and (9) other municipal-owned property. Provided, however, each such Government Property owner shall be approached by the Mayor, or his designee, and asked to pay as a fee or charge an amount comparable to the Assessment for each such Government Property. Said amount may be invoiced annually, quarterly or monthly in accord with Section 3.04 of the Assessment Ordinance.

(C) The following Tax Parcel classifications are special designations used by the Property Appraiser for recordkeeping purposes and do not represent actual or assessable Tax Parcels and are not subject to the Fire Service Assessments contemplated hereunder: (1) common element, (2) header record, and (3) notes parcel.

(D) Certain Tax Parcels associated with the following classifications used by the Property Appraiser typically do not receive a special benefit from the provision of fire protection services and facilities or are infeasible or impractical to assess, and therefore are not subject to the Fire Service Assessments contemplated hereunder: (1) right-of-way, (2) rivers, lakes & submerged land, (3) sewage disposal & waste lands, and (4) outdoor recreation or parkland.

(E) The foregoing classifications of properties in this Section which are exempted are reasonably determined to be inappropriate, infeasible or impracticable to assess, and either benefit marginally or create a lesser or nominal demand or burden on the City's costs associated with readiness to serve, do not merit the expenditure of public funds to impose or collect the Fire Service Assessments, are tax exempt and/or otherwise generally serve in some respect to promote the public health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants or residents of the City. The Assessment Coordinator, or his designee, is authorized and directed to use sound judgment in extending such determinations and guidance as the Fire Service Assessment Roll is collected. The foregoing classifications of properties not to be assessed do not include Government Property that is leased for private use.

(F) Based upon the foregoing, there are relatively few exempt properties within the City. Using legally available funds other than the proceeds of the Fire Service Assessments, the City shall otherwise fund or contribute an amount equal to the

Fire Service Assessments that would have been otherwise derived from such exempt properties.

(G) Provided, however, the City Commission reserves the right and ability in the future to impose Fire Service Assessments against Tax Parcels determined to be exempt hereunder to the extent permitted by law, upon lack of reasonable cooperation or willingness to pay for a share of the Fire Service Assessment Cost, or otherwise in the event required or directed to do so by a court of competent jurisdiction.

**SECTION 3.07. EFFECT OF ANNUAL ASSESSMENT RESOLUTION.**

The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment and assessment, the rate or rates of assessment, the Assessment Roll, and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Commission's adoption of this Annual Assessment Resolution.

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**ARTICLE IV  
GENERAL PROVISIONS**

**SECTION 4.01. AUTHORIZATIONS.** The Mayor and any member of the City Commission, the City Attorney, the City Manager, the Clerk, the Fire Chief and such other officials, employees or agents of the City as may be designated by the City Commission are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the City that are necessary or desirable in connection with the imposition and collection of the Fire Service Assessments contemplated hereunder, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

**SECTION 4.02. CONFLICTS.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4.03. SEVERABILITY.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

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**SECTION 4.04. EFFECTIVE DATE.** This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

**PASSED and APPROVED** on first reading in regular session of the City Commission of the City of Palatka, Florida, this \_\_\_ day of \_\_\_\_\_ 2015.

**THE CITY OF PALATKA, FLORIDA**

By: \_\_\_\_\_  
Terrill L. Hill, Mayor  
Ex-Officio Chair of the City Commission

ATTEST:

\_\_\_\_\_  
Betsy Driggers, City Clerk

APPROVED AS TO  
CORRECTNESS AND FORM:

By: \_\_\_\_\_  
Donald E. Holmes, City Attorney

## APPENDIX A

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

NOTICE OF PUBLIC HEARING BY TH

Was published in said newspaper 1 time with said being made on the following dates:

07/16/2015

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

Joie Chitwood

Sworn to and subscribed to before me this 16th day of July, 2015 by Joie Chitwood, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

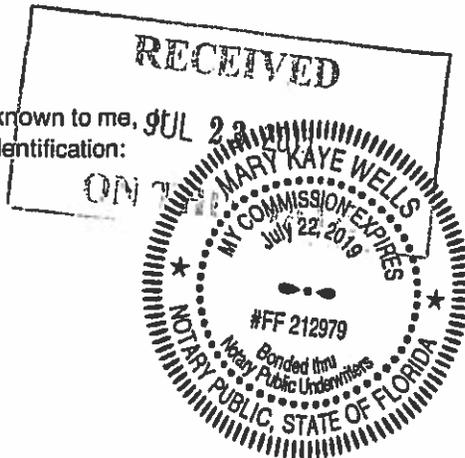
Mary Kay Wells

Mary Kay Wells, Notary Public
My commission expires: July 22, 2019

Notary Seal
Seal of Office:

X
X

Personally known to me,
Produced identification:



PUBLIC NOTICE

NOTICE OF PUBLIC HEARING BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA TO CONSIDER ADOPTION, LEVY, AND IMPOSITION OF CERTAIN SPECIAL ASSESSMENTS AGAINST REAL PROPERTY TO OFFSET COSTS ASSOCIATED WITH THE CONTINUING READINESS TO PROVIDE FIRE PROTECTION...

NOTICE IS HEREBY GIVEN that the City Commission of the City of Palatka, Florida will hold a public hearing at the City Commission Meeting on Thursday, August 6, 2015, at 6:00 p.m., or as soon thereafter as may be heard, at City Hall, 201 N. 2nd Street, Palatka, Florida, for the purpose of hearing interested parties with respect to the following proposed special assessments...

The City of Palatka (the City) is in the process of establishing a dedicated funding source for the provision of fire protection services and facilities through the imposition of non-ad valorem assessments, sometimes referred to as special assessments, against certain improved and vacant real property located within the City limits. The special assessments, if approved by the City Commission, will be allocated among assessable tax parcels according to a two-tiered methodology pursuant to which a portion of the costs attributable to the City's continual readiness to provide fire protection services to be shared equally among all tax parcels on a per-parcel basis (Tier 2), and a portion of the remaining costs of service availability will be shared in accordance with the relative value of improvements for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City (Tier 1).

All affected property owners have the right to appear at the public hearing and to file written comments and objections with the City Commission within 20 days of publication of this Notice. Written comments and objections should be sent to the City of Palatka City Hall, 201 N. 2nd Street, Palatka, FL 32177, Attn: Betsy Driggers, City Clerk.

The contemplated special assessment offers a reasoned approach for sharing and apportionment premised upon two distinct tiers or classes of assessment allocations: Tier 1 - a sharing of benefits, burdens, and costs for fire protection services and facilities based upon the relative value of improvements for each tax parcel in the City as compared to the value of improvements for all tax parcels in the City; and, Tier 2 - a sharing of benefits, burdens, and costs for fire protection services and facilities through a per tax parcel allocation premised upon the annual budgetary necessity of maintaining a continual state of preparedness and readiness to serve. Each tax parcel within the City is uniquely identified by the county property appraiser using a parcel identification number. A more detailed description of the calculations and the reasoned method of computing and apportioning the assessment for each tax parcel of property and the preliminary fire service assessment roll are available online at www.palatka-fl.gov/fireassessment or at the City Clerk's Office located at City Hall, 201 N. 2nd Street, Palatka, FL 32177. Please take the opportunity to review the additional information available online: www.palatka-fl.gov

The special assessment will fund, in part, the costs associated with providing fire protection services and facilities each year beginning with the fiscal year 2015-16. The remainder of the fire protection budget will be funded with other legally available revenues of the City. The combination of funding sources offers a significant tax equity tool which will reduce dependence on property taxes alone as the sole source of funding for fire protection services, reduce the demand on the City's other legally available funds, and is intended to achieve a more equitable, balanced, sustainable and dedicated means of funding the City Fire Department's services over time. By this approach the Commission is asking the owners of all property within the City, which enjoys the value and benefit of the assemblage of fire protection-related essential services and facilities, to contribute and, in part, participate in paying for the continual availability of fire protection service and facilities in our community.

The special assessment is an annual assessment which will continue from year to year. For the upcoming fiscal year, any assessment will be billed directly by the City to the property owner at the address shown on the records maintained by the county tax collector. In future fiscal years, the assessment will likely be collected pursuant to the tax bill collection method as authorized by Section 197.3832, Florida Statutes, in which case the annual assessment will include fees imposed by the county property appraiser and tax collector and will be adjusted as necessary to account for any statutory discounts which are necessitated when employing the efficiencies of collecting the assessments annually on the same bill as property taxes.

If approved by the City Commission after the conclusion of the public hearing, the special assessment for each tax parcel will not exceed the sum of (i) \$2.46 per \$1,000 of the value of improvements attributed to the tax parcel by the county property appraiser (Tier 1) plus (ii) \$125.00 per tax parcel (Tier 2) together with (iii) a share of administration and collections costs associated with the annual assessment.

The dollar amount of the proposed special assessment attributable to each tax parcel can be viewed and is available online at www.palatka-fl.gov/fireassessment or at the City Clerk's Office located at City Hall, 201 N. 2nd Street, Palatka, FL 32177. Please take the opportunity to review the additional information available online: www.palatka-fl.gov

This Notice is intended to inform all constituents about the City's efforts to effectively budget and use its legally available resources to meet its service obligations. Reduced costs, be efficient and contribute to provide a reasonable level of service. The City's Fire Department is always ready to protect the lives and property of the community through emergency response, fire suppression and associated emergency response services. This special assessment provides a supplemental and dedicated means to accomplish these responsibilities and will serve as an additional and equitable means to address the overall management and budgeting responsibilities of the City Commission.

Pursuant to Section 288.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person may need to ensure a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Persons with a disability, such as vision, hearing, or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or other board or committee meetings, should contact the City Clerk in writing, or may call (386) 329-0100 for information regarding available aids and services.

BETSY DRIGGERS
CITY CLERK
City of Palatka, Florida

*Agenda  
Item*

*5c*

**RESOLUTION NO. 2015-11-59**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA AUTHORIZING THE ISSUANCE OF ITS FIRE SERVICE ASSESSMENT REVENUE NOTE, SERIES 2015, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$45,950.69 TO FUND THE ACQUISITION AND/OR CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS AND EQUIPMENT OF THE CITY; PROVIDING THAT THE SERIES 2015 NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE SOLELY FROM CERTAIN SPECIAL ASSESSMENTS AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS AND REMEDIES FOR THE OWNER OF THE SERIES 2015 NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA:**

**SECTION 1. AUTHORITY.** This Resolution is adopted pursuant to the provisions of Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the City of Palatka, Florida, the Assessment Ordinance, the Assessment Resolution, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment Resolution, unless the context herein otherwise requires. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. The following words and phrases shall have the following meanings when used herein:

"**Act**" means Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the Issuer, the Assessment Ordinance and other applicable provisions of law.

"**Additional Notes**" means additional obligations issued in compliance with the terms, conditions and limitations contained in Section 13 hereof which will have an equal lien on the Pledged Revenues, to the extent herein provided and rank equally in all other respects with the Series 2015 Note and other Additional Notes issued hereunder.

"**Annual Debt Service Requirement**" means the principal and interest on the Notes coming due in the forthcoming Fiscal Year.

"**Assessment Ordinance**" means Ordinance No. 15-14 adopted by the Issuer prior to the adoption of the Assessment Resolution.

"**Assessment Resolution**" means Resolution No. 2015-11-58 adopted by the Issuer prior to the adoption of this Resolution.

"**Business Day**" means any day except any Saturday or Sunday or day on which the principal office of the Owner of a Note is closed.

"**City Attorney**" means the City Attorney, or any special counsel to the Issuer, or such other counsel as may be duly authorized by the City Commission to act on its behalf.

**"Clerk"** means the City Clerk or assistant or deputy City Clerk of the Issuer, or such other Person as may be duly authorized by the City Commission of the Issuer to act on his or her behalf.

**"Code"** means the Internal Revenue Code of 1986, as amended, and any Treasury Regulations, whether temporary, proposed or final, promulgated thereunder or applicable thereto.

**"Debt Service Fund"** means the Debt Service Fund established herein with respect to the Series 2015 Note.

**"Fire Service Assessments"** means the special assessments, sometimes referred to as non-ad valorem assessments, imposed and collected by the Issuer pursuant to the Assessment Ordinance and any assessment resolution provided for therein.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the following September 30, or such other period as may be prescribed by law as the Fiscal Year for the Issuer.

**"Issuer"** means the City of Palatka, Florida, a municipal corporation of the State of Florida

**"Mayor"** means the Mayor of the Issuer or in his or her absence or inability to act, the Vice Mayor of the Issuer or such other Person as may be duly authorized by the City Commission to act on his or her behalf.

**"Notes"** means the Series 2015 Note and any outstanding Additional Notes.

**"Owner"** means the Person in whose name a Series 2015 Note shall be registered on the books of the Issuer kept for that purpose in accordance with provisions of this Resolution.

**"Original Purchaser"** means the original purchaser of the Series 2015 Note.

**"Person"** means natural persons, firms, trusts, estates, associations, corporations, partnerships and public bodies.

**"Pledged Revenues"** means (i) the Fire Service Assessments; (2) the monies on deposit in the Debt Service Fund and the Project Fund established herein, and investment earnings on moneys in deposit in such funds.

**"Project"** means the acquisition and/or construction of capital improvements and equipment for the Issuer's fire protection services including, without limitation, the construction of fire stations and the acquisition of equipment necessary for the suppression of and from fires (including, but not limited to, fire engines or trucks) permitted to be funded with the proceeds of any Notes pursuant to the laws of the State.

**"Project Fund"** means the Project Fund to be established pursuant to Section 10 hereof with respect to the Series 2015 Note.

**"Resolution"** means this Resolution, pursuant to which the Series 2015 Note is authorized to be issued, including any Supplemental Resolutions.

"**Series 2015 Note**" means the Issuer's Fire Service Assessment Revenue Note, Series 2015, authorized by Section 4 hereof.

"**State**" means the State of Florida.

"**Supplemental Resolution**" means any resolution of the Issuer amending, supplementing or restating this Resolution.

### **SECTION 3. FINDINGS.**

(A) For the benefit of its inhabitants and property owners, and in order to maintain a continual state of preparedness to address fire incidents, the City Commission finds, determines and declares that it is necessary for the continued preservation of the health, welfare, convenience and safety of its inhabitants and in the best interests of the property owners within the jurisdiction of the Issuer to acquire and/or construct the Project. Issuance of the Series 2015 Note to finance the Project satisfies a paramount public purpose.

(B) Debt service on the Notes will be payable from a pledge of the Pledged Revenues as provided herein. The Pledged Revenues will be sufficient to pay the principal and interest on the Series 2015 Note herein authorized, as the same become due, and to make all deposits required by this Resolution.

(C) The Issuer shall never be required to exercise any ad valorem taxing power or use any ad valorem tax revenues to pay such Series 2015 Note, nor shall any Owner be entitled to payment of such Series 2015 Note from any funds of the Issuer

except from the Pledged Revenues as described herein. The Series 2015 Note shall not constitute a lien upon any properties owned or located within the boundaries of the Issuer or upon any property other than the Pledged Revenues.

