

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

MINUTES CALLED MEETING - CITY OF PALATKA August 18, 2015 – 6:00 p.m.

Proceedings of a called meeting of the City Commission of the City of Palatka, Florida, held on the 18th day of August, 2015.

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

Also Present: City Manager Terry Suggs; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Interim Police Chief James Griffith; Fire Chief Mike Lambert; Grants/Projects Manager Jonathan Griffith

CALL TO ORDER & Reading of special meeting Call – Mayor Hill called the meeting to order at 5:00 p.m. and read the following meeting call, which was issued on August 11, 2015:

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

You are hereby notified that a Special Meeting of the Palatka City Commission is called to be held on Tuesday, August 18, 2015, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 6:00 p.m.

The purpose of the meeting is to:

1. Consider adoption of items on a Consent Agenda; and
2. Consider the Adoption of the following Fire Assessment Resolutions (*tabled during Regular Session on August 6, 2015*):
 - a. Annual Assessment Resolution – Adopt
 - b. Note Resolution - Adopt

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

The following Commissioners acknowledged receipt of a copy of the foregoing notice of a special called meeting on the 11th day of August, 2015.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Justin Campbell
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Rufus Borom
COMMISSIONER

INVOCATION – Vice Mayor Brown

PLEDGE OF ALLEGIANCE – Led by Mayor Hill

1. **PUBLIC RECOGNITION/PRESENTATIONS – There were none.**
2. **PUBLIC COMMENTS – There were none.**
3. **CONSENT AGENDA**
 - a. **Adopt Resolution No. 2015-11-58** authorizing the issuance of Special Events Permit No 15-30 for the 3rd Annual Gem City Shrimp Blast; setting forth provisions of the permit, granting permission to exceed allowable noise levels; authorizing the closure of certain streets to vehicular traffic during the event, and setting advance and other permit fees

Commissioner Norwood moved to adopt the items on the Consent Agenda as proposed. Commissioner Brown seconded the motion, which passed unopposed.

PUBLIC HEARINGS

4. **PUBLIC HEARING: Fire Service Assessment**

ANNUAL ASSESSMENT RESOLUTION – Adopt – The Clerk read a Resolution entitled 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. Commissioner Brown moved to adopt the Resolution as read. Commissioner Campbell seconded the motion. Mayor Hill opened the floor for public comment.

Dan Phillips, 109 Karen Ct, Pastor, Lemon Heights Baptist Church, addressed Vice Mayor Brown, saying she invited churches to help the City find solutions. He has many “why” questions regarding the lowering of the millage rate but at the same time enact an assessment. He does not believe the Fire Department is undermanned or underequipped at this time. If this passes their parishioners will have to help the church pay this with their discretionary income.

Asa Greear, Executive Director, St. Johns River Baptist Association, 707 Laurel Street, stated he represents churches in three counties and shared statistics on how they as a group of churches help the citizens of this City. If they are assessed this fire assessment, this will take \$2,000 away from their budget. This is a tax on churches that are helping people.

Paul Smith, 903 Kirby Street, said the assessment is 2.046 mills and asked if any other county or city has that high of a millage rate. He doesn't believe this will achieve what they want to achieve. He asked churches to stay for discussion on Agenda Item #5.

Allegra Kitchens, 1027 S. 12th Street, quoted scripture and asked the Commission not to take away the church's ability to do for the “least” of citizens. She asked they exclude all non-profits and churches from the service fee as they will be helping citizens that are burdened with this fee. She asked the Commission to vote no on imposition of the fee on all citizens.

Roberta Correa, 118 Dodge Street, said no one likes additional taxes. She was OK with this initially; this is about the survival of the City and progress. If they start exempting different groups, this will fail. It's all or nothing.

Neal Chancey, 2615 Lane Street, provided the Clerk with copies of a letter from Dr. Kirby Kennedy, First Baptist Church, (filed & distributed) asking the City not to impose this tax on churches, saying this will hinder their ability to get more involved with the Community. He commends the City on its efforts to lower the millage rate; however, churches and non-profits do not pay ad valorem tax. In any event, First Baptist will continue to partner with the City as they have in the past.

