



**COMMUNITY REDEVELOPMENT
AGENCY AGENDA ITEM**

SUBJECT:

DISCUSSION ITEMS:

- * 1. CRA Board Composition
- 2. Hiring of a CRA Administrator
- 3. CRA Plan revisions and creation of new districts
- * 4. Bethel AME Church Grant Match Request - Gary McGriff

SUMMARY:

Items #1, 2, 3 and 4 are discussion items. A memorandum from City Attorney Don Holmes follows this Summary regarding Item #1.

Also following this Summary is a request submitted by Gary McGriff on behalf of Bethel AME Church of Palatka, 719 Reid Street, requesting matching grant funds in the amount of \$50,000 for a State of Florida Historical Resources "Special Category Grant" for the renovation of Bethel AME Church. He is requesting any funding source and states he needs a commitment letter on these funds by July 1st.

RECOMMENDED ACTION:

Discussion and direction on Items.

ATTACHMENTS:

Description	Type
☐ City Attorney Memorandum 6-8-16	Discussion
☐ Bethel AME Church Request	Discussion

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	6/9/2016 - 1:25 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

JASON L. SHAW, SR.
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

AGENDA CITY OF PALATKA COMMUNITY REDEVELOPMENT AGENCY June 13, 2016 at 5:00 p.m.

CALL TO ORDER:

- a. Invocation & Pledge of Allegiance
- b. Roll Call

APPROVAL OF MINUTES: 04/11/2016

PUBLIC COMMENTS (Speakers limited to three minutes – no action taken on items):

REGULAR AGENDA/TIF REQUESTS

DISCUSSION ITEMS:

- *1. CRA Board Structure/composition
2. Hiring of CRA Administrator
3. CRA Plan Revisions and creation of new Districts
- *4. Request for Grant Match Funds - Bethel AME Church of Palatka; Gary McGriff

OTHER BUSINESS

REPORTS

- *4. (a) Small Business Development Center
- (b) Palatka North TIF District Advisory Committee Report
- (c) Palatka South TIF District Advisory Committee Report
- (d) Palatka Main Street Report

5. ADJOURN

*attachment

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE COMMUNITY REDEVELOPMENT AGENCY 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.

MEMORANDUM

DATE: June 8, 2016
TO: City Commissioners, Mayor, and City Manager
FROM: City Attorney, Don Holmes
RE: Community Redevelopment Agency Board

I have been asked to perform research and then provide an opinion regarding the basic rules and guidelines which apply to the creation and composition of a Community Redevelopment Agency Board. In response, please accept the following:

Chapter 163.356 Fl. Stat. provides general guidance regarding the creation of a Community Redevelopment Agency. Briefly stated, the statute contemplates that a governing body (municipality for purposes of our discussion) establishes the predicate for creating a Community Redevelopment Agency by “declaring the need for a Community Redevelopment Agency” in the form of a **RESOLUTION**. Thereafter, by **ORDINANCE** the governing body may appoint a board of commissioners of the Community Redevelopment Agency, “which shall consist of not fewer than five or more than nine commissioners”. The terms of offices of the commissioners, as well as procedures for filling vacancies in office are all established in Chapter 163.356(2) Fl. Stat.

The statute cited above contemplates that a governing body (City Commission in Palatka’s case) would appoint citizens other than elected officials to the CRA Board. However, as an alternative to appointing “citizens” to the Community Redevelopment Agency Board, the governing body may, as Palatka did, declare itself to be the Community Redevelopment Agency, as authorized by 163.357 Fl. Stat. In the event the governing body chooses this option, when it is functioning as the Community Redevelopment Agency, it is functioning as a legal entity which is separate, distinct, and independent from the governing body. In other words, if, as the City of Palatka chose to do in originally establishing a Community Redevelopment Agency, the City Commission chooses to declare itself to be the Community Redevelopment Agency Board (or at least five members of same), in performing Community Redevelopment Agency responsibilities, the City Commissioners are functioning as a separate legal entity, distinct and independent from the City Commission. In fact, the City Commission is required to designate a “Chair and Vice-Chair” of the CRA Board but the “Chair and Vice-Chair” are not automatically the Mayor or Vice-Mayor of the City Commission. A specific designation by the City Commission of the Chair and Vice-Chair of the CRA Board is required. The above-cited statute authorizes a five-member governing body (City Commission) to appoint two additional persons to act as members of the Community Redevelopment Agency and further provides that, if authorized by an interlocal agreement between the governing body (City) and one or more taxing authorities (Putnam County in our case), a member of the Board of Commissioners of the Community Redevelopment Agency may be a representative of the County, including a County Commissioner (Chapter 163.357(1) b)). As you all know, the Community Redevelopment Agency of the City of Palatka has, in general, functioned as last described above, with the five City Commission members serving as Commissioners of the Community Redevelopment Agency, and with two additional persons serving as members of the Board of the Community Redevelopment Agency. One of the “two additional persons” is a County Commissioner, as authorized by an interlocal agreement between the City and the County, in accord with the cited statute.