**SECTION 4. AUTHORIZATION OF PROJECT AND SERIES 2015 NOTE;  
THIS RESOLUTION TO CONSTITUTE CONTRACT.**

(A) The Issuer does hereby authorize the Project. Subject and pursuant to the provisions of this Resolution, an Obligation of the Issuer to be known as City of Palatka, Florida, Fire Service Assessment Revenue Note, Series 2015 (the "Series 2015 Note") is hereby authorized to be issued under and secured by the Pledged Revenues pursuant to this Resolution, in the principal amount of not to exceed \$45,950.69 for the Project. Notwithstanding anything herein to the contrary, the series designation applicable to the Series 2015 Note may be changed to conform to the calendar year of issue.

(B) In consideration of the acceptance of any Notes authorized to be issued hereunder by those who shall hold the same from time to time, this Resolution shall be deemed to be and shall constitute a contract between the Issuer and the Owner. The covenants and agreements herein set forth to be performed by the Issuer shall be for the equal benefit, protection and security of the legal Owner of any and all of the Notes, all of which shall be of equal rank and without preference, priority or distinction of any of the Notes over any other thereof, except as expressly provided therein and herein.

**SECTION 5. DESCRIPTION OF NOTES; EXECUTION OF NOTES.** The Notes shall be dated the date of their respective execution and delivery, which shall be a date agreed upon by the Issuer and the Original Purchaser. The Notes constitute Obligations of the Issuer and may, if and when authorized by the Issuer pursuant to this Resolution and any Supplemental Resolution, be issued in one or more Series, with such further appropriate particular designations added to or incorporated in such title for the Notes of any particular series as the Issuer may determine. The Notes shall bear interest at such rate or rates not exceeding the maximum rate permitted by law as provided in the Supplemental Resolution; and shall be payable and/or prepayable in lawful money of the United States of America on such dates all as determined herein or by Supplemental Resolution. The Notes may bear interest at fixed or variable rates and may be issued as current interest notes, capital appreciation notes, lease purchase obligations subject to annual appropriation or other legal structures as approved by Supplemental Resolution. The Notes shall be in the form set forth by Supplemental Resolution.

**SECTION 6. REGISTRATION AND EXCHANGE OF PERSONS TREATED AS OWNER.** The Person in whose name the Notes shall be registered shall be deemed and regarded as the absolute Owner and payment of principal and interest on such Note shall be made only to or upon the written order of the Owner. All such

payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

**SECTION 7. PAYMENT OF PRINCIPAL AND INTEREST; LIMITED OBLIGATION.** The Issuer promises that it will promptly pay the principal of and interest on the Notes at the place, on the dates and in the manner provided herein and by Supplemental Resolution according to the true intent and meaning hereof and thereof. The Notes shall not be or constitute a general obligation or indebtedness of the Issuer as a “bond” within the meaning of Article VII, Section 12 of the Constitution of Florida, but shall be payable solely from the Pledged Revenues in accordance with the terms hereof. No holder of any Note issued hereunder shall ever have the right to compel the exercise of any ad valorem taxing power or the use of ad valorem tax revenues to pay such Notes, or be entitled to payment of such Notes from any funds of the Issuer except from the Pledged Revenues as described herein.

**SECTION 8. DEBT SERVICE FUND.**

(A) The Issuer hereby covenants that it will establish with a depository in the State of Florida, which is eligible under the laws of the State of Florida to receive municipal funds, a fund to be known as the “City of Palatka, Florida, Fire Service Assessment Revenue Note, Series 2015 Debt Service Fund” (the “Debt Service Fund”).

(B) Upon receipt, the Issuer shall deposit all proceeds of the Fire Service Assessments, after payment of any collection costs and administration costs associated

therewith (whether collected by use of the Tax Collector, Property Appraiser, or otherwise), into the Debt Service Fund until such time as moneys sufficient to pay the Annual Debt Service Requirement for the then current Fiscal Year are on deposit therein.

(C) Upon deposit of an amount equal to the Annual Debt Service Requirement in any Fiscal Year, no further deposits shall be made into the Debt Service Fund and the remaining Fire Service Assessments shall be transferred to the general fund or other appropriate fund of the Issuer and shall be used for any lawful purpose and shall no longer be considered Pledged Revenues hereunder.

(D) Moneys on deposit in the Debt Service Fund shall be used solely to pay the principal of and interest on the Notes as it becomes due.

**SECTION 9. PLEDGE AND COLLECTION OF PLEDGED REVENUES.**

(A) The principal of and interest on the Notes will be secured solely by a lien upon and pledge of the Pledged Revenues.

(B) Equally and ratably, the Issuer does hereby irrevocably pledge and grant a lien on the Pledged Revenues, prior and superior to all other liens and encumbrances on such Pledged Revenues, to the payment of principal of and interest on the Notes in accordance with the provisions hereof. The Pledged Revenues shall immediately be subject to the lien of this pledge without any physical delivery thereof or further act, and the lien of this pledge shall be valid and binding as against all parties having

claims of any kind in tort, contract or otherwise against the Issuer, irrespective of whether such parties have notice thereof.

(C) The Issuer covenants to do all things necessary on its part to collect the Fire Service Assessments, and will take all steps, actions and proceedings for the enforcement and collection of such Fire Service Assessments as shall become delinquent to the full extent permitted or authorized by law; and will maintain accurate records with respect thereof. All such Fire Service Assessments, as collected, be held in trust to be applied as herein provided. The Issuer will not amend or modify the resolutions pursuant to which the Fire Service Assessments are assessed so as to impair or adversely affect the power and obligation of the Issuer to assess such Pledged Revenues.

(D) The Issuer shall annually and timely adopt an assessment resolution as required and necessary for imposing Fire Service Assessments for each Fiscal Year in an amount sufficient to satisfy the Annual Debt Service Requirement until the Notes have been paid in full.

**SECTION 10. APPLICATION OF PROCEEDS OF SERIES 2015 NOTE;  
PROJECT FUND.**

(A) At the time of delivery of the Series 2015 Note, proceeds from the sale of the Series 2015 Note shall be used to reimburse and/or pay the Project Costs and

associated costs of issuance (including, but not limited to, legal and financial advisory fees and expenses) in accordance with the provisions in this Section.

(B) The Issuer hereby covenants that it will establish with a depository in the State of Florida, which is eligible under the laws of the State of Florida to receive municipal funds, one fund to be known as the “City of Palatka, Florida, Fire Service Assessment Revenue Note, Series 2015, Project Fund” (the “Project Fund”).

(C) Proceeds from the sale of the Series 2015 Note herein authorized shall be deposited into the Project Fund and shall be used as described herein. When the acquisition and/or construction of the Project has been completed and all Project Costs and costs of issuance have been paid in full, all funds remaining in the Project Fund shall be used to prepay the outstanding balance of the Series 2015 Note corresponding to the Project and the Project Fund shall be closed. All moneys deposited in said Project Fund shall be and constitute a trust fund created for the purposes herein stated, and there is hereby created a lien upon such fund in favor of the holders of the Series 2015 Note until the moneys thereof shall have been applied in accordance with this Resolution.

(D) Moneys on deposit from time to time in the Project Fund shall be used to pay or reimburse the following Project Costs:

(1) Costs incurred directly or indirectly for or in connection with a Project or a proposed or future Project or acquisition including, but not limited

to, those for preliminary planning and studies, architectural, construction management services, legal, financial, engineering and supervisory services, labor, services, materials, equipment, accounts receivable, acquisitions, land, rights-of-way, improvements and installation;

(2) Premiums attributable to all insurance required to be taken out and maintained during the period of construction with respect to a Project to be acquired or constructed, the premium on each surety bond, if any, required with respect to work on such facilities, and taxes, assessments and other charges hereof that may become payable during the period of construction with respect to such a Project;

(3) Costs incurred directly or indirectly in seeking to enforce any remedy against a contractor or subcontractor in respect of any default under a contract relating to a Project or costs incurred directly or indirectly in defending any claim by a contractor or subcontractor with respect to a Project;

(4) Financial, legal, accounting, appraisals, title evidence and printing and engraving fees, charges and expenses, and all other such fees, charges and expenses incurred in connection with the authorization, sale, issuance and delivery of such Notes;

(5) Capitalized interest funded from Note proceeds, if any, for a reasonable period of time;

(6) Any other incidental and necessary costs including without limitation any expenses, fees and charges relating to the acquisition, construction or installation of a Project, and the making of extraordinary repairs, renewals and replacements, decommissioning or retirement of any portion of the Project, including the cost of temporary employees of the Issuer retained to carry out duties in connection with the acquisition, construction or erection of a Project and costs related to transition of such Project into ownership by the Issuer;

(7) Costs incurred directly or indirectly in placing any Project in operation in order that completion of such Project may occur;

(8) Any other costs relating to the Project authorized pursuant to a Supplemental Resolution of the Issuer and permitted under the laws of the State; and

(9) Reimbursements to the Issuer for any of the above items hereinbefore paid by or on behalf of the Issuer.

(E) Notwithstanding anything else in this Resolution to the contrary, in the Event of Default, the trustee acting for the holders of Notes shall, to the extent there are no other available funds held hereunder, use the remaining funds the Project Fund to pay principal and interest on the Notes.

**SECTION 11. SPECIAL FUNDS.**

(A) The funds created and established by this Resolution shall constitute trust funds for the purpose provided herein for such funds. All of such funds shall be continuously secured in the same manner as municipal deposits of funds are required to be secured by the laws of the State of Florida. Moneys on deposit to the credit of all funds created hereunder may be invested pursuant to applicable law and the Issuer's investment policy and, shall mature not later than the dates on which such moneys shall be needed to make payments in the manner herein provided. The securities so purchased as an investment of funds shall be deemed at all times to be a part of the fund from which the said investment was withdrawn, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund, and any loss resulting from such investment shall likewise be charged to said fund.

(B) The moneys required to be accounted for in each of the foregoing funds and accounts established herein may be deposited in a single bank account, and funds allocated to the various funds and accounts established herein may be invested in a common investment pool, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the moneys on deposit therein and such investments for the various purposes of such funds and accounts as herein provided.

(C) The designation and establishment of the various funds and accounts in and by this Resolution shall not be construed to require the establishment of any

completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of certain revenues for certain purposes and to establish certain priorities for application of such revenues as herein provided.

**SECTION 12. TAX COVENANT.** The Issuer covenants to the Owner of the Notes provided for in this Resolution that the Issuer will not make any use of the proceeds of the Notes at any time during the term of the Notes which, if such use had been reasonably expected on the date the Note was issued, would have caused such Note to be an “arbitrage bond” within the meaning of the Code. The Issuer will comply with the requirements of the Code and any valid and applicable rules and regulations promulgated thereunder necessary to ensure the exclusion of interest on the Note from the gross income of the holders thereof for purposes of federal income taxation.

**SECTION 13. ADDITIONAL NOTES.**

(A) The Issuer will not issue any Obligations payable from the Fire Service Assessments or voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of any Note issued pursuant to this Resolution upon the Pledged Revenues except under the terms and conditions and in the manner provided herein. Any Obligations issued by the Issuer other than in accordance with this Section and payable from the Fire Service Assessments shall contain an express statement that such

Obligations are junior and subordinate in all respects to the Notes issued hereunder as to lien on, and source of and security for payment from, the Pledged Revenues.

(B) No Additional Notes may be issued hereunder unless the Mayor shall sign and issue a certificate that shall state and certify that the Fire Service Assessments for the most recently audited Fiscal Year of the Issuer preceding the issuance of Additional Notes equaled at least one (1) times the maximum Annual Debt Service Requirement for Notes then outstanding and on the Additional Notes proposed to be issued.

(C) Each Resolution or enabling instrument authorizing the issuance of such Additional Notes will recite that all of the covenants herein contained will be fully applicable to such Additional Notes as if originally issued hereunder.

**SECTION 14. LIMITATION OF RIGHTS.** With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Notes is intended or shall be construed to give to any Person other than the Issuer and the Owner any legal or equitable right, remedy or claim under or with respect to this Resolution or any covenants, conditions and provisions herein contained; this Resolution and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the Issuer and the Owner.

**SECTION 15. AMENDMENT; IMPAIRMENT OF CONTRACT.** This Resolution shall not be modified or amended in any respect subsequent to the issuance of the Notes except with the written consent of the Owner of the Note. The Issuer covenants with the Owner of the Note that it will not, without the written consent of the Owner of the Note adopt any resolution which repeals, impairs or amends in any manner adverse to the Owner the rights granted to the Owner of the Note hereunder.

**SECTION 16. EVENTS OF DEFAULT; REMEDIES OF OWNER.**

(A) The following shall constitute "Events of Default": (i) if the Issuer fails to pay any payment of principal of or interest on any Note as the same becomes due and payable; (ii) if the Issuer defaults in the performance or observance of any covenant or agreement contained in this Resolution or the Note (other than set forth in (i) above) and fails to cure the same within thirty (30) days after written notice to the Issuer by the Owner; or (iii) filing of a petition by or against the Issuer relating to bankruptcy, reorganization, arrangement or readjustment of debt of the Issuer or for any other relief relating to the Issuer under the United States Bankruptcy Code, as amended, or any other insolvency act or law now or hereafter existing, or the involuntary appointment of a receiver or trustee for the Issuer, and the continuance of any such event for 90 days undismissed or undischarged.

(B) Any Owner of the Note may either at law or in equity, by suit, action, mandamus or other proceedings in any court of competent jurisdiction, protect and

enforce any and all rights, including the right to the appointment of a receiver, existing under the Laws of the State of Florida, or granted and contained in this Resolution, and may enforce and compel the performance of all duties required by this Resolution or by any applicable State or Federal statutes to be performed by the Issuer or by any officer thereof. Nothing herein, however, shall be construed to grant to any Owner of the Note any lien on any real property of the Issuer.

**SECTION 17. SEVERABILITY.** If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

**SECTION 18. APPLICABLE PROVISIONS OF LAW.** This Resolution shall be governed by and construed in accordance with the laws of the State.

**SECTION 19. MEMBERS OF THE CITY COMMISSION OF THE ISSUER EXEMPT FROM PERSONAL LIABILITY.** No recourse under or upon any obligation, covenant or agreement of this Resolution or the Notes or for any claim based thereon or otherwise in respect thereof, shall be had against any member of the City Commission of the Issuer, as such, past, present or future, either directly or through the Issuer it being expressly understood (1) that no personal liability whatsoever shall attach to, or is or shall be incurred by, the members of the City Commission of the

Issuer, as such, under or by reason of the obligations, covenants or agreements contained in this Resolution or implied therefrom, and (2) that any and all such personal liability, either at common law or in equity or by constitution or statute, of, and any and all such rights and claims against, every such member of the City Commission of the Issuer, as such, are waived and released as a condition of, and as a consideration for, the execution of this Resolution and the issuance of the Notes, on the part of the Issuer.

