KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

GRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

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

ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

AGENDA
CITY OF PALATKA
May 28, 2009

CALL TO ORDER:
a. Invocation –
b. Pledge of Allegiance
c. Roll Call

APPROVAL OF MINUTES – 4/23/09

1. **PUBLIC RECOGNITION**
   a. **FIRE PREVENTION SPONSOR RECOGNITION – LaFarge Gypsum, Inc. – Palatka Fire Dept.**
   b. **PRESENTATION TO COMMISSION – Kathy Jorgensen for River City Players**
   c. **NATIONAL NIGHT OUT – PPD Officer Mylinh Reeves**
   d. **STUDENT OF THE MONTH – May, 2009** – Mayor Flagg & Vice Mayor Brown

Ashanti Milton	Beasley Middle School
Aniya Brown	Children's Reading Center Charter School
Jacqueline Meyer	E.H. Miller School
Haley Nunley	James A. Long Elementary School
Katelyn Vogt	Jenkins Middle School
Brittany Roman	Kelley Smith Elementary School
Tanner Tilton	Mellon Elementary School
Sheanna Betts	Moseley Elementary School
La'Candace Wiliford	Palatka High School
Jerrod Crews	Peniel Baptist Academy

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

3. **CONSENT AGENDA:**
   *a. **Authorize execution of Change Order #1 to Carter Excavating, Inc. Contract in the amount of 4,434.28,** for a total contract amount of $36,102.28, for Crystal Cove S/D Stormwater Management System Control Structure Improvements – per Engineer of Record (Ayres Associates)
   *b. **Authorize extension of Interlocal Sludge/Leachate Agreement with Putnam County** Board of County Commissioners for two (2) years beginning June 1, 2009, per terms of original agreement and recommendation of WWTP Superintendent
   *c. **Authorize acceptance of utility easement from Putnam Associates, LLC** for utility maintenance on land along Old Wolf Bay Road as described in OR Book 1120, Book 1889 of the Public Records of Putnam County, Florida, per City Manager & City Attorney
   *d. **Authorize execution of NEFUG Memorandum of Agreement** between various utilities to enter into a project to assess groundwater resource sustainability in Northeast Florida, per WTP Superintendent's and City Manager's recommendation

ITEM 3 – CONSENT AGENDA (Continued)

***e. Authorize use of Special Cemetery Funds for the following goods and services:**
1. **$3,700.00 to Futch's Landscaping** for Oak Hill West Cemetery Master Plan
2. **$2,115.00 to Futch's Landscaping** for Oak Hill East & West Cemetery Decorative Signs
3. **$7,000.00 to William B. Snyder, PLS** for Oak Hill East Cemetery Plat and approve amendment of contract dated 9/27/07 (per results of RFQ) to include platting of the South West Section of Oak Hill East Cemetery

***f. Award bid and approve proposal submitted by American Traffic Solutions (ATS)** for Red Light Enforcement System and services as follows, per Police Chief's recommendation:
1. Approve Pricing Option B
2. Authorize execution of contract with American Traffic Solutions (ATS) for Red Light Enforcement System and Services

***g. Approve Request for Proposals & authorize advertisement for hearing officer services** for Red Light Enforcement System program

***h. Declare as surplus for disposition the following items:**
1. Scoreboard – Parks Dept.
2. 1985 Hann Fire Truck (snorkel truck) – Fire Dept.
3. 1994 Chevrolet p/u truck – Streets Dept.
4. 1999 Dodge p/u truck – Water & Sewer Distribution Dept.

***i. Recommend Ted Haengel for reappointment to the Putnam County Library Board** for a three-year term to expire June 30, 2012 (incumbent – sole applicant)

***j. Reappoint Mark Miles as Contractor Rep and Larry Beaton as Putnam County Historical Society Rep to the Palatka Historic Preservation Board** for three-year terms to expire June, 2012 (incumbents/sole applicants)

***k. Appoint Tom Pelican as Attorney Rep to the Palatka Historic Preservation Board** for the remainder of a three-year term to expire June, 2011 (sole applicant)

***l. Authorize transmittal of Legislative Affairs letters to Governor Crist as follows:**
1. Letter urging Governor Crist to not sign into legislation SB216, which prohibits a local government from spending public money to advocate for the passage or defeat of any issue, referendum or amendment going to a public vote;
2. Letter urging Governor Crist to veto CS/CS/HB227 relating to changes in existing law and policy regarding Impact Fees to reduce the authority of municipalities to raise revenues
3. Letter urging Governor Crist to not sign into legislation CS/SB2282 prohibiting a city from imposing a fee or other reimbursement for any costs incurred for police, fire or other emergency services in response to a motor vehicle accident

* 4. **PRESENTATION OF AUDIT/COMPREHENSIVE ANNUAL FINANCIAL REPORT F/Y 2007/08** – Request to Approve and Accept – Tina Robinson, Davis Monk & Co, Auditors

* 5. **ORDINANCE – 2104 Husson Avenue** – Planning Board recommendation to Rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district) – Yvonne Van Der Lee, Applicant – 2nd Reading, Adopt

* 6. **ORDINANCE – 105 Williams Street** – Planning Board recommendation to Annex, Amend the Future Land Use Designation from County Urban Service to City Low Density Residential and Rezone from County R 1-A (single family residential) to City R 1-A (single family residential) – Robert and Janet Walker, Applicant – 2nd Reading, Adopt

* 7. **ORDINANCE – 114 Tanner Terrace** – Planning Board recommendation to Annex, Amend the Future Land Use Designation from County Urban Service to City Low Density Residential and Rezone from County R-1A to City R-1 – Lois Darlene Laibl Crowe, Applicant – 2nd Reading, Adopt

* 8. **ORDINANCE – 909 N. State Rd. 19** – Planning Board recommendation to Annex, Amend the Future Land Use Map (Small Scale) from County Commercial to City Commercial and Rezone from County C-2 (Commercial II) to City C-2 (Intensive Commercial for approximately .75 of an acre – Lawrence J. and Susan A. Masters, Applicant – 2nd Reading, Adopt

* 9. **ORDINANCE** amending the Historic Preservation Board membership provision to remove restrictions on the alternate member appointment – 2nd Reading, Adopt

10. **NEIGHBORHOOD GARDENS** – Discussion & Request for authorization to hold community meeting - Vice Mayor Brown

11. **ADMINISTRATIVE REPORTS**

12. **COMMISSIONER COMMENTS**

13. **ADJOURN**

*Attachment
**Separate Cover

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

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

Upcoming Events:
July 3, 2009 – City Offices closed in observance of Independence Day
August 13 – 15, 2009 – FLC Annual Conference, Orlando, FL
September 7, 2009 – City Offices closed in observance of Labor Day
November 19 – 20, 2009 – FLC Annual Legislative Conference, Orlando, FL

Agenda Item

1a

Palatka Fire Department
100 North 11th Street
Palatka, Florida 32177

Mark H. Lynady
Fire Marshal

Office/Fax: 386-329-0122
E-Mail: palatkafm@yahoo.com

Betsy,

The Palatka Fire Department would like to honor Lafarge with a plaque presentation at the May 28th City Commission meeting. They have been a generous Title sponsor of the Lafarge Fire Prevention Golf Tournament which raises proceeds to assist our efforts for the fire safety education programs. We purchase coloring books, fire hats, training videos, stickers, brochures, smoke detectors, ect. This year our department proudly furnished all the elementary schools in the county with mouse pads with fire safety messages printed on them, for all the computers which students use, to complete their assignments. We also recently have constructed a web site that children will be able to access fire safety games, to be fun and help them remember fire safety tips.

The Lafarge Fire Prevention Golf Tournament has raised over $23,500.00, for education.

Our department also has some good news which I will present at the meeting.

If you have any questions, contact my office.

Sincerely,

Mark H Lynady
Fire Marshal

Agenda Item

1b

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

GEORGE E. SANDERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

CITY OF PALATKA

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CHIEF OF POLICE

KENNETH E. VENABLES
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

REQUEST TO BE PLACED ON CITY COMMISSION AGENDA

NOTE: Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. If you wish to appear on the Palatka City Commission meeting agenda, you should submit this request form, together with any attachments or backup material that would help the Commission to better consider your request, to the City Clerk's office either in person, by mail (201 N. 2nd Street, Palatka 32177), fax (386-329-0199) or e-mail (betsy@gbso.net). Please note that without adequate supporting documentation or information, the Commission may not be in a position to take any action on your request.

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

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

KATHY JORGENSEN FOR RIVER CITY PLAYERS

Address: Po Box 700 Interlachen FL 32148 e-mail Kathy.pbs@gmail.co

Daytime Phone 972-0343 Other ph. 684-2548 Fax 684-2999

Requested meeting date: 5/28/09 *Meeting date assigned:* _____
(For Clerk's Office Use Only)

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

Subject Matter you wish to address: RIVER CITY PLAYERS WOULD LIKE TO THANK THE CITY COMMISSION FOR THE BEAUTIFUL JOB DONE ON THE LARIMER & PRESENT THEM WITH TICKETS TO OUR NEXT PRODUCTION **(attach additional sheet if necessary)**

Commission Action Requested, if any: _____

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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.

Agenda Item

1c

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

[illegible]NON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA

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

Officer Mylinh Reeves, Palatka PD

Address: _____ e-mail _____

Daytime Phone _____ Other ph. _____ Fax _____

Requested meeting date: 5-28-09 *Meeting date assigned:* 5-28-09
(For Clerk's Office Use Only)

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

Subject Matter you wish to address:

National Night Out - Aug 4, 2009

Benefit BBQ Fundraiser - May 30, 2009

(attach additional sheet if necessary)

Commission Action Requested, if any: Please attend both events

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
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Palatka Police Department
Gary S. Getchell
Chief of Police

"Together we can make a difference"

NATIONAL NIGHT OUT – AUGUST 4th, 2009
PALATKA TO JOIN CITIES NATIONWIDE FOR
'AMERICA'S NIGHT OUT AGAINST CRIME'

Once again, the City of Palatka has been invited to participate in the National Night Out Against Crime 2009 campaign. We are joining forces with thousands of communities nationwide for the 26th annual crime and drug prevention event on August 4th.

National Night Out, which is sponsored by the National Association of Town Watch and co-sponsored locally by the Palatka Police Department, will involve over 15,000 communities from all 50 states, U.S. territories, Canadian cities, and military bases around the world. In all, over 37 million people are expected to participate in 'America's Night Out Against Crime'. National Night Out 2009 is being supported in part by Target, the national corporate sponsor.

The National Night Out program is directed at communities such as ours, designed to: (1) heighten crime and drug prevention awareness; (2) generate support for, and participation in, local anticrime efforts; (3) strengthen neighborhood spirit and police-community oriented partnership; and (4) Send a message to criminals letting them know neighborhoods are organized and fighting back.

Last year's event, which was a great success, was held at Booker Park on North 10th Street. To carry on with our productive direction in our community, we at the Palatka Police Department wish to invite you to participate in this year's nationwide event on August 4th.

From 7 to 10 p.m., residents in neighborhoods throughout Palatka and across the nation are asked to lock their doors, turn on their outside lights and spend the evening outside with neighbors and police. We encourage the neighborhoods throughout the city to host a variety of special events such as block parties, cookouts, visits from police administration, flashlight walks, contests, youth activities, and anticrime rallies.

National Night Out showcases the vital importance of police-community partnerships and citizen involvement in our fight to build safer neighborhoods.

Contact: Officer Mylinh Reeves, 329-0118 (ext. 305)

Email: mreeves@palatkapd-fl.gov
110 N. 11th Street, Palatka, Florida 32177 • Phone 386/329-0110 • Suncom: 860-0110 • Fax: 386/329-0160

Palatka Police Department
Gary S. Getchell
Chief of Police

"Together we can make a difference"

BBQ RIBS FUNDRAISER DAY
FOR THE
CRIME PREVENTION UNIT & VOLUNTEER PROGRAM

On behalf of the Palatka Police Department, I wish to invite you to participate in our BBQ Ribs Fundraiser Day on Saturday, May 30th, from 10 a.m. to 3 p.m., located behind the Palatka Police Department.

This fundraiser is being held to benefit the Palatka Police Department Crime Prevention Unit & Volunteer Program. In the past, these programs produced many community-oriented events such as: Women's Personal Safety class, Bicycle Safety Day, child safety programs, crime prevention education in local schools, and the annual National Night Out, to name a few.

By raising additional funds, we can continue to provide these valuable community events and purchase the associated literature and supplies needed for the programs.

A carwash is also be held on this day. Palatka Ford has volunteered to assist us in this portion of the event. We will have a crime prevention station that will provide DNA & fingerprint kits and brochures to give to the public.

Tickets are $15.00 for a slab of ribs & can be picked up between 10 a.m. and 3 p.m.

Please help by showing your support and spreading the word among your family, friends and co-workers.