Callie "Risa" Walls, 107 Ferdinand Avenue, St. Augustine, said she owns property here. Eleven years ago the City Commission stated there was an urgent need for affordable rental properties. She truly wants to provide nice clean affordable single-family homes, and she does. Her tenants are good, long-term people. She has never raised their rent. Even a small increase in rent would send many of them back into public housing. She already subsidizes the housing of her tenants. With the new assessment, it will cost her around \$200 a month per year. She cannot continue to provide low rent to her tenants if this passes. She will have to increase rents by \$50 per month. They need new tax payers, not new taxes.

Don Hannah, 2020 Country Club Terrace, Pastor, St. James United Methodist Church, 400 Reid Street, noted at the last meeting after public comments there was discussion of the possibility of churches and non-profits being assessed at a level of 25% of the fee. He speaks for himself, and not the church. He believes it is good for them to have "skin in the game." They want to have fire protection and be a part of the community. He asks them to reduce the rate for churches and drop the millage for everyone.

Ted Stackpole, 1 Putter Lane, Pastor, First Assembly of God, said they annexed into the City about 10 years ago. He asked if there are other options to fix the problem. Citizens and churches are also bearing the burden of the downturn in the economy; their church's income has gone down significantly. Many of their members are unemployed. He asks them to find a better solution than imposing this assessment

Karl Flagg, 1700 Oak St, Pastor, Mt. Tabor First Baptist Church, noted he is standing also for Rev. Frederick Demps of Calvary Missionary Baptist Church. He said the Church is not here to cry broke or poor. The church provides many avenues and means of support for citizens, which makes a difference in the lives of people every day. Churches are the foundation for quality of living in the community. Churches should pay their fair share, but they have not been presented with a "fair share" proposal. He is paying as a citizen, a business owner and through his church. They provide many ministries in the community; he read of list of his church's ministries into the record, and noted they are partners with the City.

Kenny Eubanks, 141 Ranch Road, East Palatka, member, First Baptist Church of Palatka, asked what agencies are exempt from the Fee, and named other government entities. He noted it costs as much to put their fires out. Commissioner Brown said everyone needs to participate in this fee; she agrees governmental entities need to participate in the cost of fire services. Mr. Eubanks said an assessment is the fairest tax you can put on people; however, government waited so long to do this, that the assessment is necessarily large to cover the large gap.

B. Skarbouski, 105 W. St. Johns Terrace, E. Palatka, said his grandson was born blind but can now see by a miracle of God. He does window tinting and people want him to finance his work, which is performed at a minimal cost. He said churches need fire protection.

Commissioner Norwood moved to amend the main motion to include an exemption for Section 3.06 (a) Item 1, page 19, which includes churches, non-profits and 501c3s. Commissioner Campbell seconded the amendment to the motion. Mayor Hill noted it is Commissioner Brown's motion and she would be the one to amend it. The motion is to adopt the resolution as written.

Commissioner Norwood said he understands the situation the City is in, but believes that the churches and parishioners support the fabric of the community, and provide support and resources to meet the needs of the community. He noted all non-profits provide the same benefit to the City due to their charitable work. He stands firm on asking an exemption for those entities noted under Section 3.06(a).

Commissioner Brown said she made the motion to adopt as she believes everyone needs some "skin in this game." This town is in dire straits. Only a few people who are now paying taxes carry the load for everyone. She has three parcels of property upon which she will have to pay this fee. Government entities also need to participate in this. Only a few people pay all of their taxes. Everyone needs to pay something. This is put in motion for one year; if it does not work, they will change or "get rid" of it. This did not just start this year. They have explored this for some time. They have asked for other ways to support these services, and have not received any constructive ideas. If they work together, and take care of everyone, God will take care of them. This City operates on taxes and fees. If there is a fire, they need a fire truck to respond. They are trying to find a way to provide a benefit for everyone.