**SECTION 20. AUTHORIZATIONS.** The Mayor and any member of the City Commission, the City Manager, the City Attorney, the Clerk and such other officials, employees and agents of the Issuer as may be designated by the Issuer are each designated as agents of the Issuer in connection with the issuance and delivery of the Series 2015 Note and are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the Issuer that are necessary or desirable in connection with the execution and delivery of the Series 2015 Note, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

**SECTION 21. SALE OF NOTES.** The Notes may be issued and sold at public or private sale at one time or in installments from time to time and at such price or prices as shall be consistent with the provisions of the requirements of this

Resolution, as further approved by a Supplemental Resolution and other applicable provisions of law.

**SECTION 22. VALIDATION.** The City Attorney and any special counsel authorized by the Commission are hereby directed and authorized to institute appropriate proceedings for the validation pursuant to Chapter 75, Florida Statutes, of the Series 2015 Note and any and all matters connected therewith or other proceedings necessary for the Issuer to determine its authority to issue the Series 2015 Note, construct and/or acquire the Project, including the validity and use of the Pledged Revenues in all respects, and the proper officers of the Issuer are hereby authorized to verify on behalf of the Issuer any pleadings in such proceedings.

**SECTION 23. DECLARATION OF INTENT.** The Issuer hereby expresses its intention to be reimbursed from proceeds of a future tax-exempt financing for expenditures to be paid by the Issuer in connection with the Project. Pending reimbursement, the Issuer has used or may use funds on deposit in its general fund to pay Project Costs. It is reasonably expected that the total amount of debt to be incurred by the Issuer with respect to the Project will not exceed \$45,950.69. This Resolution is intended to constitute a “declaration of official intent” within the meaning of Section 1.150-2 of the Code with respect to the Project.

**SECTION 24. REPEALER.** All resolutions or parts thereof in conflict herewith are hereby repealed.

**SECTION 25. EFFECTIVE DATE.** This Resolution shall be in force and take effect immediately upon its passage and adoption by the City Commission.

**PASSED and APPROVED** in regular session of the City Commission of the City of Palatka, Florida, this \_\_\_ day of \_\_\_\_\_ 2015.

**THE CITY OF PALATKA, FLORIDA**

By: \_\_\_\_\_  
Terrill L. Hill, Mayor  
Ex-Officio Chair of the City Commission

ATTEST:

\_\_\_\_\_  
Betsy Driggers, City Clerk

APPROVED AS TO  
CORRECTNESS AND FORM:

By: \_\_\_\_\_  
Donald E. Holmes, City Attorney

*Agenda  
Item*

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## CITY COMMISSION AGENDA ITEM

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### **SUBJECT:**

**PUBLIC HEARING** - Buildings and grounds bounded by Crill Ave/Osceola/Kirby St. - Planning Board Recommendation to amend the Comprehensive Plan Future Land Use Map (FLUM) designation from RH (Residential High) to PB (Public Buildings) and to rezone from R-3 (Residential Multi-Family) to PBG-1 (Public Buildings & Grounds) - City of Palatka; Bert Hodge Post 45 American Legion, Inc.; Lions Club of Palatka, Inc.; and Catholic Diocese of St. Augustine owners/applicants.

\*a. **FUTURE LAND USE AMENDMENT ORDINANCE** - Adopt

\*b. **REZONING ORDINANCE** - Adopt

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### **SUMMARY:**

This change is a housekeeping measure to better match future land use and zoning to existing use. The effort was initiated by the Lions Club when they checked with B&Z to determine if they could rent their hall out to a church. For some reason this and other properties around it were placed in high-density residential Future Land Use Map and zoning. The R-3 zoning in particular allowed churches, but did not allow the principal use of clubs & lodges as a use by right (this use requires conditional use approval). Since the club was a nonconforming use, it could not expand or intensify activities, including renting the hall out to a church. The residential zoning includes the Lions, American Legion, the city-owned ravine behind these buildings, and the Catholic cemetery.

Staff found that the Public Buildings Future Land Use Map category and PB-1 (Public Buildings & Grounds) were best suited for the lodges, city-owned property, and cemetery. Lodges are utilized for public assembly and fill a quasi-public role, therefore this zoning is appropriate as it allows a wide range of public/quasi-public uses by right (however it does not allow lodges, which prompted the Lions Club to advance a companion amendment that makes lodges a permissible use in this zoning district). Furthermore this area is well-suited for the public/quasi-public use as this location is not adjacent to residential uses and the allowable uses would not negatively impact surrounding properties. Staff presented this as an administrative amendment and the Lions Club applied for the companion amendment.

Two side notes - first by statute, the Future Land Use Map amendment can be adopted in a single hearing; and second the Staff Report incorrectly states that the City owns the property actually owned by the Lions Club & American Legion.

This is second reading for adoption on the Rezoning ordinance. It was passed on first reading on July 23, 2015.

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### **RECOMMENDED ACTION:**

Adopt ordinances amending the Future Land Use Map designation from RH (Residential High) to PB (Public Buildings) for properties bounded by Crill Ave., Morris St., Kirby St., & Osceola St., and also the Catholic Cemetery located at the northwest corner of Kirby & Osceola Streets; and rezoning these properties from R-3 (Multi-Family Residential) to PBG-1 (Public Buildings & Grounds).

This This instrument prepared by:  
Thad Crowe, AICP  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THE FOLLOWING PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE): FROM RH (RESIDENTIAL HIGH) TO PB (PUBLIC BUILDINGS) FOR PROPERTIES BOUNDED BY CRILL AVENUE, MORRIS STREET, KIRBY STREET, AND OSCEOLA STREET, AND ALSO THE CATHOLIC CEMETERY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF KIRBY AND OSCEOLA STREETS (SECTION 42, TOWNSHIP 10 SOUTH, RANGE 27 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said properties: City of Palatka, Bert Hodge Post 45 American Legion, Inc., Lions Club of Palatka, Inc., and Diocese of Saint Augustine for certain amendment to the Comprehensive Plan Future Land Use Map of the City of Palatka, Florida, and

**WHEREAS**, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

**WHEREAS**, Section 163.3187(1(b), Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 120 acres by small scale amendments annually, and

**WHEREAS**, Section 163.3187(2), Florida Statutes, as amended, provides that small scale development amendments require only one public hearing before the governing board, which shall be an adoption hearing, and

**WHEREAS**, the Planning Board conducted a public hearing on February 2, 2015 and recommended approval of this amendment to the

City Commission, and

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

Section 1. Adopted Small Scale Amendment

That the Future Land Use Map of the adopted Comprehensive Plan of the City of Palatka is hereby amended to provide that the Future Land Use of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes.

**TABLE 1  
ADOPTED SMALL SCALE AMENDMENT**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current Future Land Use</u>	<u>Amended Future Land Use</u>
1. 42-10-27-6850-1460-0083	2.53	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 BLK 146 ALL OF BLK (EX DIV A OF LOT 8 BK243 29 OR34 P432 OR171 P495)	
2. 42-10-27-6850-1460-0081	0.12	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 BLK 146 DIV A OF LOT 8	
3. 42-10-27-6850-1460-0040	0.53	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 PT OF BLK 146 BK243 P29	
4. 42-10-27-6850-1460-0050	0.49	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 BLK 146 PT OF BLK OR34 0432 OR 171 P495 PT OF LOTS 5 & 6	
5. 42-10-27-6850-1470-0001	1.73	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 PT OF BLK 147 BK I P165 (ST MONICAS CEMETERY SLY & ADJ TO WESTVIEW CEMETERY)	

**Section 2. Effect on the Comprehensive Plan**

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 3. Severability**

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

**Section 4. Effective date**

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 6<sup>th</sup> day of August, 2015.

**CITY OF PALATKA**

By: \_\_\_\_\_  
Its Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

This instrument prepared by:  
Thad Crowe, AICP  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM R-3 (RESIDENTIAL MULTI-FAMILY) TO PBG-1 (PUBLIC BUILDINGS AND GROUNDS) FOR PROPERTIES BOUNDED BY CRILL AVENUE, MORRIS STREET, KIRBY STREET, AND OSCEOLA STREET, AND ALSO THE CATHOLIC CEMETERY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF KIRBY AND OSCEOLA STREETS (SECTION 42, TOWNSHIP 10 SOUTH, RANGE 27 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said properties: City of Palatka, Bert Hodge Post 45 American Legion, Inc., Lions Club of Palatka, Inc., and Diocese of Saint Augustine for certain amendments to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on February 3, 2015, and two public hearings before the City Commission of the City of Palatka on July 23, 2015 and August 6, 2015, and

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

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

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

1. DICKS MAP OF PALATKA MB2 P46 BLK 146 ALL OF BLK (EX DIV A OF LOT 8 BK243 29 OR34 P432 OR171 P495), (being undeveloped

- property including most of Block 146) / tax parcel # 42-10-27-6850-1460-0083);
2. DICKS MAP OF PALATKA MB2 P46 BLK 146 DIV A OF LOT 8 (being undeveloped property at the northwest corner of Kirby and Morris Streets) / tax parcel # 42-10-27-6850-1460-0081)
  3. DICKS MAP OF PALATKA MB2 P46 PT OF BLK 146 BK243 P29 (being 316 Osceola Street) / tax parcel # 42-10-27-6850-1460-0040)
  4. DICKS MAP OF PALATKA MB2 P46 BLK 146 PT OF BLK OR34 0432 OR 171 P495 PT OF LOTS 5 & 6 (being 318 Osceola Street) / tax parcel # 42-10-27-6850-1460-0050)
  5. DICKS MAP OF PALATKA MB2 P46 PT OF BLK 147 BK I P165 (ST MONICAS CEMETERY SLY & ADJ TO WESTVIEW CEMETERY) (being 321 Osceola Street) / tax parcel # 42-10-27-6850-1470-0001)

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

**Section 3.** This Ordinance shall become effective immediately upon its final passage by the City Commission.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 6<sup>th</sup> day of August, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

This instrument prepared by:  
Thad Crowe, AICP  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

ORDINANCE NO. 15 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THE FOLLOWING PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE): FROM RH (RESIDENTIAL HIGH) TO PB (PUBLIC BUILDINGS) FOR PROPERTIES BOUNDED BY CRILL AVENUE, MORRIS STREET, KIRBY STREET, AND OSCEOLA STREET, AND ALSO THE CATHOLIC CEMETERY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF KIRBY AND OSCEOLA STREETS (SECTION 42, TOWNSHIP 10 SOUTH, RANGE 27 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said properties: City of Palatka, Bert Hodge Post 45 American Legion, Inc., Lions Club of Palatka, Inc., and Diocese of Saint Augustine for certain amendment to the Comprehensive Plan Future Land Use Map of the City of Palatka, Florida, and

**WHEREAS**, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

**WHEREAS**, Section 163.3187(1)(b), Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 120 acres by small scale amendments annually, and

**WHEREAS**, Section 163.3187(2), Florida Statutes, as amended, provides that small scale development amendments require only one public hearing before the governing board, which shall be an adoption hearing, and

**WHEREAS**, the Planning Board conducted a public hearing on February 2, 2015 and recommended approval of this amendment to the

City Commission, and

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

Section 1. Adopted Small Scale Amendment

That the Future Land Use Map of the adopted Comprehensive Plan of the City of Palatka is hereby amended to provide that the Future Land Use of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes.

**TABLE 1  
ADOPTED SMALL SCALE AMENDMENT**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current Future Land Use</u>	<u>Amended Future Land Use</u>
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DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 BLK 146 DIV A OF LOT 8	
3. 42-10-27-6850-1460-0040	0.53	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 PT OF BLK 146 BK243 P29	
4. 42-10-27-6850-1460-0050	0.49	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 BLK 146 PT OF BLK OR34 0432 OR 171 P495 PT OF LOTS 5 & 6	
5. 42-10-27-6850-1470-0001	1.73	RH (Residential High)	PB (Public Buildings & Grounds)
DESCRIPTION OF PROPERTY:		DICKS MAP OF PALATKA MB2 P46 PT OF BLK 147 BK I P165 (ST MONICAS CEMETERY SLY & ADJ TO WESTVIEW CEMETERY)	

**Section 2. Effect on the Comprehensive Plan**

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 3. Severability**

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

**Section 4. Effective date**

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 28<sup>th</sup> day of May, 2015.

**CITY OF PALATKA**

**By:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

river to more of a linear pattern along St. Johns Ave. It should also be noted that the owner has made considerable progress in sensitive interior demolition and securing of the structures, except for the Snow Building (107-109 N. 2<sup>nd</sup> St) which only now has the front façade remaining due to structural failure. The developer intends to use this latter property as a type of urban plaza where people can pass through and there can be mini markets and public type activates associated with that development. He added that our regulations for historic districts do not govern interiors, the only thing the Historic Preservation Board would look at should this building be reconstructed only the exterior alterations and elevations. Staff supports this nomination as an effort that is separate and distinct from a downtown historic district.

Mr. Sheffield asked if the owner would be restricted from rebuilding the Snow Building if it were designated locally. Mr. Crowe replied that no, the owner would be able to rebuild and the regulations do not govern interior work.

Mr. Douglas asked if there are any contingencies such as a reverter clause in the agreement if the property were to come back to the city. Mr. Crowe advised that by law there is a provision for demolition of buildings if an owner can demonstrate practical or economic hardship. Mr. Wallace stated that in his opinion, he believes this designation will add value to the buildings. Mr. Harwell commented that with being an Architect, he believed that the only real value is in the construction and the antiquity of the buildings.

**Motion** by Mr. Harwell and seconded by Mr. Wallace to approve the request as presented by Staff. All present voted affirmative, motion carried.

**Case 15-02:** Administrative request to rezone properties located generally between Morris St. to the east, Kirby St. to the south, CSX railroad to the west, and Crill Ave. to the north from R-3 (Residential Multi-family) to PBG-1 (Public Buildings and Grounds) and amending the Comprehensive Plan Future Land Use Map from RH (Residential High-Density) to PB (Public Buildings).

Mr. Crowe explained that Staff is presenting this application as an administrative action, as opposed to an action by the property owner, since most of the properties are owned by the City and the multi-family zoning inhibits the public/private usage of the properties. Essentially the longstanding uses currently there do not fit the multi-family land use and zoning. Staff believes that it is appropriate to consider clubs and lodges as quasi-public uses, as they are utilized for public assembly, public service and the halls are often rented out to the general public for events such as weddings, meetings, dances, etc. Staff believes that the public FLUM and zoning designations are more appropriate for these types of quasi-public uses. This is why the Lions Club is applying for this companion item, a Zoning Code text amendment that would allow clubs, lodges, and fraternal organizations by right in the PBG-1 zoning district, along with the currently-allowed churches. Mr. Crowe stated that this application meets applicable future land use amendment and rezoning criteria and recommended approval of the amendment of Future Land Use Map category from RH to PB, and rezoning from R-3 to PBG-1.

