

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

JASON L. SHAW, SR.
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

MINUTES CITY OF PALATKA April 14, 2016

Proceedings of a Regular meeting of the City Commission of the City of Palatka, Florida, held on the 14th day of April, 2016.

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; Police Chief Jason Shaw; Planning Director Thad Crowe; Public Works Director Jonathan Griffith

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

INVOCATION – The Reverend Ben Tippett, Senior Pastor; Victory Christian Fellowship

PLEDGE OF ALLEGIANCE – Commissioner Norwood

APPROVAL OF MINUTES – 03/24/16 – Commissioner Campbell moved to adopt the minutes as read. Commissioner Norwood seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION/PRESENTATIONS

PROCLAMATION – Call Before You Dig Month – April, 2016 – Mayor Hill read and issued the proclamation, which was presented to Brad Martin, Damage Prevention Liaison, Sunshine 811. Don Kitner, Palatka Housing Authority, and Jonathan Griffith, Public Works Director, were also present. Mr. Martin thanked the Commission for bringing the public's attention to safe digging activities, which should be observed all year long.

PROCLAMATION – Water Conservation Month – April, 2016 – Susan Davis, Intergovernmental Coordinator, St. Johns River Water Management District, was present to receive the proclamation, which was read and presented by Mayor Hill. She said water conservation is important to all of Florida. SJRWMD is honored to join with the City in this endeavor.

PROCLAMATION – Keep Putnam Beautiful County Wide Clean-Up – Police Chief Jason Shaw representing Palatka Pride was present to receive the proclamation, which was issued by Mayor Hill. Chief Shaw said the next Palatka Pride clean up is April 23rd; they will clean up the Oak Street area. Mayor Hill said anyone is interested in partnering or volunteering to help with the County-Wide Clean Up on May 21st or any clean-up can contact the Police Department or KPB.

2. PUBLIC COMMENTS

Zinnie Bess, 200 Hayes Drive, Interlachen Florida, spoke on the Homeless Coalition, PAL boxing and mental health services and systems. He said more money and facilities are needed for a psycho-social rehabilitation center for those diagnosed with mental illnesses. This will help people become productive citizens. They desperately need a free-standing club house not funded through Stewart-Marchman or any other agency to provide resources. As to PAL Boxing, Mayor Hill said it is a county-run program; they have a rink and funding. Mr. Bess said he can bring professional boxers to Palatka.

Jacob Spells, 1950 Crill Avenue, said he read about the alcohol situation in the newspaper. He said they need a uniform guideline for alcohol sales in the City as well as the County.

3. CONSENT AGENDA

- a. **Adopt Resolution No. 2016-12-25** authorizing the execution of a St. Johns River Water Management District Fiscal Year 2016 Cost Share Grant for the Booker Park Regional Stormwater Pond Project
- b. **Adopt Resolution No. 2016-12-26** authorizing the execution of a St. Johns River Water Management District Fiscal Year 2016 Cost Share Grant for the Palatka Wastewater Facility Reclaimed Water Project
- c. **Adopt Resolution No. 2016-12-27** authorizing the Mayor and City Clerk to execute and attest a Construction Agreement with TB Landmark Construction Inc. for the replacement of an influent Structure located at the Moody Road and St. Johns Avenue Lift Station.
- d. **Adopt Resolution No. 2016-12-28** authorizing the execution of a Contract for Professional Services with Castle Bay Design Studio, LLC for playground design associated with FRDAP Project No. A16072 Grant Agreement for Riverfront Park Phase I
- e. **Adopt Resolution No. 2016-12-29** authorizing elimination of the Code Enforcement fines, liens and fees levied against 1506 Napoleon Street.
- f. **Appoint Edie M. Wilson to the Palatka Planning Board** for the remainder of a 3-year term to expire December 31, 2016 (sole applicant)
- g. **Grant permission to exceed allowable noise levels for Special Events Permit No. 16-28:** Arts Council Spring and Summer Concert Series; Saturday April 23, 2016; Saturday, May 14, 2016; Saturday, June 4, 2016; Friday, June 17, 2016; Monday, July 4, 2016 including permission to serve alcoholic beverages at the Riverfront Park from 3 pm until 10 pm July 4th only; July 30, 2016; and Saturday, August 13, 2016, All concerts except the 4th of July shall occur between 5:00 pm until 9:00 p.m. - Arts Council of Greater Palatka/Denise Aiken, Applicant.