Mayor Hill said he's had an opportunity to look at the annual reports over the past 15 years for this community. He has listened to the "state of affairs" for this community for several years. The numbers are constant. It will cost \$28 million to repair 65 miles of water lines, \$1.5 million to replace a WWTP that is 10 years past its useful life. They are constantly "kicking" this down the road. In 2008 the millage rate was 6.9%. Today it's over 9 mills. The solution prior has been to raise the millage rate and water rates. This will allow them to lower millage rates. There have been intelligent people sitting in these commission seats over the years, and no one has come up with a better solution. They are spreading poverty all over the City. He owns a business, owns property, loves Palatka and goes to Church. This is not an attack on churches. Churches have to be the center of everything that happens in the Community. The Commission has to provide things necessary for the community to move forward. They've cut back on everything as they relate to citizens. Today is the day they have an opportunity to move forward and change things in Palatka. This will immediately decrease the millage rate to 6.99; this is an opportunity to move forward. It will reduce even more the 2nd year. They have been talking about finding a better way for a decade, but nothing has been done. Palatkans and churches have to step up. He does not understand why the church doesn't believe it needs to be invested in the community. They can only move forward collectively. This is a matter of survival of this City. They need the help the churches can provide. The Bible directs the church to pay taxes if taxes are due. The best thing he heard tonight is that they all have to have "skin in the game." Then they can start working on repairs. He noted he had asked if churches weren't being assessed a fee, would they be here, and the answer was "no." They have many churches in this community who are involved in big business.

Commissioner Norwood asked if the Commission is looking at a reduction in assessment for churches, non-profits, institutions, etc. Mayor Hill said the motion is to adopt the resolution as presented at full value. He proposed the figures; they are a realistic figure to fully fund the fire department by the 2nd year to get the maximum millage rate reduction by the 2nd year. Commissioner Campbell asked if he had the authority to set that number without bringing it to the Commission. Mayor Hill said they brought forward a proposal to the Commission to set the proposed fees in July. Commissioner Brown said if people have a hardship they can apply for a

hardship reduction based upon a set of criteria, and can apply for this to the City Manager. She will be pushing to ask other governmental entities to participate in the cost of fire protection.

Mayor Hill proposed a 50% reduction in the fee for churches and institutions. Mr. Holmes read off a list of the classifications of properties to which the 50% reduction would apply, from Section 3.06(a), page 19 of the Resolution. Commissioner Brown withdrew her motion and moved to adopt the Resolution but to reduce the assessment for churches and other institutions as listed in Section 3.06(a) on page 19 of the Resolution by 50%. Commissioner Borom seconded the motion. There being no further comment or discussion, a roll-call vote was taken on the Motion, which yielded the following results: Commissioners Borom, Brown and Mayor Hill, Yes; Commissioners Campbell and Norwood, No. The Resolution was declared adopted by a margin of 3 in favor, 2 opposed.

NOTE RESOLUTION – Adopt – the Clerk read a Resolution entitled 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. Commissioner Brown moved to adopt the resolution as read. Commissioner Borom seconded the motion. Mayor Hill opened the floor for public comment.

There being no public comments offered, Mayor Hill closed the public comment portion of the Hearing.

There being no further comments and no discussion, a roll-call vote was taken on the Motion, which yielded the following results: Commissioners Borom, Brown and Mayor Hill, Yes; Commissioners Campbell and Norwood, No. The Resolution was declared adopted by a margin of 3 in favor, 2 opposed.

5. **DISCUSSION & DIRECTION –** Dept. of Economic Opportunity Economic Development Grant Application for Restaurant & Ship's Store – Recommendation to withdraw with intent to re-apply – Commissioner Brown moved to accept Staff's recommendation and withdraw the City's grant application with the intent to reapply. Commissioner Campbell seconded the motion, saying in light of things that have taken place concerning the proposed restaurateur, it would be in the City's best interest to withdraw and reapply. Mayor Hill opened the floor for public comment.