Mr. Harwell asked Mr. Crowe if the intention was to allow these existing uses. Mr. Crowe replied yes, this would be a map amendment dealing with these specific properties, essentially making them conforming uses.

**Motion** made by Mr. DeLoach and Mr. Wallace seconded the motion to rezone those properties as presented by Staff to PBG-1(Public Buildings and Grounds). All present voted resulting in 6 yeas and 1 nay (Mr. Harwell), motion carried.

**Motion** made by Mr. DeLoach to amend the Comprehensive Plan designation to PB (Public Buildings) to those properties as presented by staff. All present voted resulting in 6 yeas and 1 nay (Mr. Harwell), motion carried.

**Case 15-03:** Administrative request to amend Zoning Code Sec. 94-149 (C-2, Intensive Commercial), Sec. 94-161 (DR, Downtown Riverfront district) and 94-162 (DB, Downtown Business district) revising downtown overlay design standards.

Mr. Crowe recommended tabling until next month's meeting to allow staff more time to prepare the report.

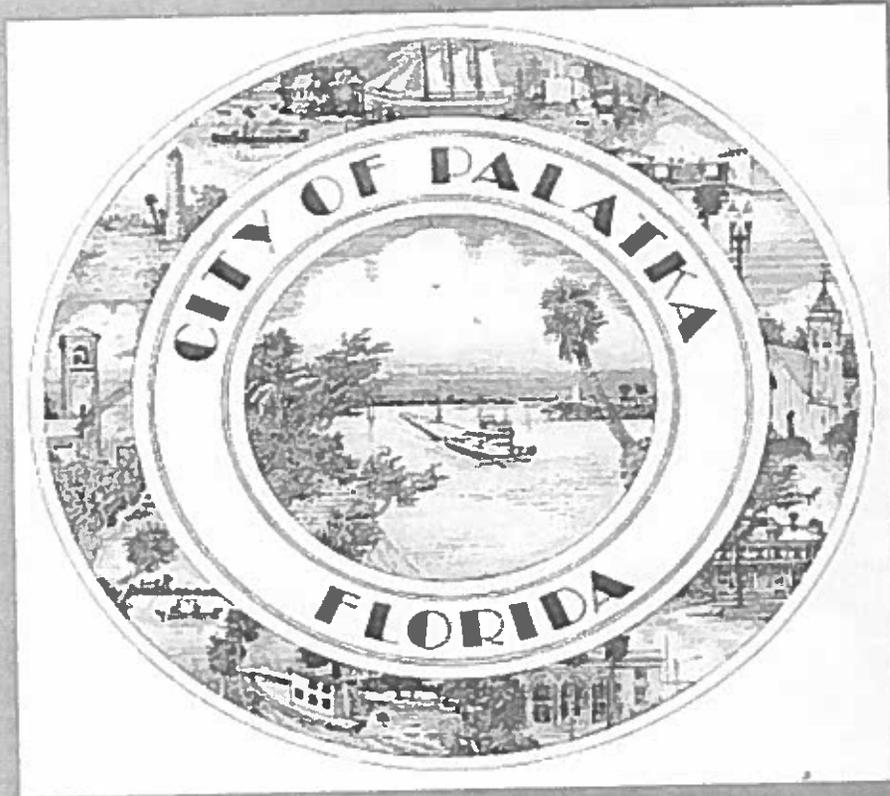
**Motion** made by Mr. DeLoach and seconded by Mr. Douglas to table this case until March 3, 2015. All present voted, motion carried unopposed.

**Case 15-04:** Administrative request to amend Zoning Code Sec. 94-153 (PBG-1, Public Buildings and Grounds district) to allow clubs, lodges and fraternal organizations.

The American Legion is applying for this Zoning Code text amendment to allow clubs, lodges, and fraternal organizations by right in the PBG-1 zoning district, along with the currently-allowed churches. Staff supports this request as the public FLUM and zoning designations are quite appropriate for these types of uses. These uses are generally utilized for public assembly and the halls are often rented out to the general public for events such as weddings, meetings, dances, etc. Staff believes it to be logical to include clubs, lodges and fraternal organizations in PBG-1 and recommended approval.

John Poitevent 269 River Dr., East Palatka, asked what specifically would change, if this item is approved, in terms of properties. He also asked if there were any properties zoned PBG-1 along the riverfront. Mr. Crowe advised that this request is considered to have a limited impact. He said there is a limited number of properties across the City zoned PBG-1 (for mostly public type uses, including the Health Dept. and public buildings) and that this change would allow for additional uses of those buildings and none of the property along the riverfront is zoned PBG-1.

Mr. Harwell asked if it was possible to build a building by a private organization for those uses allowed in the PBG-1 zoning district. Mr. Crowe answered yes, that the zoning does allow for quasi-public uses, such as hospitals, institutions like nursing homes. Discussion took place regarding whether land ownership played a role in the allowance of these uses. Mr. Crowe advised the Board that property ownership did not have any bearing on the zoning and allowable uses. He said that zoning concerns itself with character and function. Mr. Harwell stated that a big concern of his would be that some private organization could come in and build on public property. Mr. Crowe replied that this could only happen with City approval (which could happen now in any zoning district). Property ownership is not germane to zoning or public safety. What the Planning Board has to consider is the use and the characteristics of the use, public safety and the impacts of the use, not whether it is owned by one entity or another. Discussion continued regarding concerns for City owned property becoming developed for



**PLANNING BOARD MEETING**  
**FEB. 3, 2015**



# Case 15-02

## OSCEOLA & KIRBY STREETS FLUM & REZONING

CITY-  
OWNED  
PROPERTIES  
&  
CATHOLIC  
DIOCESE  
PROPERTY





# Case 15-02

## OSCEOLA & KIRBY STREETS FLUM & REZONING





# Case 15-02

## OSCEOLA & KIRBY STREETS FLUM & REZONING





# Case 15-02

## OSCEOLA & KIRBY STREETS FLUM & REZONING

- PROPERTIES ARE QUASI-PUBLIC (LODGES & CEMETARY, AND OCCASIONAL CHURCHES IN LODGE)
- PROPERTIES IN MULTI-FAMILY FLUM & ZONING
- ZONING DOES NOT FIT USE, CHURCHES ALLOWED ONLY BY C.U. & CLUBS NOT ALLOWED



# Case 15-02

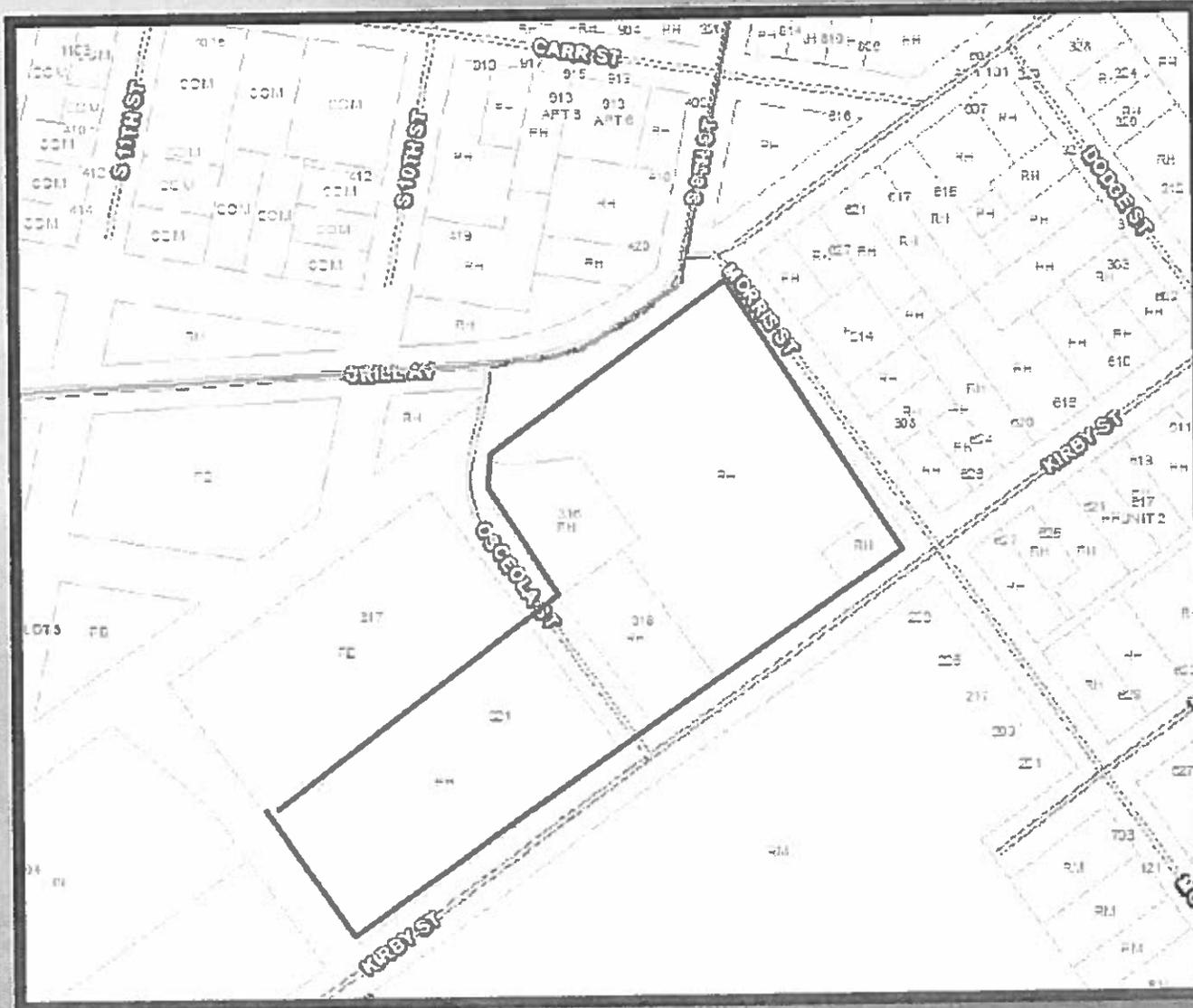
## OSCEOLA & KIRBY STREETS FLUM & REZONING

- BETTER "FIT" FOR FLUM & ZONING
- MEETS COMP PLAN & OTHER FLUM CRITERIA
- DOES NOT CREATE ISOLATED FLUM OR ZONING DISTRICT



# Case 15-02

## OSCEOLA & KIRBY STREETS FLUM & REZONING





# Case 15-02

## OSCEOLA & KIRBY STREETS FLUM & REZONING





# Case 15-02

## OSCEOLA & KIRBY STREETS FLUM & REZONING

1. RECOMMEND APPROVAL OF FLUM AMENDMENT FROM RH TO PB
2. RECOMMEND APPROVAL OF REZONING FROM R-3 TO PBG-1

*Agenda  
Item*

7



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**PUBLIC HEARING - 908 Husson Ave - Planning Board Recommendation to Annex and Rezone from Putnam County R-1A (Residential Single-Family) to City R-1A (Single-Family Residential) - Diane and Randolph Jenkins, owners; Palatka Building & Zoning Dept, Applicant**

**\*a. ANNEXATION ORDINANCE - 1st Reading**

**\*b. REZONING ORDINANCE - 1st Reading**

**SUMMARY:**

This is the first reading of an ordinance annexing 908 Husson Ave. into the city limits and also an ordinance rezoning the property to a city classification. This is a voluntary annexation in which the property owner is requesting City utilities.

At the time of second reading a third ordinance will assign a Comprehensive Plan Future Land Use Map designation for the property.

**RECOMMENDED ACTION:**

**Pass on first reading an ordinance annexing 908 Husson Ave. into the City and an ordinance assigning R-1A (Single-Family Residential) zoning to the property. 2nd reading scheduled for September 10.**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Annexation Ordinance	Ordinance
<input type="checkbox"/> Rezoning Ordinance	Ordinance
<input type="checkbox"/> Staff Report	Backup Material
<input type="checkbox"/> Power Point Presentation	Backup Material
<input type="checkbox"/> Planning Board Minutes	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Crowe, Thad	Approved	7/14/2015 - 12:31 PM
City Clerk	Driggers, Betsy	Approved	7/28/2015 - 3:43 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 4:08 PM
Finance	Reynolds, Matt	Approved	7/30/2015 - 2:33 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 3:22 PM

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2<sup>nd</sup> St.  
Palatka, FL 32177

ORDINANCE NO. 15 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 908 HUSSON AVENUE, LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit: Diane and Randolph Jenkins, and

**WHEREAS**, Chapter 171.044, Florida Statutes, permits the voluntary annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka; and

**WHEREAS**, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

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

**Section 1.** That the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

**DESCRIPTION OF PROPERTY:**

BROOKS S/D OF HUSSONS ADD MB2 P37 BLK A S 64.13 FT OF LOTS 1 2 (EX E 5 FT) (Being 908 Husson Avenue / tax parcel # 12-10-26-0820-0010-0011)

Section 2. The property hereby annexed shall remain subject to the Putnam County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

Section 3: That a copy of this ordinance shall be sent to Municipal Code Corporation for inclusion in the City Charter.

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

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 10<sup>th</sup> day of September, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
**City Attorney**

This instrument prepared by:  
Thad Crowe, AICP  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY R-1A (RESIDENTIAL SINGLE-FAMILY) TO CITY R-1A (SINGLE-FAMILY RESIDENTIAL) FOR THE FOLLOWING PROPERTY: 908 HUSSON AVENUE (SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said property: 908 Husson Avenue (Diane and Randolph Jenkins) for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on September 4, 2014, and two public hearings before the City Commission of the City of Palatka on July 23, 2015 and August 6, 2015, and

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

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

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

BROOKS S/D OF HUSSONS ADD MB2 P37 BLK A S 64.13 FT OF LOTS 1 2 (EX E 5 FT) (Being 908 Husson Avenue / tax parcel # 12-10-26-0820-0010-0011)

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

**Section 3.** This Ordinance shall become effective immediately upon its final passage by the City Commission.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 10<sup>th</sup> day of September, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**City Attorney**

**Case 14-18: 908 Husson Ave.**  
**Request to Annex, Amend Future Land Use Map and Rezone**  
**Applicant: Building & Zoning Dept.**

**STAFF REPORT**

**DATE:** August 14, 2014  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP, Planning Director

**APPLICATION REQUEST**

To annex, amend FLUM, and rezone the following property as noted below. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (purple shaded area represents city limits)



Figure 2: 908 Husson St.

**APPLICATION BACKGROUND**

The property under consideration currently has County single-family land use and zoning, as shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
UR (Urban Reserve)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)

**Table 2: Future Land Use Map and Zoning Designations for Adjacent Properties**

	Future Land Use Map	Zoning
North of Site	County UR (Urban Reserve)	County R-1A (Residential Single-family)
East of Site	RL (Residential Low)	R-1A (Single-family Residential)
West of Site	COM (Commercial)	C-1A (Neighborhood Commercial)
South of Site	County UR (Urban Reserve)	County R-1A (Residential Single-family)

This property already receives City water, and is now required by the County Health Department, per state law, to tie into city sewer service since it is within 250 feet of a city sewer line. The City's Comprehensive Plan currently requires that properties be in the City to receive sewer service, therefore annexation is required. Staff is presenting this application as an administrative action, as opposed to an action by the property owner, due to the administrative policy rationale presented below.