Commissioner Brown moved to pass all items on the Consent Agenda as recommended. Commissioner Campbell seconded the motion, which passed unopposed.

4. **APPOINTMENT - Palatka Housing Authority Board - Three (3) year term to expire April 14, 2019 - two (2) Applicants - Marshall Fulgham (incumbent member since 4/2005) and Darryll W. Futch -** Mayor Hill said they have received a 3rd application from Will Jones. Because they have additional interest in this he suggests they extend the application period so they can bring this back at the April 28th meeting. Commissioner Norwood moved to table the item to April 28th and extend the application deadline. Commissioner Campbell seconded the motion, which passed unopposed.

5. **PUBLIC HEARING - ANNUAL ASSESSMENT RESOLUTION** for non-ad valorem Fire Service Assessments for FY 16-17 based on same rates and exempted property direction given by City Commission FY 15-16 – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, APPROVING THE FISCAL YEAR 2016-17 NON-AD VALOREM ASSESSMENT ROLL FOR FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; ADDRESSING THE COLLECTION OF AN AMOUNT EQUIVALENT TO UNPAID FIRE SERVICE ASSESSMENTS, IF ANY; DIRECTING

CERTIFICATION OF THE ASSESSMENT ROLL AND COLLECTION PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; CONFIRMING REQUIRED STATUTORY NOTICE AND IMPOSING AND LEVYING FIRE SERVICE ASSESSMENTS; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the resolution as read. Commissioner Campbell seconded the motion.

Mayor opened the Public Hearing for public comment.

Sharon Kilgore, 200 James Street, Palatka, said she is a senior citizen. They should lower the taxes as they collected plenty of money last year. If this is added to the regular tax bill her mortgage payment will go up. She asked that they send out a monthly bill on this.

George Monkhouse, 1423 S. 15th Street, said last year it was said that this year's assessment would be reduced. He would not object if this is reduced. He is a totally disabled veteran and is not supposed to pay taxes. He objects to more non ad-valorem taxes. He would like to see a reduced rate for disabled persons.

Allegra Kitchens, 1027 S. 12th Street, said she has always objected to this fee, which is a tax. She asked them to not put this on the ad valorem tax bill and to continue billing it from City Hall.

As there was no further public comment offered, Mayor Hill closed the public comment portion of the public hearing.

Commissioner Brown said she spoke with Ken Mahaffey, former Tax Collector, who said if they put this on the tax bill, there are other fees that go along with it. Mayor Hill said Mr. Suggs, Mr. Reynolds and Mr. Larson have had extensive communication with the Tax Assessor's office as well as citizens concerning this process and costs. Commissioner Norwood noted a scrivener's error on the adoption date on the resolution in their packets.

Commissioner Norwood said he is concerned about individuals' mortgage payments going up. Mortgages are taken out on a set rate. Senior citizens cannot meet these adjustments and maintain their quality of life. Mayor Hill said if you raise the millage rate, as has been done historically, the escrow payment also goes up. No one has objected to raising the millage. He asked if people will complain that they are paying less if they reduce the millage rate this year, and mortgage payments go down. The purpose is to provide a certain level of reprieve for citizens from their high millage rate, which was reduced last year from 9.17 to 6.99. They are just short of reaching their goal. They can provide additional relief when that goal is met. Discussion ensued regarding a different method of collection and easing the burden for individuals who pay their ad valorem tax bills through escrow. Mayor Hill said they can make payments on a quarterly basis. The additional reduction in millage provides some easing. It is not evident that Palatka is lowering its millage rate when other taxing districts are raising their millage rate, which is what happened this past year. The Assessment Fee will be considered each year. Every year they also have an opportunity to reduce the millage rate. The purpose of the fire fee is to look at hardships. Prior to putting this assessment in place, they had the 7th highest millage rate in the State. The only solution was putting a fire assessment in place, which spreads the cost over more payers. Mayor Hill said last year the City was on the verge of bankruptcy. Last year they determined that "everyone needs to have skin in the game." They have tried to use all the tools in the tool box, rather than again raising the millage rate, as they have done historically. At this time they have collected around \$1,200 more than what they budgeted for. They can now look at providing additional relief to citizens. The uniform collection method puts them in a better position to collect. There being no further discussion or comment, a roll-call vote was taken, which yielded the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, yes; Nays, none. The resolution was declared adopted.

