VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

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

AGENDA
CITY OF PALATKA
March 14, 2013

CALL TO ORDER:

a. Invocation – The Reverend Don Hanna, Pastor; St. James Methodist Church of Palatka
b. Pledge of Allegiance
c. Roll Call

APPROVAL OF MINUTES –2/14/13 & 2/28/13 Regular Meetings

1. **PUBLIC RECOGNITION/PRESENTATIONS:**
   - **a. PROCLAMATION - Women's History Month** – March, 2013
   - **b. PROCLAMATION – Colorectal Cancer Awareness Month** – March, 2013 – Jessica Peterson
   - **c. PROCLAMATION - Brain Awareness Week** – March 11 through 17, 2013 – Pilot Club of Palatka
   - **d. SPONSOR RECOGNITION – 2013 Azalea Festival Mayor's Reception**
     Waste Pro USA - Jimmy Cinelli & Daniel Carle
   - **e. STUDENT OF THE MONTH** – March, 2013 – Mayor Myers & Commissioner Kitchens

Ashit Patel	Beasley Middle School
Carly Maddox	Browning Pearce Elementary School
Savannah Cutrer	Children's Reading Center Charter School
Jacob Bryan	E.H. Miller School
Shelby Hill	James A. Long Elementary School
Carsyn Drew	Jenkins Middle School
Julian Rose	Kelley Smith Elementary School
Abrie Williams	Mellon Elementary School
Hennessey Hudson	Moseley Elementary School
Tyler McDaniel	Palatka High School
Jessica Raybon	Peniel Baptist Academy
Zoe Peters	Putnam Academy of Arts & Sciences, Inc.

2. **PUBLIC COMMENTS** - (Speakers limited to three minutes – no action taken on items)

3. **CONSENT AGENDA:**
   - ***a. Adopt Resolution No. 2013-9-85** supporting proposed changes to Florida Statute Section 287.055, also known as "The Consultant's Competitive Negotiation Act" or "CCNA"
   - ***b. Adopt Resolution No. 2013–9-86** awarding the bid and contract for Contractual Towing Services to Johnson's Towing & Recovery
   - ***c. Adopt Resolution No. 2013-9-87** amending the membership of the Community Redevelopment Agency to reflect changes in BOCC Districts and amending the terms of the two additional members
   - ***d. Adopt Resolution No. 2013-9-88** authorizing the execution of an Interlocal Agreement with the Putnam County Board of County Commissioners appointing BOCC District 3 Commissioner Karl N. Flagg to the Palatka Community Redevelopment Agency and stipulating to the conditions imposed upon such appointments by FS 163.357(1)(d)
   - ***e. Appoint Karl N. Flagg to the Community Redevelopment Agency** as one of two additional members for a four-year term to expire December 31, 2016

* 4. **Resolution No. 2013-9-89** adopting a conceptual plan for improvements to the southern end of the Riverfront Park and authorizing the design, permitting & development of same - Adopt

* 5. **Resolution No. 2013-9-90** modifying the Infrastructure Surtax Loan Document with Hancock Bank to reduce the interest rate from 5.19% to 2.35% (Frank George Apartments Purchase & Demolition) - Adopt

PUBLIC HEARINGS:

* 6. **PUBLIC HEARING/ORDINANCE** to revise the Comprehensive Plan Capital Improvement Element – ***Authorize transmittal of draft ordinance to state agencies for review*** – City of Palatka, Applicant

* 7. **ORDINANCE** amending Palatka Municipal Code Section 22-2, Cemetery Fund, and Appendix A, Fee Schedule, in regards to zoning matters, vehicles for hire and references to occupational license fees – 1st Reading

* 8. **ORDINANCE** amending the Palatka Municipal Code to eliminate minimum lot sizes for churches in residential areas – 1st Reading

* 9. **ORDINANCE** amending the Palatka Municipal Code regarding Outdoor Sales, seasonal or temporary goods and Farmer's Markets – 1st Reading

* 10. **ORDINANCE** revising sign standards for Reid Street business locations in the Downtown zoning districts – 1st Reading

* 11. **DISCUSSION, Direction and Action** -- Consider amending Chapter 10 of the Palatka Municipal Code to allow Sunday morning sales and consumption of alcoholic beverages at the Palatka Municipal Golf Club – Item added for discussion by Commissioner Leary

12. **CITY MANAGER & ADMINISTRATIVE REPORTS**

13. **COMMISSIONER COMMENTS**

14. **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:
March 18 &19 – FLC Legislative Action Day, Tallahassee
April 20 – MOD March for Babies
May 24 thru 27 – Blue Crab Festival
May 27 – City Offices closed to observe Memorial Day Holiday
July 4 – City offices closed to observe Independence Day Holiday
Aug. 15 thru 17 – FLC Conference, Orlando FL
Sept. 2 – City offices closed to observe Labor Day Holiday

Board Openings:
Code Enforcement Board: 2 Vacancies (Arch. & Sub Contr.)
Firefighters' Pension Board (City Commission Rep)

CITY OF PALATKA

Proclamation

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways. They have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation, and were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history. As we reflect on the triumphs of the past, we must also look to the limitless potential that lies ahead. This year, in accordance with the theme, **"Women Inspiring Innovation Through Imagination: Celebrating Women in Science, Technology, Engineering and Mathematics (STEM),"** we honor the remarkable range of accomplishments and advancements made by visionary women from different cultural and ethnic backgrounds who have devoted their lives and work to advancements in the **STEM** fields throughout American history.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, hereby endorse and declare March, 2013 as

WOMEN'S HISTORY MONTH

In the City of Palatka, and we call upon its citizens to observe this month with appropriate programs, ceremonies, and activities that honor the history, accomplishments, and contributions of American women. As we make headway on the crucial issues of our time, let the courageous vision championed by women of past generations inspire us to defend the dreams and opportunities of those to come. By positively impacting the lives of our mothers, sisters, wives and daughters, we will enrich the lives and prospects of our fathers, brothers, husbands, and sons.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 14th day of March, in the Year of Our Lord Two Thousand Thirteen.

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

VERNON MYERS, MAYOR

CITY OF PALATKA

Proclamation

WHEREAS, the National Colorectal Cancer Roundtable, the Centers for Disease Control & Prevention, the Cancer Research Foundation of America, and the American Digestive Health Foundation have joined together to encourage Americans to observe March 2013 as National Colorectal Cancer Awareness Month; and

WHEREAS, colorectal cancer is the third most common cancer diagnosed in men and women in the United States. One in 20 people will develop colon cancer and every 10 minutes a life is lost to this disease. In 2013, the American Cancer Society estimates 102,480 new cases of colon cancer and 40,340 new cases of rectal cancer will be reported. Colorectal cancer also is the second leading cause of cancer death among both genders, combined, and is expected to cause about 50,830 deaths during 2013; and

WHEREAS, less than 65 percent of Floridians above age 50 receive annual screenings for colorectal cancer. There often are no symptoms of colorectal cancer but regular screenings can reduce the number of deaths from this disease by as much as eighty percent (80%) by detecting cancerous or pre-cancerous conditions early, when treatment is most effective; and

WHEREAS, the Florida Department of Health and Senior Services, Bureau of Cancer Control in partnership with the Florida Cancer Consortium, the American Cancer Society, and the Center for Disease Control & Prevention remain committed and dedicated to inform the public about colorectal cancer prevention and screening.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, hereby endorse, declare and designate the Month of March 2013 as

COLORECTAL CANCER AWARENESS MONTH

in the City of Palatka, and hereby encourage the citizens of Palatka to observe the month by contacting the Putnam County Health Department to inquire about colon cancer screening programs available locally as well as any other information regarding the prevention and control of colorectal cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 14th day of March, in the Year of Our Lord Two Thousand Thirteen.

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, Mayor

CITY OF PALATKA

Proclamation

WHEREAS, the Pilot Club of Palatka is one of more 530 clubs chartered through Pilot International, a global organization of executive, business and professional leaders working together to improve the quality of life in local communities throughout the world; and

WHEREAS, Pilot International provides guidance and encouragement to our communities through sponsorship of safety and awareness programs, especially as they relate to brain-related disorders; and

WHEREAS, each year thousands of Floridians are diagnosed with devastating disorders of the brain and nervous system, including Alzheimer's disease, aging, stroke, alcohol and drug addiction, spinal cord injury, autism, schizophrenia and mood disorders, all of which cause considerable pain and suffering for these victims and their families; and

WHEREAS, in this century we are embarking on a new era of discovery based on the rapid progress being made in studies of the brain and the powerful new tools available to neuroscientists, greatly benefiting people who are incapacitated by spinal cord injuries, depressive disorders, epileptic seizures, Parkinson's Disease, Huntington's Disease, muscular dystrophy, cystic fibrosis and other life threatening disorders; and

WHEREAS, new insights from neuroscience research will give us a more concise understanding of how people become addicted to drugs and thereby provide more effective treatments for those with chemical dependence; and

WHEREAS, hundreds of scientists at Florida's premier universities, private colleges and research institutes are at the forefront of many promising efforts being made to better understand the complexities of the brain, find better treatment for brain disease, reduce the cost of diagnosis and treatment of neurological conditions, and implement cures.

NOW, THEREFORE, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, do hereby proclaim the week of March 11 – 17, 2013 as

BRAIN AWARENESS WEEK

In the City of Palatka, calling this observance to the attention of our citizens, and commending the Pilot Club of Palatka for their dedication to raising the community's awareness of brain-related disorders and their efforts to help relieve the suffering of victims of brain-related illness and disease.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Palatka to be affixed this14th day of March, in the Year of Our Lord Two Thousand Thirteen

Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR

Agenda Item

3a

CITY COMMISSION AGENDA ITEM

SUBJECT: **A Resolution of the City of Palatka, Florida, supporting proposed changes to Section 287.055 FS, also known as "The Consultants' Competitive Negotiation Act" or "CCNA"**

DEPARTMENT: **City Hall/Admin**

ATTACHMENTS: ___ Ordinance ___ Resolution ___ Motion
___ Support Documents ___ Other

SUMMARY: Under Florida law, state and local governments are prohibited from considering price when selecting consultants who provide specific professional services (architecture, engineering, landscape architecture, surveying and mapping). Instead, agencies are required to rank (select) firms based strictly upon qualifications. Price is then negotiated with the top-ranked firm with no knowledge of what the other firms might charge for the work.

While this method of procurement may be advantageous under certain circumstances, it prevents the City or its citizens from ever being able to directly compare fee proposals in the initial contracting process. Accordingly, several professional associations within Florida (and across the country) are seeking to change the law to allow public entities the discretion to continue to use the existing "qualifications-based selection" process or to utilize an alternative "best value" method. Under the alternative method, firms would be ranked according to qualifications as they are presently. The top-ranked firms would then be invited to submit a fee proposal. The top firms would then be re-evaluated considering qualifications and price with the latter being weighted at not more than 50 percent of the total award criteria.

This legislation is supported by the Florida League of Cities and Florida Association of Counties as well as numerous other professional purchasing associations, the FGFOA, and the National Institute of Government Purchasing. This is part of the League's legislative Agenda, and upon execution we will provide a copy of this Resolution to the League for its Legislative Package.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9-85 supporting proposed changes to Section 287.055 FS, also known as "The Consultants' Competitive Negotiation Act" or "CCNA"

DEPARTMENT HEAD	Submitted: B. Driggers for M. Czymbor Requested Agenda Consent	Date: 03-01-13 Date: 03-14-13
FINANCE DEPARTMENT	Budgeted ___Yes ___No X N/A	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 3/5/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

RESOLUTION NO. 2013 – 9 - 85

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, F.S., ALSO KNOWN AS "THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT" or "CCNA".

WHEREAS, local and state agencies through out Florida are experiencing severe and significant reductions in revenue; and

WHEREAS, professional services agreements constitute a significant public expenditure; and

WHEREAS, many local and state agencies through out the United States routinely compare fees among competing firms before selecting an architect or engineer; and

WHEREAS, current Florida law prohibits local and state agencies from competitively comparing architectural/engineering fees and related costs; and

WHEREAS, several public organizations including the Florida League of Cities, Florida Association of Counties, the Florida Governmental Finance Officers Association, the Florida Association of Public Procurement Officers and the National Institute of Government Purchasing support the use of alternative procurement methods for the acquisition of professional services; and

WHEREAS, the proposed change would modify the existing state law and would give local and state agencies the discretion to competitively compare fees and make a best value selection that considers qualifications and price among pre-qualified firms.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida, to support the proposed changes to the Consultant's Competitive Negotiation Act to allow local and state agencies to procure professional services on a "best value basis" as set forth in the enclosed language.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this 14th day of March, 2013.

CITY OF PALATKA, FLORIDA

By: _____
Its Mayor

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY

Betsy Driggers

From: Michael J. Czymbor
Sent: Wednesday, February 20, 2013 10:28 AM
To: Jonathan Griffith; Betsy Driggers
Cc: Peggy Campbell
Subject: FW: CCNA Reform

We should probably do a Resolution supporting this bill.

Michael J. Czymbor-CM
City Manager
City of Palatka, FL
386-329-0104

From: FLC E-News Blast [mailto:subscriptions@flcities.com]
Sent: Wednesday, February 20, 2013 9:37 AM
To: Michael J. Czymbor
Subject: CCNA Reform

Good morning,

Bills have been filed by Rep. Metz (HB 739) and Sen. Soto (SB 1002) allowing local governments to use the "best value selection" process when an agency is procuring professional services. A copy of the bill is attached for your review.

I met with the bill sponsor yesterday and he asked that cities send in resolutions showing support for the bill. We expect to see opposition from the engineers, architects, surveyors, and landscape architects so it is important that your city shows its support of the bill. Feel free to send any comments or questions to ccook@flcities.com or call me at 850.222.9684.

Thanks,
Casey

By Senator Soto

14-01249-13 20131002__

A bill to be entitled

An act relating to the procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services; amending s. 287.055, F.S.; revising the definition of the term "continuing contract" and defining the term "best value selection"; clarifying provisions with respect to selection of firms by an agency under the competitive selection process; providing that an agency has the right to reject any or all submissions received in response to a public announcement under the competitive selection process; authorizing an agency to award contracts to multiple firms under the competitive negotiation process; providing for a best value selection process; requiring agencies to adopt rules governing the use of the process; providing minimum requirements with respect to best value selection procedures; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended, and paragraph (m) is added to that subsection, paragraph (b) of subsection (4) of that section is amended, and paragraph (e) is added to that subsection, paragraph (d) is added to subsection (5) of that section, present subsections (6) through (11) are renumbered as subsections (7) through (12), respectively, and a new subsection (6) is added to that section, to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" means ~~is~~ a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $2 million, for study activity if the fee for professional services for each individual study under the contract does not exceed $200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract having ~~being for a fixed term or with~~ no time limitation, except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

(m) "Best value selection" means the selection of a firm or firms whose proposal provides the greatest overall benefit to an agency in accordance with the requirements of a formal solicitation.

(4) COMPETITIVE SELECTION.—

(b) The agency shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services, except in instances where fewer than three firms respond to the public announcement. In determining whether a firm is qualified, the agency shall

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under subsection (5).

(e) The agency shall have the right to reject any or all submissions received in response to the public announcement.

(5) COMPETITIVE NEGOTIATION.—

(d) The agency may, in its discretion, award contracts to multiple firms.

(6) BEST VALUE SELECTION PROCESS.—

(a) An agency may, at its discretion, purchase professional services using a best value selection process, subject to requirements provided in this subsection. The agency shall make such purchases in accordance with this chapter and rules applicable to the agency.

(b) Each agency shall adopt rules governing the use of the best value selection process in choosing a firm or firms. Procedures for the use of the best value selection process must include, at a minimum:

1. The preparation and distribution of a public solicitation consistent with the requirements of subsection (3). The public solicitation shall contain the criteria, procedures,

and standards for the evaluation of proposals considered under subparagraph 3.

2. The initial evaluation of proposals received in accordance with the requirements of paragraph (4)(a).

3. A two-stage selection process that shall, at a minimum, adhere to the following procedures and requirements:

a. Except as otherwise provided in this section, under the initial stage of the selection process, competing firms shall be evaluated using the criteria set forth in paragraph (4)(b) and the agency shall select a firm or firms based on the evaluations. Proposals for compensation to be paid under the contract may not be solicited or accepted during this stage of the selection process.

b. Under the second stage of the selection process, the firms selected shall be asked to submit a compensation proposal for the proposed work. The proposal shall be evaluated along with the information obtained under sub-subparagraph a. and any other information the agency chooses to request with the compensation proposal to make a best value selection.

4. A requirement that the criterion pertaining to compensation may not exceed 50 percent of the total weight of the published evaluation criteria.

5. Authority of an agency head to negotiate with the best firm available in the event of a declared state of emergency pursuant to s. 252.36.

Section 2. This act shall take effect July 1, 2013.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Agenda Item

3b

CITY of Palatka FLORIDA

AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, Florida, awarding the Contractual Towing Services for the City of Palatka to Johnson's Towing and Recovery

DEPARTMENT: Police

ATTACHMENTS: ☐ Ordinance ☒ Resolution ☐ Motion
☒ Support Documents ☐ Other

SUMMARY: On December 27, 2012 the Palatka Police Department issued an Invitation to submit proposals for contractual wrecker service for the City of Palatka to the six (6) wrecker services operating in the City of Palatka. Two responses were received by the deadline of January 31, 2013. This service includes towing and storage of City of Palatka vehicles, vehicles held as evidence by the PD and vehicles seized by the PD subject to forfeiture.

An RFP Ranking Committee consisting of PD and Public Works employees compared the two proposals and recommended Johnson's Towing and Recovery's proposal as the most responsive, considering they have the capability of towing large Public Works vehicles. The other respondent, St. Johns Auto Body, does not have that capability. A memorandum explaining the selection process follows this Agenda Item Summary.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9-86 awarding the contractual towing service for the City of Palatka to Johnson's Towing & Recovery and authorizing the City Manager to take the necessary steps to procure said contractual towing services.

DEPARTMENT HEAD	Submitted: Gary Getchell Requested Agenda: Consent	Date: 02/25/13 Date: 03-14-13
FINANCE DEPARTMENT	Budgeted ☒ Yes ☐ No ___ N/A	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date: 3/7/13
CITY MANAGER	Approved Agenda Item For:	Date: 3/7/13

COMMISSION ACTION: ☐ Approved as Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐CA ☐CC ☐CM ☐CD ☐FI ☐FD ☐GC ☐HR ☐MD ☐PD ☐PR ☐UD

RESOLUTION No. 2013 - 9 - 86

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AWARDING THE CONTRACTUAL TOWING SERVICE FOR THE CITY OF PALATKA TO JOHNSON'S TOWING AND RECOVERY

WHEREAS, the City of Palatka is in need of contractual towing services; and

WHEREAS, the City of Palatka advertised and accepted Requests for Proposals (RFP) on January 31, 2013; and

WHEREAS, the Contractual Towing Services Committee reviewed and ranked each response to the RFP and determined that Johnson's Towing & Recovery submitted the most responsive proposal.

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

1. That the City of Palatka selects Johnson's Towing and Recovery to provide contractual towing services for the City of Palatka in accordance with that certain proposal submitted on January 31, 2013; and

2. That the City Manager and City Clerk are hereby authorized to execute and attest the contract for said towing services.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 14th day of March, 2013.