1. **Hardship.** Most property owners annexing into the City do so because they are compelled to due to the failure of septic tanks or wells and the Health Dept. requirement that they hook up to city utilities when such lines are within 250 feet of the property. The cost of hooking up to City utilities approaches up to \$6,000 depending on whether both water and sewer are required. The additional fees for the FLUM amendment and rezoning is an additional burden. The taxes collected from such property will defray the administrative expense fairly quickly.
2. **Comprehensive Plan Support.** Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.
3. **Economic Development.** By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

## **PROJECT ANALYSIS**

### **Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be "reasonably compact."

**Contiguity.** F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. The property is contiguous to the City limits as shown in Figure 1.

**Compactness.** The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave that is present in the west central Palatka area, as shown graphically in Figure 3 below.



*Figure 2: West Central Palatka Urban Area Enclave (city limits in purple shaded color)*

#### **Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff Comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

#### Policy A.1.9.3

#### A. Land Use Districts

#### 1. Residential

*Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types.*

Low Density (1730acres) - provides for a range of densities up to 5 units per acre.

**Staff Comment:** the property is now in the County's Urban Reserve FLUM category (density range of one to four units per acre), which is approximately equivalent to the City's RL (Residential Low Density), which has a density range of one to five units per acre.

RR Line

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including city water and sewer lines (both within the Husson Ave. right-of-way).

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** The property is in a residential neighborhood that is suitable for the proposed residential FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. These uses do not represent urban sprawl.

### **Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

*1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:*

*a. Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

*b. The existing land use pattern.*

**Staff Comment:** The property is located in an established residential neighborhood.

*c. Possible creation of an isolated district unrelated to adjacent and nearby districts.*

**Staff Comment:** Rezoning the property to R-1A provides uniformity to both existing City and County single-family zoning and does not create an isolated zoning district.

*d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*

**Staff Comment:** Roadway capacity is available on area roadways and the impacts of the use on road and utility capacity will be negligible, particularly since the use is already present.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** See response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** One condition that has changed in regard to this property is the failure or obsolescence of private wells and the present ability to tie into a city water line.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** Rezoning the property to a designation similar to the current County zoning will not adversely affect neighborhood living conditions.

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** The property proposed for rezoning is already developed and thus traffic congestion or public safety will not be affected.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** All development and redevelopment must meet City and water management district stormwater retention requirements. No drainage problems are anticipated for the already-existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** The already-developed property does not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** See response to g. above.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** Based on the previous responses, the change will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** Providing a FLUM and zoning designations to properties that are similar to the designation of surrounding properties and are similar to the existing County FLUM and zoning is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** Not applicable as the City commercial land use and zoning will be similar as the current County classifications.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** The property is not out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

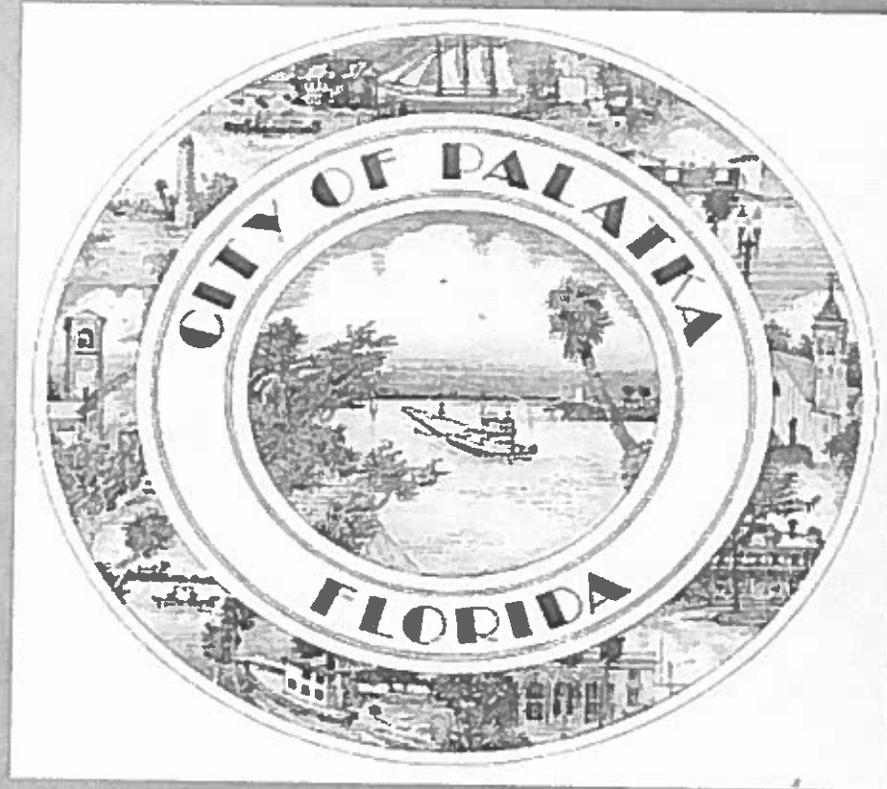
**Staff Comment:** Not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** Not applicable.

#### **STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL, and rezoning to R-1A for 908 Husson Ave.



**PLANNING BOARD MEETING  
SEPT 2, 2014**



# Case 14-11

## 12<sup>th</sup> & River St Park PGA Equipment Modification of Conditional Use





# Case 14-11

## 12<sup>th</sup> & River St Park PGA Equipment Modification of Conditional Use

- Move approved location of maximum 30-foot tall pole with rectifier, generally in keeping with graphics submitted to Building & Zoning Dept, from northwest to southwestern corner of the eastern portion of the park
- No tree removal to take place.



# Case 14-11

## 12<sup>th</sup> & River St Park PGA Equipment Modification of Conditional Use

- Three tree plantings still required: shumard oak at the northwestern corner of the east park section, live oak midway between that corner and River St., and shumard oak near corner of River & 12<sup>th</sup> (30 feet distance from any pole).
- All remaining disturbances caused by pole erection and burying of lines within and around the park shall be re-graded and grassed at the time of required tree planting.
- City Staff (Jonathan Griffith) to coordinate planting effort.



# Case 14-18 908 HUSSON AVE.

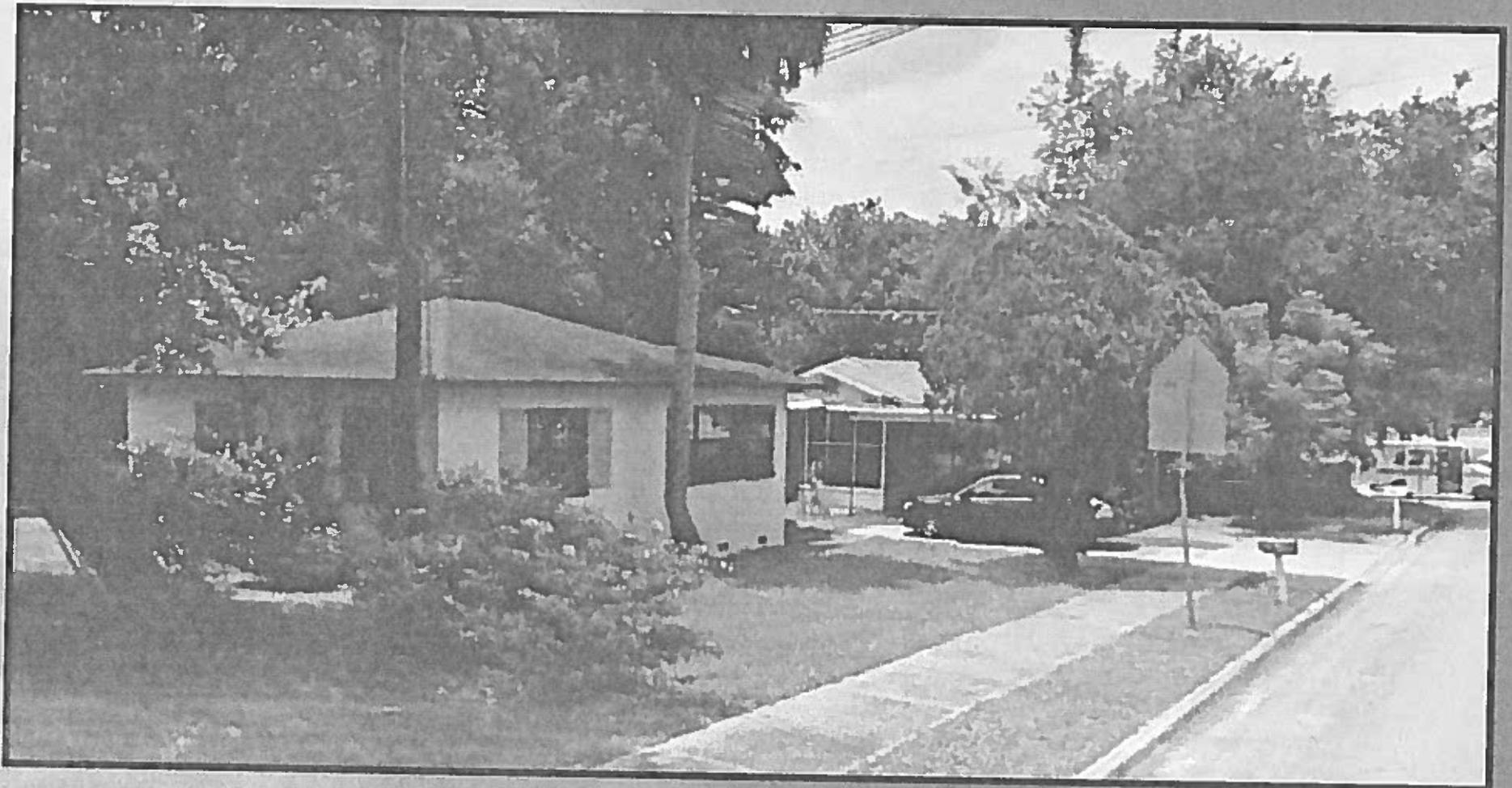
Annexation, FLUM Amendment & Rezoning





# Case 14-18 908 HUSSON AVE.

Annexation, FLUM Amendment & Rezoning





# Case 14-18

## 908 HUSSON AVE.

Annexation, FLUM Amendment & Rezoning

FLUM Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
UR (Urban Reserve)	RL (Residential, Low Density)	R-1A (Residential Single-family)	R-1A (Single-family Residential)



# Case 14-18

## 908 HUSSON AVE.

Annexation, FLUM Amendment & Rezoning

Proposed FLUMs & zoning compatible  
with neighborhood and similar to  
previous County designations



# Case 14-18

## 908 HUSSON AVE.

Annexation, FLUM Amendment & Rezoning

### Annexation Criteria

- Contiguity
- Compactness



# Case 14-18

## 908 HUSSON AVE.

Annexation, FLUM Amendment & Rezoning

### FLUM Criteria

- Not in conflict with Comp Plan
- Available urban services
- Does not represent urban sprawl



# Case 14-18

## 908 HUSSON AVE.

Annexation, FLUM Amendment & Rezoning

### Rezoning Criteria

- Compatible with existing residential uses
- Not isolated district, residential zoning present
- No special privilege



Case 14-18

908 HUSSON AVE.

Annexation, FLUM Amendment & Rezoning

Recommend Approval of  
Annexation, FLUM Amendment,  
and Rezoning



**CITY OF PALATKA  
PLANNING BOARD MINUTES  
September 2, 2014**

The meeting was called to order by Chairman Daniel Sheffield at 4:00 pm. **Other members present:** Earl Wallace, Justin Campbell, Charles Douglas, Jr. and Joseph Petrucci. **Members absent:** Joe Pickens, George DeLoach, Lavinia Moody and Anthony Harwell. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Donald Holmes.

**Motion** was made by Mr. Petrucci and seconded by Mr. Campbell to approve the minutes for July 1, 2014 meeting. All present voted affirmative, motion carried.

Mr. Pickens read the appeal procedures and requested that members divulge any ex-parte communications before each case.

**NEW BUSINESS:**

**Case 14-11:** Request to modify the site plan of a conditional use previously granted to install public safety equipment on public property (relocating pole south to near northeast corner of S. 12<sup>th</sup> & River Streets)

**Location:** City Park located at 12<sup>th</sup> and River Streets  
**Owner:** City of Palatka

Mr. Crowe explained that this is a request to modify the location of the previously approved rectifier location as allowed by conditional use permit, relocated from the northwest corner to the southwest corner of the same parcel. He added that all other conditions of the previously approved conditional use would stay the same and no additional trees would be removed. He recommended approval.

Don Kitner, General Manager of Palatka Gas Authority explained that the request is necessary because Florida Power and Light does not have a transformer conveniently located to the previously proposed area of the site without removing several trees. There is a transformer directly across the street from the proposed location and would not require tree removal or a different pole height.

Mr. Wallace said that he would rather see the location amended than lose trees.

**Motion** made by Mr. Wallace, seconded by Mr. Petrucci to grant the revision as recommended by Staff. Motion passed unanimously.

**Case 14-18** Administrative requests to annex, amend the Future Land Use Map from Putnam County US (Urban Service) to RL (Residential Low-density) and rezone from Putnam County R-1A (Residential Single-family) to R-1A (Single-family Residential)

**Location:** 908 Husson Ave.  
**Owner:** Randolph & Diane Jenkins

Mr. Crowe explained that this request is due to the need for city utilities and explained that this request meets the annexation, future land use map amendment, and zoning criteria. He explained that this was in a neighborhood comprised primarily of single family homes and recommended approval.

**Motion** made by Mr. Petrucci and seconded by Mr. Campbell to recommend approval of the request as presented by Staff. All present voted affirmative, motion carried.

**Case 14-19:** Administrative request for a corrective rezoning from C-2 (Intensive Commercial) to R-3 (Multi-family)  
**Location:** 110 Kay Larkin Dr.  
**Owner:** Southern Medical Associates, Inc.

Mr. Crowe explained that this and case 14-21 are related. They should be considered separately, but he wanted to give some context for both applications. He explained that this is an existing nursing facility with its eastern part in commercial zoning – the more appropriate zoning would be multifamily. This is a house-keeping measure to correct zoning that is at odds with the land use map designation. This parcel is already in a multifamily land use designation, which takes precedence over zoning. The existing use is compatible with what is in the area. It will not be an isolated (zoning) district, with residential zoning in the area and does not represent any special privilege to the property owner.

Mr. Douglas asked if the change would interfere at all with the existing use of the existing facility. Mr. Crowe said that this will make it a legal conforming use and the new owners were concerned that it was not in conformity with the Comprehensive Plan. Chairman Sheffield commented on the housekeeping effort, stating that the Board can be pleased that our city planner is making an effort to correct these irregularities as they come up.