Contact: Officer Mylinh Reeves
Email: mreeves@palatkapd-fl.gov
110 N. 11th Street, Palatka, Florida 32177 • Phone 386/329-0110 ext. 305

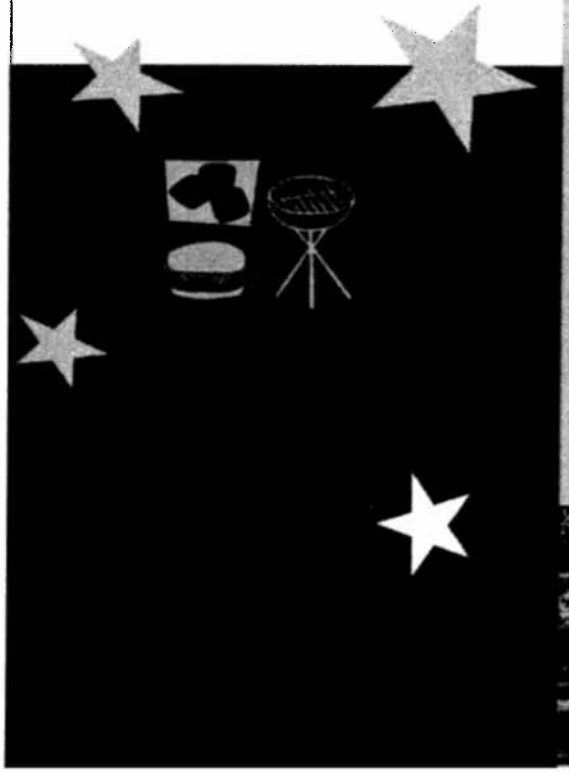
Women's Defense Classes

Working Together We Can make a Difference

BBQ Ribs Fundraiser Day

Educating Children on Crime Prevention

Bicycle Safety Day



Crime Prevention Unit

PSA & Volunteer Program Fundraiser

May 30th

Pick up - Between 10 am & 3pm - Behind the Palatka Police Dept.

Agenda Item

3a

May 11, 2009

AYRES ASSOCIATES

Mr. Woody Boynton, PE
City Manager
City of Palatka
201 N. 2nd Street
Palatka, Florida 32177

Re: Crystal Cove Subdivision
Stormwater Management System
Control Structure Improvements
Ayres Associates Project No. 30-1609.00

Subject: Contract Change Order

Dear Mr. Boynton:

Attached is change order #1 for the referenced project. This change order is for the material costs associated with the partially rebuilt control structure that was destroyed during a substantial rainfall event that occurred over the course of two days, April 13th and 14th. Construction was in progress to rebuild the control structure for this stormwater pond and the Contractor made every effort to prevent this from happening. The change order represents the material costs that were lost as a result of the rainfall event.

Ayres Associates recommends approval of this change order. Please feel free to contact me should you have any questions.

Sincerely,

Ayres Associates Inc

Daryl R. Myers, PE
Project Manager

Enclosure

cc: File

50 years
thousands of solutions

CITY OF PALATKA, FLORIDA
PUBLIC WORKS DEPARTMENT
CHANGE ORDER

PROJECT: Crystal Cover Subdivision
Stormwater Management System
Control Structure Improvements

DATED: March 11, 2009

CHANGE ORDER NO: 1

DATED: May 11, 2009

CONTRACTOR: Carter Excavating, Inc.
3799 SW CR 341
Bell, Florida 32619

JUSTIFICATION: During construction to rebuild the control structure for this stormwater pond the subdivision received over 3.5 inches of rainfall, As a result of this rainfall event the partially rebuilt control structure was washed out and destroyed. This change order is for materials cost directly related to the partially rebuilt control structure that were destroyed during this rainfall event.

CURRENT CONTRACT AMOUNT: $31,668.00

INCREASE IN CONTRACT AMOUNT: $4,434.28

NEW CONTRACT AMOUNT: $36,102.28

CURRENT CONTRACT COMPLETION DATE: May 15, 2009

INCREASE IN CONTRACT TIME: 0 Days

NEW CONTRACT COMPLETION DATE: May 15, 2009

ORDERED BY CITY OF PALATKA BY: _____

Elwin C. Boynton Jr.
City Manager

ACCEPTED BY:

_____
CONTRACTOR

Carter Excavating, Inc.

3799 SW Cr 341 Bell, FL 32619
(352) 213-5361 Fax (352) 463-1014

April 23, 2009

Mr. Elwin C. "Woody" Boynton, PE
City Manager
City of Palatka
210 N. 2nd Street
Palatka, Florida 32177

Re: Crystal Cove
Stormwater Management System
Control Structure Improvements

Dear Mr. Boynton:

On April 13th and 14th during construction of this project the subdivision received over 3.5 inches of rainfall. Up to that point the construction was proceeding without delay. As a result of this rainfall event the partially rebuilt control structure was washed out and destroyed. Project photos were taken to document the progression of construction and are enclosed with this letter for your reference. The following chart lists the items lost at the contract rates.

Carter Excavating Inc, is requesting an extension of the contract time by 5 days and is also requesting the amount lost in materials and due to the rainfall event. Thank you for your consideration in this matter.

Sincerely,
Carter Excavating Inc.

Thomas Carter
President

Carter Excavating, Inc.

Description	Quantity	Unit	Unit Cost	Total Cost
Embankment	50	CY	14.19	709.50
Concrete Spillway	8	CY	233.33	1866.64
8" Outflow Pipe	74	LF	25.11	1858.14
Equipment, Labor, and Overhead	5	Day	950	4750

Agenda Item

3b

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

LEGRA KITCHENS
COMMISSIONER

VERNON MYERS
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MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

May 18, 2009

To: Woody Boynton, City Manger
From: Platt Drew, Superintendent WW.T.P.
Re: City of Palatka – Putnam County Sludge Leachate Agreement

Woody,

I have reviewed the Sludge – Leachate Agreement between the City and County and recommend extending it for another two (2) year period.

Platt Drew

PHONE: (386) 329-0100

201 N. 2ND STREET • PALATKA, FLORIDA 32177
www.cityofpalatka.com

FAX: (386) 329-0106

KARL N. FLAGG
MAYOR-COMMISSIONER

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VICE MAYOR - COMMISSIONER

HERNAN AZULA
COMMISSIONER

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KENNETH E. VENABLES
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

July 7, 2008

To; Steve Nadaline, Putnam County Sanitation Director
From; Platt Drew, City of Palatka Wastewater Superentendant
Re; Request for Increased Daily Leechate Limits (Gallons)

Steve,
As you know, the City of Palatka WWTP currently accepts 16,000 gallons of leechate from your facility per day. With the addition of Cell 3, we can increase this to 20,000 gpd. Also in the past, if you've needed extra leechate removed, with prior notification, we have granted that. So with prier notification, we are willing to accept a maximum amount of 36,000 gallons per day. Should you have any questions regarding this matter, please call me at 386-329-0146.

Platt Drew

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

EGRA KITCHENS
COMMISSIONER

VERNON MYERS
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MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

May 17, 2005

Mr. Stephen Nataline
Putnam Co. Sanitation Director
P.O. Box 2499
Palatka FL 32178-2499

RE: Leachate/Sludge Disposal Agreement – June 1, 2009 through May 31, 2011

Dear Mr. Nataline:

During regular session on May 28, 2009, the Palatka City Commission voted to extend the Agreement between the City of Palatka and Putnam County, Florida to dispose of leachate, sludge and sand from the grit machine until **May 31, 2011** under the existing terms and conditions. This option is being exercised under the terms of the present Agreement dated June 1, 2007 and

If this is acceptable to the Putnam County Board of County Commissioners, please have them sign below and return one copy to me for our for our files.

_____
Betsy Jordan Driggers, City Clerk

EXECUTED ON BEHALF OF THE
PALATKA CITY COMMISSION

By:_____
Karl N. Flagg, Mayor

ACCEPTED ON BEHALF OF THE
PUTNAM COUNTY BOARD OF
COUNTY COMMISSIONERS

By:_____
Nancy Harris, Chairman

Cc: Platt Drew, WWTP Superintendent
Don Holmes, City Attorney
Rick Leary, Putnam County Administrator

PHONE: (386) 329-0100
201 N. 2ND STREET • PALATKA, FLORIDA 32177
www.cityofpalatka.com
FAX: (386) 329-0106

RECEIVED
MAY 2 3 2007

AGREEMENT
BETWEEN
THE CITY OF PALATKA, FLORIDA AND PUTNAM COUNTY, FLORIDA

Putnam County
Sanitation

WHEREAS, Putnam County (County) is required to dispose of leachate generated at its Central Sanitary Landfill by means of treatment in a wastewater treatment plant approved by the Florida Department of Environmental Protection (FDEP) or by other means approved by the FDEP; and

WHEREAS, the City of Palatka (City) owns and operates the nearest adequate wastewater treatment plant and is agreeable to accept this material under certain conditions and stipulations. Therefore, be it resolved that for the period of June 1, 2007 to May 31, 2009 this contract may be extended for one (1) two (2) year period upon approval of both parties:

The City agrees, at no charge to the County to:

1. Accept and treat, at the City's wastewater treatment plant, leachate generated at the County's Central Landfill unless the following parameters area exceeded in two successive sampling events, or if it is determined by the City that continued acceptance is detrimental to the treatment facility.

Parameter	Limits (mg/1, std. pH units)
BQD	300
TSS	300
pH	5.0 to 9.0
Iron	10
Cadmium	0.02
Zinc	1.0
Lead	0.10
Mercury	0.005
Arsenic	0.05
Tin	1.00
Total Chrome	1.80
Copper	0.100
Nickel	0.400
Manganese	1.00

Any other metals exceeding EPA guidelines are prohibited.

2. The City will accept and treat methane gas condensate, providing that the TCLP parameters of the condensate do not exceed the maximum concentrations for TCLP described in 40 CRF Part 261.24. The County will provide the treatment plant operator with quarterly (or as required by the FDEP) TCLP test results and all other tests required by the FDEP.

The County agrees, at no charge to the City to:

1. Receive and dispose of the City's Class I treated sludge and sand from the grit machine.

2. Deliver leachate to the City's treatment plant site located at Rt. 3 Box 129, Lundy Road, Palatka, and place the leachate in the discharge structure. The County may also deliver leachate to the Barge Port lift station on South Comfort Road and place the leachate in the discharge structure. The County will deliver no more than four (4) loads per day.

3. Sample and analyze the leachate semi-annually (or as required by the FDEP) following the first delivery, unless additional testing is required by the City. Analysis shall be done on the parameters listed above and shall be done by a certified laboratory approved by the City.

4. Provide the City with a copy of the analysis results on a timely basis.

5. Cease delivery or provide adequate pretreatment, if the agreed upon limits are exceeded.

6. Clean-up any spillage that results within the City limits or on plant property.

IN WITNESS WHEREOF, the City and the County have caused this Agreement to be executed by their authorized undersigned representatives for the purposes herein expressed this 22nd day of May, 2007.

CITY OF PALATKA

By: Kathy N. Flagg

Title: Mayor

PUTNAM COUNTY

By: Brad Putnam II

Title: Chairman

5-22-07

ATTEST:

Betsy J. Driggers

CITY CLERK

Agenda Item

3c

This instrument prepared by:
Donald E. Holmes, P.A.
222 N. 3rd St., Palatka, FL 32177

UTILITY EASEMENT

THIS NON-EXCLUSIVE UTILITY EASEMENT AGREEMENT ("Easement") is made and entered into this 6 day of MAY, 2009, by PUTNAM ASSOCIATES, L.L.C., a Florida limited liability company (hereinafter referred to as "GRANTOR"), whose address is 99 Woodbury Road, Harrisville, NY 11801, to CITY OF PALATKA, a political subdivision of the State of Florida, (hereinafter referred to as "GRANTEE"), whose address is 201 N. 2nd Street, Palatka, Florida, 32177.

WITNESSETH

That in and for consideration of the sum of ten dollars and other good and valuable consideration, paid to the GRANTOR by the GRANTEE, the receipt whereof is hereby acknowledged, Grantor does hereby grant, bargain, sell, convey, and warrant to Grantee, its respective successors, agents, and assigns, a non-exclusive, perpetual, underground utility easement, for the purpose of providing, conveying, distributing, carrying or transmitting electric power, potable water, and sanitary sewage together with the right, privilege, and authority to construct, locate, lay, maintain, operate, inspect, repair, remove and replace, underground wires, cables, transformers, conduits, pipes, and appurtenant equipment and accessories necessary and/or desirable in connection with the provision of power or the transmission or collection of potable water or sanitary sewage therewith (all of said items being hereinafter collectively referred to as the "facilities"), which facilities will be located underground within the following easement areas within Grantor's premises situated at Putnam County, Florida, more particularly described as follows, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

GRANTOR hereby covenants that no buildings, structures, or other obstructions or obstacles shall be located, constructed, excavated, or created within the easement area that would unreasonably interfere with the exercise by Grantee of its rights hereunder, and that Grantor will make no other use of the easement area that would unreasonably interfere with the exercise by Grantee of its rights hereunder.

The rights herein granted to the Grantee by the Grantor specifically include:

(a) The reasonable right of ingress and egress to, over and under the Grantor's adjacent premises, with reasonable prior notice, for the purpose of exercising the rights herein granted; and,
(b) The rights to do anything reasonably necessary for the full enjoyment of the rights herein granted.

GRANTEE shall be responsible for maintaining and repairing any and all utility lines or pipes installed by Grantee or with Grantee's consent within the easement area and, in the event of excavation of the easement area as necessary for said maintenance or repair activities, Grantee shall restore the ground surface within the easement area to substantially the condition it enjoyed prior to said excavation.

GRANTOR covenants that it is the owner in fee simple of the property described on Exhibit "A", and that Grantor has the right to grant the easement stated herein.

All covenants, terms, provisions, and conditions herein contained shall inure to and be binding upon the heirs and/or legal representatives, successors, and assigns of the parties hereto, respectively.

IN WITNESS WHEREOF, the GRANTOR AND GRANTEE have have caused these presents to be executed in their name on the day and year first above written.

Witnesses

SAMUEL J. AZUS
Print/Type Witness Name

BRUCE BERNSTEIN
Print/Type Witness Name

PUTNAM ASSOCIATES, L.L.C.
(GRANTOR)

ABF Funding LLC Managing Member of Putnam associates
By: Howard Fein as managing member of ABF Funding LLC Managing member of Putnam associates, LLC
(Capacity)

STATE OF ~~FLORIDA~~ NEW YORK
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 6 day of MAY, 2009, by HOWARD FEIN of Putnam Associates, L.L.C. who is personally known to me of who has produced DRIVERS LIC. as identification and who did take an oath.