6. **RESOLUTION** confirming Smith McCrary Architects, Inc. revised scope of work for the design and construction administration of the water taxi terminal building and riverfront park restrooms – Adopt – Jonathan Griffith said the deadline for the water taxi grant is September of this year. They have an approved contract with Smith McCrary that has already gone through FDOT review. They have provided a revised scope of work to construct the terminal building and restrooms, minus the restaurant.

The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, CONFIRMING SMITH MCCRARY ARCHITECTS, INC. REVISED SCOPE OF WORK FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE WATER TAXI TERMINAL BUILDING AND RIVERFRONT PARK RESTROOMS. Commissioner Norwood moved to adopt the resolution as read. Commissioner Borom seconded the motion.

No public comment was offered.

Commissioner Borom noted the amount of the contract would not change, but the scope of the project has been adjusted to remove the kitchen and restaurant. Mr. Griffith said this firm has already done a considerable amount of work. The scope is not definitive. What's left is a building that is proportional to the percentage of the unpaid contract range for the smaller building. Discussion ensued regarding the reduced scope of the building compared to the contract amount, which was not reduced accordingly. Mr. Griffith noted they will come back with renderings and concept as this project falls within the South Historic District. The building is designed in such a fashion as to accommodate an expansion. They have to complete the entire project by September of this year. As that is not feasible, they will probably be requesting a final extension from FDOT, but need to be on an accelerated schedule for design, as FDOT will want to see progress.

There being no further discussion or comment, a roll-call vote was taken, which yielded the following results: Commissioners Borom, Brown, Campbell, Norwood and Mayor Hill, yes; Nays, none. The resolution was declared adopted. Commissioner Brown asked, since they won't have a restaurant in this building, would it be reasonable to approach Corky Bell's about putting their restaurant back into the Golf Club. Mr. Suggs said they just closed out the RFP for management of the Golf Club. Mr. Griffith said they have four complete responses, which are being distributed to the evaluation team.

7. **DISCUSSION** – Sunday Morning Alcohol Sales – Mayor Hill said he asked to have this conversation with the Commission. He opened the floor for public comments.

Allegra Kitchens, 1027 S.12th Street, said the current ordinance works. The County also doesn't allow alcohol sales on Sunday morning, except they are allowed at noon and the City allows sales to begin at 1:00 pm. She asked that the PD do a study showing the effect of extra hours of alcohol service.

Mayor Hill said merchants and citizens have expressed concern as to why alcohol sales are not permitted on Sunday morning. People can purchase alcohol beginning at 7 am Monday through Saturday but must wait until 1 pm on Sunday. It looks as though the purpose of the restriction is based upon religious objection. He was aware of the conversations that took place when this was adopted. They have churches that have services on Saturday, but there is no prohibition on Saturday. They need to look at the law to determine if there is a need to restrict Sunday alcohol sales. The climate here is far different than it was in 2005. They need to look at this from a safety perspective. Cutting sales off at 2 am is a good thing. He is leery about the sales restriction on Sunday alone. Merchants in the community that sell alcohol depend upon those

sales, and restaurants would like to sell simple beverages like mimosas and Bloody Marys. He has a listing of the DUI's the City has issued since 2010. They have had 77 DUIs since 2010, which are heightened during holidays. None of those take place when there are extensions on alcohol sales such as on New Year's Eve. They need additional collection and reporting as to whether or not there is a safety issue with selling alcohol at 7 am on Sundays as opposed to all other days. Merchants situated within the city limits find themselves in a far worse position than anyone, as an individual can make a purchase in the County and come back into the city to consume it. If they have to drive further to get it, that's the worst thing they can do. He does not recall, in 17 years of practicing criminal law, a client with a DUI between 7 am and 1 pm on Sunday. This is a new day and age, and they need to be conscious of separating Church and State, and legislating morality to the detriment of churches and economic growth. This is about affecting the rights of citizens. This is not an attack on churches. They don't want to interfere with anyone's right to congregate and worship. They do want to look at having more progressive laws in place. Commissioner Borom said he is in favor of moving forward on changes.