**Motion made** by Mr. Douglas and seconded by Mr. Petrucci to recommend approval of the request as presented by Staff. All present voted affirmative, motion carried unanimously

**Case 14-21:** Administrative request for a conditional use for an existing nursing home.  
**Location:** 6600 St. Johns Ave.  
**Owner:** Southern Medical Associates, Inc.

Mr. Crowe explained that this is the western half of the same facility considered in the previous item. He explained that the facility originally received a conditional use approval some thirty years ago, and then the facility expanded without receiving the required approvals, through no fault of their own. The owner did do their due diligence, applying for building permits and such but, the staff at the time did not catch the fact that they needed to go through the conditional use process to expand. Mr. Crowe stated that in staff's opinion, there is no problem with this request in regards to the conditional use or Comp. Plan criteria, with only a small concern for parking. He explained that technically it does not meet the strict minimum parking requirements, it is short 24 spaces. However, the first phase of this conditional use was approved by the Planning Board and both phases of construction by Staff. He suggested that the benefit of the doubt should be given to the owner in this case that the parking arrangements were studied at the time of development and some flexibility of various code requirements were given.

*Agenda  
Item*

8



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**PUBLIC HEARING** - 2404 Tommy Ave - Planning Board Recommendation to Annex, and rezone from Putnam County R-1A (Residential Single-Family) to City R-1A (Single-Family Residential) - Vincent McKeever and Edith Velaque, owners; Palatka Building & Zoning Dept, Applicant

\*a. **ANNEXATION ORDINANCE** - 1st Reading

\*b. **REZONING ORDINANCE** - 1st Reading

**SUMMARY:**

This is the first reading of ordinance annexing 2404 Tommy Ave. into the city limits and also an ordinance amending the Future Land Use Element to assign a Comprehensive Land Use Designation. This is a voluntary annexation in which the property owner is requesting City utilities.

These ordinances will be accompanied by an ordinance assigning a Comprehensive Land Use Classification when they are introduced for second reading on September 10.

**RECOMMENDED ACTION:**

Pass on first reading an ordinance annexing 2404 Tommy Ave. into the City and an ordinance assigning R-1A (Single-Family Residential) zoning to the property.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Annexation Ordinance	Backup Material
<input type="checkbox"/> Rezoning Ordinance	Backup Material
<input type="checkbox"/> Staff Report	Backup Material
<input type="checkbox"/> Planning Board Minutes	Exhibit
<input type="checkbox"/> Power Point Presentation	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Crowe, Thad	Approved	7/10/2015 - 4:54 PM
City Clerk	Driggers, Betsy	Approved	7/28/2015 - 3:42 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 4:08 PM
Finance	Reynolds, Matt	Approved	7/30/2015 - 2:33 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 3:21 PM

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2<sup>nd</sup> St.  
Palatka, FL 32177

ORDINANCE NO. 15 -

AN ORDINANCE OF THE CITY OF  
PALATKA, FLORIDA ANNEXING INTO THE  
CORPORATE LIMITS OF THE CITY OF  
PALATKA, FLORIDA CERTAIN ADJACENT  
TERRITORY IDENTIFIED AS 2404 TOMMY  
AVENUE, LOCATED IN SECTION 12,  
TOWNSHIP 10 SOUTH, RANGE 26 EAST,  
PUBLIC RECORDS OF PUTNAM COUNTY,  
FLORIDA CONTIGUOUS TO THE  
BOUNDARIES OF THE CITY OF PALATKA;  
AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit: Vincent McKeever and Edith Velaquez, and

**WHEREAS**, Chapter 171.044, Florida Statutes, permits the voluntary annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka; and

**WHEREAS**, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

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

**Section 1.** That the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

**DESCRIPTION OF PROPERTY:**

ORMAN LEIGH ESTATES MB4 P157 LOT 11 (Being 2404 Tommy Avenue / tax parcel # 13-10-26-6790-0000-0110)

Section 2. The property hereby annexed shall remain subject to the Putnam County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

Section 3: That a copy of this ordinance shall be sent to Municipal Code Corporation for inclusion in the City Charter.

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

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 6<sup>th</sup> day of August, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
**City Attorney**

This instrument prepared by:  
Thad Crowe, AICP  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

ORDINANCE NO. 15 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY R-1A (RESIDENTIAL SINGLE-FAMILY) TO CITY R-1A (SINGLE-FAMILY RESIDENTIAL) FOR THE FOLLOWING PROPERTY: 2404 TOMMY AVENUE (SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said property: 2404 Tommy Avenue (Vincent McKeever and Edith Velaquez) for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on September 4, 2014, and two public hearings before the City Commission of the City of Palatka on July 23, 2015 and August 6, 2015, and

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

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

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

ORMAN LEIGH ESTATES MB4 P157 LOT 11 (Being 2404 Tommy Avenue / tax parcel # 13-10-26-6790-0000-0110)

**Section 2.** To the extent of any conflict between the terms of

this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3.** This Ordinance shall become effective immediately upon its final passage by the City Commission.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 6<sup>th</sup> day of August, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
Its **MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Case 14-26: 2404 Tommy Ave.**  
**Request to Annex, Amend Future Land Use Map and Rezone**  
Applicant: Building & Zoning Dept.

**STAFF REPORT**

**DATE:** October 28, 2014  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP, Planning Director

**APPLICATION REQUEST**

To annex, amend FLUM, and rezone the following property as noted below. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (purple shaded area represents city limits)

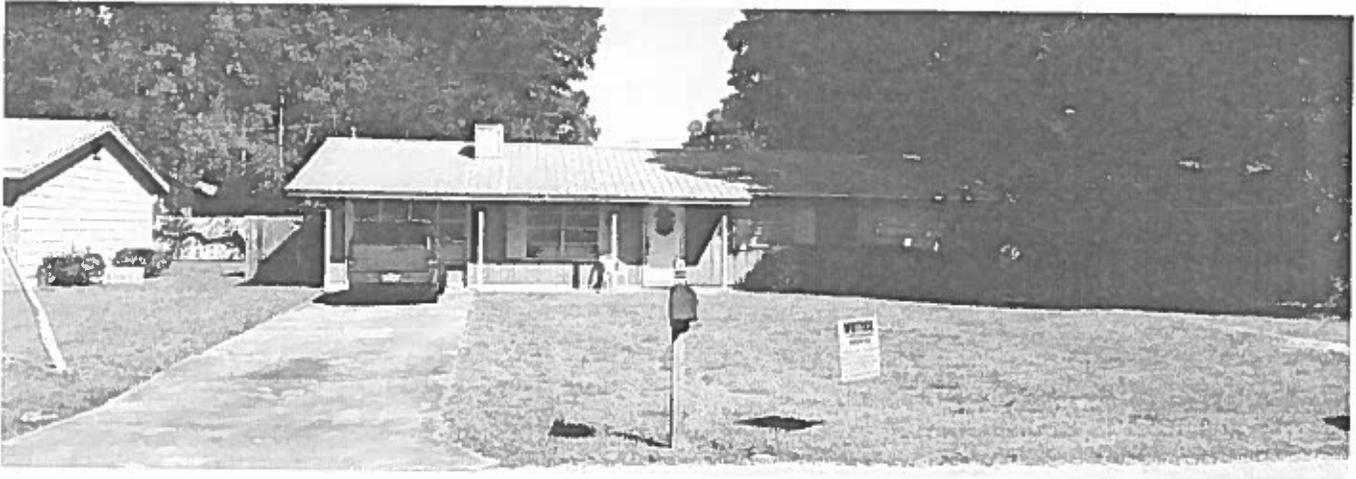


Figure 2: 2404 Tommy Ave.

**APPLICATION BACKGROUND**

The property under consideration currently has County single-family land use and zoning, as shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
UR (Urban Reserve)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)

**Table 2: Future Land Use Map and Zoning Designations for Adjacent Properties**

	Future Land Use Map	Zoning
North of Site	County UR (Urban Reserve)	County R-1A (Residential single-family)
East of Site	County UR (Urban Reserve)	County R-1A (Residential single-family)
West of Site	RL (Low Density Residential)	R-1A (Single-family residential)
South of Site	RL (Low Density Residential)	R-1A (Single-family residential)

Staff is presenting this application as an administrative action, as opposed to an action by the property owner, due to the administrative policy rationale presented below.

1. Hardship. Most property owners annexing into the City do so because they are compelled to due to the failure of septic tanks or wells and the Health Dept. requirement that they hook up to city utilities when such lines are within 250 feet of the property. The cost of hooking up to City utilities approaches up to \$6,000 depending on whether both water and sewer are required. The additional fees for the FLUM amendment and rezoning is an additional burden. The taxes collected from such property will defray the administrative expense fairly quickly.
2. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually

eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.

3. **Economic Development.** By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

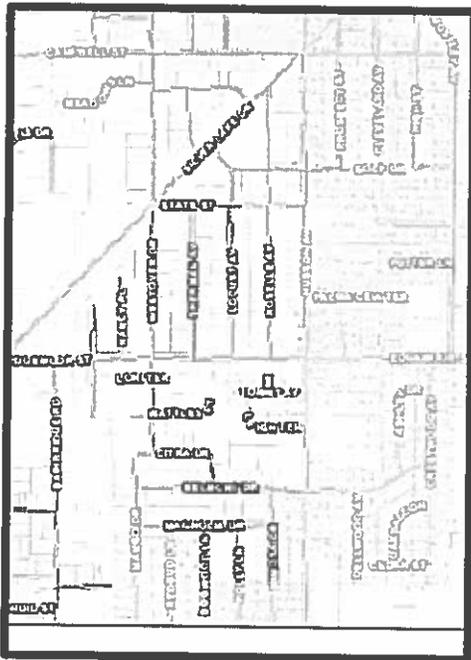
## **PROJECT ANALYSIS**

### **Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be "reasonably compact."

**Contiguity.** F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. The property is contiguous to the City limits as shown in Figure 1.

**Compactness.** The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it is does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave that is present in the west central Palatka area, as shown graphically in Figure 3 below.



*Figure 3: South Palatka Enclave Area*

### **Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff Comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

*Policy A.1.9.3*

*A. Land Use Districts*

*1. Residential*

*Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types.*

*Low Density (1730acres) - provides for a range of densities up to 5 units per acre.*

**Staff Comment:** the property is now in the County's Urban Reserve FLUM category (density range of one to four units per acre), which is approximately equivalent to the City's RL (Residential Low Density), which has a density range of one to five units per acre.

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including city water and sewer lines (both within the Husson Ave. right-of-way).

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** The property is in a residential neighborhood that is suitable for the proposed residential FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*

- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. These uses do not represent urban sprawl.

### **Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

*1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:*

*a. Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

*b. The existing land use pattern.*

**Staff Comment:** The property is located in an established residential neighborhood.

*c. Possible creation of an isolated district unrelated to adjacent and nearby districts.*

**Staff Comment:** Rezoning the property to R-1A provides uniformity to both existing City and County single-family zoning and does not create an isolated zoning district.

*d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*

**Staff Comment:** Roadway capacity is available on area roadways and the impacts of the use on road and utility capacity will be negligible, particularly since the use is already present.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** See response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** One condition that has changed in regard to this property is the failure or obsolescence of private wells and the present ability to tie into a city water line.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** Rezoning the property to a designation similar to the current County zoning will not adversely affect neighborhood living conditions.

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** The property proposed for rezoning is already developed and thus traffic congestion or public safety will not be affected.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** All development and redevelopment must meet City and water management district stormwater retention requirements. No drainage problems are anticipated for the already-existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** The already-developed property does not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** See response to g. above.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** Based on the previous responses, the change will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** Providing a FLUM and zoning designations to properties that are similar to the designation of surrounding properties and are similar to the existing County FLUM and zoning is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** Not applicable as the City commercial land use and zoning will be similar as the current County classifications.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** The property is not out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** Not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** Not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL, and rezoning to R-1A for 2404 Tommy Ave.



## CITY OF PALATKA PLANNING BOARD MINUTES November 4, 2014

The meeting was called to order by Chairman Daniel Sheffield at 4:00 pm. **Other members present:** Earl Wallace, Joe Pickens, Charles Douglas, Jr., Anthony Harwell and Joseph Petrucci (arrived after roll call). **Members absent:** George DeLoach, and Justin Campbell. **Also present:** Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

**Motion** was made by Mr. Petrucci and seconded by Mr. Campbell to approve the minutes for the September 2<sup>nd</sup> and October 7<sup>th</sup> 2014 meetings. All present voted affirmative, motion carried unanimously.

Chairman Sheffield read the appeal procedures and requested that members divulge any ex-parte communications before each case.

Mr. Sheffield advised Board members that e-mail replies to the Board Secretary should be replied to sender and not replied to all, even for attendance requests, as there concern for the sunshine law.

### **NEW BUSINESS:**

**Case 14-26:** Administrative request to annex, amend the Future Land Use Map from Putnam County UR (Urban Reserve) to RL (Residential low) and rezone from Putnam County R-1A (Residential Single-family) to City R-1A (Single-family Residential); located at 2404 Tommy Avenue.

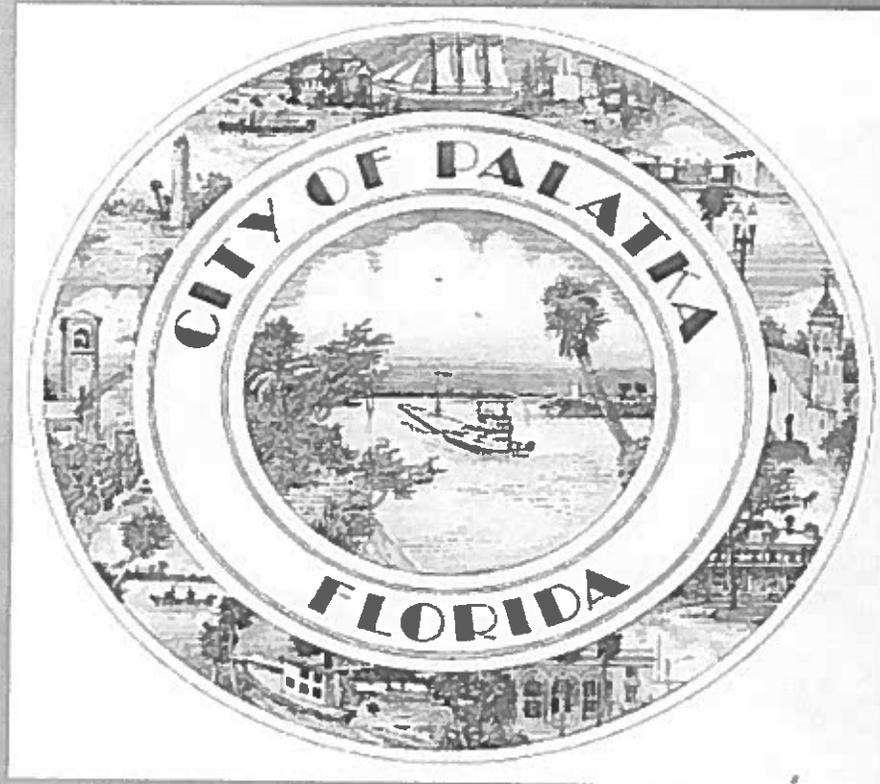
Mr. Crowe said that this is a voluntary request to annex due to the owners' desire to connect to City water. He explained that the City recently extended water mains to this neighborhood due to a growing demand for water service. The property has County single-family land use and zoning and meets applicable annexation, future land use amendment, and rezoning criteria and Staff recommended approval.