Paul Smith, 732 S. 18th Street, said the City has seen a lot of "stop signs" from many areas on this project. He doesn't see a reason to reapply for this grant.

Mayor Hill said for him this matter has become increasingly alarming. DEO has concerns as well as it relates to the restaurant associated with this project. It is time for the Commission as to pull back and re-adjust the application so they will have the people in place to move this project forward. They need to deal with this from an entirely different perspective. Nippers' financial position puts the City in a bad position. Commissioner Norwood asked if they are going to reissue an RFP to operate a restaurant.

City Attorney Holmes said this is on the agenda tonight for discussion; he mentioned that certainly it is understandable that, with the events surrounding Nippers, which was a participating party in the grant application, if they change that on this grant, the grant couldn't move forward,

as the restaurateur was a feature of the application. If they decide not to move forward with Nippers, they have to pull back on the grant application. Before they throw out the RFP process, there is another participating party that has invested a lot of time and money in this process and was the party that responded to the original RFP. He asked them to give it more thought as to starting over with another RFP. The other participating party believes he also has "a lot of skin" in this game. They would create an issue by throwing out the RFP.

Mayor Hill agreed and said they need to look at withdrawing the application with intent to reapply with Boathouse Marina as one of the participating parties, after vetting has been done to bring in another participating party to operate the concession. As to a deadline, Mayor Hill said the cycle comes around every quarter. He suggested they direct staff to withdraw the application with intent to reapply with one of the participating parties, which will allow them to move forward. The concerns surround only one party, not both.

Commissioner Campbell moved to withdraw the current application and move forward with Boathouse Marina as the participating party. Commissioner Borom seconded the motion. Discussion ensued regarding the RFP structure; it was noted that the Boathouse Marina/Mr. Lagassee was the party that the City entered into negotiations with. Mr. Lagassee was then going to bring in a restaurateur. He brought Nippers to the table and they became a participating party in the grant application, and that can't be changed, but the respondent to the RFP was Boathouse Marina/Scott Lagassee, not Nippers Restaurant.

There being no further comment or discussion, the motion was voted upon and passed unopposed.

6. **RECOMMENDED ACTION** regarding Planning Board Decision in PB Case No. 15-05/15-05-(2) - City Attorney Don Holmes said the City had made a conditional use application to allow a facility serving alcoholic beverages within 300 feet of a church to allow Nippers Restaurant to locate at the Riverfront. The application was numbered 15-05. It was considered by the Planning Board and failed on a tie vote. The City then appealed that decision to the Commission. There was then a hearing held on February 25th at the Planning Board level based upon a new application, new notice and an agenda was published for another hearing based upon the new application to take place on February 25, with a substantially different application. The Planning Board met on Feb 25th and the question arose about the fact the case # on the agenda was the same case # as the case that had been defeated previously. The Agenda for Feb 25 had a case # of 15-05; the notice that was in the newspaper stated the case number was 15-05. When it came before the Planning Board, the Planning Board was totally blameless in this scenario, as they questioned why the application number was the same. Staff explained it was a scrivener's error, and the new application was substantially different than the first. He offered the opinion that there was nothing in the Code to prevent it from being heard.

Following the February 25th Planning Board decision granting the conditional use based upon a new application, a citizen appealed the decision to the Commission. He offered the opinion at that time that a citizen that does not have a substantial xx does not have standing to file. That citizen then filed a lawsuit asking that the decision be overturned based upon Notice issues. He was advised the meeting was properly advertised and noticed. He has since asked for documents, and received and reviewed those documents, and found that as of the time the notice was provided of the February 25th meeting, no application was on file, no new application was on file. The new application was filed on February 23rd, only two days prior to the hearing. Palatka's Code requires 15 days notice of the application, and that conditional use applications be in writing. There was apparently direction to staff to move forward with an application, but staff didn't file the application until 2 days before the hearing, and it was filed under the new case #15-05-2. It had a separate # than 15-05, which is what was on the agenda and advertised in