RALPH TIERI
Notary Public, State of New York
No. 30-4734235
Qualified in Suffolk County
Commission Expires Feb. 28, 2010

(SEAL)

Notary Public, Commission
(signature)

ATTEST:

Betsy J. Driggers
City Clerk

CITY OF PALATKA
(GRANTEE)

By: Karl N. Flagg

Its: Mayor

STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me this 14th day of May, 2009, by Betsy J. Driggers and Karl N. Flagg of the City of Palatka who is personally known to me or who has produced _____ as identification and who did take an oath.

(SEAL)

Karen M. Venables
Commission # DD533981
Expires March 28, 2010
Bonded Troy Fain - Insurance, Inc 800-385-7019

Notary Public, Commission
(signature)

Putnam Associates, LLC to City of Palatka

A part of the Northeast 1/4 of the Southeast 1/4 of Section 9, Township 10 South, Range 26 East, Putnam County, Florida, also being a part of the lands described in Official Records Book 1120, page 1889 of the Public Records of said county being more particularly described as follows:

For a Point of Reference commence at the northeasterly corner of said lands described in Official Records Book 1120, page 1889; thence S 09°15'24" W, along the easterly line of said lands described in Official Records Book 1120, page 1889, a distance of 210.48 feet to the Point of Beginning; thence S 21°19'49" E, continuing along said easterly line of the lands described in Official Records Book 1120, page 1889, a distance of 102.87 feet; thence S 66°10'44" E, continuing along said easterly line of lands described in Official Records Book 1120, page 1889, a distance of 160.00 feet; thence S 10°13'55" W, a distance of 48.22 feet; thence S 30°21'40" E, a distance of 21.88 feet; thence S 10°13'55" W, a distance of 119.85 feet; thence S 21°33'47" E, a distance of 275.22 feet to the northerly right of way line of State Road No. 20; thence S 68°49'16" W, along said northerly right of way line of State Road No. 20, a distance of 40.00 feet; thence N 21°33'47" W, a distance of 276.85 feet; thence N 10°13'55" E, a distance of 149.42 feet; thence N 30°21'40" W, a distance of 43.43 feet; thence N 72°08'32" W, a distance of 74.41 feet; thence N 26°19'05" W, a distance of 31.81 feet; thence N 66°10'44" W, a distance of 27.29 feet; thence N 21°19'49" W, a distance of 77.29 feet; thence N 09°15'24" E, a distance of 39.30 feet to the Point of Beginning. Containing 0.55 acres more or less.

Putnam Associates LLC

99 Woodbury Road
Hicksville, NY 11801

516-935-6700 *Fax 516-932-5401*

May 8, 2009

Donna Fontana
c/o Donald E. Holmes, P.A.
222 N. Third Street
Pelatka, FL 32177-3710

Dear Ms. Fontana:

Enclosed please find an executed copy of the Putnam Associates Utility Easement Agreement signed in blue ink.

We would appreciate if you would grant said utility easement and mail me a copy of the grant as soon as possible.

If you need any additional information from me do not hesitate to call.

Thank you for your cooperation with this matter.

Very truly yours,

Cheryl Beiner for Howard Fein

Putnam Associates, LLC
ABF Funding, LLC Managing Member of Putnam Associates by Howard Fein as Managing Member of ABF Funding, Managing Member of Putnam Associates LLC

Agenda Item

3d

320 North Moody Rd.
Palatka, FL 32177
Tel. (386) 329-0144
Fax (386) 329-0106

City of Palatka

R. C. Willis Water Plant

To: **Woody Boynton, City Manager**

From: Melvin Register, Water Plant Superintendent

Date: May 15, 2009

RE: NEFUG Memorandum of Agreement

The St. John's River Water Management District's 2008 Water Supply Assessment has identified much of north Florida including Putnam County as Potential Priority Water Resource Caution Areas (PPWRCA). If designated a Priority Water Resource Caution Area (PWRCA), future water supply needs cannot be met by continued use of the existing groundwater supply sources without unacceptable impacts on the region's wetlands, lakes, springs and rivers. Utilities within the PWRCA would be required to develop costly alternative water supplies.

The Northeast Florida Utilities Group (NEFUG) has developed the final draft of its Memorandum of Agreement between the various utilities that have entered into a project to assess groundwater resource sustainability in northeast Florida.

The purpose of this project is to do a peer review of the District's groundwater flow models to determine if they are accurate and to determine if the NEFUG wellfield withdrawals from the Upper Floridan Aquifer over the next 20 years would meet their 2030 water use demands without potential water resources impacts.

The Memorandum of Agreement between the member utilities gives JEA the authority and fiscal ability to conduct the reviews of the District's groundwater flow models. It defines the scope and limitations of the agreement as well as the costs and methods of reimbursement.

The total costs of the project are not to exceed $600,000.00. Based on the City's 2007 average daily water usage as a percentage of the group's total average daily water usage, the City of Palatka would be expected to commit to funding 1.23% of the project cost, or as much as $7,380.00. This amount could decrease if more utilities join the group.

The designation of northeast Florida as a PWRCA could potentially place a huge economic burden on the City of Palatka if we are required to develop alternative water supply sources. It is the recommendation of Staff that the City of Palatka enter into this agreement and participate in the funding of this project.

MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF ATLANTIC BEACH, CLAY COUNTY UTILITY AUTHORITY, CITY OF FERNANDINA BEACH, CITY OF GAINESVILLE, CITY OF GREEN COVE SPRINGS, CITY OF JACKSONVILLE BEACH, JEA, CITY OF NEPTUNE BEACH, TOWN OF ORANGE PARK, CITY OF PALATKA, PUTNAM COUNTY, CITY OF ST. AUGUSTINE, AND ST. JOHNS COUNTY
TO ASSESS GROUNDWATER RESOURCE SUSTAINABILITY IN NORTHEAST FLORIDA

WHEREAS, the St. Johns River Water Management District (SJRWMD) is undertaking a 2010 water supply planning process using growth projections, groundwater and resource impact models, and other technical tools that will affect local governments and utilities throughout the region; and

WHEREAS, the City of Atlantic Beach, Clay County Utility Authority, City of Fernandina Beach, City of Gainesville, City of Green Cove Springs, City of Jacksonville Beach, JEA, City of Neptune Beach, Town of Orange Park, City of Palatka, Putnam County, City of St. Augustine, and St. Johns County (hereinafter referred to as "OWNERS"), desire to jointly and collaboratively evaluate regional long-term sustainability of groundwater resources to meet future public water supply needs relative to the St. Johns River Water Management District's (SJRWMD) 2010 water supply planning process; and

WHEREAS, the OWNERS support protecting and sustaining the natural systems and groundwater resources; and

WHEREAS, the OWNERS have a responsibility to provide cost effective public water supply alternatives; and

WHEREAS, it is more efficient for the OWNERS to cost share in this effort and to avoid duplication of effort; and

WHEREAS, the OWNERS need to engage engineering consultants and legal support services and desire to designate JEA to administer these contracts; and

WHEREAS, pursuant to Section 21.04(t) of the City of Jacksonville Charter, JEA is authorized to provide the services described herein; and

WHEREAS, the OWNERS have agreed to enter into this agreement (the "Agreement") for the purpose of setting forth the terms and conditions which will govern their mutual obligations in furtherance of the foregoing Recitals.

NOW, **THEREFORE,** the OWNERS and JEA agree as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference to the same.

2. Services. JEA hereby agrees to administer consultant and legal services contracts for the OWNERS as described in the Scope of Services (the "Scopes"), which will be attached as Exhibits A and B hereto, after being approved and finalized by JEA and all OWNERS, and which shall become a part hereof when attached hereto. The OWNERS and JEA understand that Exhibits A or B may be modified and/or additional Scopes may be added at a future date, in accordance with the provisions set forth in paragraph 4 herein. In the event modifications are made, then the OWNERS shall reassess this Agreement and modify it as mutually agreed is necessary. In the role of administrator of the consultant and legal contracts, JEA will (1) act as the primary contact for the contracts, (2) will relay the prioritization of tasks as set by the OWNERS, (3) coordinate progress meetings and other activities relating to project status and (4) pay the invoices submitted by the consultants, subject to the reimbursement of the costs by the other OWNERS, in the percentages as set forth in paragraph 4 herein.

2. Limitations. Prioritization of tasks included in the Scopes and overall direction to consultant and legal service providers will be determined jointly by the OWNERS. Decisions will require at least two-thirds majority vote of the OWNERS before JEA directs consultants accordingly. Each OWNER will have one vote. JEA will coordinate regular progress meetings for conference calls and meetings with consultant and legal services to provide OWNERS with project status updates and obtain OWNER votes, as needed.

3. Costs. OWNERS shall be limited to an overall, combined total cost not to exceed $600,000.00 (the "Total Costs Amount"). Decisions to add additional services within the Scopes, but subject to the Total Costs Amount, will require at least two-thirds majority vote of the OWNERS. The additions of Scopes above the Total Costs Amount will require written modification of this Agreement.

4. Reimbursement of Expenses. OWNERS will reimburse JEA on a monthly basis and within 30 days of invoicing by JEA in consideration of this Agreement based on actual costs incurred during the preceding month. Costs to each OWNER will be paid proportionally to each utilities 2007 total annual average daily flow for the duration of this Agreement, as follows:

Percentage Reimbursement Table

Owner	2007 AADF (MGD)	Reimbursement (%)
City of Atlantic Beach	2.55	1.32
Clay County Utility Authority	14.63	7.58
City of Fernandina Beach	3.95	2.05
City of Gainesville	27.20	14.10
City of Green Cove Springs	1.33	0.69
City of Jacksonville Beach	2.64	1.37
JEA	123.31	63.91
City of Neptune Beach	0.98	0.51
Town of Orange Park	1.19	0.62
City of Palatka	2.36	1.22

Putnam County	0.04	0.02
City of St. Augustine	3.36	1.74
St. Johns County	9.40	4.87
Total	**192.94**	**100.00**

JEA will not charge OWNERS any additional fees for contract administration. If any OWNER fails to reimburse JEA for its percentage share, interest shall be assessed at the rate of 8% per year. If an OWNER fails to pay its percentage share for two (2) consecutive months, this MOA shall be void as between JEA and such Defaulting OWNER. Defaulting OWNER shall thereafter cease to be a part of the OWNERS group, and shall not be entitled to attend any meetings, have any vote on matters, and obtain any information or reports prepared by consultants. The Defaulting OWNER shall continue to be liable to JEA for payment of its percentage share of the costs incurred, plus accrued interest. If an OWNER defaults or separates from the group in accordance with paragraph 7, JEA shall re-allocate the reimbursement percentages set forth above, and each OWNER shall thereafter be responsible for the revised percentage of the fees.

In lieu of cost reimbursement, JEA may allow OWNERS to provide in-kind services, on a case-by-case basis, and as unanimously agreed by OWNERS when said in-kind services have or will directly support and offset costs of the Scopes within the limitations of the Total Costs Amount in paragraph 4 above and any approved additional services.

5. Notification. Correspondence to JEA, project administration questions, and payment shall be directed, as well as any other notice shall be directed as follows:

John E. Baxter, PE
JEA
102 Kernan Blvd. N.
Jacksonville, Florida 32202
(904) 665-5359
baxtje@jea.com

Notices to and from the other OWNERS and voting shall be made by the following individuals, or a designee of each respective OWNER, at the addresses shown:

Donna Kaluzniak Utility Director City of Atlantic Beach 902 Assisi Lane Atlantic Beach, Florida 32233 (904) 270-2535 dkaluzniak@coab.us	Mark F. Greenwood Plants Division Supervisor City of Neptune Beach 2010 Forest Avenue Neptune Beach, Florida 32266(904) 270-2422 mgreenwood@neptune-beach.com
Ray O. Avery Executive Director Clay County Utility Authority 3176 Old Jennings Road	Bill White Public Works Director Town of Orange Park 2042 Park Avenue

Middleburg, Florida 32068 (904) 272-5999 ravery@clayutility.org	Orange Park, Florida 32073 (904) 264-7411 bcostea@townop.com
John Mandrick Utilities Director City of Fernandina Beach 1180 S. 5th Street Fernandina Beach, Florida 32034 (904) 277-7380 jmandrick@fbfl.org	Melvin Register Water Plant Superintendent City of Palatka 201 North 2nd Street Palatka, Florida 32177 (386) 329-0144 palatkawaterplant@att.net
David M. Richardson Assistant General Manager, Water/Wastewater Systems City of Gainesville 301 SE 4th Avenue Gainesville, Florida 32601 (904) 393-1612 richardsondm@gru.com	Donald D. Jacobovitz Public Works Director Putnam County 2509 Crill Avenue Palatka, Florida 32177 (386) 329-0346 don.jacobovitz@palatka-fl.com
Mike Null Public Works Director City of Green Cove Springs 321 Walnut Street Green Cove Springs, Florida 32043 (904) 529-2216 mnull@greencovesprings.com	Todd Grant Deputy Director, Public Works City of St. Augustine 75 King Street St. Augustine, Florida 32084 (904) 825-1040 tgrant@ci.st-augustine.fl.us
Ty Edwards Director, Public Works City of Jacksonville Beach 1460A Shetter Avenue Jacksonville Beach, Florida 32250 (904) 247-6219 tedwards@jaxbchfl.net	Bill Young Utility Director St. Johns County 1205 SR 16 St. Augustine, Florida 32084 (904) 209-2700 byoung@sjcfl.us

6. Modification. This Agreement may be modified only upon mutual, written agreement signed by all of the OWNERS.

7. Additional Parties as OWNERS. OWNERS may be added to the Agreement in the future. Decisions to add additional OWNERS will require at least a two-thirds majority vote of the OWNERS. If an OWNER is added, JEA shall re-allocate the reimbursement percentages set forth in paragraph 5 above, and each OWNER shall thereafter be responsible for the revised percentage of the fees. OWNERS may also agree to allow participation of other entities in this collaborative effort without becoming an OWNER and at no cost, but only after unanimous agreement by OWNERS.