CITY OF PALATKA

_____

By: Its MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:

_____

CITY ATTORNEY

Palatka Police Department
110 North 11th Street

To: Michael Czymbor, City Manager

From: Gary Getchell, Chief of Police

Date: 02-21-13

Re: Staff Study – Recommendation in reference to contractual towing service for the City of Palatka

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Background

On December 27, 2012, a Request for Bid Proposals for contracted wrecker service for the City of Palatka (towing and storage of City of Palatka vehicles, vehicles held as evidence by the police department and vehicles seized by the police department subject to forfeiture) was issued to the six (6) wrecker services operating in the City of Palatka.

We received two (2) bids in response by the deadline for submission, January 31, 2013 at 2 PM. Johnsons Towing and St. Johns Auto Body Towing Service submitted proposals.

Discussion

In comparing the costs, both companies had pricing benefits in different areas. Overall the base rates per tow were lower for Johnsons Towing at $45.00, $125.00 and $225.00 by weight classification compared to St. Johns Auto Body at $75.00, $200.00 and $300.00 by weight classification. St. Johns Auto Body Towing offered free towing and lockout service for Palatka Police Department vehicles. Vehicle recovery was less through St. Johns Auto Body Towing at $75.00 versus $85.00 for Johnsons Towing. Johnsons Towing did list a mileage charge for tows outside the city limits by weight class. St. Johns Auto Body Towing did not have a per mile charge. Storage fees were comparable, but Johnsons Towing also offered the first 5 days storage at no charge. Johnsons Towing stated that they had the capability to tow heavy off road equipment and non rolling vehicles by utilizing a "lowboy". This service was not available from St. Johns Auto Body Towing . Johnsons Towing also stated that they had a large wrecker capable of towing large fire trucks, fully loaded garbage trucks and the large vacuum truck utilized by the City of Palatka. It was found that St. Johns Auto Body Towing did not possess a wrecker capable of

performing those tow services. A cost comparison table is attached listing all the information quoted above.

Both companies, Johnsons Towing and St. Johns Auto Body Towing were asked about splitting portions of their bids to accommodate lower pricing for the City of Palatka. St. Johns Auto Body declined to offer the free towing of police vehicles without the other portions of their proposal and Johnsons Towing declined to offer the large vehicle towing portion of their package individually.

Research was conducted to determine a recent historical number of tows performed for City of Palatka vehicles. It was found that during the year 2012, the Palatka Police Department had seven (7) tows performed. They were all on vehicles less than 10,000 pounds. The other departments in the City of Palatka reported no tows performed during 2012 with the exception of the Sanitation Department. According to Ed Chandler, the department supervisor, they had 10 garbage trucks towed either locally or to a repair facility in St. Johns County. Mr. Chandler stated that the tows were performed by Johnsons Towing because they were the only towing service that had a wrecker large enough to perform the tow.

Research was also conducted to determine the normal cost, non contract price to tow a large vehicle such as a fully loaded garbage truck. According to the staff at Johnsons Towing, the normal fee charged by a towing service was estimated to be $350 to $425.00 depending on the additional services required plus mileage driven.

Utilizing the information available, a cost analysis was performed to determine the best option for contracted towing service for the City of Palatka. It was clear that the types of vehicles towed most often in recent history were large vehicles, specifically garbage trucks. If the City of Palatka has to tow 10 garbage trucks in 2013, at non contract pricing, it will cost between $3.500.00 and $4,250.00 without including mileage. If the City of Palatka used contract pricing with Johnsons Towing it would cost an estimated $2,250.00 without including mileage. Estimating 7 vehicles towed for the police department costing $45.00 a piece from Johnsons Towing, the City of Palatka would spend an additional $315.00. Even with this cost added to the cost of the garbage truck tows, the City would be spending only $2,565.00 if contracted with Johnsons Towing. This compares favorably to spending at a minimum $3,550.00 if not contracted with Johnsons Towing and still having to utilize their service for large trucks when contracted with St. Johns Auto Body Towing.

Recommendation

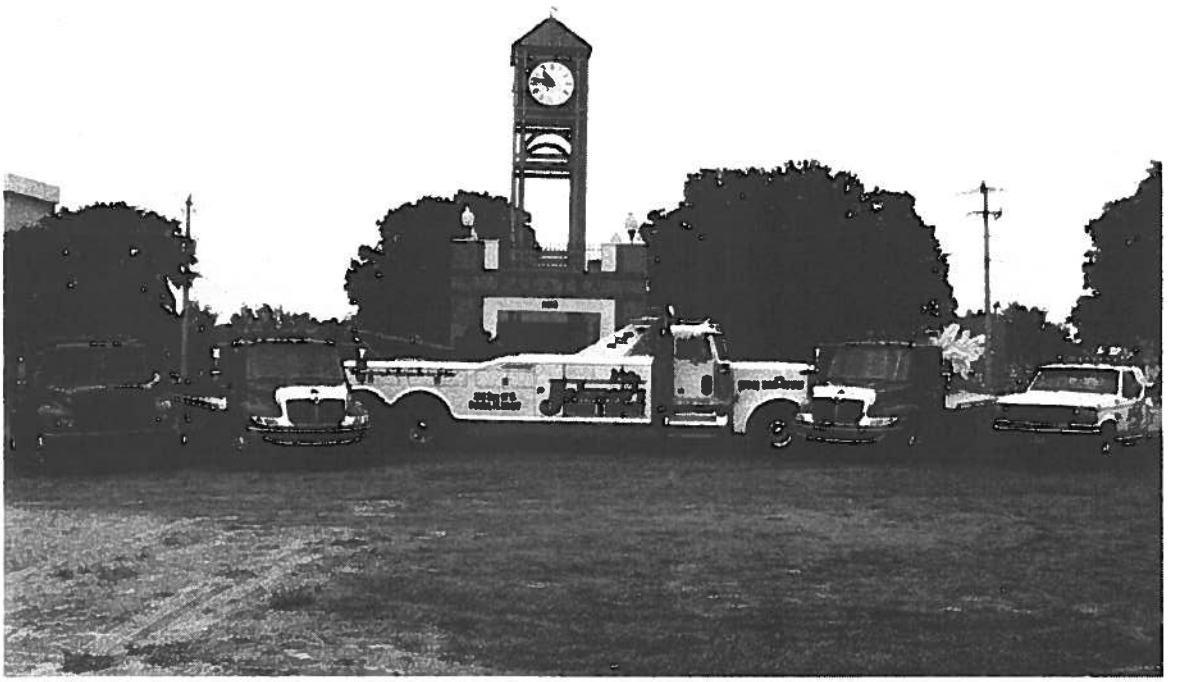
A committee consisting of Assistant Chief of Police James Griffith, Sgt. Matt Newcomb, Superintendent Rhett McCamey from Water and Sewer and Superintendent Ed Chandler of Streets and Sanitation met on Tuesday, February 12, 2013 and reviewed the proposals from Johnsons Towing and St. Johns Auto Body. The committee recommends the City Commission award the contract to Johnsons Towing and Recovery.

Cc;

	Johnson Towing and Recovery	St. Johns Auto Body
Towing	(0 – 7,999 GVW) $45.00	(0-10,000 GVW) $75.00
	(8,000 – 29,999 GVW) $125.00	(10K– 20,000 GVW) $200.00
	(30,000 and up GVW) $225.00	(20K and up GVW) $300.00
Towing Police Patrol Vehicles	(0-7,999 GVW) $45.00	No charge for towing or lockout assistance
Additional Charges	$45.00 charge for additional 30 minute time periods on site after initial 30 minutes for light duty tows $100.00 per hour for medium duty $225.00 per hour for heavy duty	No additional charges (listed amounts include all time on scene)
	Light duty all wheel drive recovery $85.00 per hour	Not listed Clarified that the charge would be $75.00 flat fee for all vehicles except police vehicles which are no charge.
	$125.00 per hour for Landoll lowboy for heavy off road equipment and non rolling vehicles	Not listed Clarified - they do not have this type of vehicle
Additional Info.	Rates for medium and heavy duty include driveline removal, air hook-up and emergency lighting	Not listed Clarified - listed rates include these services
Mileage Outside City		
Light duty	$2.25 per mile	No charge
Medium duty	$3.25 per mile	No charge
Heavy Duty	$4.25 per mile	No charge
Storage Fees		
Inside Storage	$5.00 per day (first 5 days free)	$5.00 per day
Outside Storage	$2.50 per day (first 5 days free)	$5.00 per day
Additional Information	Johnsons does have a large wrecker capable of towing fire trucks, full garbage trucks and the vacuum truck- this would be under their price for 30,000 and up GVW	St. Johns Auto Body does not have a wrecker capable of towing a large fire truck, garbage truck or the vacuum truck

JOHNSON'S TOWING & RECOVERY PROPOSAL FOR TOWING AND STORAGE OF VEHICLES

For the City of Palatka, Florida



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OVERVIEW

Johnson's Towing & Recovery is pleased to submit this proposal for services to support the City of Palatka in achieving its goals by furnishing towing services and storage of vehicles. This service will include the towing of confiscated vehicles (held temporarily for evidence), seized vehicles (subject of forfeiture), and disabled City of Palatka vehicles from all departments within the city and the storage of same as necessary in accordance with the terms, conditions, and specifications contained within your Request for Proposal (RFP) dated December 27, 2012.

Johnson's Towing & Recovery began serving our customers on January 1, 2000. During this time we have acquired the equipment and personnel to successfully accomplish any and all tasks presented to us. Both Dean and Donald Johnson have over thirty years of experience in the towing and recovery industry. They began towing vehicles for their father at Johnson's Wrecker Service in the early 1980's and have been involved in the towing industry in some capacity ever since. They continue to utilize this experience by educating their staff on a daily basis in all areas of towing and recovery.

The Objective

- Towing of disabled vehicles belonging to the City of Palatka
- Towing of Confiscated Vehicles(held temporarily as evidence for the police department
- Towing of Seized Vehicles (subject of forfeiture for the police department)
- Storage of above described vehicles, both indoor and outdoor

The Solution

- The towing of all disabled vehicles belonging to the City of Palatka can be accomplished by utilizing our highly trained and competent operators and the wide range of equipment we offer. We have the capabilities to proficiently, timely, and legally, tow every piece of equipment the City of Palatka has on hand.
- The towing of Confiscated Vehicles (held temporarily as evidence for the police department) can be accomplished by utilizing proven methodologies along with the expertise acquired by our operators doing the same type of work for the Putnam County Sherriff's Department. All of our staff have been trained in the peculiarities of evidence towing, and are all proficient in preserving evidence while loading, towing and unloading these vehicles.

- The towing of Seized Vehicles (subject of forfeiture for the police department) can be accomplished by again utilizing our highly trained and competent operators and the wide range of equipment we offer.
- The storage of above described vehicles, both indoor and outdoor can be accomplished by utilizing our five acre lighted and secured outdoor storage facility, along with no access indoor evidence garage.

EXPECTED RESULTS

We expect our proposed solution to the City of Palatka's requirements to provide the following results:

Financial Benefits

- The City will benefit from timely tows, less downtime, and employees not waiting on a tow truck. Except in a rare case, we have enough equipment and operators standing by to immediately be dispatched to any situation that may arise.
- Our operators have the capabilities to tow all of the City's equipment without further damage, meaning less time to repair.

Technical Benefits

- Our Company has provided the exact services the City of Palatka is in search of since its inception, and while doing so, has become a leader in our area.
- The staff at Johnson's Towing are each knowledgeable in the peculiarities of evidence towing, and are all proficient in preserving evidence while loading, towing and unloading vehicles, leaving more evidence for the technician to process.

Other Benefits

- The greatest benefit the City of Palatka can enjoy by utilizing our services is having the peace of mind of knowing that when we are called to perform any task. It will be accomplished professionally, timely, reasonably, and most of all. legally.

TIMELINE FOR EXECUTION

Our Company has every asset on hand to meet all of the City of Palatka's towing and storage needs and we are prepared to begin accomplishing our mission immediately upon the execution of the contract.

QUALIFICATIONS

Johnson's Towing & Recovery has continually proven to be the "go to" towing and recovery company in the North Florida Region. Our highly competent and skilled operators utilizing real world and formal training combined with modern, well equipped, and reliable equipment make a winning combination in the following ways:

- Our Company can provide the City of Palatka a "one stop shop" for every towing and storage requirement imaginable.
- We possess the only heavy duty three axle wrecker in Palatka, legally capable of towing both large fire trucks and loaded garbage trucks. Due to the extreme weight of these vehicles, a three axle truck and an overweight permit, issued by the State of Florida, in accordance with the requirements of Florida Statute 316.08. 316.170, and F.A.C. rule14-26 is required.
- Our dispatchers are on staff twenty four hours per day and are all knowledgeable with the inner workings of our operations. They are trained to quickly obtain crucial information necessary to dispatch the proper equipment and personnel to handle the task at hand.
- Our operators often train with local fire departments and law enforcement agencies and frequently undergo update training and new skill training both at our facilities and abroad, numerous certificates of training available upon request.
- The heavy duty operators all have a Class A type commercial driver licenses, coupled with endorsements to legally operate and transport any and all types of vehicles on the road today, to include hazardous materials.
- This company utilizes train the trainer and realistic situations to train for actual situations that they may encounter while providing services to the City of Palatka.
- Our employees undergo annual background checks as well as random urinalysis.
- Member of the Professional Wrecker Operators of Florida Inc.

RESOURCES

Following is a complete list of all equipment we have and their capabilities:

Equipment Description	Capabilities	Special Notes
1 light duty all-wheel drive recovery vehicle	Off road recovery of passenger cars and pickup trucks	This vehicle is also used to recover vehicles from tight and awkward spaces
4 light duty rollbacks	Passenger cars and pickup trucks	We have a rollback available at all times
1 medium duty wrecker	Fire department vehicles Street sweeper	Capable of towing vehicles up to 30,000 lbs.
1 heavy duty three axle wrecker	Heavy Fire department vehicles Vacuum truck Front loaders and rear loaders	Our heavy wrecker is the only tow truck in Putnam County legally capable of hauling these heavy trucks, see attached State of Florida Permit
1 heavy duty equipment hauler	John Deere backhoe	Our Landoll semi-truck and trailer is capable of hauling equipment up to 35 tons
Indoor Evidence Garage	Up to three vehicles at a time in our on location garage and many more spaces available off site	This area is under lock and key and used for nothing else
Outdoor Storage Facility	Available storage of up to 250 vehicles	This area is restricted access and fully lighted

Appendix -1

Vendor Information and Certification

Name of Vendor: Johnson's Towing & Recovery

Contact Person: Donald B. Johnson

Title of Contact Person: Manager

Business Address: 253 North Highway 17

City: Palatka

State: Florida

Zip: 32177

Phone: (386) 328-4869

Fax: (386) 328-4896

E-Mail: johnsonstowing@hotmail.com

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Signature:

Date: 01/29/13

Appendix - 2

PROPOSAL

Towing Fees by weight:

Weight Range up to 7,999 pounds Tow Fee $45.00

Weight Range 8,000 to 29,999 pounds Tow Fee $125.00

Weight Range 30,000 and up Tow Fee $225.00

Mileage fees outside city limits: light duty $2.25 per mile / med duty $3.25 per mile / heavy duty $4.25 per mile

Storage Fees:

Indoor storage fee $5.00 per day per day / weekly

Outdoor storage fee $2.50 per day per day / weekly

Additional information or explanation if necessary:

There will be no charge for the first five days of storage

For extreme situations, there will be a $45.00 per 30 minute charge after the first 30 minutes on location for all light duty calls / for medium duty $100.00 per hour / and for heavy duty $225.00 per hour will apply after the first hour

The rates for medium and heavy duty include driveline removal, air hook up, and emergency lighting

Our light duty all-wheel drive recovery vehicle is $85.00 per hour, portal to portal

The Landoll/lowboy is used to move heavy off-road equipment and heavy vehicles that will not roll. This vehicle works for $125.00 per hour, portal to portal.

REFRENCES

Name: Putnam County Sherriff's Department

Address: 130 Orie Griffin Blvd, Palatka, Florida 32177

Begin Date: June 24, 2009

Services provided: The services include the towing and storage of confiscated vehicles (held temporarily for evidence), seized vehicles (subject of forfeiture), and disabled Putnam County Sherriff's Department vehicles

Contact Name and Title: Joe Clark, Fleet Manager

Contact email address: jclark@putnamsheriff.org

Name: Putnam County Fleet and Maintenance

Address: P.O. Box 238, East Palatka, Fl. 32131

Begin Date: March 31, 2000

Services Provided: Towing and recovery of all vehicles and heavy equipment in the county's fleet

Contact Name and Title: Bill Rulon, Fleet Maintenance Manager

Contact email address: billrulon@putnam-fl.com

Name: Waste Pro of Florida Inc.

Address: 170 County Landfill Road, Palatka, Florida 31277

Begin Date: April 2004

Services Provided: Towing and recovery of all vehicles in the company's fleet, including having the capabilities to legally tow both front and rear loader garbage trucks while loaded.

Contact Name and Title: Daniel Carle, Operations Manager

Contact email address: dcarle@wasteprousa.com

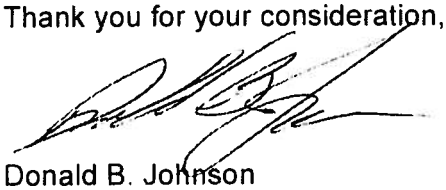
CONCLUSION

Our full understanding of the City of Palatka's requirements is what sets this company apart from all others in the towing and storage business. We have a proven history of developing solutions to transporting and storing every vehicle you require.

We look forward to working with the City of Palatka and supporting your efforts by providing our city with all of its towing and storage requirements. We are confident that we can meet the challenges ahead, and stand ready to partner with you in delivering an effective solution to your needs.

If you have questions on this proposal, feel free to contact either myself or Dean Johnson at your convenience by email at johnsonstowing@hotmail.com or by phone at (386)328-4869.

Thank you for your consideration,



Donald B. Johnson
Manager

Agenda Item

3c

CITY COMMISSION AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, Florida, amending the Membership of the Community Redevelopment Agency to reflect changes in BOCC Districts and amending the terms of the two additional members

DEPARTMENT: Admin/Clerk

ATTACHMENTS: ___ Ordinance __X__ Resolution ___ Motion
___ Support Documents ___ Other

SUMMARY: In 2010 the Palatka City Commission added two additional members to its CRA; one was the Putnam County BOCC District 2 Commissioner, as District 2 then encompassed the Central Business District.

In 2012 the Florida Legislature enacted Redistricting measures due to the 2010 Census results. As a result, district lines were moved, and Putnam County BOCC District 3 now encompasses the Central Business District. The attached resolution amends the membership of the CRA to state that the District 3 Commissioner shall be one of the two additional members.

Staff also recommends the term of office of the Putnam County BOCC member be amended to coincide with that elected term of office, which will extend the term expiration from 12/31/15 to 12/31/16. Staff further recommends the term of the other additional member, who is the current president of Downtown Palatka, Inc. also be extended for one year, to expire 12/31/14, in order to keep the terms staggered. This also coincides with the term of office for the Downtown Palatka, Inc. President, two holds that office for two years.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9-87 amending the membership of the CRA to reflect changes in BOCC districts, and amending the terms of the two additional members.