**Motion** made by Mr. Pickens and seconded by Mr. Douglas to approve the request as presented. All present voted affirmative, motion carried unanimously.

Mr. Crowe advised that the City has been working with the county regarding an interlocal agreement to reduce some of the existing enclaves.

**Case 14-30** A request for a conditional use to locate a church within 300 feet of an alcohol-serving establishment; located at 500 S. Palm Avenue.

Mr. Crowe said that this property annexed in with the intention of developing a church use and due to some unforeseen circumstances the construction progress was delayed, during which time Larry Giant Subs had obtained an alcohol serving license. Since this property was within the



**PLANNING BOARD MEETING  
NOV 4, 2014**



# Case 14-26

## 2404 TOMMY AVE.

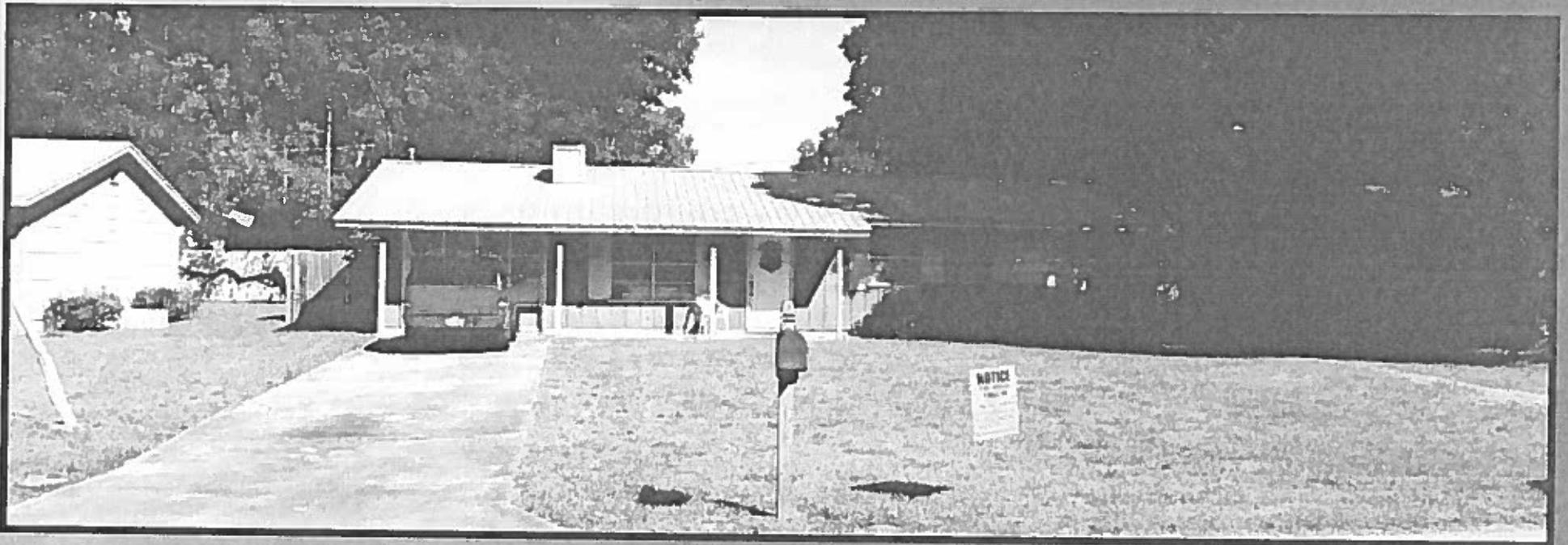
Annexation, FLUM Amendment & Rezoning





# Case 14-26 2404 TOMMY AVE.

Annexation, FLUM Amendment & Rezoning





# Case 14-26

## 2404 TOMMY AVE.

Annexation, FLUM Amendment & Rezoning

FLUM Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
UR (Urban Reserve)	RL (Residential, Low Density)	R-1A (Residential single family)	R-1A (Single-family Residential)



# Case 14-26 2404 TOMMY AVE.

Annexation, FLUM Amendment & Rezoning

Proposed FLUMs & zoning compatible  
with neighborhood and similar to  
previous County designations



# Case 14-26

## 2404 TOMMY AVE.

Annexation, FLUM Amendment & Rezoning

### Annexation Criteria

- Contiguity
- Compactness





# Case 14-26

## 2404 TOMMY AVE.

Annexation, FLUM Amendment & Rezoning

### FLUM Criteria

- Not in conflict with Comp Plan
- Available urban services
- Does not represent urban sprawl



# Case 14-26

## 2404 TOMMY AVE.

Annexation, FLUM Amendment & Rezoning

### Rezoning Criteria

- Compatible with existing residential uses
- Not isolated district, residential zoning present
- No special privilege



# Case 14-26

## 2404 TOMMY AVE.

Annexation, FLUM Amendment & Rezoning

Recommend Approval of  
Annexation, FLUM Amendment,  
and Rezoning

*Agenda  
Item*

9



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**PUBLIC HEARING - 908 N 20th St - Planning Board Recommendation to Annex and rezone from Putnam County R-2 (Residential Two-Family) to City R-1A (Single-Family Residential) - Gerald and Deborah Ragans, owners; Palatka Building & Zoning Dept, Applicant**

**\*a. ANNEXATION ORDINANCE - 1st Reading**

**\*b. REZONING ORDINANCE - 1st Reading**

**SUMMARY:**

This is the first reading of an ordinance annexing 908 N 20th St. into the city limits and also an ordinance rezoning the property to a city classification. This is a voluntary annexation in which the property owner is requesting City utilities. At the time of second reading a third ordinance will assign a Comprehensive Plan Future Land Use Map designation for the property.

**RECOMMENDED ACTION:**

**Pass on first reading an ordinance annexing 908 N 20th St. into the City and an ordinance assigning R-1A (Single-Family Residential) zoning to the property. 2nd reading scheduled for August 6.**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Annexation ordinance	Ordinance
<input type="checkbox"/> Rezoning ordinance	Ordinance
<input type="checkbox"/> Staff report	Backup Material
<input type="checkbox"/> Planning Board minutes	Backup Material
<input type="checkbox"/> Power point presentation	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Crowe, Thad	Approved	7/15/2015 - 2 16 PM
City Clerk	Driggers, Betsy	Approved	7/24/2015 - 2 20 PM
City Manager	Suggs, Terry	Approved	7/28/2015 - 9 19 AM
Finance	Reynolds, Matt	Approved	7/30/2015 - 2 33 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 3 22 PM

This instrument prepared by:  
Thad Crowe, AICP  
City of Palatka  
201 N. 2<sup>nd</sup> St.  
Palatka, FL 32177

**ORDINANCE NO. 15 -**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 908 NORTH 20<sup>TH</sup> STREET, LOCATED IN SECTION 42, TOWNSHIP 10 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Petition has been filed before the City Commission of the City of Palatka, Florida, which Petition is on file in the office of the City Clerk, signed by the freehold owner of the property sought to be annexed, to wit: Gerald and Deborah Ragans, and

**WHEREAS**, Chapter 171.044, Florida Statutes, permits the voluntary annexation of unincorporated areas lying adjacent and contiguous to the boundaries of the City of Palatka; and

**WHEREAS**, the City Commission of the City of Palatka finds that it is in the best interest of the people of the City of Palatka, Florida, that said lands be annexed and become a part of the City of Palatka;

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

**Section 1.** That the following described unincorporated lands lying adjacent and contiguous to the boundaries of the City of Palatka, Florida shall henceforth be deemed and held to be within the corporate limits of the City of Palatka, Florida said lands being described as follows:

**DESCRIPTION OF PROPERTY:**

CLARKE + BROWNING S/D MB2 P27 BLK D LOT 2 (Being 908 North 20<sup>th</sup> Street / tax parcel # 42-10-27-6850-1710-0160)

**Section 2.** The property hereby annexed shall remain subject to the

Putnam County Comprehensive Plan and Zoning Laws until changed by the City of Palatka.

**Section 3:** That a copy of this ordinance shall be sent to Municipal Code Corporation for inclusion in the City Charter.

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

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 10<sup>th</sup> day of September, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
Its Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
City Attorney

This instrument prepared by:  
Thad Crowe, AICP  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

**ORDINANCE NO. - 15**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED FROM PUTNAM COUNTY R-2 (RESIDENTIAL TWO-FAMILY) TO CITY R-1A (SINGLE-FAMILY RESIDENTIAL) FOR THE FOLLOWING PROPERTY: 908 NORTH 20<sup>TH</sup> STREET (SECTION 42, TOWNSHIP 10 SOUTH, RANGE 27 EAST); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, application has been made by the City of Palatka Building and Zoning Department on behalf of the following owners of said property: 908 North 20<sup>th</sup> Street (Gerald and Deborah Ragans) for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

**WHEREAS**, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on October 7, 2014, and two public hearings before the City Commission of the City of Palatka on August 6, 2015 and September 10, 2015, and

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

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

**Section 1.** The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described properties from their present Putnam County zoning classification to City zoning classification as noted above.

**DESCRIPTION OF PROPERTIES:**

CLARKE + BROWNING S/D MB2 P27 BLK D LOT 2 (Being 908 North 20<sup>th</sup> Street / tax parcel # 42-10-27-6850-1710-0160)

**Section 2.** To the extent of any conflict between the terms of

this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

**Section 3.** This Ordinance shall become effective immediately upon its final passage by the City Commission.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 10<sup>th</sup> day of September, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

# Case 14-25: 908 N. 20<sup>th</sup> St.

## Request to Annex, Amend Future Land Use Map and Rezone

Applicant: Building & Zoning Dept.

### STAFF REPORT

DATE: September 30, 2014

TO: Planning Board members

FROM: Thad Crowe, AICP  
Planning Director

#### APPLICATION REQUEST

To annex, amend FLUM, and rezone the following property as noted below. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (purple shaded area represents city limits)

**Case 14-25: 908 N. 20<sup>th</sup> St.  
Request to Annex, Amend Future Land Use Map and Rezone  
Applicant: Building & Zoning Dept.**



Figure 2: 908 N. 20<sup>th</sup> St.

**APPLICATION BACKGROUND**

The property under consideration currently has County single-family land use and zoning, as shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
US (Urban Service 1-9 units per acre)	RL (Residential Low)	R-2 (Residential Two-family)	R-1A (Single-family Residential)

**Table 2: Future Land Use Map and Zoning Designations for Adjacent Properties**

	Future Land Use Map	Zoning
North of Site	County UR (Urban Reserve)	County R-1A (Residential Single-family)
East of Site	RL (Residential Low)	R-1A (Single-family Residential)
West of Site	COM (Commercial)	C-1A (Neighborhood Commercial)
South of Site	County UR (Urban Reserve)	County R-1A (Residential Single-family)

The property owner is requesting City water and per a pre-annexation agreement is now required to annex into the City in order to receive the service. In accordance with department policy Staff is presenting this application as an administrative action, as opposed to an action by the property owner, due to the policy rationale presented below.

1. Hardship. Most property owners annexing into the City do so because they are compelled to due to the failure of septic tanks or wells and the Health Dept. requirement that they hook up to city utilities when such lines are within 250 feet of the property. The cost of hooking up to City utilities approaches up to \$6,000 depending on whether both water and sewer are required. The additional fees for the FLUM amendment and rezoning is an additional burden. The taxes collected from such property will defray the administrative expense fairly quickly.

2. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.
3. Economic Development. By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

## **PROJECT ANALYSIS**

### **Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be “reasonably compact.”

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality’s boundary. The property is contiguous to the City limits as shown in Figure 1.

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave that is present in the north Palatka area, as shown graphically in Figure 3 on the next page.

### **Future Land Use Map Analysis**

The County designates this area under the Urban Reserve category, which allows a very wide range of residential densities (from one to nine units per acre). Staff proposes the RL (Residential Low Density, up to five units per acre) category since this property and others around it are single-family uses.

The following criteria apply to this amendment.

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including city water and sewer lines.

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** the property is in a residential neighborhood that is suitable for the proposed residential FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.



**Case 14-25: 908 N. 20<sup>th</sup> St.  
Request to Annex, Amend Future Land Use Map and Rezone  
Applicant: Building & Zoning Dept.**

- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. These uses do not represent urban sprawl.

**Rezoning Analysis**

This County enclave has the R-2 (Two-Family) zoning despite its mostly single-family composition. Staff has recommended R-1A zoning, which has been applied to several other annexed properties in the area, due to its larger lot size (this lot is over 9,000 SF and the R1A district has a 7,200 SF minimum size).

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

*1)When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:*

*a. Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

*b. The existing land use pattern.*

**Staff Comment:** The property is located in an established residential neighborhood.

*c. Possible creation of an isolated district unrelated to adjacent and nearby districts.*

**Staff Comment:** Rezoning the property to R-1A provides uniformity to adjacent City single-family zoning and does not create an isolated zoning district.

*d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*

**Staff Comment:** Roadway capacity is available on area roadways and the impacts of the use on road and utility capacity will be negligible, particularly since the use is already present.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** See response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** One condition that has changed in regard to this property is the failure or obsolescence of private wells and the present ability to tie into a city water line.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** Rezoning the property to a designation that matches existing uses will not adversely affect neighborhood living conditions.

**Case 14-25: 908 N. 20<sup>th</sup> St.  
Request to Annex, Amend Future Land Use Map and Rezone  
Applicant: Building & Zoning Dept.**

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** The property proposed for rezoning is already developed and thus traffic congestion or public safety will not be affected.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** All development and redevelopment must meet City and water management district stormwater retention requirements. No drainage problems are anticipated for the already-existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** The already-developed property does not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** see response to g. above.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** based on the previous responses, the change will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** providing a FLUM and zoning designations to the property that is similar to the designation of surrounding City properties is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** not applicable as the City commercial land use and zoning will be similar as the current adjacent City classifications.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** the property is not out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** not applicable.