8. Separation. Any OWNER may withdraw from this Agreement before termination by giving not less than 30 days' written notice to all OWNERS. In the event of

withdrawal, the withdrawing OWNER shall be responsible for its share of all services up to the date of termination plus their remaining share of active phase(s) of work being performed under the Scopes. Payment in full for the remaining balance shall be due within thirty (30) days of separation. The separating OWNER will not be responsible for costs associated with any phases of the Scopes not yet started and future costs for phases not yet started will be redistributed among the remaining OWNERS within the limitations of the original Total Cost Amount OWNER allocation described above.

9. Execution. This Agreement may be executed in multiple counterparts, each of which shall be considered an original document for all purposes.

10. Termination. This Agreement shall terminate upon completion of the Scopes, unless terminated earlier by the procedures set forth herein. In the event of termination before completion of the Scopes, the OWNERS' shall be responsible for their respective shares of services performed to date, and no compensation previously paid for services performed in accordance with this Agreement shall be refundable by JEA.

Signature Page Follows:

AGREED TO on this _____ day of _____, 2009.

DATE: **CITY OF ATLANTIC BEACH**

_____ _____

Jim Hanson
City Manager
City of Atlantic Beach
800 Seminole Rd.
Atlantic Beach, Florida 32233

DATE: **CLAY COUNTY UTILITY AUTHORITY**

_____ _____

Ray O. Avery
Executive Director
Clay County Utility Authority
3176 Old Jennings Road
Middleburg, Florida 32068

DATE: **CITY OF FERNANDINA BEACH**

_____ _____

Michael J. Czymbor
City Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

DATE:

CITY OF GAINESVILLE

_____

_____

David M. Richardson
Assistant General Manager,
Water/Wastewater Systems
City of Gainesville
301 SE 4th Avenue
Gainesville, Florida 32601

DATE:

CITY OF GREEN COVE SPRINGS

_____

_____

Don Bowles
City Manager
City of Green Cove Springs
321 Walnut Street
Green Cove Springs, Florida 32043

DATE:

CITY OF JACKSONVILLE BEACH

_____

_____

George D. Forbes
City Manager
City of Jacksonville Beach
11 North Third Street
Jacksonville Beach, Florida 32250

DATE:

JEA

_____

_____

John P. McCarthy
Director, Procurement Services
JEA
21 W. Church Street, CC6
Jacksonville, Florida 32202

DATE:

CITY OF NEPTUNE BEACH

_____

_____

Jim Jarboe
City Manager
City of Neptune Beach
116 First Street
Neptune Beach, Florida 32266

DATE:

TOWN OF ORANGE PARK

_____

_____

John W. Bowles
Town Manager
Town of Orange Park
2042 Park Avenue
Orange Park, Florida 32073

DATE:

CITY OF PALATKA

_____

_____

Woody Boynton
City Manager
City of Palatka
201 North 2nd Street
Palatka, Florida 32177

DATE:

PUTNAM COUNTY

_____

_____

Rick Leary
County Administrator
Putnam County
2509 Crill Avenue
Palatka, Florida 32177

DATE:

CITY OF ST. AUGUSTINE

_____

_____

William B. Harriss
City Manager
City of St. Augustine
75 King Street
St. Augustine, Florida 32084

DATE:

ST. JOHNS COUNTY

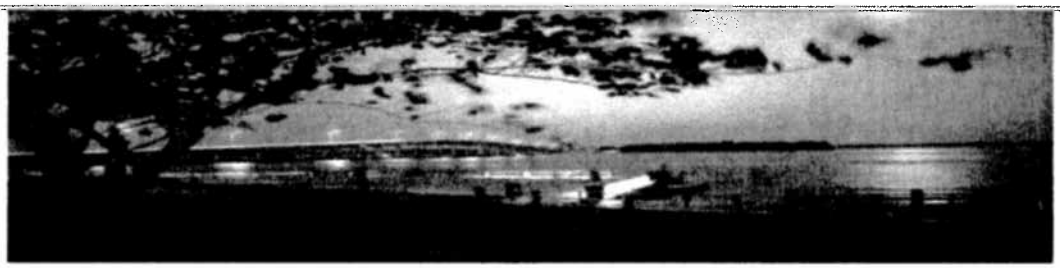
_____

_____

Bill Young
Utility Director
St. Johns County
1205 SR 16
St. Augustine, Florida 32084

Agenda Item

3e



INTEROFFICE MEMORANDUM

TO: ELWIN C. "WOODY" BOYNTON, JR. / CITY MANAGER

FROM: JEFF NORTON

SUBJECT: SPECIAL CEMETERY FUNDS

DATE: 5/20/2009

CC: BETSY DRIGGERS / CITY CLERK

I am requesting the approval for funding from the Special cemetery Funds for the following projects;

1. Oak Hill West Masterplan $3,700.00 <Attachment "A">
2. Decorative Signs $2,115.00 <Attachment "B">
3. *Oak Hill East Cemetery Plat $7,000 (Not To Exceed) <Attachment "C">

The Finance Director has confirmed the availability of the Special Cemetery Funds to proceed with these projects.

To date the Special Cemetery Funds is $35, 630.

- On September 27, 2007, the City Commission approved a contract for William B. Snyder, PLS. For the Platting of the Oak Hill West Extension.

  I recommend the contract be amended to include the services for Oak Hill Eat Plat and not to exceed $7,000.

ATTACHMENT
"A"

FUTCH'S
LANDSCAPING
DESIGN • INSTALLATION

P.O. Box 728
PALATKA, FL 32178-0720
PHONE: 386-329-0640
FAX: 386-329-0957

Design Proposal

To: City of Palatka

Re: Landscape Design Development and Construction Documents.

A. Design Development Plans
- Preliminary Design Development for the site.
  Site Analysis (site measurements, photo documentation, and client meeting)
- Carry out Design Development for the site landscaping, roadways and hardscape
- Prepare Design Development Plans and Details Including:
  Site Plan
  Hardscape Plan including memorial fountain, Columbarium and Veteran Flag Pole garden
  Landscape Plan
  Details and Specifications
- Meet with Client and/or Owner to review Design Development Plans and Details
- Prepare Probable Construction Cost for Site landscaping, roadways, and hardscape.

B. Construction Documents
- Develop and Prepare Landscape and Hardscape Construction Documents including Revisions Necessary from Client and Client Review as follows:
  1. Site Plan
  2. Hardscape Plan
  3. Landscape Plans
  4. Landscape and Irrigations Details and Specifications

Additional and Excluded Services:
Additional services, including but not limited to the following, are not provided but will be provided at your request.

- Soil, Or Other Materials, Testing; Engineering Services, Including Structural Engineering
- Presentation renderings, Perspectives, Models
- Any Service not included in or in Excess of this Proposal

Design Development Plans	**$ 2,500.00**
Construction Documents	**$ 1,200.00**
	$ 3,700.00

(In the event Futch's Landscaping inc. Has a signed contract for construction on the landscape improvements per the client approved plans for the above, this fee will be renegotiated.)

Client Name: City of Palatka
Oakhill West Cemetery

Signature Date

Daryll Futch
Futch's Landscaping, Inc.

Signature Date

ATTACHMENT
"B"

PROPOSAL

Date	Proposal #
4/8/2009	3549

FUTCH'S
LANDSCAPING
DESIGN • INSTALLATION

P.O. Box 725
PALATKA, FL 32178-0725

Name / Address
CITY OF PALATKA CEMETERY SIGNS

Project	JOB LOCATION
FLC-08-103(CITY OF PALATK...	

Qty	Description	Cost	Total
4	.080 METAL SIGNS - 2' x 4'	355.00	1,420.00
1	.080 METAL SIGN - 3' x 6'	695.00	695.00

IF YOU HAVE ANY QUESTIONS, PLEASE CALL DARYLL FUTCH @ 904-669-0138.

Total $2,115.00

BLACK BACKGROUND
IMITATION GOLD LETTERS & BORDER
GREEN LEAVES
East
OAK HILL

ATTACHMENT
"C"

WILLIAM B. SNYDER, PLS
LAND SURVEYOR
Florida Registration # - LS5284

109 South 3rd Street, Suite 1
Palatka, Florida 32177
Phone 386-325-6888

Land Surveying
Planning
Fax 386-325-0029

Subject: Oak Hill East Cemetery Plat

April 3, 2009

Dear Mr. Norton:

We are pleased to submit a proposal for plating of the southwest portion of the Oak Hill East Cemetery. We will perform Surveying Services as follows: 1) Location survey of key elements of property (roads, trees, maintenance building, etc.) for design purposes. 2) Preliminary plat of cemetery plots for review and planning. 3) Final plat of cemetery plots suitable for recording. Our fee for Professional Services would be a not to exceed total of $7,000. We look forward to working with you on this project. Please contact me if you have any questions.

Sincerely,

William B. Snyder, PLS

Agenda Item

3f

REQUEST TO BE PLACED ON CITY COMMISSION AGENDA

NOTE: Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. This request form, together with any attachments or backup material that that would help the Commission to better consider your request, should be submitted to the City Clerk's office ***no later than 4:00 p.m. on the Friday prior to the next regularly scheduled Thursday City Commission meeting.*** Meeting dates are subject to change. Please verify the closing date for agenda items with the Clerk's office.

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

Palatka Police Department, Chief Gary Getchell

Name of Individual making presentation or request, if different:

GARY GETCHELL, CHIEF OF POLICE

Address: *110 NORTH 11TH STREET*

Daytime Phone *329-0110* Home ph. _____ Fax *329-0159*

Requested meeting date for Agenda Item: **5/28/09**

Request for Commission Action x or Presentation Only ___ or no action required ___

Subject Matter you wish to address (1) **Recommendation of Vendor and Pricing Options for Automated Red Light Enforcement System (2) Approval of RFQ "Hearing Officer Services"**

Commission Action Requested, if any: (1a) Approve proposal from America Traffic Solutions (ATS), (1b) Approve Pricing Option B contained within the ATS proposal (page #113). (1c) Authorize Mayor to sign contract with ATS after review and approval by City Attorney.

(2) Authorize to distribute RFQ for "Hearing Officer Services."

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.

MEMORANDUM

TO: CITY COMMISSION, VIA CITY CLERK

FROM: GARY GETCHELL, CHIEF OF POLICE

SUBJECT: AUTOMATED RED LIGHT ENFORCEMENT SYSTEM – RECOMMENDATION OF VENDOR AND PRICING OPTIONS

DATE: MAY 20, 2009

CC FILE

BACKGROUND:

At the direction of the City Commission, staff presented research and a draft ordinance pertaining to an "Automated Red Light" enforcement program. Subsequently, on March 12, 2009, the City Commission unanimously approved and adopted the "City of Palatka Traffic Light Safety Act" upon second reading. Subsequently, the Commission directed the Police Chief to publish and distribute the approved "Request for Proposals" (RFP), which outlined the City's specifications for "Automated Red Light Enforcement System." On March 16, 2009, the City's RFP was posted on the City's web site and was also distributed to three (3) known vendors with Red Light Camera technology. The deadline for submission to the City was April 17, 2009. Only one vendor, American Traffic Solutions (ATS) submitted a proposal. Discussions with two other vendors suggested they could not meet the City's specifications.

DISCUSSION:

As part of the "Request for Proposals (RFP), all RFP's received by the City were to be evaluated by a committee using a ranking system. Since the City only received one (1) proposal; the selection process was suspended and American Traffic Solutions (ATS) proposal was reviewed for content to determine compliance with the City's RFP specifications. American Traffic Solutions (ATS) was able to meet all specifications outlined within the City's RFP.

RECOMMENDATION(S):

1) Approve proposal from America Traffic Solutions (ATS).

2) Approve Pricing Option B contained within the American Traffic Solutions (ATS) proposal (page # 113).. Upon completing a fee structure assessment on all three (3) options presented by American Traffic Solutions (ATS), staff also recommends approval of Pricing Option B as submitted by American Traffic Solutions (ATS). After careful review of all three (3) pricing options, option B offers the best value to the City.

Specifically, pricing Option B allows the City to use American Traffic Solutions (ATS) resources to facilitate equipment installation, billing and collection service, and other administrative functions; while providing the City with the highest amount of revenue.

3) Authorize the Mayor to sign contract with American Traffic Solutions (ATS), after review and approval by City Attorney.