DEPARTMENT HEAD Submitted: Betsy Driggers Date: 02/18/13
Requested Agenda Consent Date: 03/14/13

FINANCE DEPARTMENT Budgeted ___Yes ___No X N/A Date: 3/8/13

CITY ATTORNEY Approved as to Form and Correctness Date: 3/7/13

CITY MANAGER Approved Agenda Item For: Date: 3/6/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___CA ___CC ___CM ___B&Z ___FI ___FD ___GC ___HR ___MD ___PD ___PRK ___UD___APT

RESOLUTION No. 2013 – 9 - 87

Entitled

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AMENDING THE MEMBERSHIP OF THE PALATKA COMMUNITY REDEVELOPMENT AGENCY (CRA); AMENDING THE TERMS OF THE TWO ADDITIONAL MEMBERS OF THE CRA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 10, 1983, by Resolution No. 4-11, the Palatka City Commission found a need to create a Downtown Redevelopment Agency to carry out the community redevelopment purposes of Chapter 163, Part III, Florida Statutes, subject to all responsibilities imposed thereof; and

WHEREAS, on November 10, 1983, by Resolution No. 4-12 the Palatka City Commission declared itself as the downtown redevelopment agency for the City of Palatka, Florida; and

WHEREAS, on March 22, 1984, by Ordinance No. 84-4 the Palatka City Commission established boundaries for the North and South Historic Districts for Tax Increment Purposes and on October 25, 1994, incorporated these districts into the Community Redevelopment Area; and

WHEREAS, a Community Redevelopment Area Needs Assessment Report, adopted by the Palatka City Commission on September 10, 2009, recommended rescinding the current Downtown Redevelopment Agency, also known as the CRA, and establishing a new Community Redevelopment Agency comprised of the Palatka City Commission, the President of Downtown Palatka, Inc. and one (1) member of the Putnam County Board of County Commissioners (BOCC) whose district included the Central Business District, the North Historic District and the South Historic District; and

WHEREAS, on February 11, 2010 by Resolution No. 8-66 the Palatka City Commission exercised its authority under FS Chapter 163.357 and declared itself to be the Agency plus two additional members, those two members being (1) the current president of Downtown Palatka, Inc., and (2) the Putnam County BOCC District 2 Commissioner, whose district encompassed the Community Redevelopment Area; and

WHEREAS, due to 2012 Redistricting by the Florida Legislature, Putnam County BOCC District 3 now encompasses the Community Redevelopment Area, therefore making it necessary to amend the membership of the CRA to reflect said changes in Putnam County BOCC District boundaries.

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

1. That the membership of the Community Redevelopment Agency is hereby amended as to the (1) additional member of the Putnam County Board of County Commissioners, to be the member who represents District 3, whose district encompasses the Central Business District; and
2. That the four-year term of office for the County Commission District 3 Member shall coincide with his elected term of office, and shall be amended to expire on December 31, 2016; and
3. That the term of office for the member who is the current President of Downtown Palatka's term shall be extended for one (1) year, and shall expire on December 31, 2014; and
4. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, **this 14th day of March, 2013.**

PALATKA CITY COMMISSION

By: _____
Its MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM AND CONTENT:

_____
CITY ATTORNEY

RESOLUTION No. 8 - 66 Adopted 2-11-10

Entitled

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ABOLISHING THE DOWNTOWN REDEVELOPMENT AGENCY; ESTABLISHING A COMMUNITY REDEVELOPMENT AGENCY; DECLARING ITSELF PLUS TWO ADDITIONAL MEMBERS AS THE COMMUNITY REDEVELOPMENT AGENCY TO CARRY OUT THE COMMUNITY REDEVELOPMENT PURPOSES OF CHAPTER 163, PART III, FLORIDA STATUTES IN THE CENTRAL BUSINESS DISTRICT, THE SOUTH HISTORIC DISTRICT AND THE NORTH HISTORIC DISTRICT; PROVIDING FOR TERMS OF OFFICE, A REGULAR MEETING DATE, AND AN EFFECTIVE DATE.

WHEREAS, on November 10, 1983, by Resolution No. 4-11, the Palatka City Commission found a need to create a Downtown Redevelopment Agency to carry out the community redevelopment purposes of Chapter 163, Part III, Florida Statutes, subject to all responsibilities imposed thereof; and

WHEREAS, on November 10, 1983, by Resolution No. 4-12 the Palatka City Commission declared itself as the downtown redevelopment agency for the City of Palatka, Florida; and

WHEREAS, on March 22, 1984, by Ordinance No. 84-4 the Palatka City Commission established boundaries for the North and South Historic Districts for Tax Increment Purposes and on October 25, 1994, incorporated these districts into the Community Redevelopment Area; and

WHEREAS, a Community Redevelopment Area Needs Assessment Report, adopted by the Palatka City Commission on September 10, 2009, recommended rescinding the current Downtown Redevelopment Agency, also known as the CRA, and establishing a new Community Redevelopment Agency comprised of the Palatka City Commission, the President of Downtown Palatka, Inc. and one (1) member of the Putnam County Board of County Commissioners whose district included the Central Business District, the North Historic District and the South Historic District; and

WHEREAS, The City of Palatka deems it appropriate to exercise its authority under F.S. Chapter 163.357 and declare itself to be the Agency; and

WHEREAS, the City of Palatka also deems it appropriate to exercise its authority under F. S. Chapter 163.357 and appoint two additional persons to act as members of the

Community Redevelopment Agency, who shall serve four year terms, except that the first additional member appointed shall serve a term of two years initially.

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

1. That the Downtown Redevelopment Agency is hereby abolished;
2. That the Community Redevelopment Agency, is hereby created and established to carry out the community redevelopment purposes of Chapter 163, Part III, Florida Statutes, in the Central Business District, the North Historic District and the South Historic District;
3. That the City Commission of the City of Palatka, Florida is hereby declared as the Community Redevelopment Agency for the City of Palatka, Florida;
4. That the City Commission hereby appoints the President of Downtown Palatka, Inc. to serve as an additional member of the Community Redevelopment Agency for an initial term of two (2) years effective immediately and expiring December 31, 2011, and every four years thereafter. Should the individual holding that position cease to hold that office, he/she shall be deemed no longer eligible to serve on the Community Redevelopment Agency and his/her membership shall terminate immediately, and his/her successor shall be appointed to hold this office.
5. That the City Commission hereby appoints one (1) member of the Putnam County Board of County Commissioners, that member who is elected to represent District 2, whose district encompasses the Central Business District, to serve as an additional member of the Community Redevelopment Agency for a term of four (4) years effective immediately and expiring on December 31, 2013. Should the individual holding that office cease to hold that office, he/she shall be deemed no longer eligible to serve on the Community Redevelopment Agency and his/her membership shall terminate, and his/her successor shall be appointed to hold this office.
6. The Community Redevelopment Agency shall have all the rights, powers, duties, privileges and immunities granted by Chapter 163, Part III, Florida Statutes subject to all responsibilities and liabilities thereof.
7. The Community Redevelopment Agency shall carry out the community redevelopment purposes authorized by Chapter 163, Part III, Florida Statutes.

8. That commencing February 11, 2010, the regular meetings of the Community Redevelopment Agency shall generally be held at 4:00 p.m. on the 2nd Thursday of each even month (February, April, June, August, October and December) unless otherwise noticed in compliance with FS 187.417.
9. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, **this 11th day of February, 2010.**

PALATKA CITY COMMISSION

By: _____
Its MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM AND CONTENT:

_____
CITY ATTORNEY

Agenda Item

3d

CITY COMMISSION AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, FL authorizing the adoption and execution of an Interlocal agreement with Putnam County, FL to appoint BOCC District 3 Commissioner Karl N. Flagg to the Palatka Community Redevelopment Agency and stating Commissioner Flagg's duties as a CRA member are considered an additional duty to those imposed upon him by virtue of his role as a County Commissioner

DEPARTMENT: Admin/City Clerk

ATTACHMENTS: ___ Ordinance _X_ Resolution ___ Motion
___ Support Documents ___ Other

SUMMARY: Resolution 8-66 provided for the re-establishment of the Palatka Community Redevelopment Agency as a seven-member Board. The Commission appointed itself and two additional members, one being the District 2 BOCC Commissioner. Due to redistricting in 2012, the District now encompassing the Central Business District is District 3. A Resolution amending the County Commission District of one of the CRA's additional members went before the Commission tonight for adoption.

If one of the "additional members" of the CRA is a member the County Commission, FS 163.357(1)(d) stipulates that an Interlocal Agreement should be adopted between the Agency that created the CRA (the City) and the County Commission which appoints the County Commissioner to the CRA and states the Commissioner's membership on the CRA would be considered an additional duty to those of the office of County Commissioner. An Interlocal Agreement was prepared by County Attorney Russ Castleberry and adopted by the Putnam County BOCC on February 26. That agreement is attached to this summary for the City Commission's consideration and adoption.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9-98 authorizing the execution of an interlocal agreement with Putnam County BOCC appointing District 3 Commissioner Karl N. Flagg to the Palatka CRA and stipulating to the conditions imposed by FS 163.357(1)(d) -- see copy attached.

DEPARTMENT HEAD	Submitted:	B. Driggers	Date: 03/06/13
	Requested Agenda:	Consent	Date: 03/14/13
FINANCE DEPARTMENT	Budgeted ___Yes ___No _X_N/A		Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness		Date: 3/7/13
CITY MANAGER	Approved Agenda Item For:		Date: 3/6/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

RESOLUTION 2013 – 9 - 88

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE ADOPTION AND EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE PUTNAM COUNTY, FLORIDA, BOARD OF COUNTY COMMISSIONERS TO APPOINT PUTNAM COUNTY DISTRICT 3 COMMISSIONER KARL N. FLAGG TO THE CITY OF PALATKA COMMUNITY REDEVELOPMENT AGENCY AND STIPULATING TO THE CONDITIONS IMPOSED IN FS 163.357(1)(d)

WHEREAS, the Palatka City Commission adopted Resolution No. 8-66 on February 11, 2010 establishing the membership of the Palatka Community Redevelopment Agency and appointing two additional members, one being the Putnam County District Commissioner whose district encompasses the Central Business District; and

WHEREAS, the Putnam County Commissioner whose district encompasses the Central Business District is Karl N. Flagg, District 3 Commissioner; and

WHEREAS, an Interlocal Agreement between the City of Palatka City Commission (the **City**) and the Putnam County Board of County Commissioners (the **County**) is necessary to fulfill the requirements of FS 163.357(1)(d) stipulating to the conditions of this appointment imposed therein; and

WHEREAS, an agreement has been reached between the **City** and the **County** relative to the terms of said Interlocal Agreement, which appoints County Commissioner District 3 Commissioner Karl N. Flagg to the Palatka CRA and notes the duties of Commissioner Flagg's role as a member of the Palatka CRA shall be considered an additional duty to those imposed upon him in his role as a Putnam County Commissioner.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida, that the City Manager and City Clerk are hereby authorized to execute and attest an Interlocal Agreement with Putnam County Board of County Commissioners, which is attached hereto as Exhibit "A," appointing Putnam County District 3 Commissioner Karl N. Flagg to the Palatka Community Redevelopment Agency and stipulating to the statutory conditions imposed on such appointments as stated in FS 163.357(1)(d).

PASSED AND ADOPTED by the City Commission of the City of Palatka this **14th day of March, 2013.**

CITY OF PALATKA

_____

By: Its MAYOR

ATTEST:

_____

EXHIBIT "A"

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (the "Agreement") is entered into by and between Putnam County, Florida (the "County") and the City of Palatka (the "City").

WHEREAS, the City established a Community Redevelopment Agency ("CRA") by Resolution No. 8-66;

WHEREAS, Resolution No. 8-66 provides that the County Commissioner whose district encompasses the Central Business District (the "CBD") shall be a member of the CRA;

WHEREAS, County Commissioner Karl N. Flagg's District 3 area now encompasses the CBD; and

WHEREAS, Section 163.357(1)(d) provides that a County Commissioner may serve as a member of the CRA only by Interlocal Agreement between the City and the County.

Accordingly, the parties hereto agree as follows:

1. Karl N. Flagg is hereby appointed a member of the CRA effective _____ ____, 2013.

2. The duties of Mr. Flagg as a CRA member shall be considered an additional duty to the duties imposed upon him by virtue of his role as a County Commissioner, as contemplated by Section 163.357(1)(d).

3. This Interlocal Agreement is entered into pursuant to Florida law and shall be recorded with the Clerk of Court of Putnam County, Florida.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of February 26, 2013.

PUTNAM COUNTY

ATTEST: _____ Clerk of Court

By: _____ Vice Chairman

CITY OF PALATKA

ATTEST: _____ Clerk

By: _____

Title: _____

Select Year: 2012 Go

The 2012 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL PROGRAMS

View Entire Chapter

163.357 Governing body as the community redevelopment agency.—

(1)(a) As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(b) The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

(c) A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section are subject to all provisions of this part relating to appointed members of a community redevelopment agency.

(d) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(2) Nothing in this part prevents the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency is subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History.—s. 2, ch. 77-391; s. 75, ch. 79-400; s. 2, ch. 83-231; s. 5, ch. 84-356; s. 3, ch. 2006-307.

Agenda Item

3e

CITY COMMISSION AGENDA ITEM

SUBJECT: Appointments - Palatka Community Redevelopment Agency (CRA)

DEPARTMENT: Admin//Clerk

ATTACHMENTS: ___ Ordinance ___ Resolution ___ Motion
_X_ Support Documents __ Other

SUMMARY: The Community Redevelopment Agency (Board) contains seven members – the five members of the Commission and two additional members. Those two are the President of Downtown Palatka and one representative from the Putnam County Board of County Commissioners. Tonight Staff requested adoption of a resolution amending the BOCC District Representative Commissioner from District 2 to District 3, due to redistricting action taken by the Florida Legislature last year. District 3 now encompasses the Central Business District, and setting new terms for the additional members.

Putnam County Commissioner Karl Flagg represents BOCC District 3. An Interlocal Agreement with Putnam County BOCC is also before the Commission tonight referencing the change in District representation from District 2 to District 3, and separating Commissioner Flagg's duties in his role as District 3 Commissioner from his duties as a member of the CRA.

The final step is to appoint Commissioner Flagg as one of two additional members.

RECOMMENDED ACTION: Appoint Putnam County BOCC District 3 Commissioner Karl N. Flagg to the Palatka Community Redevelopment Agency for a four-year term to expire 12/31/16.

DEPARTMENT HEAD Submitted: Betsy Driggers Date: 03/06/13
Requested Agenda Consent Date: 03/14/13

FINANCE DEPARTMENT Budgeted ___Yes ___No _X_N/A Date: 3/8/13

CITY ATTORNEY Approved as to Form and Correctness Date: 3/7/13

CITY MANAGER Approved Agenda Item For: Date: 3/6/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___CA ___CC ___CM ___CD ___FI ___FD ___GC ___HR ___MD ___PD ___PR ___UD

COMMUNITY REDEVELOPMENT AGENCY
(formerly Downtown Redevelopment Agency)
Created by Res. # 4-11 on 11/10/83 (5 members)
Re-created by Res. # 8-66 on 2/11/10 (7 members)
Amended by Res. #2013-9-83 to amend BOCC District & terms for 2 addit'l members

Palatka City Commission,
Putnam Co. Commissioner District 2 (4-yr term)
President, Downtown Palatka Inc. (4-yr term)

Appt.	Position	Contact Information	Term Expires
	Members, Palatka City Commission		
02/28/13	Downtown Palatka President Pizza Boyz 919 St. Johns Ave., Palatka 386-325-9977 alex.sharp@hotmail.com	Alex Sharp	12/31/12
02/18/13	Putnam Co. Commissioner Dist 2 Putnam Co. BOCC 2509 Crill Ave., Palatka 386-329-0200; fax 329-1216 kflagg@bellsouth.net	Karl N. Flagg	12/31/14

Res. 4-12: Commission declared itself as the CRA
Ord. 84-4 est. N & S Hist District TIF 3/22/84; incorporated 10/25/94
Re-established 2-11-10 by Res. 8-66
Extended to Dec. 27, 2043 by Res. 9-18 Adopted 5-10-12

Meets 5:00 p.m. the 2nd Thursday of each even month:
February, April, June, August, October, December

Agenda Item

4

CITY of Palatka FLORIDA

AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, Florida, adopting the proposed Conceptual Plan for improvements to the Southern Portion of the Palatka Riverfront Park and authorizing the City Manager to pursue design, permitting & development of same.

DEPARTMENT: City Hall

ATTACHMENTS: ☐ Ordinance ☒ Resolution ☐ Motion
☒ Support Documents ☐ Other

SUMMARY:

Following the January 29th workshop meeting of the City Commission, staff reached out to the neighboring property owners of the Riverfront Park (The First Presbyterian Church, Dr. Coleman, DDS, the South Historic Neighborhood Association, and Robert Griffin). Our intent was to present the plans for the park space and gather feedback. We had productive meetings with these representatives and generally received positive feedback on the proposed plan. A copy of the information presented to these representatives is attached.

Generally, staff received positive responses to Option B. Following this meeting staff met with the engineer to incorporate suggestions received. That plan is attached for review and acceptance. As you are aware this project is partially funded by a Fish and Wildlife Conservation Commission Florida Boating Improvement Grant. The following tasks are to be completed under this grant agreement:

- Construction of three (3) new boat launch slips
- Install two ADA compliant floating boarding docks
- Removal of the existing restroom facility and construct new restroom and shower facility
- Build a floating dock with twenty (20) mooring slips
- Install electric and potable water at the new boat mooring facility
- Parking facility to accommodate 80 vehicles and trailers

The reconfiguration of the parking lot and realignment of Laurel Street will require the following steps:

1. Conceptual plan reviewed by members of the Planning Board in conjunction with staff
2. Preliminary plat considered by Planning Board (notification of public hearing of all abutting neighbors, invitation of neighbors to public hearing)
3. Final plat considered by Planning Board
4. Final plat considered by the City Commission, which can also grant variances to any road standards set forth in Sec. 74-20 (minimum paved width 24 feet, curbing and paving in accordance with FDOT secondary road standards).

Staff is requesting that the City Commission accept the attached plan and authorize the City Manager to finalize the design, procure the proper permits and complete the necessary steps to vacate Short Laurel Street and extend Laurel Street to intersect with Second Street and Memorial Parkway.

RECOMMENDED ACTION: Adopt resolution No. 2013-9-89 accepting the attached conceptual plan for improvements to the southern portion of the City of Palatka Riverfront Park and authorizing the City Manager to pursue the design, permitting and development of the attached plan.

DEPARTMENT HEAD	Submitted: Jonathan Griffith Requested Agenda: City Commission	Date: 2-15-13 Date: 3-14-13
FINANCE DEPARTMENT	Budgeted ☐ Yes ☐ No ☒ N/A	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date: _____
CITY MANAGER	Approved Agenda Item For:	Date: 3/7/13

COMMISSION ACTION:
☐ Approved as Recommended
☐ Approved With Modification
☐ Other
☐ Disapproved
☐ Tabled To Time Certain

DISTRIBUTION: ☐CA ☐CC ☐CM ☐CD ☐FI ☐FD ☐GC ☐HR ☐MD ☐PD ☐PR ☐UD

H:\City Commission\Agenda Requests\CC Agenda FWC FBIP Grant Agreement 1-24-13.doc

RESOLUTION NO. 2013 – 9 - 89

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ADOPTING A CONCEPTUAL PLAN FOR IMPROVEMENTS TO THE SOUTHERN PORTION OF THE CITY OF PALATKA RIVERFRONT PARK AND AUTHORIZING THE CITY MANAGER TO PURSUE THE DESIGN, PERMITTING AND DEVELOPMENT OF SAID CONCEPTUAL PLAN

WHEREAS, the City of Palatka owns and is responsible for the maintenance of Palatka's City Pier and Riverfront properties that provide recreational boat launch and trailer parking facilities for use by the public; and

WHEREAS, demand for the expanded boat launch and mooring facilities proposed by the City is regional, coming from a much larger area than Palatka and Putnam County; and

WHEREAS, Staff has developed a **Conceptual Plan** for improvements to the southern end of the Palatka Riverfront Park, attached hereto as Exhibit "A"; and

WHEREAS, the Palatka City Commission deems it necessary and in the best interest of the City of Palatka to pursue adoption of said **Conceptual Plan** referenced herein.