If, as is presently the case with the City of Palatka, the governing body (City Commission), pursuant to Chapter 163.357, declares itself to be the Community Redevelopment Agency, then the entire governing body (City Commission) must serve as the Community Redevelopment Agency Board of Commissioners. It is **NOT** permissible for the City Commission to declare itself to be an Agency and then allow one or more of the members of the City Commission to resign from the Community Redevelopment Agency Board while still retaining his or her seat on the City Commission. See AGO

1998-16; AGO 1997-04.

Conversely, if the City Commission opts not to declare itself to be the Agency, but instead chooses to appoint a "Citizen" Board of Commissioners in accord with Chapter 163.356, then NO City Commissioner, Mayor, or other "office holder" may serve on the Community Redevelopment Agency Board. See AGO 1997-04; AGO 1999-65; AGO 1998-36; Chapter 163.367(3) Fl. Stat. In fact, Chapter 163.367(3) specifically states that "no Commissioner or other officer of any Community Redevelopment Agency, Board, or Commission, exercising powers pursuant to this part shall hold any other public office under the County or Municipality, other than his or her commissionership or office with respect to such Community Redevelopment Agency Board or Commission. As noted by the Attorney General in its opinion numbered 98-36, Chapter 163.357, Fl. Stat. expressly authorizes the governing Board of the City or County which creates a Community Redevelopment Agency to sit as that Agency's Board of Commissioners. This statutory authorization operates as an exception to the general prohibition contained within Chapter 163.367(3) (prohibiting dual office-holding). However, as the Attorney General noted, "no such exception exists for the appointment of individual members of the County Commission or for the Mayor". Accordingly, it appears clear that if the Palatka City Commission determines to cease operating as five members of the Community Redevelopment Agency as authorized by Chapter 163.357, then no member of the City Commission, Mayor, or elected County Official/Commissioner may serve on the appointed Community Redevelopment Agency Board.

If the City of Palatka determines to appoint a Community Redevelopment Agency Board other than the City Commission, then any person who resides or is engaged in business within the area of operation of the agency is eligible for appointment. The "area of operation of the Agency" is described as being "co-terminus" with the area of operation of the... municipality." See Ago 1990-19, in which it is stated that "an appointed Commissioner of a municipal Redevelopment Agency must reside or be engaged in business within the area of operation within the Agency, that is, within the municipality". The opinion further explains "clearly, the area of operation for a municipal redevelopment agency is within the territorial boundaries of the municipality itself, although the community redevelopment area may represent a smaller area within the municipality". AGO 1990-19. The term "engaged in business" is defined as meaning "owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the Agency...". (163.356(3)(b) Fl. Stat.)

Miscellaneous directives found within the Statutes reviewed during my research also revealed the following:

1. It is for the Agency to employ, if it so desires, an Executive Director, Technical Expert, or other agent and employees, permanent or temporary as it requires (not the governing body of the Municipality). (163.356(3)(c)). In other words, if the City Commission determines to reconstitute the CRA Board and City Commissioners are no longer CRA Commissioners, then the CRA Board, not the City Commission would possess the authority to hire whatever employees or consultants it believed necessary, including an Executive Director.
2. The CRA shall file with the governing body, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing this report, the Agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the County or Municipality and that the report is available for inspection during business hours... (It is my opinion that this requirement applies regardless of whether the governing body operates as the Agency or if an appointed Agency is utilized, since the governing body, if acting as the Agency, is operating as a separate legal entity, independent of its capacity as the governing body of the Municipality).
3. Municipalities are not authorized to change composition of Board of Commissioners of the Community Redevelopment Agency from that prescribed by Statute. See AGO 1984-74.
4. It is a decision for the governing body of a City to determine whether promotional

expenditures may be included in the Community Redevelopment Agency budget. *See* AGO 2010-40.