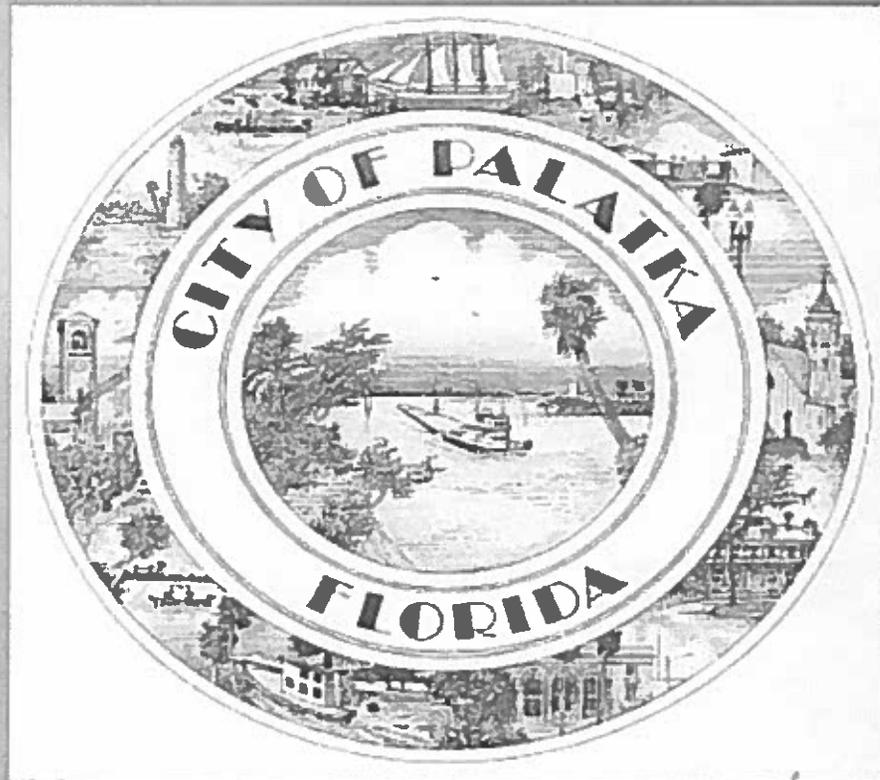
*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** not applicable.

***Case 14-25: 908 N. 20<sup>th</sup> St.  
Request to Annex, Amend Future Land Use Map and Rezone  
Applicant: Building & Zoning Dept.***

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL, and rezoning to R-1A for 908 N. 20<sup>th</sup> St.



**PLANNING BOARD MEETING  
OCT 7, 2014**



# Case 14-25 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning





# Case 14-25 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning





# Case 14-25

## 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning

FLUM Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
US (Urban Services)	RL (Residential, Low Density)	R-2 (Residential Two-family)	R-1A (Single- family Residential)



# Case 14-25 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning

Proposed FLUMs & zoning compatible  
with neighborhood and similar to  
previous County designations



# Case 14-25 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning

## Annexation Criteria

- Contiguity
- Compactness





# Case 14-25 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning

## FLUM Criteria

- Not in conflict with Comp Plan
- Available urban services
- Does not represent urban sprawl



# Case 14-25 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning

## Rezoning Criteria

- Compatible with existing residential uses
- Not isolated district, residential zoning present
- No special privilege



# Case 14-25 908 N. 20TH ST.

Annexation, FLUM Amendment & Rezoning

Recommend Approval of  
Annexation, FLUM Amendment,  
and Rezoning

*Agenda  
Item*

**10**



**CITY COMMISSION AGENDA ITEM**

**SUBJECT:**

**ORDINANCE** prohibiting dogs and other pets, except service animals, from City of Palatka Cemetery grounds - 1st Reading

**SUMMARY:**

On July 9, 2015 during Commission Discussion there was consensus to bring forth an ordinance for first reading to ban dogs from City of Palatka's public cemeteries' grounds.

Service animals must be permitted for individuals with disabilities who are attending funeral services or visiting graves, or on other cemetery business. Definitions for service animals, as well as Florida Statute 413.08.01, etc. which contains definitions and other laws pertaining to individuals with disabilities are attached. This exception and statute defining service animals are cited in this ordinance.

**RECOMMENDED ACTION:**

**Pass on first reading an ordinance prohibiting dogs and other pets, except service animals, from City of Palatka cemetery grounds.**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Ordinance	Ordinance
<input type="checkbox"/> Information re Service Animal Definitions	Attachment
<input type="checkbox"/> Florida Statute 413.08	Attachment

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 1:26 PM
City Clerk	Driggers, Betsy	Approved	7/30/2015 - 1:27 PM
City Manager	Suggs, Terry	Approved	7/30/2015 - 4:35 PM

This instrument prepared by:  
Betsy J. Driggers, CMC  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

**ORDINANCE NO. 15-**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 22 OF THE PALATKA MUNICIPAL CODE ENTITLED CEMETERIES; AMENDING SECTION 22-8 TO PROHIBIT DOGS AND OTHER PETS, OTHER THAN SERVICE ANIMALS; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palatka owns and maintains three cemeteries and desires to memorialize and adopt rules and standards for the maintenance and orderly care of those cemeteries, as well as for the health, welfare and safety of its citizens and employees; and

**WHEREAS**, the City of Palatka finds it necessary to adopt standards for behavior within its cemeteries, designed to help assure that the appearance of the cemeteries and the activities occurring within are consistent with and in keeping with the dignity and respect to which those interred within the cemeteries and their loved ones are entitled; and

**WHEREAS**, the City Commission of the City of Palatka has determined that said rules and standards are necessary and should be adopted and are in the interest of the public and its general welfare.

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

**Section 1.** That That Palatka Municipal Code Chapter 22, Section 8, entitled "Restrictions, permits, preservation standards and hours of business operation" shall be amended to read as follows:

**Sec. 22-8. Restrictions, permits, preservation standards, decorum and hours of business operation.**

- (a) West View, Oak Hill (also known as Oak Hill East) and Oak Hill West Cemeteries will be opened daily to the public during the hours of 7:30 a.m. to dusk. Any person found in a city-owned cemetery between the hours of dusk and 7:30 a.m. shall be deemed to be trespassing and will be

prosecuted for trespass and subject to fines and penalties per FS 810.09.

- (b) All vehicles, including vault and monument trucks used for delivery and installation of vaults and monuments within the cemetery, are permitted to drive only on the designated roadways within the cemetery, and are prohibited from driving outside of the designated existing roadways.
- (c) Permits for the installation of markers must be obtained from the City of Palatka Cemeteries Department before a marker can be set.
- (d) Vaults and monuments may only be delivered and installed by licensed monument establishments in the cemetery during regular business hours, from 8:30 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.
- (e) With the exception of indigent burial sites, all gravesites shall be marked with a durable weather-resistant marker immediately following the interment service. Such marker shall include the name of the deceased, date of birth, and date of death.
- (f) The City of Palatka hereby adopts the standards set forth by The National Park Service National Center for Preservation Technology and Training, entitled "Best Practice Recommendations for Cleaning Government issued Headstones," as it's standard for cleaning headstones or any marble, granite or other type of stone grave marking. For maintenance of grave markers done by persons other than heirs or owners of such markers, no bleach or bleach-like products, products containing strong acids or bases, or harsh mechanical devices such as sand blasters or drills equipped with wire brushes are permitted to be used. No pressure washing shall be allowed with a machine in excess of 500 psi, nor at a distance of closer than 12 inches from the surface to be cleaned, and only provided a test patch done on a small, unobtrusive area on the headstone is done prior to pressure washing which shows no adverse affects to the stone.
- (g) All persons performing any headstone or gravesite marker cleaning service on behalf of the owner of such headstone, or as a goodwill service on any historic, abandoned or non-owned headstone, shall first obtain a permit from the Palatka Cemeteries Department prior to the performance of any such work.

- (h) No vegetation, tree or shrub shall be allowed to be planted on or around any gravesite by anyone. Any vegetation planted on city-owned right of way at any cemetery shall be done only by permit issued by and in a location approved by the City cemeteries supervisor or designee. Any vegetation, tree or shrub planted on City right-of-way or property located in any cemetery shall become the property of the City of Palatka.
  - (i) Permits for the planting of any vegetation, tree or shrub in any cemetery by members of the public must be obtained from the Palatka Cemeteries Department before such planting can occur.
  - (j) No non-permanent items shall be allowed to be placed at any gravesite. Flowers may be placed at the headstone in a permanent vase attached to the base of the headstone or otherwise permanently installed on the side of the headstone, or attached by bracket to the top of the headstone. No ornamental items may be hung from or tied to any pole, bracket, tree or shrub. The City of Palatka will not be responsible for the maintenance or care of any unsecured flowers or ornaments placed on or around gravesites. City of Palatka personnel will remove any flowers or ornamental items from gravesites when the presence of such items is deemed a hazard or hindrance to public works, cemetery or maintenance personnel in the performance of his/her job duties.
  - (k) No dogs or other pets are permitted within the cemetery, except for "service animals" (as defined by FS 413.08(01)(d)) which are accompanying an individual with a disability who is attending a funeral, on cemetery business or visiting a gravesite.
- (\* j) A violation of this section shall constitute a class 1 violation as set forth in Section 2-314 of this Code.

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

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

**Section 4.** This Ordinance shall become effective immediately upon

its final passage by the City Commission.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka on this 10<sup>th</sup> day of September, 2015.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
Its **MAYOR**

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
CITY ATTORNEY

The Americans with Disabilities Act (ADA) 2010 Regulations define a service animal as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.” C.F.R. § 35.104 and § 36.104 (2010)

Florida law defines a “service animal” differently. In Florida, it means an animal that is trained to perform tasks for an individual with a disability including, but not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks.

FS Sec 413.08(01) (d): “Service animal” means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual’s disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. For purposes of subsections (2), (3), and (4), the term “service animal” is limited to a dog or miniature horse. The crime-deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Select Year:  

## The 2015 Florida Statutes

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[Title XXX](#)  
SOCIAL WELFARE

[Chapter 413](#)  
VOCATIONAL REHABILITATION

[View Entire Chapter](#)

**413.08 Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination in public employment, public accommodations, and housing accommodations; penalties.—**

(1) As used in this section and s. [413.081](#), the term:

(a) "Housing accommodation" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but does not include any single-family residence, the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(b) "Individual with a disability" means a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual. As used in this paragraph, the term:

1. "Major life activity" means a function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

2. "Physical or mental impairment" means:

a. A physiological disorder or condition, disfigurement, or anatomical loss that affects one or more bodily functions; or

b. A mental or psychological disorder that meets one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, such as an intellectual or developmental disability, organic brain syndrome, traumatic brain injury, posttraumatic stress disorder, or an emotional or mental illness.

(c) "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; a timeshare that is a transient public lodging establishment as defined in s. [509.013](#); lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. The term does not include air carriers covered by the Air Carrier Access Act of 1986, 49 U.S.C. s. 41705, and by regulations adopted by the United States Department of Transportation to implement such act.

(d) "Service animal" means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual

with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. For purposes of subsections (2), (3), and (4), the term "service animal" is limited to a dog or miniature horse. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

(2) An individual with a disability is entitled to full and equal accommodations, advantages, facilities, and privileges in all public accommodations. A public accommodation must modify its policies, practices, and procedures to permit use of a service animal by an individual with a disability. This section does not require any person, firm, business, or corporation, or any agent thereof, to modify or provide any vehicle, premises, facility, or service to a higher degree of accommodation than is required for a person not so disabled.

(3) An individual with a disability has the right to be accompanied by a service animal in all areas of a public accommodation that the public or customers are normally permitted to occupy.

(a) The service animal must be under the control of its handler and must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by means of voice control, signals, or other effective means.

(b) Documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal. A public accommodation may not ask about the nature or extent of an individual's disability. To determine the difference between a service animal and a pet, a public accommodation may ask if an animal is a service animal required because of a disability and what work or tasks the animal has been trained to perform.

(c) A public accommodation may not impose a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual with a disability, even if a deposit is routinely required for pets.

(d) An individual with a disability is liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge nondisabled persons for damages caused by their pets.

(e) The care or supervision of a service animal is the responsibility of the individual owner. A public accommodation is not required to provide care or food or a special location for the service animal or assistance with removing animal excrement.

(f) A public accommodation may exclude or remove any animal from the premises, including a service animal, if the animal is out of control and the animal's handler does not take effective action to control it, the animal is not housebroken, or the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal. If a service animal is excluded or removed for being a direct threat to others, the public accommodation must provide the individual with a disability the option of continuing access to the public accommodation without having the service animal on the premises.

(4) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with admittance to, or enjoyment of, a public accommodation or, with regard to a public accommodation, otherwise interferes with the rights of an individual with a disability or the trainer of a service animal while engaged in the training of such an animal pursuant to subsection (8), commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#) and must perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity

or organization at the discretion of the court, to be completed in not more than 6 months.

(5) It is the policy of this state that an individual with a disability be employed in the service of the state or political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds, and an employer may not refuse employment to such a person on the basis of the disability alone, unless it is shown that the particular disability prevents the satisfactory performance of the work involved.

(6) An individual with a disability is entitled to rent, lease, or purchase, as other members of the general public, any housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

(a) This section does not require any person renting, leasing, or otherwise providing real property for compensation to modify her or his property in any way or provide a higher degree of care for an individual with a disability than for a person who is not disabled.

(b) An individual with a disability who has a service animal or who obtains a service animal is entitled to full and equal access to all housing accommodations provided for in this section, and such a person may not be required to pay extra compensation for such animal. However, such a person is liable for any damage done to the premises or to another person on the premises by the animal. A housing accommodation may request proof of compliance with vaccination requirements.

(c) This subsection does not limit the rights or remedies of a housing accommodation or an individual with a disability that are granted by federal law or another law of this state with regard to other assistance animals.

(7) An employer covered under subsection (5) who discriminates against an individual with a disability in employment, unless it is shown that the particular disability prevents the satisfactory performance of the work involved, or any person, firm, or corporation, or the agent of any person, firm, or corporation, providing housing accommodations as provided in subsection (6) who discriminates against an individual with a disability, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any trainer of a service animal, while engaged in the training of such an animal, has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for those persons described in subsection (3) accompanied by service animals.

(9) A person who knowingly and willfully misrepresents herself or himself, through conduct or verbal or written notice, as using a service animal and being qualified to use a service animal or as a trainer of a service animal commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and must perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than 6 months.

History.—s. 1, ch. 25268, 1949; s. 1, ch. 61-217; s. 361, ch. 71-136; s. 1, ch. 71-276; s. 1, ch. 73-110; s. 1, ch. 74-286; s. 1, ch. 77-174; s. 19, ch. 77-259; s. 178, ch. 79-400; s. 1, ch. 82-111; s. 73, ch. 83-218; s. 60, ch. 85-81; s. 1, ch. 87-312; s. 1, ch. 89-317; s. 1, ch. 90-8; s. 1, ch. 91-94; s. 1, ch. 93-18; s. 57, ch. 97-103; s. 1, ch. 98-19; s. 3, ch. 2002-176; s. 1, ch. 2005-63; s. 1, ch. 2015-131.