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

1. That the City of Palatka adopts the **Conceptual Plan** for improvements to the southern portion of the Riverfront Park, attached hereto as "Exhibit "A."

2. That the City Manager is hereby authorized to pursue the design, permitting and development of said Conceptual Plan.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this **14th day of March, 2013.**

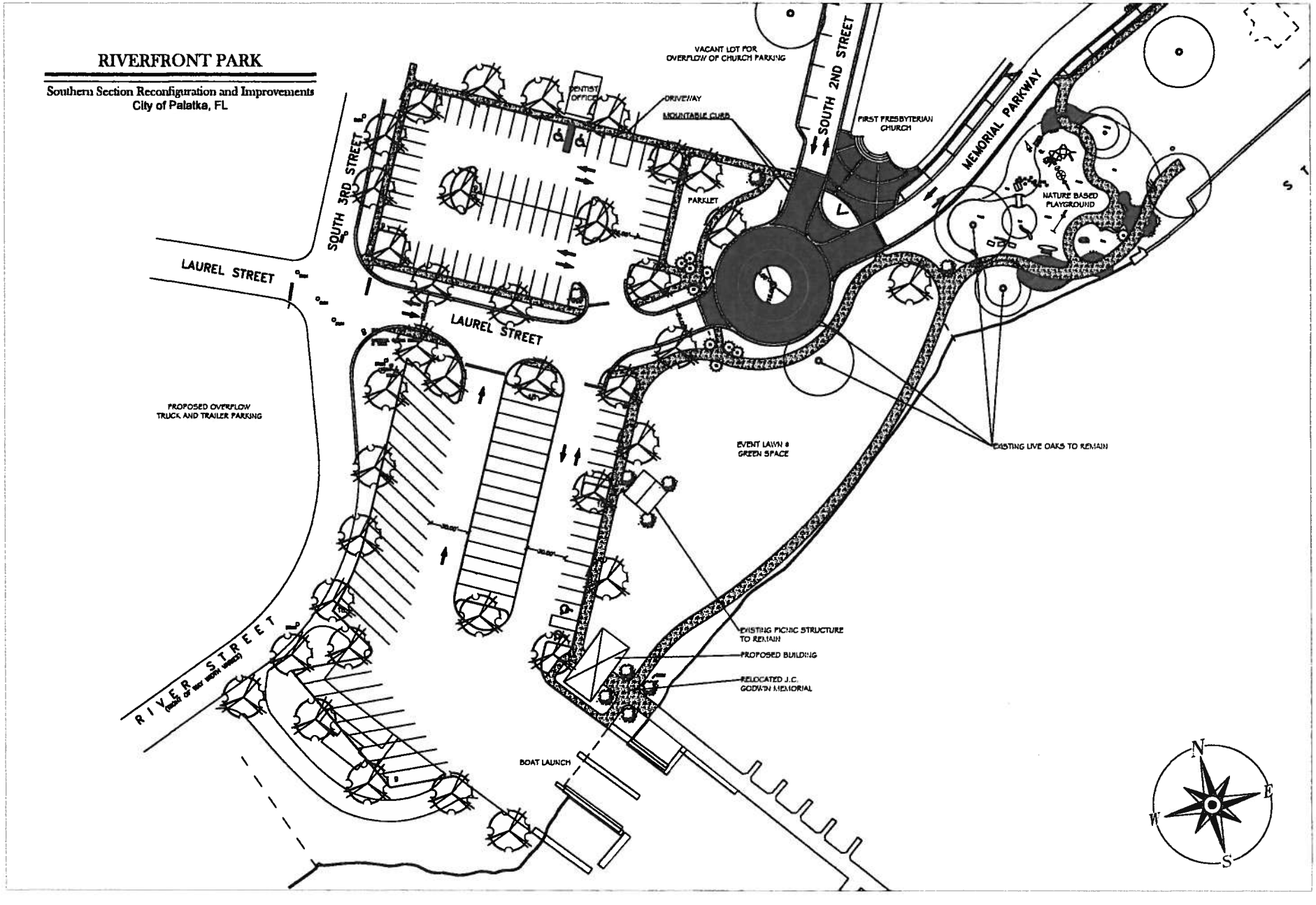
CITY OF PALATKA

_____

BY: Its MAYOR

RIVERFRONT PARK

Southern Section Reconfiguration and Improvements
City of Palatka, FL



-COMMUNITY REDEVELOPMENT AGENCY-

VISION Palatka

Riverfront Park

SOUTHERN IMPROVEMENTS

2-10-13

Mixed Use Commercial/Office/ Retail

Hotel

Memorial Parkway (Upper Promenade)

2nd Street Traffic Calming

Kids Zone

Lower Promenade

Event Lawn

Project Area

City Pier/ Expanded Docks

New Boat Launch With Boat Parking

Buffer Area with Berm Along Reid Street

Restored Boat Launch

Parking Area

Existing Boardwalk and Gazebo

North Lawn

Lemon Street Plaza

Cypress Micro Habitat Educational Area

Waterfront Restaurant

1/4 acre

Scale: 1"=40'
March 25, 2010

MICHAEL REDDY

Conceptual Master Plan

Palatka Riverfront Park

CAPITAL IMPROVEMENTS PLAN
City of Palatka
Fiscal Year 2012-2013 through 2017-2018

Project Title	Funding Source: General Fund	Airport Fund	Water Fund	Golf Course Fund	Sanitation Fund	Tax Increment Fund	Better Place	Other		Cost	2013	2014	2015	2016	2017
Wastewater Treatment Facility															
Conversion of anaerobic digesters to aerobic			$900,000.00							$900,000.00			x		
Replacement of secondary clarifier equipment.			$100,000.00							$100,000.00				x	
Reconditioning of belt filter press			$150,000.00							$150,000.00		x			
Stormwater Drainage System															
Riverrfront Park & Downtown Watershed Stormwater Improvements FWC FBIP PROJECT 12-059								$34,000 City Match	$66,000 Grant	$100,000.00	x				
Block 1 &2 Redevelopment Parcels Stormwater Improvements										$100,000.00					
St. Johns Avenue & 8th Street								$71,093 City Match	$213,279 Grant	$284,820.00	x				
St. Johns Avenue & 15th Street								$81,711 City Match	$245,134 Grant	$326,845.00	x				
St. Johns Avenue & 9th Street	$350,000.00									$350,000.00					
3rd Street & Oak Street	$170,000.00									$170,000.00					x
Zeagler Drive and St. Johns Avenue Drainage Phase II	$35,000.00									$35,000.00			x		
10th Street and Oak Street	$50,000.00									$50,000.00				x	
Solid Waste															
Front End Loader					$130,000.00					$130,000.00			x		
Rear Loader					$120,000.00					$120,000.00			x		
Potable Water															
Vacuum Truck			$350,000.00							$350,000.00		x			
15th Street and Oak Street Neighborhood Line Replacement			$100,000.00							$100,000.00					x
South Historic District Line Replacement			$500,000.00							$500,000.00				x	
North Historic Disrict Line Replacement			$500,000.00							$500,000.00				x	
4th Street and Bronson to 1st Street and Main Street Line Replacement & Loop			$75,000.00							$75,000.00			x		
Streets															
Flatbed										$30,000.00	x				
St. Johns Avenue (11th Street to Moseley) Streetscape						$800,000.00				$800,000.00				x	
St. Johns Avenue (4h Street to 11th Street) Streetscape						$1,500,000.00				$1,500,000.00					x
Parks															
Riverfront Park Boat Launch Expansion and Restroom Construction FWC FBIP PROJECT 12-059								$100,000 City Match	$300,000 Grant	$400,000.00	x				
Riverfront Park Boat Launch Parking and Park Construction FWC FBIP PROJECT 12-059								$15,000 City Match	$110,000 Grant	$125,000.00	x				
Riverfront Park St Johns River Center (Environmental and Historical Museum for the St. Johns River)									$1,200,000 Grant	$1,200,000.00	x				
Riverfront Park and Pier Floating Docks Expansion (20 Slips) PHASE I								$66,000 City Match	$254,000 Grant	$320,000.00	x				
Riverfront Park Nature Based Playground Construction	$100,000.00									$100,000.00		x			
Riverfront Park and Pier Floating Docks Expansion (20 Slips) PHASE II	$320,000.00									$320,000.00		x			
Replank Memorial Bridge Boardwalk	$65,000.00									$65,000.00				x	
Fire															
Fire Engine - Sutphen Level I Custom Pumper							$160,622.08		$150,000 Grant	$310,622.08	x				
Police															
Traffic Regulation Speed Trailers (2 Signs)	$30,000.00											x			
Traffic Regulation Speed Trailers (1 Radar)	$15,000.00												x		
Police Department Front Restroom Renovation	$15,000.00												x		
Renovate Police Department Offices and Workout Facility	$40,000.00											x			
Modular Training Facility at Gun Range	$38,000.00											x			
Renovate and Improve Bathroom at Gun Range	$15,000.00											x			
Renovate and Improve Garage at Gun Range	$34,215.00												x		
Renovate and Improve Training Pavillion at Gun Range	$15,000.00													x	
Vehicles (12 vehicles)	$378,000.00										x				
Vehicles (14 vehicles)	$421,000.00											x			
Vehicles (8 vehicles)	$240,000.00												x		
Vehicles (6 vehicles)	$144,000.00													x	
Airport															
Building B-2 Rehabilitation															
Taxiway C Rehab															
South Airport Drainage															

Existing Conditions

Overview

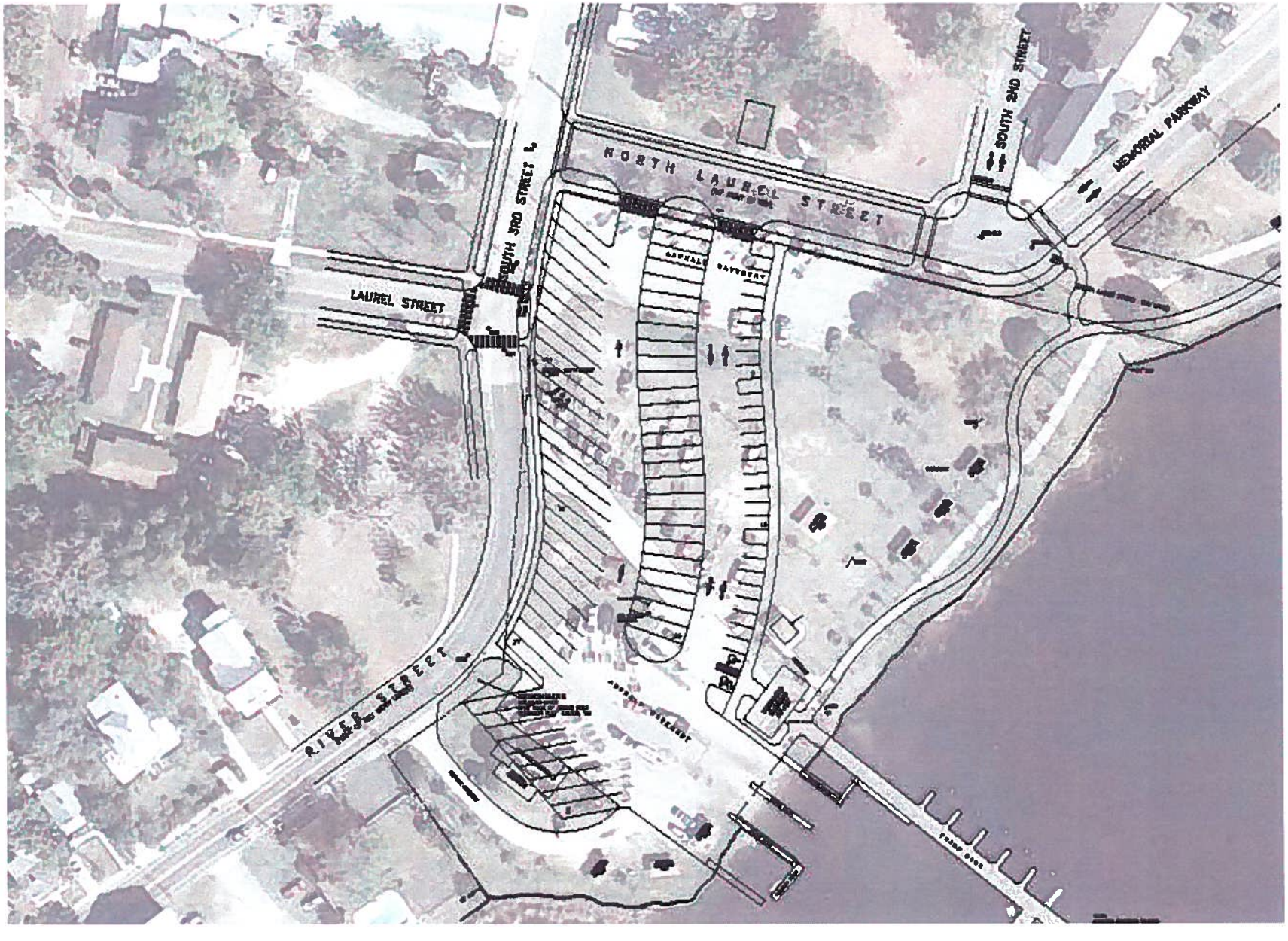
- Existing Conditions
  - 23-27 truck & trailer parking spaces
  - 45-60 car parking spaces
  - Restroom facilities isolated by ramp parking
  - Concession facilities with limited hours of operation
  - Limited oversight of facilities contributes to the perception of unsafe and inadequate facilities

Overview

- FWC FBIP grant
  - 3 boat launch slips (5 Total)
  - Restroom & shower facility
  - Parking reconfiguration
  - 1 floating dock (20 mooring slips)
  - Storm water treatment improvements
- Additional improvements being considered
  - New concession facilities centrally located with the restrooms
  - Diesel and unleaded gasoline sales
  - Ship-store
  - Landscaping and park improvements (i.e. trees, walks, benches, lighting)
  - Walking/exercise loop path system
  - Dog park amenities

Primary Goals

- Efficient launch area and parking
- Convenient and safe restroom and concession facilities
- Beautification of the park space
- Convenient and secure transient docking
- Efficient flow of pedestrian and vehicular traffic
- Thoughtful and functional design with historical and natural references


NORTH LAUREL STREET
SOUTH 3RD STREET
MEMORIAL PARKWAY
LAUREL STREET
SOUTH 3RD STREET
RIVERSIDE DRIVE

Option A

LAUREL STREET
SOUTH 3RD STREET
SOUTH 2ND STREET
MEMORIAL PARKWAY

Option B

Comparison

- Option A
  - Parking
    - 62 truck & trailer spaces
    - 29 car spaces (+52)
  - Pros
    - Shifts parking to west
    - Easiest to construct
    - Car parking is directly adjacent to the green space
    - 52 overflow parking spots for cars
    - Better division of parking based upon actual usage
  - Cons
    - Longer walk for parishioners
    - Minimal stacking distance for trucks leaving the lot on Laurel Street heading west
    - Boat traffic is forced to navigate multiple intersections to enter and exit lot

- Option B
  - Parking
    - 41 truck & trailer spaces (+13)
    - 81 car spaces
  - Pros
    - 13 overflow parking spots for truck & trailer parking
    - Realignment of Laurel promotes efficient flow of traffic
    - Car parking is directly adjacent to the church grounds
    - Shorter walk for parishioners
    - Traffic-calming device slows traffic and promotes through traffic to use 3rd Street
    - Minimizes conflicts between truck/trailer & passenger vehicles
  - Cons
    - Takes the largest amount of space
    - Park users forced to cross Laurel Street to get to park

Agenda Item

5

CITY of Palatka FLORIDA

AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, Florida modifying the Infrastructure Surtax (Frank George) Loan

DEPARTMENT: Finance

ATTACHMENTS: ☐ Ordinance ☒ Resolution ☐ Motion
☒ Support Documents ☒ Other

SUMMARY: After reviewing the City's debt portfolio, our financial advisory firm PFM made the recommendation to modify or re-bid several of the City's outstanding loans due to current interest rates being lower than the interest rate that was set in the loan agreements.

One of these loans is the Infrastructure Surtax loan, more commonly known as the Frank George loan. We contacted the bank that is currently holding the loan, Hancock Bank, to see if they were willing to modify the interest rate. They were willing to modify the interest rate from 5.19%, which was set when the loan agreement was signed in 2008, to 2.35% which our financial advisory firm believes to be a very competitive interest rate based upon the current market conditions.

By modifying the interest rate to 2.35%, the City will save $194,622.40 over the remaining life of the loan which is set to be repaid on April 3, 2020.

RECOMMENDED ACTION: Staff recommends adoption of Resolution No. 2013-9-90 approving modifications to the Frank George loan documents in order to reduce the interest rate from 5.19% to 2.35%.

DEPARTMENT HEAD	Submitted:	Matt Reynolds	Date: 03-05-2013
	Requested Agenda:	Regular	Date: 03-14-2013
FINANCE DEPARTMENT	Budgeted ☒ Yes ☐ No ☐ N/A		Date: 03-05-2013
CITY ATTORNEY	Approved as to Form and Correctness		Date: 3/7/13
CITY MANAGER	Approved Agenda Item For:		Date: 03/7/13

COMMISSION ACTION: ☐ Approved as Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐CA ☐CC ☐CM ☐CD ☐FI ☐FD ☐GC ☐HR ☐MD ☐PD ☐PR ☐UD

RESOLUTION NO. 2013 – 9 - 90

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, SUPPLEMENTING AND AMENDING RESOLUTION NO. 8-31 ADOPTED BY THE CITY ON MARCH 27, 2008; PROVIDING FOR THE AMENDMENT OF THE CITY OF PALATKA, FLORIDA TAXABLE INFRASTRUCTURE SURTAX REVENUE BOND, SERIES 2008 TO LOWER THE INTEREST RATE THEREOF; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE AMENDMENT OF THE BOND; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY OF PALATKA, FLORIDA, as follows:

SECTION 1. DEFINITIONS. The terms used in this Resolution shall have the respective meanings assigned to them in Resolution 8-31 adopted on March 27, 2008 (the "Initial Resolution"), unless the text hereof clearly otherwise requires.

SECTION 2. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of the Initial Resolution, Chapter 218, Part III, Florida Statutes, as amended, and other applicable provisions of law.

SECTION 3. FINDINGS. It is hereby found, declared, and determined by the City:

(A) The City Commission of the City of Palatka, Florida (the "City") had previously adopted the Initial Resolution which authorized the issuance of and delivery of the City's Taxable Infrastructure Surtax Revenue Bond, Series 2008 (the "Series 2008 Bond") to provide funds for the purchase of the Frank George Building, its demolition and site preparation for resale (the "2008 Project").