ATTACHMENTS:

- America Traffic Solutions (ATS) "Palatka, Florida; Automated Red Light Enforcement System; Response to Request for Proposals"

- Red Light Enforcement Camera ATS Fee Structure Assessment; conducted by PPD

Calculations based on 20 PAID citations @$150.00 per day

		Revenue per day	Opt B	Opt C
1	20	3,000.00	$370.00	$345.00
2	20	3,000.00	$370.00	$345.00
3	20	3,000.00	$370.00	$345.00
4	20	3,000.00	$370.00	$345.00
5	20	3,000.00	$370.00	$345.00
6	20	3,000.00	$370.00	$345.00
7	20	3,000.00	$370.00	$345.00
8	20	3,000.00	$370.00	$345.00
9	20	3,000.00	$370.00	$345.00
10	20	3,000.00	$370.00	$345.00
11	20	3,000.00	$370.00	$345.00
12	20	3,000.00	$370.00	$345.00
13	20	3,000.00	$370.00	$345.00
14	20	3,000.00	$370.00	$345.00
15	20	3,000.00	$370.00	$345.00
16	20	3,000.00	$370.00	$345.00
17	20	3,000.00	$370.00	$345.00
18	20	3,000.00	$370.00	$345.00
19	20	3,000.00	$370.00	$345.00
20	20	3,000.00	$370.00	$345.00
21	20	3,000.00	$370.00	$345.00
22	20	3,000.00	$370.00	$345.00
23	20	3,000.00	$370.00	$345.00
24	20	3,000.00	$370.00	$345.00
25	20	3,000.00	$370.00	$345.00
26	20	3,000.00	$370.00	$345.00
27	20	3,000.00	$370.00	$345.00
28	20	3,000.00	$370.00	$345.00
29	20	3,000.00	$370.00	$345.00
30	20	3,000.00	$370.00	$345.00
		90,000.00	$11,100.00	$10,350.00

Total Revenue per month	90,000.00	90,000.00
Total Fees to ATS per month	11,100.00	10,350.00
Net Revenue per month	78,900.00	79,650.00
	12	12
Net Revenue per Year	$946,800.00	$955,800.00

Betsy Driggers

From: Gary Getchell
Sent: Wednesday, May 20, 2009 4:55 PM
To: Betsy Driggers
Subject: Additions to Preagenda

Betsy,

Please add the following to the pre-agenda for Friday. We're running behind on finishing the documents, but will have them to you either tomorrow or Friday morning:

Consent Agenda:

1) Approve proposal as submitted by American Traffic Solutions (ATS) for Red Light Enforcement System and services.
    a. Approve Pricing Option B
    b. Authorize the Mayor to sign contract between City of Palatka and American Traffic Solutions (ATS) for Red Light Enforcement System and services.
2) Approve City of Palatka Request for Proposal (RFP) for Hearing Officer Services

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Automated Red Light Enforcement System

Response to Request for Proposal

April 17, 2009

Contact Person:
Pete Cuccaro
Senior Business Development Manager
14005 SW 104 Court
Miami, Florida 33176
(305) 763-1127
pete.cuccaro@atsol.com

American Traffic Solutions™

American Traffic Solutions
7681 East Gray Road
Scottsdale, Arizona 85260

480.443.7000
480.607.0901
www.atsol.com
www.redlightcamera.com

April 17, 2009

Gary S. Getchell
Chief of Police
City of Palatka Police Department
110 North 11th Street
Palatka, Florida 32177

Re: Response to Request for Proposals for Automated Red Light Enforcement System

Dear Chief Getchell and Members of the Selection Committee:

American Traffic Solutions, Inc. (ATS) is pleased to present our response to the City of Palatka's Request for Proposals for an Automated Red Light Enforcement System. We are excited about the opportunity to present our response, which includes an unmatched end-to-end, turnkey solution, leveraging a combination of experienced people, cutting edge technology and proven skills required for a successful program in Palatka.

Since introducing our latest suite of red light cameras and fully web-enabled violation processing systems in 2005, ATS has been selected over other vendors by almost 70 percent of the U.S. cities that issued competitive procurements. These wins include the majority of the U.S. and Canadian major cities, including: ***New York City; Philadelphia; Washington, D.C.; Arlington County, VA; Kansas City; St. Louis; Memphis; Houston; Ft. Worth; Phoenix, Tucson, Scottsdale and Mesa, AZ; Seattle; Spokane; Pueblo; San Diego; Calgary; Edmonton; New Orleans and Baton Rouge.***

> ***Most Florida Experience***
>
> *ATS offers more direct, relevant experience delivering and operating red light camera programs in Florida than any other company. ATS currently has* ***36 awards/contracts*** *and* ***32 operational systems in the state of Florida (more than all other vendors combined).***

Importantly, ATS has been selected over other vendors by the majority of jurisdictions in Florida that issued competitive procurements, including ***Palm Coast, Apopka, Aventura, Bal Harbour, Brooksville, Campbellton, Casselberry, Collier County, Coral Gables, Cutler Bay, Doral, El Portal, Florida City, Haverhill, Hialeah, Hallandale Beach, Hillsborough County Sheriff's Office, Homestead, Key Biscayne, Lakeland, Miami Gardens, North Bay Village, North Miami, North Miami Beach, Ocoee, Opa-locka, Palm Beach County, Palm Springs, Pembroke Pines, Royal Palm Beach, Sunny Isles Beach, Temple Terrace, Vero Beach, West Miami, West Palm Beach and Winter Springs.***

The following summarizes our proposal response and the qualities that have led to the program's acceptance and success:

Financial Proposal

- **Pricing and Value:** ATS offers a cost neutral pricing structure which ensures that fees paid to ATS will never exceed the City's revenue generated by the program. Our proven ability in the unique environment of Florida and nationwide to capture the most violations will results in the greatest improvement in public safety and the largest amount of revenue retained by the City.

System Capabilities and Service Delivery

- **Non-Invasive Vehicle Detection:** ATS is the **only** vendor that offers and has extensive experience with two options for non-invasive vehicle detection, including virtual video detection and "wireless" vehicle detection technology. The non-invasive detection solutions enable installation without trenching, boring or saw-cutting the road surface.
- **Non-Invasive Signal Detection System:** ATS has proven its capability **to operate a signal detection system that does not require connecting to the traffic signal**; it is completely non-invasive. This technology takes years and a substantial economic investment to develop. **This enables ATS to immediately enforce on State roads (FDOT approaches), as we are in Aventura, Brooksville, Pembroke Pines and Miami Gardens. No other vendor has proven Florida experience and expertise with this technology.**
- **FDOT Experience:** ATS is the **only** vendor that has more than one operational system that monitors an FDOT right-of-way.
- **Camera Quality:** ATS proposes to install its newest, next-generation **16-megapixel** single-camera system. The Axsis™ TC-16MP is now the world's most advanced, highest resolution photo enforcement camera system available in the industry. The staggering 16-megapixel camera offers 25 percent more resolution than any other vendors' technology.

Sample Violation Images Captured by ATS Single Camera System [License Plate Partially Concealed]

- **Video Capacity:** The ATS system includes a 24/7/365 live, online, IP-addressable color digital video surveillance and recording system. **It enables real-time traffic**

viewing, "instant recall" and full data retrieval of recorded video for up to two months. This exclusive technology helped catch a freeway killer in California, and another in Texas, even though no red light violation occurred. Recently, the Gallatin, Tennessee Police Department used our video system to capture a pair of suspected thieves. ATS is the only vendor with proven performance of this technology.

- **Cooperative Live Viewing:** The City of Palatka and our other clients around Palatka, such as Palm Coast, with proper permission, can utilize our 24/7/365 live, online, IP-addressable color digital video surveillance and recording system to cooperatively monitor each other's intersections and share archived video for investigative purposes This is a very powerful law enforcement tool for the City of Palatka.
- **Wireless Technology:** Wireless technology results in faster implementation and repair, less environment intrusion, and fewer dependencies on outside agencies for implementation. The ATS system offers wireless technology in three key areas:
  - Violation images and data will be collected using an EVDO wireless network connection, eliminating the waiting period for traditional telecommunications provisions during the project implementation phase.
  - Wireless reboot: Any component inside the ATS red light camera control system can be powered on and off wirelessly, eliminating the need for on-site manual re-boot and resulting in reduced downtimes and increased repair and service levels
  - Our newest vehicle detection system speeds up the installation and maintenance processes. Each lane can be installed in less than 15 minutes. No trenching, boring, or conduit runs are required - less permitting and construction.
- **Issuance Rate:** ATS leads the industry with Citation Issuance Rates over 96%. Our program in Apopka, Florida has a 97% issuance rate, and Aventura, Florida has a 98% issuance rate. Other vendors will suggest their rate is as high or higher; however, they subtract "Plate, Signal, and Vehicle obstructions" from their calculations. Our taller installation, higher quality camera, and proven imaging ability to capture simultaneous violations results in more citable images captured and issued. **Our leading issuance rate, along with our much greater camera resolution and ability to capture multiple simultaneous violations will provide the City with the greatest improvement in public safety as well as the greatest financial return.**
- **Camera Placement Flexibility:** The overall design and ultra-high resolution imaging enables camera placement several feet higher on the pole and farther back from the intersection than any other system. These two unique benefits deliver a broader and deeper intersection view resulting in higher levels of detection, imaging and collection rates. This flexible camera placement feature also responds to differing environmental circumstances and customer's aesthetic requirements. Other vendors now claim to offer this feature, but we have not seen one example where this flexible design has been successfully deployed by any other company. **This flexibility is especially beneficial to Palatka because it enables enforcement on FDOT approaches where the vendor is prohibited from installing any equipment in the right-of-way and is required to install all system components on adjacent City or private property.**

- **Camera System Aesthetics:** The ATS system offers the smallest and most unobtrusive camera system available in the industry. The flexibility and resolution of our camera enables the system to be set back substantially further from the intersection clutter, and utilize a pole that is several feet taller than any other vendor.

Axsis™ RLC-300 Camera Housing

  This flexibility delivers higher performance and a smaller footprint. The new Axsis™ camera enclosure design is more compact and more aesthetically pleasing than any offered system. The new camera housing combines the video and digital cameras in a sleek, architecturally interesting modern design that contributes to the streetscape in any city. This aesthetic and unique design allows for easy maintenance and installation as well as long term trouble free equipment security. Additionally, the new enclosure maintains its NEMA grade qualities enclosure, and retains a minimal glass front feature for enhanced vandal-resistance. Once again, ATS has proven that it has the smallest footprint in the industry and also the best looking industrial design possible with absolutely no requirement for roadside cabinetry.

- **Police Review:** The ATS on-line, fully web-enabled Police Review System enables the Palatka Police or administrative personnel to efficiently review violation event images and approve violations in less than 20 seconds using an ATS-provided computer/workstation with a secure Internet connection.
- **NLETS Partnership: ATS was the first photo enforcement solution provider to be approved by the National Law Enforcement Telecommunication System (NLETS) as a recognized "Strategic Partner."** NLETS provides registered owner/vehicle information for all 50 states and Canadian Provinces.
- **Secure System:** The ATS application and Data Center security systems have been audited by a number of independent organizations for physical and logical security. The latest certifications were performed by Cendant Corporation (Avis and Budget), NLETS (National Law Enforcement Telecommunications System), the California DMV and US Bank.
- **Proven Delivery Capability:** ATS has successfully installed photo enforcement programs on an accelerated basis throughout the U.S. Additionally, ATS has installed and operates the most red light camera programs in Florida. We have the most proven technology capabilities and project management experience in Florida, with FDOT, and the most experience implementing red light camera programs in Florida than all the other vendors combined.

Customer Service Delivery and Support

- **Qualified Florida Project Team:** ATS has assembled a top team of seasoned experts, including project managers, a construction manager, installation coordinators, design and engineering staff, and field service technicians in Florida. Our local Florida project team shows that we are 100% committed to providing the best service to Palatka.

- **Central Florida Service Center:** ATS will open a fully staffed service center in Central Florida. Our large and growing Florida customer base uniquely enables ATS to make this large financial commitment.
- **ATS Processing Center:** ATS provides the best processing center in the industry with 170 languages supported, the shortest call answer times (95% of calls are answered in less than 30 seconds), widest service hours (our call center hours are Monday through Friday, 8:00 a.m. to 8:00 p.m. EDT), most live operators (approximately 200 processors/operators), most knowledgeable and well-trained call representatives, most responsive client service liaisons and best on-time services.
- The ATS Call Center is currently staffed with experienced multi-lingual personnel. ATS provides live customer service agents who are trained to deal with every type of caller with any issue related to the violation and program. ATS recognizes that in our business, cultural sensitivity is vital. ATS recognizes that dialects and accents vary from region to region. Because ATS operates all over the U.S. and has extensive experience dealing with Spanish speaking constituencies who originally come from all over Latin America, Cuba, and the rest of the Caribbean Basin, ATS' multi-lingual customer service representatives are specifically trained to speak Neutral Accent Spanish.

ATS Call Center

Company Qualifications and References

- **Commitment to Florida:** Only ATS has actively worked with the State legislature in Tallahassee to help enact enabling legislation to benefit our current and prospective customers.
- **Financial Strength:** ATS is a privately held company and operates some of the largest red light and speed camera programs in the United States, all of which are multi-year contracts spread across the country. ATS' photo enforcement business is also diversified through toll road related business solutions. In the third quarter of 2008, ATS completed a private equity financing with Goldman Sachs, making them a minority investor in the company. The purpose of this transaction was to provide additional growth capital for ATS' rapidly expanding business as well as to bring on a value added financial partner. ATS is proud to have Goldman Sachs as its partner.
- **American Firm:** **ATS is a U.S.-based, 100% American-owned company and offers American-made and American-supported systems.**
- **References:** Our customers enjoy tremendous success in all levels of public acceptance, performance, and reducing red light violations, collisions and associated fatalities.

From Seattle's outreach program:

Our program is being called a great success by our local media and community members. Whenever we attend a meeting we do not hear complaints, but rather "When can we get one [RLC] in our neighborhood"
-Officer Dean Shirey, Seattle Police Department

The City of Seattle ran a one-year pilot program with six cameras. The success of that pilot led to an expansion of 24 additional red light sites and a speed program. In the City's year-end evaluation report to the City Council, they said the following about our services:

Professional Staff. ATS professional staff has exceeded our expectations in almost every respect. *Two highlights include the manner in which the vendor developed a custom approach for exchange of data with the Seattle Municipal Court staff, and the willingness of ATS to tailor its Axsis statistical reporting package in response to suggestions for improvement from the City. In the latter case, ATS altered report design to allow the client to separate out "non-event" camera trips from valid rejections; this allowed calculation of a true rejection rate without hand calculations. In another case, ATS developed a report to allow the client to tally violations by type (right turns, left turns and straight through violations). All of this was done at vendor expense.*

The Chiefs of Police of the Missouri cities of Arnold, Beverly Hills, Florissant, Hazelwood and St. John reported in a January 15, 2008 editorial/commentary on www.stltoday.com entitled The Real Costs and Benefits of Red-Light Cameras:

Red-light cameras are operating at many of the region's most dangerous intersections, and they work. In our cities, the number of recorded red-light violations has dropped since the cameras were installed, and the number of accidents — head-on, rear-end and every other combination of collision — has fallen.