Allegra Kitchens, 1027 S. 12th Street, said they can legislate morality, or things like murder and rape wouldn't be against the law. If people are inebriated and coming out of establishments when church is letting out, they will be doing what drunken people do in front of children. This is an issue of safety. This is not hurting the merchants. She suggests allowing merchants to sell closed containers of alcohol but not allowing restaurants and bars to serve it.

Commissioner Norwood said this ordinance was put in place to address individuals coming from other counties to drink here after 2 am on weekends, and to address improprieties that were happening to downtown businesses. There were a lot of calls for service at the time. He has no problem with allowing people to sell closed containers on Sunday morning. They have to make business operations fair throughout the County. The City should align with the County. He does not want this to be about the City being able to sell alcohol at the golf course, but private businesses not being allowed to do it.

Discussion ensued on hours of sales and the purpose of putting the 2005 ordinance in place, which was mainly intended to stop weekend open container alcohol sales after 2:00 a.m. at certain establishments. Mayor Hill said he sees no difference in times of alcohol sales from Monday thru Saturday and Sunday. There were a lot of ordinances that were put in place based upon inflated statistics. They need to weigh the benefit against the deficits.

Askew Vickers, 207 N. 18th Street, said he appreciates Mayor Hill's comments and agrees that the statistics that were presented to the Commission were inflated. As to the security controls he had in place, Chief Getchell took them away when he put an end to allowing the hiring off duty officers for security work. They had no issues when he was able to hire police officers for special duty security.

Zinnie Bess, 200 Hayes Street, Interlachen, said alcohol is a drug and creates mental health issues and accidents.

Joseph Petrucci, 905 Tierra Woods Drive, concurred with Mayor Hill's assessment and believes that this was put in place because of people objecting to alcohol consumption while church services are in progress. Alcohol sales boost entertainment sales. Sunday morning sales do make a difference in restaurant and merchant sales. It is an unnecessary restriction. Church participation goes on all week long.

Jacob Spells, 5019 Crill Avenue, said anyone can go into the County and buy alcohol at 7 am on Sunday morning and bring it back into the City. They need uniformity.

Sharon Kilgore, 200 James Street, said no one should drink on Sunday.

Chief Shaw was directed to compile stats on alcohol related crimes from 2005 coming forward, and to perform an independent analysis of those 2005 studies to determine whether they have issues with DUIs or alcohol related crimes on Sunday morning or any other morning. Commissioner Campbell asked the Clerk to pull minutes from meetings when the 2005 ordinance was discussed and adopted, and have them distributed for reference. Discussion ensued as to the purpose of putting the 2005 ordinance in place, as to whether it was adopted to stop alcohol sales/consumption at bar/restaurants between the hours of 2 am and 5 am on weekends, or to address alcohol-related issues on Sunday mornings between the hours of 7 am and 1 pm. Chief Shaw was directed to include stats on alcohol related calls from 7 am to 1 pm on all mornings of the week from 2004 coming forward.

There was Commission consensus to revisit this matter at its May 12th meeting.

8. CITY MANAGER & ADMINISTRATIVE REPORTS

PROJECTS UPDATE - Jonathan Griffith said there are no perceived road blocks at this time. They are in a planning phase on safety issues concerning roads, sidewalks and drainage.

Mr. Griffith said they are meeting with Mr. Lagassee Tuesday at 3 pm to put a temporary operation agreement in place. They hope to have boat #2 in a temporary water location by the end of the month. There is no update on Boat #1. Mayor Hill said Mr. Patel is shooting for a soft opening for the Hampton Inn in Early May.