(B) The Series 2008 Bond was issued on April 3, 2008 in the aggregate principal amount of $3,200,000 to the purchaser, and current holder of the Series 2008 Bond, Hancock Bank, as successor to Hancock Bank of Florida (the "Lender").

(C) The original interest rate on the Series 2008 Bond is 5.19% and the Lender has agreed to amend the interest rate on the Series 2008 Bond to a rate equal to 2.35% effective April 3, 2013.

(D) The City and the Lender intend to execute and deliver the First Amendment to Series 2008 Bond to (i) increase the outstanding principal amount of the Series 2008 Bond from $1,866,666.65 to $1,890,000.00, (ii) adjust the amortization schedule of the Series 2008 Bond to provide for semiannual principal payments commencing October 3, 2013, and (iii) amend the interest rate on the Series 2008 Bond to a rate equal to 2.35%.

(E) The Lender consented to the amendment of the interest rate on the Series 2008 Bond and is not charging a prepayment penalty thereon.

(F) All other terms of the Initial Resolution, the Series 2008 Bond and the Loan Agreement shall remain unchanged.

SECTION 4. AMENDMENT TO THE SERIES 2008 BOND. A First Amendment to Series 2008 Bond shall be executed by the City and the Lender effectuating the amendments described herein. Such amendments shall be in substantially the same form attached hereto as Exhibit A.

SECTION 5. SEVERABILITY. If any one or more of the covenants, agreements, or provisions of this resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions, and in no way affect the validity of all other provisions of the Resolution, the Series 2008 Bonds or of the First Amendment to Series 2008 Bond delivered hereunder.

SECTION 6. AUTHORIZATIONS. The Mayor and any member of the City Commission, the City Manager, the Finance Director, the City Clerk and such other officials and employees of the City as may be designated by the City are each designated as agents of the City in connection with the amendment of the Series 2008 Bond. Such officials, agents and employees are hereby authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, a tax return, documents, notices, and contracts on behalf of the City that are necessary or desirable in connection with the amendment of the Series 2008 Bond, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

SECTION 7. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

Passed and Adopted this 14th day of March, 2013, by the City Commission of the City of Palatka, Florida, at a regular meeting duly called and held.

CITY OF PALATKA, FLORIDA

(SEAL)

_____

Vernon Myers
Mayor

ATTEST:

_____

Betsy J. Driggers
City Clerk

EXHIBIT "A"

FIRST AMENDMENT
TO
CITY OF PALATKA, FLORIDA
TAXABLE INFRASTRUCTURE SURTAX REVENUE BOND
SERIES 2008

WHEREAS, the City of Palatka, Florida (the "City"), for value received, delivered to Hancock Bank, as successor to Hancock Bank of Florida (the "Lender"), the above captioned bond (the "Series 2008 Bond") on April 3, 2008 with a maturity date of April 3, 2020 in the principal amount of $3,200,000. The Lender currently holds the Series 2008 Bond in the outstanding principal amount of $1,866,666.65; and

WHEREAS, pursuant to a Resolution of the City adopted on March 14, 2013, the City and the Lender now desire to amend the Series 2008 Bond as follows:

(1) The interest rate of Five and Nineteen Hundredths Percent (5.19%) per annum shall be amended to be Two and Thirty-Five Hundredths Percent (2.35%) per annum.

(2) The Exhibit to the Series 2008 Bond entitled "Annual Principal Reductions with semi-annual interest payments" shall be replaced with the Exhibit attached hereto entitled "Semi-Annual Principal Reductions with Semi-Annual Interest Payments."

(3) The outstanding principal amount of the Series 2008 Bond shall be increased from $1,866,666.65 to $1,890,000.00 in order to pay for costs incurred by the City in connection with the amendment to the Series 2008 Bond.

NOW, THEREFORE, effective from and including April 3, 2013, the first paragraph of the Series 2008 Bond is amended and restated to provide:

> "KNOW ALL MEN BY THESE PRESENTS, that the City of Palatka, Florida, a municipal corporation of the State of Florida (hereinafter called "City"), for value received, hereby promises to pay to the order of Hancock Bank (the "Lender"), on the Installment Payment Dates described on the attached Exhibit entitled "Semi-Annual Principal Reductions with Semi-Annual Interest Payments," the aggregate Principal Amount of $1,890,000, solely from the revenues hereinafter mentioned, and to pay solely from such revenues, interest on said sum from the date of this Bond or from the most recent interest payment date to which interest has been paid, at the Rate of Interest of Two and Thirty-Five Hundredths Percent (2.35%) per annum on the unpaid balance of such Principal Amount until the payment of such Principal Amount. Interest on this Bond shall be computed based upon the 360-day year, 30-day month basis."

NOW, THEREFORE, effective from and including April 3, 2013, the fifth paragraph of the Series 2008 Bond is amended and restated to provide:

"This Bond evidences a Loan made pursuant to Resolution No. 8-31 of the City adopted on March 27, 2008, as supplemented and amended by Resolution No. ____ of the City adopted on March 14, 2013 and a Loan Agreement dated as of April 3, 2008 (the "Loan Agreement") between the City and the Lender to finance the cost of a Project, as described in the Loan Agreement, pursuant to the authority of and in full compliance with the Constitution and laws of the State of Florida, including particularly Chapter 163, Part III, and Chapter 166, Part II, Florida Statutes, as amended and other applicable provisions of law (the "Act")."

NOW, THEREFORE, effective from and including April 3, 2013, the Exhibit attached to the Series 2008 Bond entitled "Annual Principal Reductions with semi-annual interest payments" shall be replaced with the Exhibit attached hereto entitled "Semi-Annual Principal Reductions with Semi-Annual Interest Payments."

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City of Palatka, Florida and Hancock Bank of Florida have entered this First Amendment to Series 2008 Bond this 3rd day of April, 2013.

CITY OF PALATKA, FLORIDA

(SEAL)

_____

Vernon Myers
Mayor

ATTEST:

_____

Betsy J. Driggers
City Clerk

CONSENTED BY:

HANCOCK BANK, as successor to
Hancock Bank of Florida

_____

Steven E. Cole
Senior Vice President

SOURCES AND USES OF FUNDS

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Sources:	
Bond Proceeds:	
Par Amount	1,890,000.00
	1,890,000.00
Uses:	
Refunding Escrow Deposits:	
Cash Deposit	1,866,666.65
Delivery Date Expenses:	
Cost of Issuance	23,333.35
	1,890,000.00

BOND SUMMARY STATISTICS

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Dated Date	04/03/2013
Delivery Date	04/03/2013
Last Maturity	04/03/2020
Arbitrage Yield	2.350000%
True Interest Cost (TIC)	2.350000%
Net Interest Cost (NIC)	2.350000%
All-In TIC	2.697101%
Average Coupon	2.350000%
Average Life (years)	3.818
Duration of Issue (years)	3.631
Par Amount	1,890,000.00
Bond Proceeds	1,890,000.00
Total Interest	169,564.25
Net Interest	169,564.25
Total Debt Service	2,059,564.25
Maximum Annual Debt Service	299,843.75
Average Annual Debt Service	294,223.46
Underwriter's Fees (per $1000)	
Average Takedown	
Other Fee	
Total Underwriter's Discount	
Bid Price	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Bond Component	1,890,000.00	100.000	2.350%	3.818	685.52
	1,890,000.00			3.818	685.52

	TIC	All-In TIC	Arbitrage Yield
Par Value	1,890,000.00	1,890,000.00	1,890,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-23,333.35	
- Other Amounts			
Target Value	1,890,000.00	1,866,666.65	1,890,000.00
Target Date	04/03/2013	04/03/2013	04/03/2013
Yield	2.350000%	2.697101%	2.350000%

SUMMARY OF REFUNDING RESULTS

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Dated Date	04/03/2013
Delivery Date	04/03/2013
Arbitrage yield	2.350000%
Escrow yield	
Bond Par Amount	1,890,000.00
True Interest Cost	2.350000%
Net Interest Cost	2.350000%
Average Coupon	2.350000%
Average Life	3.818
Par amount of refunded bonds	1,866,666.65
Average coupon of refunded bonds	5.190000%
Average life of refunded bonds	4.000
PV of prior debt to 04/03/2013 @ 2.350000%	2,065,689.35
Net PV Savings	175,689.35
Percentage savings of refunded bonds	9.411930%
Percentage savings of refunding bonds	9.295733%

SUMMARY OF BONDS REFUNDED

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Taxable Frank George Building, FRANK:					
BOND	04/03/2014	5.190%	266,666.67	04/03/2013	100.000
	04/03/2015	5.190%	266,666.67	04/03/2013	100.000
	04/03/2016	5.190%	266,666.67	04/03/2013	100.000
	04/03/2017	5.190%	266,666.67	04/03/2013	100.000
	04/03/2018	5.190%	266,666.67	04/03/2013	100.000
	04/03/2019	5.190%	266,666.67	04/03/2013	100.000
	04/03/2020	5.190%	266,666.63	04/03/2013	100.000
			1,866,666.65		

PRIOR BOND DEBT SERVICE

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
10/03/2013			48,440	48,440.00	
04/03/2014	266,666.67	5.190%	48,440	315,106.67	363,546.67
10/03/2014			41,520	41,520.00	
04/03/2015	266,666.67	5.190%	41,520	308,186.67	349,706.67
10/03/2015			34,600	34,600.00	
04/03/2016	266,666.67	5.190%	34,600	301,266.67	335,866.67
10/03/2016			27,680	27,680.00	
04/03/2017	266,666.67	5.190%	27,680	294,346.67	322,026.67
10/03/2017			20,760	20,760.00	
04/03/2018	266,666.67	5.190%	20,760	287,426.67	308,186.67
10/03/2018			13,840	13,840.00	
04/03/2019	266,666.67	5.190%	13,840	280,506.67	294,346.67
10/03/2019			6,920	6,920.00	
04/03/2020	266,666.63	5.190%	6,920	273,586.63	280,506.63
	1,866,666.65		387,520	2,254,186.65	2,254,186.65

SAVINGS

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Date	Prior Debt Service	Refunding Debt Service	Savings	Annual Savings	Present Value to 04/03/2013 @ 2.3500000%
10/03/2013	48,440.00	146,207.50	-97,767.50		-96,632.07
04/03/2014	315,106.67	144,750.50	170,356.17	72,588.67	166,422.27
10/03/2014	41,520.00	150,293.50	-108,773.50		-105,027.61
04/03/2015	308,186.67	148,754.25	159,432.42	50,658.92	152,154.14
10/03/2015	34,600.00	151,215.00	-116,615.00		-109,998.90
04/03/2016	301,266.67	148,628.75	152,637.92	36,022.92	142,305.98
10/03/2016	27,680.00	151,054.25	-123,374.25		-113,687.32
04/03/2017	294,346.67	148,432.75	145,913.92	22,539.67	132,895.73
10/03/2017	20,760.00	149,823.00	-129,063.00		-116,183.07
04/03/2018	287,426.67	149,178.00	138,248.67	9,185.67	123,006.72
10/03/2018	13,840.00	146,521.25	-132,681.25		-116,682.09
04/03/2019	280,506.67	145,876.25	134,630.42	1,949.17	117,021.23
10/03/2019	6,920.00	140,219.50	-133,299.50		-114,518.79
04/03/2020	273,586.63	138,609.75	134,976.88	1,677.38	114,613.14
	2,254,186.65	2,059,564.25	194,622.40	194,622.40	175,689.35

Savings Summary

PV of savings from cash flow	175,689.35
Net PV Savings	175,689.35

SAVINGS

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 04/03/2013 @ 2.3500000%
04/03/2014	363,546.67	290,958.00	72,588.67	69,790.20
04/03/2015	349,706.67	299,047.75	50,658.92	47,126.54
04/03/2016	335,866.67	299,843.75	36,022.92	32,307.08
04/03/2017	322,026.67	299,487.00	22,539.67	19,208.41
04/03/2018	308,186.67	299,001.00	9,185.67	6,823.65
04/03/2019	294,346.67	292,397.50	1,949.17	339.13
04/03/2020	280,506.63	278,829.25	1,677.38	94.35
	2,254,186.65	2,059,564.25	194,622.40	175,689.35

Savings Summary

PV of savings from cash flow	175,689.35
Net PV Savings	175,689.35

BOND PRICING

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Bond Component:					
	10/03/2013	124,000	2.350%	2.350%	100.000
	04/03/2014	124,000	2.350%	2.350%	100.000
	10/03/2014	131,000	2.350%	2.350%	100.000
	04/03/2015	131,000	2.350%	2.350%	100.000
	10/03/2015	135,000	2.350%	2.350%	100.000
	04/03/2016	134,000	2.350%	2.350%	100.000
	10/03/2016	138,000	2.350%	2.350%	100.000
	04/03/2017	137,000	2.350%	2.350%	100.000
	10/03/2017	140,000	2.350%	2.350%	100.000
	04/03/2018	141,000	2.350%	2.350%	100.000
	10/03/2018	140,000	2.350%	2.350%	100.000
	04/03/2019	141,000	2.350%	2.350%	100.000
	10/03/2019	137,000	2.350%	2.350%	100.000
	04/03/2020	137,000	2.350%	2.350%	100.000
		1,890,000			

Dated Date	04/03/2013	
Delivery Date	04/03/2013	
First Coupon	10/03/2013	
Par Amount	1,890,000.00	
Original Issue Discount		
Production	1,890,000.00	100.000000%
Underwriter's Discount		
Purchase Price	1,890,000.00	100.000000%
Accrued Interest		
Net Proceeds	1,890,000.00	

BOND DEBT SERVICE

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Period Ending	Principal	Coupon	Interest	Debt Service
04/03/2014	248,000	2.350%	42,958.00	290,958.00
04/03/2015	262,000	2.350%	37,047.75	299,047.75
04/03/2016	269,000	2.350%	30,843.75	299,843.75
04/03/2017	275,000	2.350%	24,487.00	299,487.00
04/03/2018	281,000	2.350%	18,001.00	299,001.00
04/03/2019	281,000	2.350%	11,397.50	292,397.50
04/03/2020	274,000	2.350%	4,829.25	278,829.25
	1,890,000		169,564.25	2,059,564.25

BOND DEBT SERVICE

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
10/03/2013	124,000	2.350%	22,207.50	146,207.50	
04/03/2014	124,000	2.350%	20,750.50	144,750.50	290,958.00
10/03/2014	131,000	2.350%	19,293.50	150,293.50	
04/03/2015	131,000	2.350%	17,754.25	148,754.25	299,047.75
10/03/2015	135,000	2.350%	16,215.00	151,215.00	
04/03/2016	134,000	2.350%	14,628.75	148,628.75	299,843.75
10/03/2016	138,000	2.350%	13,054.25	151,054.25	
04/03/2017	137,000	2.350%	11,432.75	148,432.75	299,487.00
10/03/2017	140,000	2.350%	9,823.00	149,823.00	
04/03/2018	141,000	2.350%	8,178.00	149,178.00	299,001.00
10/03/2018	140,000	2.350%	6,521.25	146,521.25	
04/03/2019	141,000	2.350%	4,876.25	145,876.25	292,397.50
10/03/2019	137,000	2.350%	3,219.50	140,219.50	
04/03/2020	137,000	2.350%	1,609.75	138,609.75	278,829.25
	1,890,000		169,564.25	2,059,564.25	2,059,564.25

ESCROW STATISTICS

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Total Escrow Cost	Modified Duration (years)	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
Global Proceeds Escrow:						
1,866,666.65				1,866,666.65		
1,866,666.65				1,866,666.65	0.00	0.00

Delivery date	04/03/2013
Arbitrage yield	2.350000%

ESCROW SUFFICIENCY

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
04/03/2014	1,866,666.65	1,866,666.65		
	1,866,666.65	1,866,666.65	0.00	

COST OF ISSUANCE

Refund Frank George Loan
****
Final Numbers - Hancock Bank
Taxable Rate - 2.35%

Cost of Issuance	$/1000	Amount
Bond Counsel Fee	6.61376	12,500.00
Financial Advisor Fee	5.29101	10,000.00
Miscelaneous Expenses	0.44093	833.35
	12.34569	23,333.35

Agenda Item

6

CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - COMPREHENSIVE PLAN TEXT AMENDMENT AMENDING CAPITAL IMPROVEMENT PLAN – TRANSMIT TO STATE AGENCIES

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: _X_ Ordinance _____ Resolution ___ Motion
_X_ Support Documents _____ Other

SUMMARY:
This is an administrative request for a large-scale text amendment of Comprehensive Plan to update the City's Capital Improvement Plan (CIP). The CIP is a component of the Capital Improvement Element of the City's Comprehensive Plan and is intended to identify public facility improvements needed to accommodate future City growth and redevelopment. The Capital Improvement Plan includes a schedule of projects accompanied by anticipated revenues for such projects, and is required under the Florida Statutes under Section 163.2514 and other sections as part of the state-mandated comprehensive planning process. The Planning Board recommended approval at their February 12, 2013 meeting.

RECOMMENDED ACTION:
Transmit Future Land Use Map amendment to state agencies for review

DEPARTMENT HEAD	Submitted: Thad Crowe TC	Date: 3/7/2013
	Requested Agenda Thad Crowe	Date: 3/14/2013
FINANCE DEPARTMENT	Budgeted ___Yes X No _____N/A	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 3/7/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 13 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CITY'S CAPITAL IMPROVEMENT PLAN; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 163.3184, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, the Planning Board conducted a public hearing on February 12, 2013, and recommended approval of this amendment to the City Commission, and

WHEREAS, the Capital Improvement Plan is a component of the Capital Improvement Element of the City's Comprehensive Plan and is intended to identify public facility improvements needed to accommodate future City growth and redevelopment; and

WHEREAS, the Capital Improvement Plan includes a schedule of projects accompanied by anticipated revenues for such projects, and is required under the Florida Statutes under Section 163.2514 and other sections as part of the state-mandated comprehensive planning process; and

WHEREAS, Section 163.3184(3)(b)1., Florida Statutes, as amended, provides that the City Commission may transmit the proposed amendment ordinance and supporting data and analysis to state reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body, and

WHEREAS, Section 163.3184(3)(b)2., Florida Statutes, as amended, provides that state agencies shall transmit to the City of Palatka comments regarding adverse impacts on important state resources and facilities by the amendments, and

WHEREAS, Section 163.3184(3)(c)1., Florida Statutes, as amended, provides that the City Commission shall hold a second public hearing to adopt the amendment within 180 days after receipt of agency comments, and

WHEREAS, the City Commission properly transmitted this amendment to state agencies and did not receive adverse comments from said agencies,

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

Section 1. Adopted Large Scale Amendment

That the Capital Improvement Plan, attached as Exhibit A, be amended as an update to the City's Capital Improvement Element of the adopted Comprehensive Plan.

Section 3. 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 4. 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 5. Effective date

This Ordinance shall become effective thirty-one (31) days after notification by the state land planning agency notifies the City of Palatka that the plan amendment is complete, or if timely challenged when the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this ___ day of ____, 2013.

CITY OF PALATKA

By:_____
Its Mayor

ATTEST:

_____

City Clerk

associated landscaping. This item is sort of a stopgap measure, as there as some people on the south side that are hamstrung in regards to putting in signs.