ATS implemented Baton Rouge, Louisiana's red light photo enforcement program in February 2008. ATS won the bid after a 30-day full system comparison challenge against Nestor. Lt. Gary Traylor of the Baton Rouge Police Department expressed his appreciation for the quality of ATS' camera system:

"The more I see our numbers and quality, I am positive I chose the right vendor."

ATS currently operates the red light and speed camera program in Gallatin, Tennessee and has been since July 2006. Below is a testimonial from Chief John Tisdale of the Gallatin Police Department:

"Red light cameras are a great tool to stretch manpower. They're efficient, save money, and

out there 24/7. I'm so happy with the system I'm adding two more intersections."

"ATS has great options for how to fund systems. They make it so easy. There's no excuse not to have a system. And ATS has the best customer service in the industry. I'm tickled to death with the system."

Contact Person during Proposal Evaluation

The authorized representative for this project is Mr. Pete Cuccaro, Senior Business Development Manager. He can be reached at:

Address: 14005 SW 104 Court, Miami, Florida 33176
Phone: (305) 763-1127 Email: pete.cuccaro@atsol.com

We thank you for the opportunity to submit this response. We are confident in our business, our people, our technology and our proven program management disciplines. We offer an impressive professional team which brings relevant and fresh ideas and proven solutions based on successfully serving clients throughout the United States and the World. We are enthusiastic about the opportunity to deliver a solution that will *Focus on Safety in Palatka!*

Sincerely,

American Traffic Solutions, Inc.

Adam E. Tuton
Executive Vice President/COO

I. General Information

I.A Name of Business

Name of business

American Traffic Solutions, Inc.

I.B Address and Phone Number

Mailing address/phone number

Address: 7681 E. Gray Rd.
Scottsdale, AZ 85260

Phone: (480) 443-7000

I.C Contact Person

Name of persons to be contacted for information or services if different from name of person in charge.

Pete Cuccaro, Senior Business Development Manager

I.D Business Hours

Business hours

ATS' office hours are 11:00 to 8:00 p.m. EDT. Our call center hours are 8:00 a.m. to 8:00 p.m. EDT.

I.E Business Status

State if business is local, national, or international and indicate the business legal status (corporation, partnership, etc.).

ATS is a U.S.-based, 100% American-owned company with clients throughout Florida and the rest of the United States, Canada and New Zealand.

ATS is a corporation.

I.F Incorporation Date

Give the date business was organized and/or incorporated, and where.

ATS was incorporated on April 22, 1992 in Kansas.

I.G Parent or Subsidiary

Indicate whether the business is a parent or subsidiary in a group of firms/agencies.

ATS is a subsidiary of American Traffic Solutions Consolidated, Inc.

I.H Doing Business in Florida

State if the business is licensed, permitted and/or certified to do business in the State of Florida and attach copies of all such licenses issued to the business entity.

ATS is authorized to do business in the State of Florida. The following is evidence of our authorization.

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FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Previous on List Next on List Return To List

No Events No Name History

Detail by Entity Name

Foreign Profit Corporation

ATS AMERICAN TRAFFIC SOLUTIONS, INC.

Cross Reference Name

AMERICAN TRAFFIC SOLUTIONS, INC.

Filing Information

Document Number	F09000000267
FEI Number	481114931
Date Filed	01/13/2009
State	KS
Status	ACTIVE

Principal Address

7681 E. GRAY RD.
SCOTTSDALE AZ 85260

Mailing Address

7681 E. GRAY RD.
SCOTTSDALE AZ 85260

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324 US

Officer/Director Detail

Name & Address

Title PCEO

TUTON, JAMES D
7301 E. WETHERFIELD
SCOTTSDALE AZ 85260

Title SEV

TUTON, ADAM E
5837 E. COCHISE RD.
PARADISE VALLEY AZ 85253

Title COO

TUTON, ADAM E
5837 E. COCHISE RD.
PARADISE VALLEY AZ 85253

Title TEV

DRAIZIN, ADAM R
3417 E. TURQUOISE AVE.
PHOENIX AZ 85028

Title CFO

DRAIZIN, ADAM R
3417 E. TURQUOISE AVE.
PHOENIX AZ 85028

Title EV

PETROZZA, JOHN T
315 MAINE AVE.
STATEN ISLAND NY 10314

Annual Reports

No Annual Reports Filed

Document Images

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I.I SUBCONTRACTOR

Indicate what portion of the work, if any, will be subcontracted to any third party.

ATS will subcontract the underground infrastructure required to mount the red light camera systems, such as foundations, power and conduit.

I.J IN-HOUSE ENGINEERING SERVICES

State if Company has in-house engineering services or uses subcontracted engineering services. Proof must be submitted that prime proposer employs engineers if in-house engineering services are used.

ATS utilizes in-house engineering services. Currently, ATS' design and engineering department has over 10 members, including a professional engineer who is licensed in the State of Florida. Bob Zaitooni, P.E.'s license number is 41275.

I.K CRIMINAL INVESTIGATION OR CIVIL LITIGATION

Vendors must disclose if vendor's firm is or has been subject to any criminal investigation or pending civil litigation. Please include a statement of the circumstances surrounding the matter and, if known, the outcome of the investigations, charges or law suit.

ATS is and has not been subject to any criminal investigation.

A lawsuit filed by an alleged red light violator against the City of Arnold, Missouri has also named American Traffic Solutions (ATS) as part of its suit. Both the City of Arnold and ATS believe this lawsuit is without merit and will be dismissed by the court.

In addition to the Arnold, Missouri lawsuit, an alleged red light violator filed a lawsuit against the City of Balcones Heights, Texas and American Traffic Solutions. This case has been dismissed.

A lawsuit filed by alleged red light violators in Arlington, Texas and Irving, Texas was also filed against ATS. We believe this lawsuit is also without merit and will be dismissed by the court.

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VII. PRICING

The City prefers vendor proposals that guarantee cost neutrality to the City; that is, revenues from the notice of violations will at least match the cost of the vendor's monthly service fees by providing that the fees charged to the City shall not exceed the actual revenues collected for fines assessed by the City for violations governed by the program .The proposal may offer a fee which is based on a percentage of collected fines and! or upon a fee which is based on a flat amount for each violation which is collected.

ATS proposes to furnish a turnkey red light and speed camera program based on the following proposal. We offer a number of pricing alternatives including:

1. Fixed fee per month

2. Tiered fee per paid citation

ATS is offering the City a cost neutral program, wherein revenues collected will pay for the service provided.

The pricing covers all costs required for and associated with camera system installation, maintenance and on-going field and back-office operations.

Unlike other vendors, ATS pricing includes all costs, including "transaction fees." There are no hidden fees. All fees are disclosed below.

Description of Pricing	Fee
Option A - Flat Fee per Month Per Approach (one camera / rear imaging) Includes red light camera equipment for a 4-lane approach with up to 2 signal phases, installation, maintenance, violation processing services, Florida DMV records access, mailing of 1st notice in color with return envelope, mailing of 2nd notice, web-payments access with convenience fee, call center support for general program questions and public awareness program support.	$4,750

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Description of Pricing	Fee
Option B – Tiered Fee per Paid Citation (one camera / rear imaging) This fee schedule reduces the incremental cost to the City as the number of paid notices increases. 4th Tier Fee (All other paid notices) (300+ per month) 3rd Tier Fee (Next 3 paid notices per day per camera) (150-249 per month) 2nd Tier Fee (Next 2 paid notices per day per camera) (from 90-149 per month) 1st Tier Fee (First 3 paid notices per day per camera (i.e. first 89 paid per month) Includes red light camera equipment for a 4-lane approach with up to 2 signal phases, installation, maintenance, violation processing services, Florida DMV records access, mailing of 1st notice in color with return envelope, mailing of 2nd notice, web-payments access with convenience fee, call center support for general program questions and public awareness program support. All tiers assume an average across all installed cameras.	 $10.00 $17.50 $27.50 $47.50
Option C - Fee Per Paid Citation (one camera / rear imaging) 3rd Tier Fee (Additional paid notices per day per camera) 2nd Tier Fee (Next 2 paid notices per day per camera) 1st Tier Fee (First paid notice per day per camera) Includes red light camera equipment for a 4-lane approach with up to 2 signal phases, installation, maintenance, violation processing services, Florida DMV records access, mailing of 1st notice in color with return envelope, mailing of 2nd notice, web-payments access with convenience fee, call center support for general program questions and public awareness program support. Per the City's ordinance, the fine is $150. All tiers assume an average across all installed cameras.	 $10.00 $25.00 $125.00

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Description of Pricing	Fee
Additional Services Applicable to All Offerings Noted Above	
Pre-collection Letters	10% of recovered revenue
Delinquent Collections Services	30% of recovered revenue

ATS has reviewed the City's sample contract in the RFP. ATS has included its standard services contract wherein there are certain terms and conditions that are mutually beneficial. Whereas we understand that the City will use a contract template of their creation, we believe that the scope section of the ATS contract should be included to clearly define each party's responsibilities. We reserve the right to negotiate terms and conditions included in our standard contract into any contract form preferred or provided by the City. Our standard contract is on the following pages.

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Description of Pricing	Fee
Option B – Tiered Fee per Paid Citation (one camera / rear imaging) This fee schedule reduces the incremental cost to the City as the number of paid notices increases. 4th Tier Fee (All other paid notices) (300+ per month) 3rd Tier Fee (Next 3 paid notices per day per camera) (150-249 per month) 2nd Tier Fee (Next 2 paid notices per day per camera) (from 90-149 per month) 1st Tier Fee (First 3 paid notices per day per camera (i.e. first 89 paid per month) Includes red light camera equipment for a 4-lane approach with up to 2 signal phases, installation, maintenance, violation processing services, Florida DMV records access, mailing of 1st notice in color with return envelope, mailing of 2nd notice, web-payments access with convenience fee, call center support for general program questions and public awareness program support. All tiers assume an average across all installed cameras.	$10.00 (8%) $17.50 (14%) $27.50 (22%) $47.50 (38%)
Option C - Fee Per Paid Citation (one camera / rear imaging) Includes red light camera equipment for a 4-lane approach with up to 2 signal phases, installation, maintenance, violation processing services, Florida DMV records access, mailing of 1st notice in color with return envelope, mailing of 2nd notice, web-payments access with convenience fee, call center support for general program questions and public awareness program support. Per the City's ordinance, the fine is ~~$125~~. 150.00	
3rd Tier Fee (Additional paid notices per day per camera) 2nd Tier Fee (Next 2 paid notices per day per camera) 1st Tier Fee (First paid notice per day per camera) All tiers assume an average across all installed cameras.	$10.00 (8%) $25.00 (20%) $125.00 (100%)

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Description of Pricing	Fee
Additional Services Applicable to All Offerings Noted Above	
Pre-collection Letters	10% of recovered revenue
Delinquent Collections Services	30% of recovered revenue

ATS has reviewed the City's sample contract in the RFP. ATS has included its standard services contract wherein there are certain terms and conditions that are mutually beneficial. Whereas we understand that the City will use a contract template of their creation, we believe that the scope section of the ATS contract should be included to clearly define each party's responsibilities. We reserve the right to negotiate terms and conditions included in our standard contract into any contract form preferred or provided by the City. Our standard contract is on the following pages.

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PROFESSIONAL SERVICES AGREEMENT
"AGREEMENT"

THIS AGREEMENT made this _____ day of _____, 2008 between American Traffic Solutions, Inc. (herein "ATS"), with its principal place of business at 7681 East Gray Road, Scottsdale, Arizona, and the City of _____, herein "Customer", with principal offices at _____.

WITNESSETH:

WHEREAS, ATS has the exclusive knowledge, possession and ownership of certain equipment, licenses, and processes, referred to collectively as the "Axsis™ System" (herein "Axsis"), and

WHEREAS, Customer desires to use the Axsis™ System to monitor and enforce red light violations, and may, in the future, desire to monitor and enforce traffic speed or other traffic movements and to issue citations for traffic violations.

NOW THEREFORE, the parties agree:

1. DEFINITIONS:

As used in this Agreement, the following words and terms shall, unless the context otherwise requires, have the respective meanings provided below:

"Citation" means a citation or notice of violation or equivalent instrument issued by a competent state or municipal law enforcement agent or agency or by a court of competent jurisdiction relating to a violation documented or evidenced by Axsis™.

"Paid Citation" means a situation where the person cited has entered a plea of guilty and paid any portion of the fine and applicable court costs associated with the particular citation.

"Person" or **"persons"** means any individual, partnership, joint venture, corporation, trust, unincorporated association, governmental authority or political subdivision thereof or any other form of entity.

"Camera System" means a photo-traffic monitoring device consisting of one (1) rear camera, strobe, and traffic monitoring device capable of accurately detecting a traffic infraction on up to four contiguous lanes which records such data with one or more images of such vehicle. "Camera System" shall also, where the sense requires, include any enclosure or cabinet and related appurtenances in which the Axsis™ is stationed.

"Recorded Image" means an image digitally recorded by a Camera System.

"Approach" is defined as one direction of travel of one or more lanes on a road or a traffic intersection up to four (4) contiguous lanes controlled by up to two (2) signal phases.

"Violation" means failure to obey an applicable traffic law or regulations, including, without limitation, failure to obey a traffic signal, operating a motor vehicle in excess of the posted speed limit, and operating a motor vehicle without displaying a valid license plate.