5. While the primary focus of a Community Redevelopment Agency is to eliminate and prevent the development or spread of slums and blight, this may be accomplished by reducing or preventing crime; by providing affordable housing; clearing slums and redeveloping in a community redevelopment area; or by rehabilitating or conserving in a community redevelopment area; or any combination or part thereof. *See* AGO 2010-40.

With regard to the question of the procedure to be utilized by the City, should it determine that it no longer wishes for the City Commission to serve as a primary component of the Community Redevelopment Agency Board, Chapter 163.356(2) Fl. Stat. indicates that the governing body should adopt a **RESOLUTION** declaring the need for a Community Redevelopment Agency and then, by **ORDINANCE**, appoint a Board of Commissioners of the Community Redevelopment Agency. However, Chapter 163.357, Fl. Stat. states that if the governing body determines to declare itself as the Agency, it may do so by **RESOLUTION** (163.357(1) Fl. Stat. In sum, while it appears that the City Commission is authorized by **RESOLUTION**, to declare itself to be the primary component of the Community Redevelopment Agency Board, it appears that an **ORDINANCE** would be required to change the composition of the Community Redevelopment Agency Board from one in which the City Commission is the primary component to one in which no "Officers" (City or County) are members. While nothing in my research established a particular procedure for accomplishing this task, it would appear to me that so long as the original enabling resolutions and ordinances are cited, there is nothing to prohibit the City Commission from adopting an **ORDINANCE** which changes the composition of the Community Redevelopment Agency Board from one on which the City Commissioners serve as the primary component to one on which there is no City Commissioner, Mayor, County Commissioner, or other "Officer" as defined above.

It is my opinion that the "history" of the creation of the CRA merits further review in order to assure that there is technical consistency between the **RESOLUTIONS** which declared the need for a CRA and the **RESOLUTIONS** by which the City Commission was designated as the CRA Board. The Palatka City Commission, on November 10, 1983, designated itself to be the Downtown Redevelopment Agency for the City of Palatka (**Resolution 4-12**) This designation was based upon the finding of **NEED** within **Resolution 4-7** and **RESOLUTION 4-11**, adopted respectively on September 8, 1983, and November 10, 1983. **Resolutions 4-7 and 4-11** found that the **NEED** existed as to "certain areas" within the "Downtown Palatka" area, specifically described as an area "bounded on the north by Madison Street; on the west by the SCL Railroad; on the South by Crill Avenue and Laurel Street east of Seventh Street; and on the east by the St. Johns River". The **RESOLUTION** by which the City then declared the City Commission to be the Redevelopment Agency for the "Downtown area" (**Resolution 4-12**) accordingly, in my opinion, designates and authorizes the City Commission as the Redevelopment Agency **ONLY** for the described area. On December 27, 1983, **Resolution 4-14** was adopted for the apparent purpose of adopting a development plan **for the area specifically described and referenced above**, with the plan being entitled the "Palatka Center City Redevelopment Plan".

In 1984, an Ordinance was adopted (Ordinance 84-4) for the apparent purpose of defining the boundaries of the "Palatka North Historic District" and the "Palatka South Historic District". I assume that the boundaries of the North and South Historic Districts is outside of the area specifically described within the resolutions adopted in 1983 and referenced above. However, nothing within Ordinance 84-4 vested the City Commission to act as the CRA Board with respect to the North and South Historic Districts.

In 1985 Resolution 4-38 was adopted for the apparent purpose of extending the Palatka Center City Redevelopment Plan which was originally adopted by Resolution 4-14, with modifications referenced as the "1985 Plan". However, there is no mention within Resolution 4-38 of any expansion of the geographical area for which a **NEED** for redevelopment was originally determined or an expansion of the area for which the City Commission was declared to be the CRA. The "1985" plan

was not attached to the copy of the Resolution provided me for review.