Mr. Suggs provided an update on the 100 Block project, noting there has been a lot of conversation and perception on what is happening there. Given all the rumors he believes it is time to provide some facts on progress. This morning he and Mr. Holmes met with Building & Zoning staff on the status of various permits that are currently in place. There was some question about work performed prior to an actual building permit being issued. There is an ordinance that authorizes the building official to allow for construction prior to the permit being issued with an approved set of building plans. He did sign an affidavit acknowledging that. The Building Inspector is making inspections and if anything is not done according to plans, that will have to be corrected. As to the zoning, the contractor understands a conditional use will be required for student housing. If the conditional use isn't granted, the contractor has moved forward at his own peril. Yes there is a lot of activity. Inspections are being made and there is an approved set of plans for one phase. He can answer any questions that anyone has. The City was notified on March 2nd by the contractor that construction was started; he is not aware of any liens. Discussion ensued as to modifications to the contract to change the scope of the project from luxury condos to student housing. Mr. Holmes said the conceptual plan presented to the City in verbal description if not drawings was for high end luxury condos on upper floors and retain/commercial on the ground floor. The contract does not specify that. The only restriction on use is on whatever applicable zoning would allow. The City was told it would be high end condos with commercial on first floor; however, the developer is not bound to that by the contract. The plans submitted to this point are for the southernmost 3 story building. If built as the plans were drawn, it would not meet applicable zoning as it exceeds the number of dwelling units allowed. It's confusing if you are not a builder or building inspector. Their concern is that Mr. Diamond is not being given any leeway that any other builder would not be given; they were assured by Mr. Nelsen, the CBO, that he is not; they were given State statute that states if someone submit plans like Mr. Diamond has submitted, and if there is nothing found objectionable, that before the permit is issued the contractor can begin construction at the builder's risk. That has been done with Mr. Diamond with the southernmost building, as plans were submitted for plumbing, HVAC and electrical items. As of 1:00 p.m. today the permit has not been issued, but HVAC, electrical and plumbing have been submitted. Those were rejected as Mr. Nelsen has required resubmission

with a sprinkler system. He has allowed Mr. Diamond to begin construction on the southernmost building. He has been provided with plans for external windows and doors, and a permit has been issued on that. Mr. Nelson has assured them that what they are doing with Mr. Diamond, they would do with any other contractor. As to zoning, they cannot be occupied as they are in violation of zoning code. They are not trying to make Mr. Diamond look good or bad, but they are trying to clarify the facts. It was clarified that electrical, HVAC and plumbing plans have been submitted for the southernmost building. They do have plans for external doors and windows for the entire 100 Block development.

9. COMMISSIONER COMMENTS

Commissioner Brown said she distributed the Explorer Magazine which is published by the Palatka Daily News. For some time people have been talking about how troubled Palatka is. Page 12 calls Palatka the Gem City of the St. Johns River. She wants everyone to think of Palatka as being the Gem of the St. Johns and promote it as such.

She will not be in attendance at the next meeting as she will be out on League business.

Commissioner Brown said they met with Senator Bill Nelson several months ago about the City's priorities and goals. He asked his aid to get in touch with Rural Development on Palatka's behalf. Rural Development representatives came to Palatka on Tuesday and were given a tour of the City. They visited Commissioner Campbell's 1st grade class. They were shown the health care system, school system and old Water Works Environmental Center. They were very impressed with all the City has been doing. This summer they will be coming back to hold a workshop with the Commission to provide guidance on reaching their goals. Mayor Hill said the concept is called "Community Day" wherein various government agencies will come in and talk to local government and citizens on overlooked resources.

Mayor Hill said April 23rd is the next Palatka Pride clean up; they are painting a house on 14th & Oak. They will begin on 16th Street on a lot owned by the City. The area is 14th to 17th Streets, St. Johns Avenue to Diana Drive. City Hall is the drop off spot for the County-wide clean up.

Mayor Hill said today at the Chamber Meeting they heard a presentation from a gentleman who is purchasing property on PRC Way, and the planned business will bring in an additional 50 jobs. He is willing to explore additional opportunities to bring jobs and corporate partners to Palatka/Putnam County.

Palatka had a very busy weekend last weekend, with the Bike Festival, Chalk Explosion and March of Dimes Walk all going on simultaneously. They also had a community outreach day at Booker Park. Many people from inside and outside the community participated. This level of activity will be happening on a more frequent basis.

- 10. ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:50 p.m. upon a motion by Commissioner Borom.

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