"VIMS Analysis" is a statistical assessment of violations rates at suspected problem intersections and approaches to determine the need for a red light system.

"Owner" means the owner(s) of a motor vehicle as shown by the motor vehicle registration records of the motor vehicle department or the analogous agency of another state or country.

"Traffic Control Signal" means a traffic control device that displays alternating red, yellow and green lights intended to direct traffic when to stop at or proceed through and intersection.

2. ATS AGREES TO PROVIDE:

The scope of work identified in Exhibit "A, Section 1"

3. CUSTOMER AGREES TO PROVIDE:

The scope of work identified in Exhibit "A, Section 2."

4. TERM AND TERMINATION:

a. This contract shall be effective on the signature date above.

b. The term of this Agreement shall be for five (5) years beginning on the date of first issued and payable notice of a violation from the last installed Camera System (the "Start Date") and may be automatically extended for two additional five (5) year periods. However, Customer may terminate this Agreement at the expiration of any term by providing written notice of its intent not to extend the Agreement 120 days prior to the expiration of the current term.

c. The Contractor's services may be terminated:

i) By mutual written consent of the parties;

ii) For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to cure the default within forty-five (45) days after receiving notice.

iii) For convenience, by either party in the event that state legislation, a decision by a court of competent jurisdiction, or other change in state law or circumstances materially interferes with the terms of this Agreement or the ability of a party to perform its obligations under the terms of this Agreement. In any termination for convenience, ATS shall retain an amount of revenue collected from the program sufficient to cover ATS's costs in excess of fees paid to date.

d. Upon termination of this Agreement, either for breach or because it has reached the end of its term, the parties recognize that the Customer will have to process traffic law violations in the "pipeline," and that ATS accordingly must assist the Customer in this regard. Accordingly, the parties shall take the following actions, and shall have the following obligations, which survive termination during the wind-down period: The Customer shall cease using the Axsis™ System, shall return or allow ATS to recover all provided equipment within a reasonable time not to exceed 60 days, and shall not generate further images to be processed. Unless directed by the Customer not to do so, ATS shall continue to process all images taken by the Customer before termination and provide all services associated with processing in accordance with this Agreement, and shall be entitled to all Fees specified in the Agreement as if the Agreement were still in effect.

5. ASSIGNMENT:

Neither party may assign all or any portion of this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed. However, for the purposes of ATS business financing purposes, ATS may sell, assign, transfer or convey any interest in this contract in whole or in part without the written consent of the Customer.

6. FEES AND PAYMENT:

Customer shall pay for all equipment, services and maintenance based on the fee schedule indicated in Exhibit A, Schedule 1, ("Fees").

The Customer shall pay all fees due ATS based upon invoices from the proceeding month within 30 days of submission. Late payments are subject to interest calculated at 1.5% per month on open balances.

Unit prices will be fixed for the first two (2) years of the first term and thereafter on each anniversary date of the term unit prices will increase by the CPI, according to the average change during the prior 12 months in the Consumer Price Index for All Urban Consumers (CPI-U) for U.S. City average as published by the Bureau of Labor Statistics, U.S. Department of Labor.

7. INTERSECTION AND VIOLATION RATE ANALYSIS:

Prior to implementing the Axsis System, ATS may conduct an analysis of each Approach being considered for a Camera System. If ATS deems necessary, ATS will use the Axsis™ VIMS (Violation Incident Monitoring System) or other tool or means to complete the analysis over a 4 to 24 hour period. The Customer will be provided a report on violations recorded at each monitored approach, including the time of day and lanes on which the violations occurred. For any Approach recommended by the Customer, ATS may install a Camera System. However, ATS may elect not to install a Camera System where traffic violation data does not support installation of the Axsis System.

8. COMMUNICATION OF INFORMATION:

ATS agrees that all information obtained by ATS through operation of the Axsis System shall be made available to the Customer at any time during ATS's normal working hours, excluding trade secrets and other confidential or proprietary information not reasonably necessary for the prosecution of citations or the fulfillment of Customer's obligation under this Agreement.

9. CONFIDENTIAL INFORMATION:

No information given by ATS to Customer will be of a confidential nature, unless specifically designated in writing as proprietary and confidential by ATS. Provided, however, nothing in this paragraph shall be construed contrary to the terms and provisions of any "Open Records Act" or similar laws, insofar as they may be applicable. ATS shall not use any information acquired by this program with respect to any violations or the Customer's law enforcement activities for any purpose other than the program.

10. OWNERSHIP OF SYSTEM:

It is understood by the Customer that the System being installed by ATS is, and shall remain, the sole property of ATS, unless separately procured from ATS through a lease or purchase transaction. The System is being provided to Customer only under the terms and for the term of this Agreement.

11. INDEMNIFICATION AND INSURANCE:

ATS shall comply with all laws, ordinances and regulations governing the use of photo enforcement systems applicable to this Agreement and shall comply with the maintenance procedures and manufacturer recommendations for operation of the Axsis™ equipment which affect this Agreement, and shall indemnify and save harmless the Customer against claims arising from the violations of the maintenance procedures and manufacturer recommendations for operation of the equipment as a result of the negligence of willful misconduct of ATS, its officers and directors, agents, attorneys, and employees, but excluding any employees or agents of Customer.

ATS shall maintain the following minimum scope and limits of insurance:

a. Commercial General Liability Insurance including coverage for bodily injury, property damage, premises and operations, products/completed operations, personal and advertising injury, and contractual liability with a combined single limit of $1,000,000 per occurrence. Such insurance shall include the Customer, its officers, directors, employees, and elected officials as additional insured's for liability arising from ATS's operation.

b. Workers Compensation as required by applicable state law, and Employers' Liability insurance with limits of not less than $500,000 each accident; ATS shall at all times maintain worker's compensation insurance coverage in the amounts required by law, but shall not be required to provide such coverage for any actual or statutory employee of Customer.

c. Comprehensive Business Automobile Liability Insurance for all owned, non-owned and hired automobiles and other vehicles used by ATS with a minimum $1,000,000 per occurrence combined single limit bodily injury and property damage.

The Customer and its officers and employees, shall be named as additional insured on the comprehensive general liability policies provided by ATS under this Agreement. ATS shall require any subcontractors doing work under this Agreement to provide and maintain the same insurance, which insurance shall also name the Customer and its officers, employees, and authorized volunteers as additional insureds.

Certificates showing ATS is carrying the above described insurance, and evidencing the additional insured status specified above, shall be furnished to the Customer within thirty calendar days after the date on which this Agreement is made. Such certificates shall show that the Customer shall be notified of all cancellations of such insurance policies. ATS shall forthwith obtain substitute insurance in the event of a cancellation.

Inasmuch as the Customer is a body politic and corporate, the laws from which Customer derives its powers, insofar as the same law regulates the objects for which, or manner in which, or the concerns under which, the Customer may enter into this Agreement, shall be controlling and shall be incorporated by reference into this Agreement. The Customer shall be responsible for vehicle insurance coverage on any vehicles driven by Customer employees. Coverage will include liability and collision damage.

12. STATE LAW TO APPLY:

This Agreement shall be construed under and in accordance with the laws of the State of _____.

13. DISPUTE RESOLUTION:

All disputes arising out of or in connection with the Agreement shall be attempted to be settled through good-faith negotiation between senior management of both parties, followed if necessary within thirty (30) days by professionally-assisted mediation. Any mediator so designated must be acceptable to each party. The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the dispute. The mediation will be treated as a settlement discussion and therefore will be confidential. The mediator may not testify for either party in any later proceeding relating to the dispute. No recording or transcript shall be made of the mediation proceedings. Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties.

a. Failing resolution through negotiation or mediation, any remaining dispute shall be submitted to binding arbitration in accordance with the Arbitration Rules for Professional Accounting and Related Services Disputes of the American Arbitration Association ("AAA Rules") before a single arbitrator. The place of arbitration will be mutually agreed upon within 14 days of a decision to seek arbitration. Limited discovery will be permitted in connection with the arbitration upon agreement of the parties or upon a showing of substantial need by the party seeking discovery. The arbitrator's decision shall follow the plain and natural meaning of the relevant documents, and shall be final and binding. The arbitrator will have no power to award (i) damages inconsistent with the Agreement or (ii) punitive damages or any other damages not measured by the prevailing party's actual damages, and the parties expressly waive their right to obtain such damages in arbitration or in any other forum. All aspects of the arbitration will be confidential. Neither the parties nor the arbitrator may disclose the existence, content or results of the arbitration, except as necessary to comply with legal or regulatory requirements. Each party will promptly pay its share of all arbitration fees and costs, provided that such fees and costs shall be recoverable by the prevailing party as determined by the arbitrator. If a party fails to pay such share promptly upon demand, the arbitrator shall, upon written request by the other party, enter a final and binding decision against the nonpaying party for the full amount of such share, together with an award of attorney's fees and costs incurred by the other party in obtaining such decision, which decision may be entered in any court of competent jurisdiction. Except for the failure of a party to pay arbitration fees and costs that requires resort to the arbitrator to order such payment, the parties will bear their own attorneys' fees in any matter or dispute under this Agreement.

14. AMENDMENTS TO THE AGREEMENT:

The Customer may from time to time consider it in its best interest to change, modify or extend term, conditions or covenants of this Agreement or require changes in the scope of the Services to be performed by ATS, or request ATS to perform additional services regardless of and without invalidating the process that was used to procure the services enumerated under this Agreement. Any such change, addition, deletion, extension or modification, including any increase or decrease in the amount of ATS's compensation, which are mutually agreed upon by and between the Customer and ATS shall be incorporated in written amendments (herein called "Amendments") to this Agreement. Such Amendments shall not invalidate, the procurement process or this Agreement nor relieve or release ATS or the Customer of any of its obligations under this Agreement unless stated therein.

15. LEGAL CONSTRUCTION:

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

16. PRIOR AGREEMENT SUSPENDED:

This Agreement constitutes the sole and only agreement of the parties and supersedes any prior understanding, written or oral, between the parties respecting the written subject matter.

17. NO AGENCY:

ATS is an independent contractor providing services to the Customer and the employees, agents and servants of ATS shall in no event be considered to be the employees, agents, or servants of the Customer. This contract is not intended to create an agency relationship between ATS and the Customer.

18. FORCE MAJEURE:

Neither party will be liable to the other or be deemed to be in breach of this agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control and without its fault or negligence. Such causes may include but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or governmental authorities approval delays which are not caused by any act or omission by ATS. The party whose performance is affected agrees to notify the other promptly of the existence and nature of any delay.

19. TAXES:

In the event that any excise, sales or other taxes are due relating to this service contract, the Customer will be responsible for the payment of such taxes.

20. NOTICES:

Any notices or demand which under the terms of this Agreement or under any statute must or may be given or made by ATS or Customer shall be in writing and shall be given or made by personal service, telegram, first class mail, FedEx, or by certified or registered mail to the parties at the following address:

_____
_____
_____
Attn: _____

American Traffic Solutions, Inc.
7681 E. Gray Rd
Scottsdale, AZ 85260
Attn: Chief Operating Officer

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date on Page 1.

AMERICAN TRAFFIC SOLUTIONS, INC.

_____
Adam E. Tuton, EVP/COO

_____
City Manager

ATTEST:

Recorder

Exhibit A
ATS SCOPE OF WORK

1. AMERICAN TRAFFIC SOLUTIONS (ATS) SCOPE OF WORK

1.2 ATS IMPLEMENTATION

1.2.1 ATS agrees to provide a turnkey solution for Camera Systems to the Customer wherein all reasonably necessary elements required to implement and operate the solution are the responsibility of ATS, except for those items identified in Section 2 titled "Customer Scope of Work". ATS and the Customer understand and agree that new or previously unforeseen requirements may, from time to time, be identified and that the parties shall negotiate in good faith to assign to the proper party the responsibility and cost for such items. In general, if work is to be performed by the Customer, unless otherwise specified, the Customer shall not charge ATS for the cost. All other in-scope work, external to the Customer, is the responsibility of ATS.

1.2.2 ATS agrees to make every effort to adhere to the Project Time Line agreed upon between the parties.

1.2.3 ATS will assist the Customer with video evaluation of candidate sites using the Axsis VIMS system.

1.2.4 ATS will install Camera Systems at a number of intersection or grade crossing approaches to be agreed upon between ATS and the Customer after completion of site analyses. In addition to any initial locations, the parties may agree from time to time to add to the quantities and locations where Camera Systems are installed and maintained.

1.2.5 ATS will operate each Camera System on a 24-hour basis, barring downtime for maintenance and normal servicing activities.

1.2.6 ATS' in-house marketing department will assist the Customer with public information and outreach campaign strategies. In addition, depending upon the agreed-upon strategy, ATS may pay for agreed upon extra scope expenditures for public relations consultants, advertising, or media relations provided that such extra scope expenditures will be reimbursed to ATS from collected revenues.

1.2.7 ATS agrees to provide a secure web site (www.violationinfo.com) accessible to citation recipients (defendants) by means of a Notice # and a PIN, which will allow violation image and video viewing.

1.2.8 The Customer and ATS will complete the Project Business Process Work Flow design within 30 calendar days of contract signature.

1.2.9 ATS normally shall provide technician site visits to each Camera System once per month to perform preventive maintenance checks consisting of camera enclosure lens cleaning; camera, strobe and controller enclosure cleaning; inspection of exposed wires; and general system inspection and maintenance.

1.2.10 ATS shall repair a non-functional Camera System within 72 business hours of determination of a malfunction.

1.2.11 ATS shall repair the Axsis VPS system within 1 business day from the time of the outage. Outages of Customer internet connections or infrastructure are excluded from this service level.