Mr. Petrucci commented that eight feet would put the sign at eye level for cars driving by.

Motion was made by Ms. Moody and seconded by Mr. DeLoach to accept staff recommendation to increase ground signs from six feet to eight feet in height and 30 to 60 square feet in total size. A vote resulted with 5 yeas and 1 nay from Mr. Wallace. Motion carried.

Case 12-53: Administrative request to amend the City's Comprehensive Plan Capital Improvement Plan for fiscal years 2012-2013 through 2017-2018 (tabled from December meeting).

Mr. Crowe explained that per statutes the Capital Improvement Plan (CIP) of the Comprehensive Plan is required to be updated annually. The plan is for the City's public facilities includes "hard" costs for equipment, infrastructure, vehicles, etc. and allows for ongoing capital facilities planning. This provides a basis for impact fee calculation, covering the following areas; Wastewater, Stormwater/Drainage, Solid Waste, Potable Water, Streets, Parks, Fire, Police and Airport. He recommended approval of the amendment to the Comprehensive Plan.

Mr. Petrucci asked if this is something the city would look at when doing their budget.

Mr. Crowe replied yes, and each department provides input.

Mr. Motion was made by Mr. DeLoach and seconded by Mr. Pickens to approve the minutes for the December 4, 2012 and the January 8, 2013 meetings. All present voted affirmative, motion carried.

With no further business, meeting adjourned.

Case 12-53
Request to Amend Comprehensive Plan Text
Capital Improvement Element
(Capital Improvement Plan)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To consider the revision of the City's 5-year Capital Improvement Plan (CIP), part of the Capital Improvement Element (CIE) of the Comprehensive Plan. Public notice included legal advertisement.

APPLICATION BACKGROUND

The CIP is a component of the CIE of the City's Comprehensive Plan and is intended to identify public facility improvements needed to accommodate future City growth and redevelopment. The Plan includes a schedule of projects accompanied by anticipated revenues for such projects. The CIP is required under the Florida Statutes under Section 163.2514 and other sections as part of the state-mandated comprehensive planning process. The CIP is a tool that helps the City to proactively plan for future capital needs.

PROJECT ANALYSIS

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan. The CIP helps the City to plan for the improvement of public facilities in a manner that is the antithesis of sprawl, and the adoption of the CIP is set forth in the Capital Improvement Element. The CIP is intended to also assist the City to stay on course in regard to long-term public facility planning in its annual budgeting process.

STAFF RECOMMENDATION

Staff recommends approval of the attached Capital Improvement Plan.

Agenda Item

7

CITY COMMISSION AGENDA ITEM

SUBJECT: First Reading of an ordinance amending Palatka Municipal Code Section 22-2, Cemetery Fund, and Appendix A, Fee Schedule, in regards to zoning matters, vehicles for hire and references to occupational license fees

DEPARTMENT: Admin/City Clerk

ATTACHMENTS: ___ Ordinance _X_ Resolution ___ Motion
___ Support Documents ___ Other

SUMMARY: Staff has prepared an ordinance amending Chapter 22-2, Cemetery funds, regarding the designation of a portion of the proceeds from the sale of each cemetery plot to the special cemetery fund. Previously this was 50% of sales; now it is $125 from each sale. Also, the text is being amended to allow these funds to be spent on improvements. At this time, funds can only be spent on acquisition of land for cemetery purposes.

This ordinance will also amend Appendix A, Fee Schedule, for fees associated with vehicles for hire, and text is amended concerning fees for Historic District permits/certificates of appropriateness and permit fees for conditional use and variance actions. In addition to these changes, Appendix A is being amended to change all references in Chapter 78 from Occupational Licenses/Fees to Business Tax/Tax Receipts in accordance with statutory language changes that became effective in 2007. Text changes were made to Chapter 78 in the Code, but not to Appendix A of Chapter 78.

RECOMMENDED ACTION: Pass the ordinance amending Chapter 22-2 and Appendix A of the Municipal Code on first reading.

This is scheduled for 2nd reading/adoption on March 28, 2013.

DEPARTMENT HEAD	Submitted:	B. Driggers	Date: 03/06/13
	Requested Agenda:	Consent	Date: 03/14/13
FINANCE DEPARTMENT	Budgeted X Yes ___No __N/A		Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness		Date:
CITY MANAGER	Approved Agenda Item For:		Date: 3/7/13

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

This instrument prepared by:
Thad Crowe, AICP and
Betsy J. Driggers, CMC
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 13 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING SECTION 22-2 OF THE PALATKA MUNICIPAL CODE ENTITLED CEMETERY FUND; REVISING APPENDIX A, FEE SCHEDULE OF THE MUNICIPAL CODE IN REGARD TO VEHICLES FOR HIRE, VARIANCES AND CERTIFICATES OF APPROPRIATENESS, AND AMENDING ALL REFERENCES PERTAINING TO CHAPTER 78, TAXATION, REGARDING REFERENCES TO OCCUPATIONAL LICENSE TAXES TO REFLECT STATUTORY CHANGES RELATIVE TO THEIR DESIGNATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Cemeteries Department, Police Department and Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, Chapters 78-162 through 78-178 of the Palatka Municipal Code were amended by Ordinance No. 07-12, adopted August 9, 2007, to incorporate certain changes made by the Florida Legislature effective July 1, 2007 to Title XIV, Chapter 205 of the Florida Statutes, to reflect that the term "occupational business license" has been changed to "business tax receipt," and the term "occupational license tax" has been changed to "business tax;" however, changes to those corresponding terms in Appendix A to Chapter 78 were erroneously omitted from the text of that Ordinance; and

WHEREAS, all the necessary procedural steps have been accomplished, including two public hearings before the City Commission of the City of Palatka on March 14, 2013 and March 28, 2013; and

WHEREAS, the City Commission of the City of Palatka has determined that the said amendments and corrections should be adopted.

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

Section 1. That Palatka Municipal Code Chapter 22, Section 2, entitled "Cemetery fund" shall be amended to read as follows:

Section 22-2. Cemetery fund

A special Municipal Fund is hereby created and established, to be known as the "Special Cemetery Fund," which shall be maintained as a separate fund of the City and into which ~~fifty percent of proceeds~~ $125.00 from the sale of each single adult grave space shall be deposited. The munities place in this fund shall be used for the improvements and acquisition of land for cemetery purposes in such manner and at such times as the City Commission shall from time to time determine. This Fund shall be a continuing Fund, running from year to year, and the monies therein placed shall not be subject to expenditure for any other purpose than as authorized in this Section.

Section 2. That the following Sections of Appendix A to the Palatka Municipal Code shall be amended to read as follows:

Chapter 90. Vehicles for Hire

§ 90-72. Application fee for taxicab driver's permit. . . ~~$5.00~~ 15.00 Annually

§ 90-30. Application fee for taxicab company permit . . . $30.00 Annually

Chapter 94. Zoning
§ 94-39. Fee schedule for zoning actions.
(a) Annexation:
(1) Small scale amendment: $1,000.00
(2) Large scale amendment: 1,500.00
(b) Conditional use ~~and variance~~: 130.00
(c) Variance: 42.00
(~~e~~d) Historic district ~~certificated of appropriateness~~/creation/expansion/contraction: 130.00
(~~d~~e) Certificate of appropriateness: 42.00
(~~e~~f) Rezoning: 130.00
(~~f~~g) Rezoning with a concurrent small-scale future land use map amendment: 450.00
(~~g~~h) Rezoning with a concurrent large-scale future land use map amendment: 1,500.00

Section 3. That Appendix A, Chapter 78 of the Palatka Municipal Code shall be, and the same hereby is, amended by the substitution therein of the term "business tax" for the terms "occupational license tax" and "license tax" and the term "business tax receipt" for the terms "occupational license" or "license" at each and every place therein where the former terms appear; and the substituted terms shall appear in the singular or plural according to the context thereof.

Section 4. 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 5. 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 6. 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 28th day of March, 2013.

CITY OF PALATKA

BY:_____
Its MAYOR

ATTEST:

_____
City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY

Agenda Item

8

CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - ZONING CODE TEXT AMENDMENT (MINIMUM LOT SIZE FOR CHURCHES IN RESIDENTIAL ZONING) – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: X Ordinance _____Resolution ___ Motion
X Support Documents _____Other

SUMMARY:
This is an administrative request to allow Conditional Use review for small churches in residential zoning districts. The Planning Board recommended approval at their February 12, 2013 meeting. Current zoning regulations prohibit outright churches on lots of less than 40,000 square feet. This is a standard that encourages larger churches, which have greater impacts to residential neighborhoods due to increased traffic and parking. Staff believes that small churches should have the same opportunity to be reviewed for conditional use permits that large churches do. This has proved to be a hardship for existing small churches that cannot improve their properties and grow. The conditional use process works well for churches since the Planning Board can on a case-by-case basis evaluate the impacts of such uses in terms of parking, traffic, and other impacts.

RECOMMENDED ACTION:
Pass ordinance on first reading

DEPARTMENT HEAD	Submitted: Thad Crowe TC	Date: 3/7/2013
	Requested Agenda Regular	Date: 3/14/2013
FINANCE DEPARTMENT	Budgeted ___Yes ___No X N/A RH	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 3/7/13

COMMISSION ACTION:
___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 13 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ELIMINATING MINIMUM LOT SIZE STANDARDS FOR CHURCHES AS ALLOWED BY CONDITIONAL USE PERMIT IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 12, 2012, and two public hearings before the City Commission of the City of Palatka on March 14, 2013 and March 28, 2013; 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 CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. The following Zoning Code Sections shall be amended as follows.

Sec. 94-141. - R1-AA single family residential district.
(a) through (d): no change
(e) Conditional uses. (Conditional uses are permissible after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses in the R-1AA district are as follows:
(1) Planned unit developments (PUD). (See article IV of this chapter and section 94-2, definitions.)
(2) Patio housing. (See section 94-197 and section 94-2, definitions.)
(3) Publicly owned and operated parks, recreation areas and utility structures.

(4) Golf courses and related clubhouse facilities; except driving tees or ranges, miniature courses and similar uses operated for commercial purposes separately from golf courses.

(5) Private bath, swim, tennis or country clubs and community owned and operated recreation clubs and associations.

(6) Houses of worship~~, provided the minimum lot area shall be 40,000 square feet~~.

(7) Subdivision or other development entranceways when built in conformity with chapter 62.

(8) Essential services. (See section 94-2, definitions.)

(9) Child care facilities. (See section 94-2, definitions.)

(10) Home occupations. (See section 94-2, definitions.)

(f) through (g): no change

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 28th day of March, 2013.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

_____
City Clerk

8. Planter landscape boxes shall be installed bordering the outdoor fenced area.
9. Applicant to maintain attractive landscaped area both in the green area along St. Johns Avenue and along S. 10th St. A shade tree shall be planted in one of these areas, and both areas should be planted with shrubs, groundcovers, and flowers (not grass). Applicant shall present a sketch landscape plan to Staff for approval prior to the opening of the business, and shall install planting within six months of commencing operations.
10. Replace chain link fence with decorative aluminum fence.
11. All other applicable Code standards to be met.

Mr. Holmes asked what alcohol serving establishment was within 300 feet. Mr. Crowe answered that Pizza Boyz restaurant was immediately next door.

Donald Hersey Jr. stated that he lives in San Mateo and has lived here all his life, his father was part of the Palatka government for 28 years and he is very proud of that and that they would do everything in their power to work with the City with regards to beatification and provide a good safe entertainment establishment. The last thing he would want to do is something to degrade this City.

Mr. Petrucci asked the applicant if he had any issues with the staff recommendations. Mr. Hersey stated that he believed that an aluminum wall around the outside patio would close that space in and make that area hot. He added that they did intend on doing some landscaping and making that place more presentable.

Mr. Crowe clarified that he was referring to a fence, a decorative wrought iron type fence, so you would still have the openness.

Mr. Pickens stated that in reading the packet, it appears that there has been a significant attempt to improvement of what was there before and what is there now, which is a boarded up building. He expected some resistance to replacing the fencing of the outside area and the absence of outdoor music, and appreciates that there wasn't any.

Motion made by Mr. Pickens and seconded by Ms. Moody to approve the request, subject to staff recommendations. All present voted affirmative, motion carried.

Case 13-04 Administrative request to amend Zoning Code Sec. 94-141 to allow churches by conditional use permit in residential zoning districts on properties less than 40,000 square feet.

Mr. Crowe explained the intent of this administrative request is to provide small churches with the same opportunity that larger churches have to apply for conditional use approval. Currently the Zoning Code only allows residentially zoned churches through the Conditional Use process and only on lots greater than 40,000 square feet. There are a number of small churches in residential neighborhoods that do fit in well. This rule discriminates against small churches and encourages larger churches that can more negatively impact neighborhoods through traffic, parking etc. He recommended approval of this Zoning Code text change.

Mr. Pickens asked if Staff's intent was to simply remove the words "on lots greater than 40,000 square feet" he would be in favor of that.

Motion was made by Mr. Pickens and seconded by Mr. Petrucci for the removal of the words "on lots greater than 40,000 square feet" as it currently exists in the Code. All present voted affirmative, motion carried.

Case 13-04
Request to Amend Zoning Code
(Allow churches by conditional use permit in residential zoning districts on properties less than 40,000 square feet in size)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to allow churches on properties less than 40,000 square feet in size in residential zoning districts through the conditional use process. Public notice included legal advertisement.

APPLICATION BACKGROUND

Zoning Code Section 94-141(e)(6) allows churches in residential zoning districts through the conditional use process, but only if the property size exceeds 40,000 square feet. This is a strange standard that encourages larger and thus more disruptive churches in residential neighborhoods while prohibiting small churches that would by their lesser impacts be more compatible with residential uses. This change would eliminate this prohibition on small churches and allow the Planning Board to look at all churches in residential zoning districts on a case-by-case basis.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would provide opportunities for small-scale, neighborhood-compatible uses.
- The amendment would legitimize current nonconforming uses.
- The amendment would eliminate the false distinction between small and large churches and their appropriate allowance in residential settings.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 *9J-5.006(3)(b)2*

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 *9J-5.006(3)(c)*

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 *9J-5.006(3)(c)3*

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

STAFF RECOMMENDATION

Staff recommends approval of Case 13-04 revising Zoning Code Section 94-141, allowing churches on properties less than 40,000 square feet to be eligible for conditional use application in residential zoning districts.

Agenda Item

9

CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - ZONING CODE TEXT AMENDMENT (STAFF REVIEW OF OUTDOOR SALES, EXTENSION OF SEASON SALES TIME PERIOD, APPEAL OF STAFF DECISIONS) – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS:
X Ordinance
X Support Documents
_____Resolution
_____Other
___ Motion

SUMMARY:
This is an administrative request to allow for staff review of outdoor sales events, which currently require Planning Board approval. The Planning Board recommended approval at their February 12, 2013 meeting. Current zoning regulations require conditional use approval for the following four types of outdoor sales (outdoor promotional sales, seasonal goods sales, temporary goods sales, and farmers' markets). These sales are typically Christmas tree sales, Fourth of July fireworks sales, and grand opening/promotional tent sales. The criteria are very specific and can be applied by Staff, reducing fees and eliminating public hearing delays. Appeals of negative staff decisions would go the route of a normal conditional use application. Finally, the ordinance would extend seasonal sales from 30 to 45 days, mostly due to the need for longer Christmas tree sales during the ever-lengthening Christmas season.

RECOMMENDED ACTION:
Pass ordinance on first reading

DEPARTMENT HEAD	Submitted: Thad Crowe Requested Agenda Regular	Date: 3/7/2013 Date: 3/14/2013
FINANCE DEPARTMENT	Budgeted ___Yes ___No X N/A	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 3/7/13

COMMISSION ACTION:
___ Approved as Recommended
___ Approved With Modification
___ Other
___ Disapproved
___ Tabled To Time Certain

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 13 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ALLOWING STAFF REVIEW OF OUTDOOR PROMOTIONAL SALES, SALE OF SEASONAL GOODS OR COMMODITIES, SALE OF TEMPORARY GOODS, AND FARMERS' MARKETS; EXTENDING THE MAXIMUM SALE PERIOD TO 45 DAYS FOR SALES OF SEASONAL GOODS; AND PROVIDING FOR AN APPEAL PROCESS FOR STAFF DECISIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 12, 2012, and two public hearings before the City Commission of the City of Palatka on March 14, 2013 and March 28, 2013; 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 CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. The following Zoning Code Sections shall be amended as follows.

Section 94-200

(a) through (b): no change

(c) Procedures for review and approval. The planning ~~board~~ director may approve ~~a conditional use for~~ the outdoor sale of certain goods and commodities which are strictly of a temporary nature~~, other than for farmers markets,~~ in C-2 commercial

zoning districts where sales of specific goods and commodities are included as permitted or accessory uses, provided the following conditions and requirements are met:

(1) Such sales shall not be permitted on public rights-of-way; provided, however, that in areas zoned C-3, such sales and displays may be permitted on sidewalks only; and provided, further, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the city commission.

(2) No more than one ~~conditional~~ use per location shall be issued in any given six-month period for seasonal and temporary-type sales, and no more than one ~~conditional~~ use per location shall be issued in any given 90-day period of time for promotional sales.

(3) Application for a ~~conditional~~ use under the provisions herein shall be reviewed by the planning ~~board~~ director to ensure protection of the public health, safety, and general welfare, with public notice provided in the form of a letter to adjacent property owners within 150 feet. ~~In addition to normal concerns of~~ tThe planning ~~board~~ director in considering ~~conditional use~~ outdoor sales requests, shall utilize conditional use criteria set forth in Sec. 94-3, with particular attention ~~shall be~~ given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential. Appeals of unfavorable staff decisions shall be considered by the Planning Board utilizing the conditional use process.

(4) The vendor, merchant, or applicant shall be required to remit to the city, following approval of the ~~conditional~~ outdoor sales use ~~by the planning board~~, a business regulatory fee, which shall be in addition to any occupational license previously applied for or issued by the city, or as required by the city for vendors or merchants operating within the city. The

business regulatory fee shall be subject to the following:

a. *The business regulatory fee shall be based on the real value of goods and commodities offered or displayed for sale, and shall be equal to one-half of one percent of the total real and just value of all goods and commodities offered or displayed, but in no instance shall the business regulatory fee exceed $1,500.00 for any single sale.*

b. *Proof of real and just value shall be required to be provided to the city at the time of fee payment. Such proof shall be in the form of an invoice, bill of lading, or other reasonable verification of the actual value of goods and commodities offered for sale.*

c. *Non-profit and not-for-profit designated charitable or philanthropic organizations, possessing the appropriate Internal Revenue Service designations for corporations exempt from taxes, shall be exempt from the payment of the business regulatory fee, provided that each organization operating as a temporary vendor or merchant provide verification of the designation to the city. Such verification shall be provided prior to initiating the use.*

(5) *All applicable licenses, fees, and permits, including, but not limited to, special use, tent, and sign permits, shall be required as provided for within this Code. No provision within this section shall render any other section, article, or chapter of this Code as invalid.*

(d) *Penalties. Any merchant or vendor, offering for sale any good or commodity in the City of Palatka in violation of this section shall be guilty of a violation of this Code and punishable by fine or imprisonment, or both, not to exceed a $500.00 fine and/or 60 days in the county jail. Additionally, any merchant or vendor, operating substantially in the same fashion, in whole or in part, who subsequently violates this section*

after an initial determination of a violation, occurring at any time following the adoption of this section, shall be subject to the revocation of, or denial of, occupational licenses within the city.