the newspaper. It was not pointed out by staff that the number was only assigned sometime between the time the notice went to the newspaper, and the time the application was received. Mr. Holmes said he was assured that Staff had created a new file based upon Case #15-05-02. He knows notice was provided, but the only application the notice was based upon was #15-05. If a citizen had come to ask for a copy of the new application, it would not have been available until Feb 23rd. It is his opinion that violates both the spirit and intent of the Notice requirement. He can always fight a lawsuit, but cities shouldn't fight unless they are right, as tax payer dollars are being expended. He is asking the Commission to set aside the decision made by the Planning Board on February 25th concerning Case #15-05/#15-05-(2). This is not a criticism of the Planning Board. They asked the right questions. No one except Staff knew anything about a new application or Case No. 15-05-(2). Other than City Planning staff, no one knew that number existed.

Mayor Hill noted this item was added today and should be included as an emergency item. Commissioner Norwood moved to handle Item 6 as an emergency item. Commissioner Borom seconded the motion, which passed unopposed.

Commissioner Norwood moved to accept the City Attorney's recommendation and set aside the Planning Board decision to grant a conditional use permit to the City of Palatka on February 25, 2105 based upon PB Case #15-05/15-05-(2). Commissioner Campbell seconded the motion, which passed unopposed.

7. **DISCUSSION - Farm to Family Outreach Program** – Betsy Freeman, 131 Underwood Drive, Palatka, said this is an outreach program out of Hastings active in St. Johns and Flagler Counties. This is a mobile farmer's market working under USDA grants for low income/poverty neighborhoods and SNAP/EBT cards. They'd like to bring this program to Palatka and would like to use the parking lot of the Price Martin Center for a reoccurring event proposed for Monday afternoons, beginning on Sept. 24. This would last for 2 hours. This is self-contained mobile Farmer's Market contained in one 28-ft long truck. This is produce available for sale at a reduced rate. They believe the Price Martin Center is centrally located and ideal for their purposes. They are working under a FEMA grant that matches SNAP/EBT card funds dollar for dollar. If people bring their EBT card and they don't already have SNAP benefits, they will help them sign up for those benefits. If they come and spend \$10 the first Monday, and return the following Monday, they will have a \$10 credit to spend on top of another \$10.

Following question concerning mobile vendors and zoning, Mr. Suggs said the appropriate staff is not here to address the Commission's questions. They will bring this back to the September 10 meeting for action.

8. **CITY MANAGER & ADMINISTRATIVE REPORTS** – There were none.

9. **COMMISSIONER COMMENTS**

Commissioner Norwood asked if they've had a chance to look at the light on Elm Street at Crill. Mr. Suggs said they've discussed it and he will determine the disposition.

Commissioner Brown asked that the County Commission and School Board be contacted about entering into an agreement to participate in Fire Assessment Fees.

Mayor Hill said he sees an opportunity for the community to mobilize around pressing issues in the Community. Mayor Hill said recently they had six shootings, a murder, stabbings and robberies. They have had a lot of violence. He is tired of kids having nothing constructive to do, and of Palatka being depicted as a poor, violent community. They are a small community with a lot of pride. He encourages the participants here tonight to return to these meetings and participate in them. He knows the decision made tonight was not popular. They are doing these

things for the betterment of the community. The Church is the center of the Community, but they all have a part to play in moving forward. They all need to move forward and create something different. He thanked the audience for coming and participating in the process with dignity.

Mayor Hill noted the next Palatka Pride Clean up is scheduled for Aug 29th at the park at 10th & Madison and surrounding area. Calvary Baptist Church is team leader for that project. They want to make Palatka a better place for all.

Commissioner Borom said they would like the same energy from the public they've seen tonight to be brought forth in protecting the citizens. They will be putting together their task force to address crime in the community in the coming weeks, and they'd like the community to participate in that process with the same enthusiasm.

A Benediction was provided by The Reverend Dan Phillips.

10. **ADJOURN** - There being no further business to discuss, the meeting was adjourned at 7:30 pm by Mayor Hill.

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