Finally, by Resolution 9-18, the City in 2012, amended and extended the life of the CRA plan. It was noted within the Resolution that the Community Redevelopment Area is comprised of three Tax Increment Finance districts (North Historic, Central Business, and South Historic). It is stated that these three districts are governed by the CRA and guided by the Community Redevelopment Area Plan. The geographical boundaries of the districts, or area, are not described.

In sum, it is necessary to assure that the area first designated as an area of NEED within the resolutions adopted by the City in 1983 totally encompass what is known as the North Historic, Central Business, and South Historic Districts. If not, the original findings of NEED contained within the resolutions adopted in 1983, and the corresponding declaration of the City Commission's authority to act as the CRA with respect to the area, would not apply to the "outside area" and would not technically vest the City Commission with the authority to act as CRA with respect to same. I will ask the City Planning Director to confirm boundary consistency.

It was not my intent in this memo to attempt to cover any possible question or issue pertaining to or regarding the operation of the Community Redevelopment Agency Board. Instead, it was my intent to clarify some matters about which there appears to have been confusion arising from my understanding of information provided in the past to the City Commission by one or more individuals, and, to offer an opinion as to the methodology which the City Commission might utilize should it desire to change the composition of the Community Redevelopment Agency.

END OF MEMO

Sincerely,

Donald E. Holmes, Esquire
City Attorney

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
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JAMES NORWOOD, JR.
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CITY of Palatka FLORIDA

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

CRA

TERRY K. SUGGS
CITY MANAGER

BETSY JORDAN DRIGGERS
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CITY ATTORNEY

REQUEST TO BE PLACED ON CITY COMMISSION AGENDA

NOTE: Regular City Commission meetings are held on the 2nd and 4th 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. 2nd 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.

Address: 719 REID ST, PALATKA FL 32177 e-mail garyjmcgriff@a.m.a.l-com

Daytime Phone (904) 444-2481 Other ph. (386) 336-5454 Fax None

Requested meeting date: 6/23/16 @ 5:00 PM - CRA Meeting date assigned:

City Comm 6/23/16

(For Clerk's Office Use Only)

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

Subject Matter you wish to address: Provisions of resources for financial

Match amount (\$50,000.00) for grant funds requested from State of Flc.

Historical Resources "Special Category grant" (attach additional sheet if necessary)

Commission Action Requested, if any:

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

201 N. 2ND STREET - PALATKA, FLORIDA 32177

PHONE: (386) 329-0100

www.palatka-fl.gov

FAX: (386) 329-0106



**COMMUNITY REDEVELOPMENT
AGENCY AGENDA ITEM**

SUBJECT:

- a. Small Business Development Center Report – Cheryl Lynch
- b. North TIF District Advisory Committee Report
- c. South TIF District Advisory Committee Report
- d. Palaka Main Street Report

SUMMARY:

RECOMMENDED ACTION:

Reports only - no action required

ATTACHMENTS:

Description	Type
<input type="checkbox"/> SBDC Quarterly Report	Attachment

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Driggers, Betsy	Approved	6/9/2016 - 11:55 AM

Service Delivery

	Jan. - Mar.	2015 CY
Entrepreneurs Consulted	68	183
Total Consulting Hours	250	1105
Workshops & Events	5	2
Workshop Attendees	25	65
Jobs Created/Retained	2	26
Business Startups	1	3
Loans Received	\$1.5 M	\$2.1 M
Capital Investment	\$5,000	\$952,000

Quarterly Highlights

- Cheryl Lynch has gained her certification as a QuickBooks Online Pro Advisor. With this new qualification, Putnam County business owners seeking financial guidance with regards to QuickBooks Online products can now turn to the FSBDC.
- The year 2016 marks the Florida SBDC Network's 40th anniversary. In 1976, the U.S. Small Business Administration designated the Florida SBDC as one of eight pilot programs in the country. In the forty years since, the Florida SBDC Network has grown, from what once began as one man at the University of West Florida overseeing two centers in Northwest Florida, to a vibrant statewide partnership over 40 centers and nearly 250 employees providing tools, training, and expertise to thousands of Florida's entrepreneurs and small business owners annually. Join us this year at a Florida SBDC in your community and online as we celebrate our past, present, and future. Learn more at www.floridasbdc.org/40th/

Client Characteristics