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 28th day of March, 2013.

CITY OF PALATKA

BY:_____
Its MAYOR

ATTEST:

_____
City Clerk

Case 13-03 Administrative request to amend Zoning Code Sec. 94-200 to allow for staff approval of outdoor promotional sales, sale of seasonal goods or commodities, sale of temporary goods, and farmers' markets; and to extend the maximum sale period of 30 days to 45 days for sales of seasonal goods and commodities; and to provide for an appeal process for such staff decisions.

Mr. Crowe advised that as the Board had directed, the proposed amendment would allow for more reasonable time period for Christmas tree sales, fireworks, etc. extending the sale period for seasonal goods and commodities from 30 to 45 days. The proposed amendment would also minimize the delay to the applicant from the public hearing process by allowing Staff reviews of outdoor promotional sales, seasonal goods sales, temporary goods sales, and farmers' markets. He added that Staff would utilize the conditional use criteria to determine compliance, the site would be posted and neighbor letters sent regarding staff review. Any appeals of staff decisions would to go to Planning Board. He stated that he believes that the proposed amendment would encourage businesses and reduce the regulatory burden on applicants and is supported by the Comprehensive Plan.

Mr. Holmes asked if there was anything in the amendment that would affect temporary automobile sales, or are they just not allowed. Mr. Crowe advised that was correct, they are only allowed in conjunctions with Credit Unions car sales events.

Mr. Petrucci asked if this would affect stores placing goods on their sidewalks. Mr. Crowe replied no, that actually covered last month under non-temporary outdoor sales.

Motion was made by Mr. DeLoach and seconded by Ms. Moody to approve the amendment as submitted. All present voted affirmative, motion carried.

Case 13-02: Administrative request to amend Zoning Code section 94-161 and 94-162 to revise dimensional standards for ground signs fronting on Reid Street within Downtown zoning districts.

Mr. Crowe explained this is somewhat of a clean-up effort, since regulations that restrict freestanding signs to smaller ground signs in the Downtown zoning districts extend to certain parts of the south side of Reid Street on the south side, while other properties on the north side and south side of this road are in the C-2 zoning district, where much larger signs are allowed. The allowable signs in the downtown districts are as follows: directional signs; ground signs (maximum six feet high, eight feet wide, 30 square feet in size); wall signs and sandwich board signs. The allowable signage in the C-2 zoning district is varied and includes ground, pole signs (maximum 35 feet high, 96 square foot size). The proposed amendment would allow slightly larger freestanding signs in Downtown zoning, along the south side of Reid Street while limiting such sign types to ground signs. He recommended going from six feet to eight feet in height and 30 to 60 square feet in total size for these properties fronting Reid Street. He believes this amendment would reduce the discrepancy between C-2 and Downtown zoning sign size along the Reid Street corridor while still retaining a less cluttered appearance of ground signs for this area, which serves as a gateway for downtown. He recommended approval of the amendment.

Mr. Wallace asked what difference would two feet make; rather than allow for more clutter on the south side of Reid Street he would rather see more restrictive sign standards placed on the north side to put everyone on an even playing field.

Mr. Crowe advised that is another option, but a little taller ground sign would be a little more of an advantage especially if you have multiple tenants. In speaking with existing business owners several noted that they would be content with a six foot tall ground sign. The thought was also, that in the future there was the possibility of using CRA funds to retire some of these big signs and encourage business owners to put up more attractive signs with

Case 13-03
Request to Amend Zoning Code
(Allow for Staff Approval of certain outdoor sales, extend sales period for seasonal sales, and provide appeal process)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to allow for staff approval of outdoor promotional sales, sale of seasonal goods or commodities, sale of temporary goods, and farmer's markets; to extend the maximum sale period of 30 days to 45 days for sales of seasonal goods and commodities; and to provide for an appeal process. Public notice included legal advertisement.

APPLICATION BACKGROUND

The Zoning Code allows the following types of outdoor sales through the conditional use process : 1) outdoor promotional sale (limited to 72 hours in duration, "midnight madness" type sale), 2) seasonal goods sale (limited to 30 days, Christmas trees or 4th of July fireworks), 3) special event sale (associated with special event like Blue Crab Festival), 4) temporary goods sale (other outdoor sales, not to exceed 30 days in duration), and 5) farmers market (intended for food and produce goods). At the January, 2013 Planning Board meeting staff and board members discussed the potential merit of allowing certain types of outdoor sales through staff approval, reducing the administrative burden on applicants; and also extending seasonal sales to a more reasonable 45-day period. The Board requested that Staff come back with specific recommendations in these subjects.

Staff Review and Approval. All outdoor sales listed above currently only allowed through the conditional use process, which requires a public hearing before the Planning Board. This creates an expense and time delay for applicants. The conditional use criteria (below) provide Staff with specific factors to review proposals, reducing the burden on both applicants and the Board. Staff would recommend allowing for staff review for all types of sales except for special event sales, which would continue to go through a public hearing process at the City Commission.

Current Conditional Use Criteria

a. *Compliance with all applicable elements of the comprehensive plan.*
b. *Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*
c. *Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.*

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.
e. Utilities, with reference to location, availability and compatibility.
f. Screening and buffering, with reference to type, dimensions and character.
g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
h. Required yards and other open space.
i. General compatibility with adjacent properties and other property in the district.
j. Any special requirements set out in the schedule of district regulations for the particular use involved.
k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.

Seasonal Goods Sale Time Period. The current maximum 30-day time period for seasonal sales presents a problem for vendors, particular Christmas tree sales. Given the increasing length of the Christmas season, which some may view as either a blessing or a curse, the time period for tree sales has crept back into mid-November. Staff recommends a more reasonable 45-day time period for seasonal sales.

Appeals of Staff Decisions (outdoor sales). Appeals of administrative decisions go to the Zoning Board of Appeals, not the Planning Board. The ZBA is geared more toward straightforward appeals of dimensional standards (setbacks, sign size, etc.) and not toward more complex zoning-related decisions such as outdoor sales. Staff recommends that appeals of staff decisions regarding outdoor sales go before the Planning Board.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendments would promote additional business development, important in today's unfavorable economic circumstances.
- The amendment would reduce the regulatory burden on applicants and the Board while providing for protection of the public interest through retention of conditional use criteria.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive

Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 *9J-5.006(3)(b)2*

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 *9J-5.006(3)(c)*

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 *9J-5.006(3)(c)3*

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

STAFF RECOMMENDATION

Staff recommends approval of Case 13-03 revising Zoning Code Section 94-200 to allow for staff approval of outdoor promotional sales, sale of seasonal goods or commodities, sale of temporary goods, and farmer's markets; to extend the maximum sale period of 30 days to 45 days for sales of seasonal goods and commodities; and to provide for an appeal process for staff decisions before the Planning Board.

Agenda Item

10

CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - ZONING CODE TEXT AMENDMENT (REVISION OF SIGN STANDARDS FOR REID ST., DOWNTOWN ZONING) – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: X Ordinance _____Resolution ___ Motion
X Support Documents _____Other

SUMMARY:
This is an administrative request to revise dimensional standards for Reid Street properties in the downtown zoning districts. The Planning Board recommended approval at their February 12, 2013 meeting. The downtown section of Reid Street includes several zoning districts, namely Downtown Business (DB), Downtown Riverfront (DR), and C-2 (Intensive Commercial). C-2 zoning allows a wider variety of signs, including pole signs and ground signs that are up to 35 feet in height and up to 96 square feet. This creates a discrepancy for properties on the south side of Reid Street that are in the DB/DR zoning districts, with the DB/DR properties limited to a ground sign of six feet in height or less and 30 square feet in size or less. While Staff supports the continued limitation in the DB/DR districts to ground and wall signs, due to the need to present a less cluttered and more attractive entrance to downtown, it seems reasonable to allow a larger ground sign size on Reid Street given its intensive commercial nature. Reid Street is an automobile oriented street with multiple small businesses and associated parking lots, creating the need for stand-alone signage that can attract the eyes of drivers, as opposed to the pedestrian-orientation of St. Johns Avenue, where wall signs suffice for business identification. Staff supports increasing sign height from six feet to eight feet and sign size from 30 square feet to 60 square feet for Reid Street frontage in the DB and DR zoning districts.

RECOMMENDED ACTION:
Pass ordinance on first reading

DEPARTMENT HEAD	Submitted: Thad Crowe	Date: 3/7/2013
	Requested Agenda Regular	Date: 3/14/2013
FINANCE DEPARTMENT	Budgeted ___Yes ___No X N/A	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date: 3/7/13

COMMISSION ACTION:
___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___APT___CA ___CC ___CM ___FIN ___FD ___P&C ___PD ___PLN ___S&S___W&S ___WTP ___WWTP

\\Fdle\public\B&ZShared\Ordinances\Cover Memos\3\14\ 2013\Zoning Code Text Change Sign Standards Reid St.docx

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 13 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING SIGN STANDARDS FOR PROPERTIES LOCATED ON REID STREET WITHIN THE DOWNTOWN BUSINESS AND DOWNTOWN RIVERFRONT ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 12, 2013, and two public hearings before the City Commission of the City of Palatka on March 14, 2013 and March 28, 2013; 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 CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. The following Zoning Code Sections shall be amended as follows.

Sec. 94-161. - DR downtown riverfront district.
(a) through (i): no change
(j) Permitted signs. Directional signs, ground signs limited to six feet in height, 30 square feet in size, and eight feet in width (except that such signs may be up to eight feet in height, 60 square feet in size wall signs, and eight feet in width for properties fronting on Reid Street), and one A-frame, sandwich sign, or menu board per building front placed on a public sidewalk provided that such sign shall be a uniform size of two feet in width and three feet in height, as measured by any single face, and that such signs are placed on the sidewalk in such a manner so as to

maintain a minimum of 48 inches of clear area on the adjacent sidewalk. These signs are to be of rigid, weather resistant material such as wood, metal, or plastic.

Sec. 94-162. - DB business district.
(a)through (i): no change
(j) *Permitted signs. Directional signs, ground signs limited to six feet in height, 30 square feet in size, and eight feet in width (except that such signs may be up to eight feet in height, 60 square feet in size wall signs, and eight feet in width for properties fronting on Reid Street), and one A-frame, sandwich sign, or menu board per building front placed on a public sidewalk provided that such sign shall be a uniform size of two feet in width and three feet in height, as measured by any single face, and that such signs are placed on the sidewalk in such a manner so as to maintain a minimum of 48 inches of clear area on the adjacent sidewalk. These signs are to be of rigid, weather*

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 28th day of March, 2013.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

_____
City Clerk

Case 13-03 Administrative request to amend Zoning Code Sec. 94-200 to allow for staff approval of outdoor promotional sales, sale of seasonal goods or commodities, sale of temporary goods, and farmers' markets; and to extend the maximum sale period of 30 days to 45 days for sales of seasonal goods and commodities; and to provide for an appeal process for such staff decisions.

Mr. Crowe advised that as the Board had directed, the proposed amendment would allow for more reasonable time period for Christmas tree sales, fireworks, etc. extending the sale period for seasonal goods and commodities from 30 to 45 days. The proposed amendment would also minimize the delay to the applicant from the public hearing process by allowing Staff reviews of outdoor promotional sales, seasonal goods sales, temporary goods sales, and farmers' markets. He added that Staff would utilize the conditional use criteria to determine compliance, the site would be posted and neighbor letters sent regarding staff review. Any appeals of staff decisions would to go to Planning Board. He stated that he believes that the proposed amendment would encourage businesses and reduce the regulatory burden on applicants and is supported by the Comprehensive Plan.

Mr. Holmes asked if there was anything in the amendment that would affect temporary automobile sales, or are they just not allowed. Mr. Crowe advised that was correct, they are only allowed in conjunctions with Credit Unions car sales events.

Mr. Petrucci asked if this would affect stores placing goods on their sidewalks. Mr. Crowe replied no, that actually covered last month under non-temporary outdoor sales.

Motion was made by Mr. DeLoach and seconded by Ms. Moody to approve the amendment as submitted. All present voted affirmative, motion carried.

Case 13-02: Administrative request to amend Zoning Code section 94-161 and 94-162 to revise dimensional standards for ground signs fronting on Reid Street within Downtown zoning districts.

Mr. Crowe explained this is somewhat of a clean-up effort, since regulations that restrict freestanding signs to smaller ground signs in the Downtown zoning districts extend to certain parts of the south side of Reid Street on the south side, while other properties on the north side and south side of this road are in the C-2 zoning district, where much larger signs are allowed. The allowable signs in the downtown districts are as follows: directional signs; ground signs (maximum six feet high, eight feet wide, 30 square feet in size); wall signs and sandwich board signs. The allowable signage in the C-2 zoning district is varied and includes ground, pole signs (maximum 35 feet high, 96 square foot size). The proposed amendment would allow slightly larger freestanding signs in Downtown zoning, along the south side of Reid Street while limiting such sign types to ground signs. He recommended going from six feet to eight feet in height and 30 to 60 square feet in total size for these properties fronting Reid Street. He believes this amendment would reduce the discrepancy between C-2 and Downtown zoning sign size along the Reid Street corridor while still retaining a less cluttered appearance of ground signs for this area, which serves as a gateway for downtown. He recommended approval of the amendment.

Mr. Wallace asked what difference would two feet make; rather than allow for more clutter on the south side of Reid Street he would rather see more restrictive sign standards placed on the north side to put everyone on an even playing field.

Mr. Crowe advised that is another option, but a little taller ground sign would be a little more of an advantage especially if you have multiple tenants. In speaking with existing business owners several noted that they would be content with a six foot tall ground sign. The thought was also, that in the future there was the possibility of using CRA funds to retire some of these big signs and encourage business owners to put up more attractive signs with

associated landscaping. This item is sort of a stopgap measure, as there as some people on the south side that are hamstrung in regards to putting in signs.

Mr. Petrucci commented that eight feet would put the sign at eye level for cars driving by.

Motion was made by Ms. Moody and seconded by Mr. DeLoach to accept staff recommendation to increase ground signs from six feet to eight feet in height and 30 to 60 square feet in total size. A vote resulted with 5 yeas and 1 nay from Mr. Wallace. Motion carried.

Case 12-53: Administrative request to amend the City's Comprehensive Plan Capital Improvement Plan for fiscal years 2012-2013 through 2017-2018 (tabled from December meeting).

Mr. Crowe explained that per statutes the Capital Improvement Plan (CIP) of the Comprehensive Plan is required to be updated annually. The plan is for the City's public facilities includes "hard" costs for equipment, infrastructure, vehicles, etc. and allows for ongoing capital facilities planning. This provides a basis for impact fee calculation, covering the following areas; Wastewater, Stormwater/Drainage, Solid Waste, Potable Water, Streets, Parks, Fire, Police and Airport. He recommended approval of the amendment to the Comprehensive Plan.

Mr. Petrucci asked if this is something the city would look at when doing their budget.

Mr. Crowe replied yes, and each department provides input.

Mr. Motion was made by Mr. DeLoach and seconded by Mr. Pickens to approve the minutes for the December 4, 2012 and the January 8, 2013 meetings. All present voted affirmative, motion carried.

With no further business, meeting adjourned.

Case 13-02
Request to Amend Zoning Code
(Revise dimensional standards for ground signs for properties along Reid St. in Downtown zoning districts)

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

An administrative request to amend the Zoning Code to allow revise dimensional standards for properties fronting on Reid Street in the Downtown Riverfront and Downtown Business zoning districts. Public notice included legal advertisement.

APPLICATION BACKGROUND

As the map below indicates, the downtown section of Reid Street includes several zoning districts, namely Downtown Business (DB), Downtown Riverfront (DR), and C-2 (Intensive Commercial).

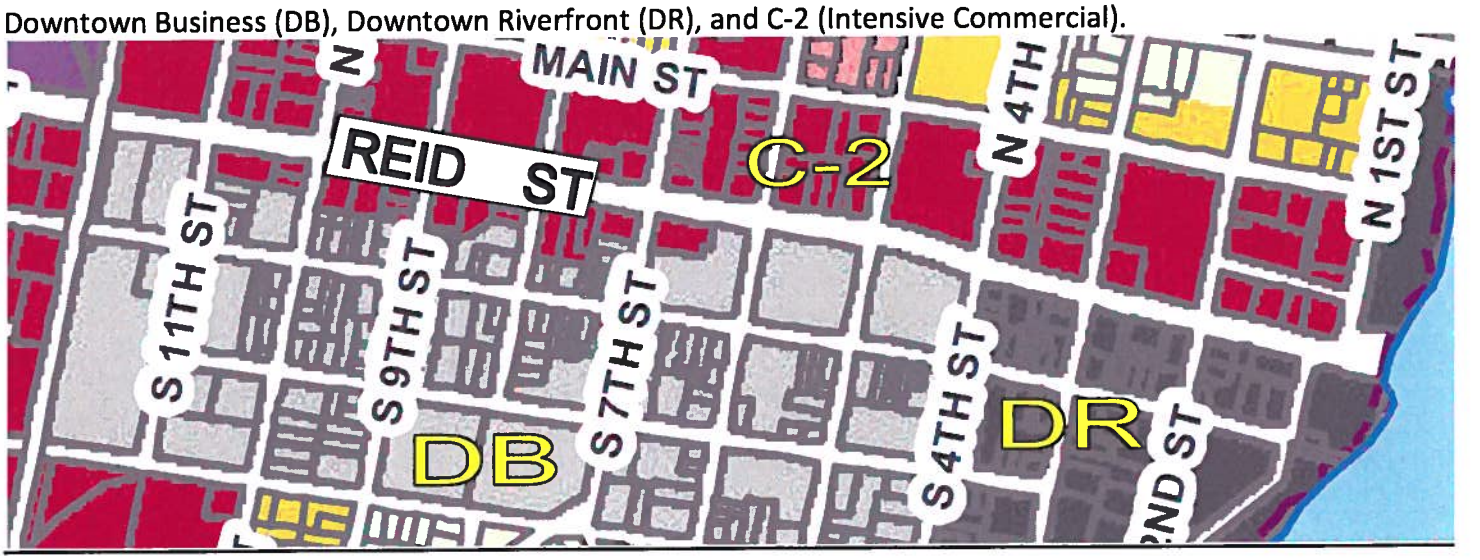


Figure 1: Reid Street zoning

Signs in the two Downtown zoning districts are limited to the following types:

- directional signs;
- ground signs (limited to six feet in height, 30 square feet in size, and eight feet in width);
- wall signs; and
- sandwich signs.

C-2 signs allow a wider variety of signs, including pole signs and ground signs that are up to 35 feet in height and up to 96 square feet. This creates a discrepancy for properties on the south side of Reid Street that are either in the C-2 or DB/DR zoning districts, with the DB/DR properties limited to a much smaller sign size and height. While Staff supports the continued limitation in the DB/DR districts to ground and wall signs, due to

the need to present a less cluttered and more attractive entrance to downtown, it seems reasonable to allow a larger ground sign size on Reid Street given its intensive commercial nature. Reid Street is an automobile oriented street with multiple small businesses and associated parking lots, creating the need for stand-alone signage that can attract the eyes of drivers, as opposed to the pedestrian-orientation of St. Johns Avenue, where wall signs suffice for business identification. Staff supports increasing sign height from six feet to eight feet and sign size from 30 square feet to 60 square feet for Reid Street frontage in the DB and DR zoning districts.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would lessen the discrepancy between current C-2 and DB/DR maximum sign dimensions.
- The amendment would still require the less-cluttered appearance of ground signs in the DB/DR zoning districts, albeit in a larger size.
- The amendment would encourage additional business development and job creation, important in these unfavorable economic circumstances.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 *9J-5.006(3)(b)2*

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 *9J-5.006(3)(c)*

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved

"mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 *9J-5.006(3)(c)3*

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

Policy A.1.1.5 *9J-5.006(3)(c)1*

Upon Plan adoption, the City Building Official shall review the City Zoning Code to ensure that current signage regulations preserve the character of the City. Where, through citizen participation, it is determined that current signage regulations regarding location, size, height, motion, etc., should be revised, changes to the current regulation shall, be discussed in public hearing and proposed changes considered for adoption by the City Commission. By June 2008, the City shall review the land development regulations to ensure that signage maintains the character of the City and does not adversely impact adjoining properties, public rights-of-way, and the St. Johns River.

STAFF RECOMMENDATION

Staff recommends approval of Case 13-02 revising Zoning Code Section 94-161 and 94-162 to increase the maximum height of ground signs from six feet to eight feet and the maximum size of ground signs from 30 square feet to 60 square feet.

Agenda Item

11

CITY COMMISSION AGENDA ITEM

SUBJECT: Discussion, Direction & Action: Consider amendments to Palatka Municipal Code, Chapter 10, Alcoholic Beverages, to allow Sunday morning on-premises re-sale and consumption of alcoholic beverages in open containers at the Palatka Municipal Golf Club

DEPARTMENT: Admin – Item added for discussion by Commissioner Leary

ATTACHMENTS: ___ Ordinance ___ Resolution ___ Motion
__ Support Documents _X_ Other

SUMMARY: During discussion of 2/28/13 Agenda Item 3(f) regarding resale and consumption of alcoholic beverages at the Palatka Municipal Golf Club on Sunday morning during the Azalea tournaments, Commissioner Leary asked this item be placed on the Agenda for discussion at the 3/14 meeting. Attached is the Current Code regarding Alcoholic Beverages.

The specific passage restricting Sunday sales and consumption is Section 10-4(b). The specific passage allowing the City Commission to grant permission for the sale, consumption or possession of alcoholic beverages in open containers on public property is Section 10-6(d).

I've done a quick survey across the State and have attached information from other municipalities regarding Sunday sales and on-premises consumption. Cocoa Beach owns a golf course and adopted an ordinance allowing on-premises sales and consumption on Sunday mornings (ie restaurants, golf courses, etc.), but not sales of packaged beverages at retail outlets. I've attached that ordinance for information.

RECOMMENDED ACTION: Discuss and provide direction and delegation to Staff regarding future action, if any, to be taken.

DEPARTMENT HEAD	Submitted: B. Driggers for M. Czymbor	Date: 03/07/13
	Requested Agenda Regular	Date: 03/14/13
FINANCE DEPARTMENT	Budgeted ___Yes ___No _X_N/A	Date: 3/8/13
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For:	Date:

COMMISSION ACTION: ___ Approved as Recommended ___ Disapproved
___ Approved With Modification ___ Tabled To Time Certain
___ Other

DISTRIBUTION: ___CA ___CC ___CM ___CD ___FI ___FD ___GC ___HR ___MD ___PD ___PR ___UD

Comparison of Municipal Sunday Alcohol Sales for on and/or off premises consumption

Municipality	Municipal Golf Club?	Restricted Sunday Sales?	Notes
St. Augustine	no	yes	Beer & wine sales on Sunday 6 am to 2 am Liquor sales begin at 1 pm Sunday
St. Johns Co.	yes	no	Sales at County Course begin as soon as snack bar opens Also have beer cart on course Sunday mornings
Palm Coast	yes	yes	Sunday sales begin on the course at 9 am and in the restaurant at 11 am.
Flagler Beach	no	yes	No Sunday restrictions on beer & wine sales; liquor sales begin after 1 pm on Sundays (Flagler Bch and Palm Coast are both bidding on a course up for auction)
Bunnell	no	yes	Sunday alcohol sales begin at 10 am
Orange Park	no	yes	Sunday alcohol sales begin at 11 am
Clay County (Green Cove)	no	no	Magnolia Pt Golf Club begins serving alcoholic beverages as soon as the restaurant opens at 9 am; earlier for parties
Putnam Co.	no	no	Live Oak Golf Club in Georgetown sells alcohol on Sunday 7 am to 7 pm and has beer cart for course players
Ormond Beach		yes	Sunday on-premises sales/consumption begins 9 am all other Sunday sales begin at noon
Cocoa Beach	yes	Yes	2008 Ordinance allows sale of beverages for on-premises consumption beginning 7 am. All other sales begin @ noon
Fernandina Beach	yes	No	Sales allowed every day 6 am - 2 am
Wildwood	No	No	Sales allowed every day 7 am - 12 midnight. Restaurants (51% food sales, 150 min seating, 2500 sf) serve until 2 am
Port Orange	Yes	No	Sales at Course from 7 am to 7 pm at Golf Club on Sundays. Course under outside management
Lakeland	Yes	Yes	Course offers on-premises "brunch" sales on Sunday. All other sales begin at 2 pm
Parker	No	Yes	No sales on Sunday between 2:01 am and 1 pm
North Miami	No	Yes	No sales or consumption until 1 pm on Sunday
Brooksville	Yes	No	Course does not sell alcohol. Sunday sales/on premises consumption allowed daily from 6 am until 2 am.
Punta Gorda	No	No	Sales allowed every day 7 am to 2 am
Atlantic Beach	No	No	Sales allowed every day 7 am to 2 am
Tavares	No	No	No restricted hours for Sunday sales
Leesburg	No	Yes	No sales on Sunday before noon.

ORDINANCE NO. 1467

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING CHAPTER 3 – ALCOHOLIC BEVERAGES, SECTION 3-1 - HOURS OF SALE – IN GENERAL, TO AUTHORIZE THE SALE AND SERVING OF ALCHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON SUNDAYS BEGINNING AT 7 A.M., INSTEAD OF 12 NOON, PROVIDING FOR INCORPORATION OF RECITALS, SEVERABILITY, INTERPRETATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Chapter 562.14, Florida Statutes (2007), authorizes municipalities to set the hours when alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed; and

WHEREAS, the City Code currently allows for alcohol to be sold on Sundays from 12 noon to 2:00 am; and

WHEREAS, the City Commission finds that allowing alcohol sales at restaurants for on-premises consumption on Sundays beginning at 7 a.m. would be desirable; and

WHEREAS, the City Commission finds that allowing on-premises consumption of alcohol on Sundays beginning at 7a.m. would allow local restaurants and similar establishments to participate in typical "Sunday Brunch" type service of champagne, and other typical drink sales; and

WHEREAS, the City Commission finds that it is not desirable, is not in keeping with the prevailing customs, values and mores in the City of Cocoa Beach, nor is it in the public interest to authorize the sale of alcohol for non on-premises consumption prior to 12 Noon on Sundays; and

WHEREAS, changing the hours of sale of alcohol for on-premises consumption on Sundays, from 12 Noon to 7am, would place the City's merchants, who hold a license under the beverage laws, at the same advantage as merchants located in other cities on the barrier island.

NOW, THEREFORE, BE IT ORDAINED BY the City Commission of the City of Cocoa Beach, Florida:

SECTION 1: The above recitals are true and correct and by this reference are hereby incorporated and made an integral part hereof as though fully set forth herein.

SECTION 2: Chapter 3, "Alcoholic Beverages", Section 3-1, "Hours of Sale – In general", of the Code of Ordinances of the City of Cocoa Beach, Florida is amended to read as follows:

Section 3-1 – Hours of sale – In general.

It shall be unlawful for any person to sell, serve, consume or permit to be sold, served or consumed in any place within the city holding a license under the beverage laws of the State of Florida, any alcoholic beverage, between the hours of 2:00 a.m. and 7:00 a.m. on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays; between the hours of 2:00 a.m. and 12:00 noon on Sundays; and between the hours of 4:00 a.m. and 7:00 a.m. on January 1. Provided, however, it shall not be unlawful for any person to sell, serve, consume or permit to be sold, served or consumed in any place within the city holding a license under the beverage laws of the State of Florida, any beer, ale or wine between the hours of 7:00 a.m. and 12:00 noon on Sundays; and provided, however, that it shall not be unlawful for any person to sell, serve, consume or permit to be sold, served or consumed any alcoholic beverage between the hours of 7:00 a.m. and 12:00 noon on Sundays if such selling, serving or consuming or permitting of same is for on-premises consumption only.

SECTION 3: Severability. If any provisions of this Ordinance or the application thereof to any circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared severable.

SECTION 4: Interpretation of this Ordinance. The following rules shall be utilized: Terms underlined are additions to the existing text. Terms ~~stricken through~~ are deletions from the existing text.

SECTION 5: Conflicts. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 6: This Ordinance shall become effective upon adoption.

ADOPTED at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 21 day of February, 2008.

Chapter 10 - ALCOHOLIC BEVERAGES [14]

Sec. 10-1. - Scope and applicability.
Sec. 10-2. - Definitions.
Sec. 10-3. - Location restrictions.
Sec. 10-4. - Hours when sale prohibited; half-hour closing period.
Sec. 10-5. - Premises of licensees to be closed during designated hours; exceptions.
Sec. 10-6. - Consumption or possession in certain public and private places.
Sec. 10-7. - Penalties; injunctive relief.

Sec. 10-1. - Scope and applicability.

(a) This chapter shall apply to all licensees and licensed premises located within the city limits of the City of Palatka.

(b) For purposes of this chapter, section 10-3, location restrictions, shall not apply to established licensed premises, religious institutions, or schools, in existence as of the effective date of this chapter, which shall be considered grandfathered to the distance requirements contained herein and shall be allowed to continue, be expanded at that location, or replaced if destroyed or substantially damaged without regard to the location restrictions as contained in this chapter, but shall otherwise comply with this chapter as adopted by ordinance. An established licensed premises, religious institution, or school that does not meet the location restrictions as listed in this chapter shall be grandfathered; however, should a grandfathered licensed premises, religious institution, or school cease operations for a period of one year or more, then the licensed premises, religious institution, or school shall not be recommenced except in conformance with the location restrictions included in this chapter. For purposes of this subsection, a change in ownership of an established licensed premises shall not invalidate the grandfathered status conferred by this subsection so long as operations do not cease for a period of one year or more.

(c) For purposes of this chapter, section 10-4, hours when sale prohibited; half-hour closing period, shall apply to all licensees and licensed premises within the city limits of the City of Palatka.

(d) All licensees and licensed premises licensed by the state and by the city, and all other business establishments, shall comply with all laws of the state and all rules and regulations promulgated by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation in the conduct and operation of their respective businesses, and the Beverage Law, as amended, are hereby adopted by reference and made a part of this Code. The provisions of such chapters shall be complied with by all persons to the same extent as though such provisions were set forth in full in this chapter, except where such provisions may be in conflict with other provisions of this chapter. To the extent of conflict or inapplicability to the city, such provisions shall be disregarded.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-2. - Definitions.

For purposes of this chapter, the following definitions shall apply:

Alcoholic beverages means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.

The Beverage Law means F.S. chs. 561, 562, 563, 564, 565, 567, and 568.

Bottle club means a commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held, bona fide restaurants licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation whose primary business is the service of full course meals, or hotels and motels licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

Licensed premises means not only rooms where alcoholic beverages are stored or sold by the licensee, but also all other rooms in the building which are so closely connected therewith as to admit free passage from drink parlor to other rooms over which the licensee has some dominion or control. Licensed premises shall also include any outside area shown on a sketch submitted to and approved by the city for purposes of licensing by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation. For purposes of this chapter, "licensed premises" shall include, but not be limited to, bottle clubs, bars, taverns, restaurants (as herein defined and when licensed by the Division of Alcoholic Beverages and Tobacco for the sale of alcoholic beverages), and all other licensees of the Division of Alcoholic Beverages and Tobacco.

Licensee means a legal or business entity, person, or persons that hold a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation and meet the qualifications set forth in F.S. § 561.15.

Open container means any bottle, can, glass, cup or other vessel, other than the original unbroken sealed container, containing an alcoholic beverage.

Religious institution means churches and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

Restaurant means an establishment licensed by the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation or a business that does not otherwise qualify for a special license, but nevertheless derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages and has a city occupational license as a restaurant.

Sale, sell and *vend* mean any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an

alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the Beverage Law.

School means a public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full -time staff of qualified instructors.

Any definitions omitted from this section shall be as otherwise defined within the Beverage Law of the State of Florida.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-3. - Location restrictions.

For purposes of this subsection, all distances shall be measured from the nearest property line to nearest property line. The following location restrictions shall apply:

(a) A licensed premises shall not locate within 300 feet of any established religious institution or school provided, however, that a licensed premises may be granted a conditional use to locate within 300 feet of any established religious institution or school.

(b) A religious institution or school shall not locate within 300 feet of any established licensed premises provided, however, that a religious institution or school may be granted a conditional use to locate within 300 feet of any established licensed premises.

(c) A licensed premises shall not locate within 300 feet of any established licensed premises provided, however, that a licensed premises may be granted a conditional use to locate within 300 feet of any established licensed premises.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-4. - Hours when sale prohibited; half-hour closing period.

It shall be unlawful for any person to sell, consume, serve, or permit to be served or consumed, any alcoholic beverages, except as otherwise listed herein, at any licensed premises except between and during the following hours:

(a) Monday through Saturday, from 7:00 a.m. until 2:00 a.m. the following morning.

(b) Sunday, from 1:00 p.m. until 12:00 midnight.

(c) New Year's Eve, if falling on a day Monday through Saturday, from 7:00 a.m. until 4:00 a.m. the following morning.

(d) New Year's Eve, if falling on a Sunday, from 1:00 p.m. until 4:00 a.m. the following morning.

Exception: Any licensee for on-premise consumption shall have a period of 30 minutes, from the time sales of alcoholic beverages are required under this section to cease, during which consumption of alcoholic beverages may continue and within which to clear his licensed place of business of all customers and persons, but in no event shall alcoholic beverages be sold in such licensed premises after the time sales of alcoholic beverages are required under this section to cease.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-5. - Premises of licensees to be closed during designated hours; exceptions.

A licensed premises for on-premises consumption shall be and remain securely closed between the hours of 12:30 a.m. and 7:00 a.m. Monday, 2:30 a.m. and 7:00 a.m. Tuesday through Saturday, 2:30 a.m. and 1:00 p.m. Sunday, and between the hours of 4:30 a.m. and 7:00 a.m. or 1:00 p.m. (as applicable) on New Year's Day, and no person shall be permitted therein for any purpose whatsoever during such closed period, except regular employees of the licensee may be permitted therein for the purpose of cleaning up the premises only; provided that any person engaged primarily in a business other than that of licensed premises for on-premises consumption of alcoholic beverages on the same premises shall be allowed to keep open that portion of the premises not devoted to or used for the sale of alcoholic beverages for on-premises consumption upon securely screening all alcoholic beverages upon the premises from public view.

(Ord. No. 05-07, § I, 2-10-2005)

Sec. 10-6. - Consumption or possession in certain public and private places.

(a) It shall be unlawful for any person to consume or have in their possession any alcoholic beverage in any public park or recreation area, or on any public school property, or within any public building in the city; provided, however, this prohibition shall not apply to the buildings located on the premises of the municipal golf course, Ravine Gardens State Park, Bronson-Mulholland House, Price-Martin Community Center, Larimer Arts Center, Tilghman House, Chamber of Commerce building, and Palatka Municipal Airport, when the alcoholic beverages are possessed or are being consumed thereon with the consent of the person, group or organization lawfully in charge of the excepted premises and in compliance with any applicable provisions of the Beverage Law.

(b) It shall be unlawful for any person to consume or have in their possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk or alley or on any publicly-owned parking facility within the city; nor shall any person, except the owner or person placed in charge by the owner, consume or have in their possession any alcoholic beverages in an open container on any private property unless such person is a lawful guest and has the consent of the owner or person in charge of such private property.

(c) It shall be unlawful for any person to consume or have in their possession any alcoholic beverages in any open container while seated in a vehicle in any of the places identified in subsections (a) and (b) of this section.

(d) The city commission may grant special permission for the sale, consumption or possession of alcoholic beverages in open containers during special events within defined areas of any public park, recreation area, street, sidewalk or public parking facility and for specific times.

(e) For licensed premises including on-premise consumption, such licensed premises shall include all of the area embraced within the sketch submitted as part of an initial or renewal application for a license issued by the division of alcoholic beverages and tobacco, where such sketch appears on or is attached to the application for the license involved and designated as such on said sketch, in addition to that area included or designated by general law. When the area embraced within the sketch includes an outside area, access to such outside area shall be limited in such a fashion so as to prevent and prohibit access to the establishment by underage persons for purposes of subverting identification checkpoints or similar measures in place at the licensed premises. Additionally, any outside area shall be

screened or fenced in such a manner so as to prevent the exchange of alcoholic beverages between those persons within the outside area and those beyond the outside area as shown on the sketch for the licensed premises. The city's planning director will review all applications for compliance with this requirement prior to the issuance of any approval for a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.

(f) No owner of a bottle club nor his agents, servants, employees, or any other person or persons using the premises with the owner's knowledge and consent shall permit alcoholic beverages to be served to minors; in addition, no owner of a bottle club nor his agents, servants, employees or any other person or persons using the premises with the owner's knowledge and consent shall permit prostitution or solicitation of prostitution on a premises operated as a bottle club, permit gambling or solicitation of gambling on the premises, permit the premises to be operated as a disorderly place or public nuisance, or permit therein a violation of any city ordinance regulating moral decency, specifically chapter 3 (adult entertainment establishments) and division 2 (public nudity) of article III (offenses against public morals) of chapter 46 (offenses and miscellaneous provisions).

(Ord. No. 05-07, § I, 2-10-2005; Ord. No. 11-58, § 1, 10-13-2011)

Sec. 10-7. - Penalties; injunctive relief.

(a) A person convicted of a violation of this chapter shall be punished by a fine not exceeding $500.00 or by imprisonment for a term not exceeding 60 days or any combination thereof. With respect to violations of this chapter that are continuous with respect to time, each day the violation continues is a separate offense.

(b) Licensed premises that are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for abatement.

(c) Nothing contained herein shall prevent the city or any division thereof from seeking appropriate disciplinary or punitive action related to any licensee or licensed premises as licensed by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation, the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation, or any other licensing authority as applicable.

(Ord. No. 05-07, § I, 2-10-2005)

FOOTNOTE(S):

(14) ***Editor's note***—*Section I of Ord. No. 05-07, adopted Feb. 10, 2005, amended ch. 10 in its entirety to read as herein set out. Former ch. 10 pertained to similar subject matter and derived from §§ 4-1—4-4 of the 1981 Code.* *(Back)*

(14) ***Cross reference***— *Alcoholic beverages in parks, § 50-39; intoxication in parks, § 50-40.* *(Back)*

(14) ***State Law reference***— *Municipal Home Rules Powers Act, F.S. § 166.011 et seq.; beverage control laws, F.S. ch. 561 et seq.* *(Back)*