1.2.12 For any city using ATS lockbox or epayment services, ATS will establish a demand deposit account bearing the title, "American Traffic Solutions, Inc. as agent for Customer" at U.S. Bank. All funds collected on behalf of the Customer will be deposited in this account and transferred by wire the first business day of each week to the Customer's primary deposit bank. The Customer will identify the account to receive funds wired from U.S. Bank. Customer shall sign a W-9 and blocked account agreement, to be completed by the Customer, to ensure the Customer's financial interest in said U.S. Bank account is preserved.

1.3 ATS OPERATIONS

1.3.1 ATS shall provide the Customer with an optional one-time warning period up to 30 days in length at the outset of the program.

1.3.2 ATS shall provide the Customer with an automated web-based citation processing system (Axsis™ VPS) including image processing, 1st notice color printing and mailing of Citation or Notice of Violation per chargeable event and a mailing of a text only reminder notice. Each Citation or Notice of Violation shall be delivered by First Class mail to the registered owner within the statutory period. Mailings to owners responding to first notices identifying drivers in affidavits of non-liability or by rental car companies are also included according to each pricing option.

1.3.3 Subsequent notices (such as pre-collection letters) may be delivered by First Class or other mail means for additional compensation to ATS as agreed by the parties in Schedule 1.

1.3.4 ATS shall apply an electronic signature to the citation when authorized to do so by an approving law enforcement officer.

1.3.5 ATS shall obtain in-state vehicle registration information necessary to issue citations assuming that it is named as the Customer's agent.

1.3.6 ATS shall seek records from out-of-state vehicle registration databases and apply records found to Axsis to issue citations for the Customer according to each pricing option.

1.3.7 If Customer is unable to or does not desire to integrate ATS data to its court system, ATS shall provide an on-line court processing module, which will enable the court to review cases, related images, correspondence and other related information required to adjudicate the disputed citation. The system will also enable the Court staff to accept and account for payments. Any costs charged by a third party vendor to integrate the ATS system to a court computer system shall be borne by the Customer. ATS may agree to cover these up front costs and recover the costs from the collected revenue in addition to its normal fees.

1.3.8 The Axsis™ VPS system, which provides the Customer with ability to run and print any and all standard system reports.

1.3.9 If required by the court or prosecutor, ATS shall provide the Customer with, or train a local expert witness able to testify in Court on matters relating to the accuracy, technical operations, and effectiveness of the Axsis™ System until judicial notice is taken.

1.3.10 In those instances where damage to a Camera System or sensors is caused by negligence on the part of the Customer or its authorized agent(s), ATS will provide Customer an estimate of the cost of repair. Upon authorization to proceed with the repairs or replacement, ATS shall replace or repair any damaged equipment and invoice for the pre-approved repair cost. ATS shall bear the cost to replace or repair equipment damaged in all other circumstances.

1.3.11 ATS shall provide a help line to help the Customer resolve any problems encountered regarding its Red Light Camera System and/or citation processing. The help line shall function during normal business hours.

1.3.12 As part of its turnkey system, ATS shall provide violators with the ability to view violations online. This online viewing system shall include a link to the ATS payment website(s) and may offer the opportunity to download an affidavit of non-liability online. Online obtained affidavits, if approved by the court, shall be directed to and processed by ATS and communicated to the Court via the Axsis VPS transfer described above.

2. CUSTOMER SCOPE OF WORK

2.2 GENERAL IMPLEMENTATION REQUIREMENTS

2.2.1 Within 7 business days of contract execution, the Customer shall provide ATS with the name and contact information for a project manager with authority to coordinate Customer responsibilities under the Agreement.

2.2.2 Within 7 business days of contract execution, the Customer shall provide ATS with the name and contact information for a Municipal Court manager responsible for oversight of all Court-related program requirements

2.2.3 The Customer shall make every effort to adhere to the Project Time Line to be agreed upon between the parties.

2.2.4 The Customer shall direct the Chief of Police or approved alternate execute the ATS DMV Subscriber Services Agreement (Schedule 2) to provide verification to the State Department of Motor Vehicles, National Law Enforcement Telecommunications System, or appropriate authority indicating that ATS is acting as an Agent of the Customer for the purposes of accessing vehicle ownership data pursuant to the list of permissible uses delineated in the Drivers Privacy Protection Act 18 U.S.C. § 2721, Section (b) (1) and as may otherwise be provided or required by any provision of applicable state law.

2.2.5 The Customer and ATS shall complete the Project Business Process Work Flow design within 30 calendar days of contract signature.

2.3 STREETS AND TRAFFIC DEPARTMENT OPERATIONS

2.3.1 If the Customer chooses to move a Camera System to a new approach after initial installation, it shall pay the costs to relocate the System.

2.3.2 Customer will design, fabricate, install and maintain red light camera warning signs. If Customer cannot provide such signage, ATS will do so and charge the costs to the client.

2.3.3 The Customer shall provide access to traffic signal phase connections according to approved design.

2.3.4 Customer shall allow ATS to access power from existing power sources at no cost and shall allow or facilitate access to traffic signal phase connections to a pull box, pole base, or controller cabinet nearest to each Camera System within the Customer's jurisdiction. The costs of any additional conduit or power infrastructure needed to support installation of the Camera System shall be funded by Customer. ATS may agree to cover these up front costs and recover the costs from the collected revenue in addition to its normal fees.

2.3.5 The Customer shall not require ATS to provide installation drawings stamped by a licensed civil engineer. However, ATS work product and drawings shall be overseen

and approved by an ATS PE and such deliverables shall conform to applicable engineering norms and reflect the details of installation work to be completed.

2.3.6 The Customer shall approve or reject ATS submitted plans within 7 business days of receipt and shall limit iterations to a total of one revision beyond the initially submitted plans. Total plan approval duration shall not exceed 10 business days.

2.3.7 The Customer shall not charge ATS or its subcontractor for building, constructions, street use and/or pole attachment permits.

2.4 POLICE DEPARTMENT OPERATIONS

2.4.1 The Police Department shall process each potential violation in accordance with State Laws and/or City Ordinances within 3 business days of its appearance in the Police Review Queue, using Axsis™ to determine which violations will be issued as Citations or Notices of Violation.

2.4.2 Police Department workstation computer monitors for citation review and approval should provide a resolution of 1280 x 1024.

2.4.3 For optimal data throughput, Police Department workstations should be connected to a high-speed internet connection with bandwidth of T-1 or greater.

2.4.4 Police Department shall provide signatures of all authorized police users who will review events and approve citations on forms provided by ATS.

2.5 COURT OPERATIONS

2.5.1 If Customer does not provide payment processing services, Customer shall use ATS payment processing services. The fees for lockbox and epayment services are presented on Schedule 1.

2.5.2 Court shall provide a judge or hearing officer and court facilities to schedule and hear disputed citations.

2.5.3 Court shall provide the specific text required to be placed on the Citation notice to be issued by ATS within 30 calendar days of contract signature.

2.5.4 The Court shall approve the Citation form within 15 days receipt from ATS.

2.5.5 Municipal Court shall handle inbound and outbound phone calls and correspondence from defendants who have questions about disputes, and other issues relating to citation adjudication. Court may refer citizens with questions regarding ATS or Axsis technology and processes to websites and/or toll-free telephone numbers provided by ATS for that purpose.

2.5.6 Within 10 days after expiration of a second notice, Municipal court shall pursue delinquent collections of unpaid notices with an existing contractor or ATS.

2.5.7 Any potential, one time, direct costs to ATS to develop an interface between the Court system will be initially paid by ATS and any such costs will be reimbursed to ATS from collected revenues in addition to its normal fees.

2.6 INFORMATION TECHNOLOGY DEPARTMENT OPERATIONS

2.6.1 In the event that remote access to the ATS Axsis VPS System is blocked by Customer network security infrastructure, the Customer's Department of Information Technology shall coordinate with ATS to facilitate appropriate communications while maintaining required security measures.

Schedule 1

Service Fee Schedule

Schedule 2

DMV Subscriber Agreement

American Traffic Solutions

DMV Services Subscriber Agreement

ATS requires that your agency certify the intended use of the information made available to your agency through our services and that such uses are in compliance with the Federal Driver's Privacy Protection Act Title XXXI and other applicable laws governing dissemination of public records. Based on your agency's intended use of such information, ATS will either grant permission to use the service or deny the application. Please specify any of the following permissible uses under §2721 that apply:

☐ (1). For use by any government agency, including any court of law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State or local agency in carrying out its functions.

☐ (4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

☐ (7) For use in providing notice to the owners of towed or impounded vehicles.

☐ (10) For use in connection with the operation of private toll transportation facilities.

In consideration of ATS making its Services available, Subscriber agrees to (i) utilize ATS provided data only for the purpose(s) specified above; and (ii) request such information only for the Subscriber's exclusive use in the ordinary course of Subscriber's business and not for resale.

I certify that I am authorized to execute the Subscriber Use Certification on behalf of the Subscriber listed below. On behalf of such Subscriber, I certify that the above statements are true and correct. Subscriber acknowledges and agrees that ATS may from time to time audit Subscriber's use of ATS's Services to ensure that such use is consistent with the intended uses set forth above and with all applicable laws.

This agreement shall be for year(s) commencing on the date below and shall automatically renew annually. This agreement may be terminated within 30 days notice of the anniversary date, annually.

SUBSCRIBER INFORMATION							
Subscriber Agency/Name							
NLETS Agency ORI							
Name of Authorized Representative							
Title of Authorized Representative							
Mailing Address:							
City				State:		ZIP Code:	
Telephone:	( ) -		Fax	( ) -		Email	

Signature of Authorized Representative:	
Date Signed	

A FULL COPY OF THIS REPORT IS AVAILABLE FOR VIEWING IN THE OFFICE OF THE CITY CLERK

Agenda Item

3g

REQUEST TO BE PLACED ON CITY COMMISSION AGENDA

NOTE: Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. This request form, together with any attachments or backup material that that would help the Commission to better consider your request, should be submitted to the City Clerk's office ***no later than 4:00 p.m. on the Friday prior to the next regularly scheduled Thursday City Commission meeting.*** Meeting dates are subject to change. Please verify the closing date for agenda items with the Clerk's office.

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

Palatka Police Department, Chief Gary Getchell

Name of Individual making presentation or request, if different:

GARY GETCHELL, CHIEF OF POLICE

Address: *110 NORTH 11TH STREET*

Daytime Phone *329-0110* Home ph._____ Fax *329-0159*

Requested meeting date for Agenda Item: **5/28/09**

Request for Commission Action **x** or Presentation Only ___ or no action required_____

Subject Matter you wish to address (1) **Recommendation of Vendor and Pricing Options for Automated Red Light Enforcement System (2) Approval of RFQ "Hearing Officer Services"**

Commission Action Requested, if any: (1a) Approve proposal from America Traffic Solutions (ATS), (1b) Approve Pricing Option B contained within the ATS proposal (page #113). (1c) Authorize Mayor to sign contract with ATS after review and approval by City Attorney.

(2) Authorize to distribute RFQ for "Hearing Officer Services."

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.

MEMORANDUM

TO: CITY COMMISSION, VIA CITY CLERK

FROM: GARY GETCHELL, CHIEF OF POLICE

SUBJECT: **AUTOMATED RED LIGHT ENFORCEMENT SYSTEM – APPROVAL OF RFQ "HEARING OFFICER SERVICES**

DATE: MAY 21, 2009

CC FILE

BACKGROUND:

The City Commission has adopted the "City of Palatka Traffic Light Safety" ordinance and directed staff to implement the ordinance, which includes the following many project tasks that must be completed in order to complete the project.:

1) Distribute RFP to seek vendor(s) to provide red light camera technology;

2) City Commission approval of proposed red light enforcement services;

3) Distribution of Request for Qualifications for "Hearing Officer Services."

DISCUSSION:

The intent of the City of Palatka is to promote, protect, and improve the safety and welfare of the citizens by appointing a **Hearing Officer** with the authority to impose administrative fines and other non-criminal penalties and to provide an equitable expeditious, and effective method of enforcing the City's "Traffic Light Safety Act" (No.09-08). The City's "Traffic Light Safety" project/program has progressed to a point which now requires the distribution of a "Request for Qualifications" (RFQ) for "Hearing Officer Services."

Work will be awarded which may include any or all of the above services, or services not specifically mentioned, but directly related to the specific discipline. The Hearing Officer shall have the same status, powers, and duties as prescribed in Chapter 162, Part I, Florida Statutes, as amended.

The contract term of the Hearing Officer shall be for five (5) years, from the date of appointment, unless terminated earlier by the City for misfeasance, malfeasance, or nonfeasance in office. The City of Palatka or the appointed Hearing Officer may terminate the contract, with

or without cause, by giving sixty (60) days written notice. The contract may be renewed for two (2) additional one (1) year periods.

The anticipated project will involve the hearing of cases specific to violations of the City of "Palatka Traffic Light Safety Act" Ordinance. The hearings will be scheduled for a specific day and time within each month of the year and the anticipated project hours should not exceed five (5) hours per month.

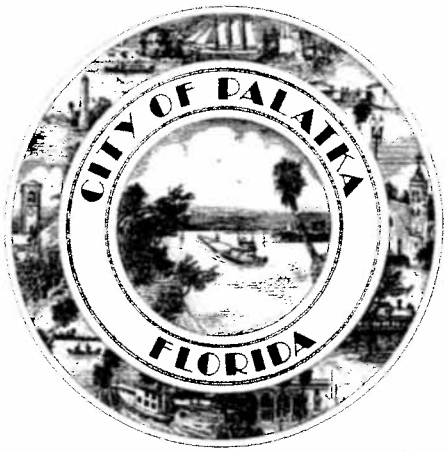
The Hearing officer is authorized to impose fines not to exceed $150.00 per violation, and may also impose additional fines and fees to cover all the costs incurred by the City in the enforcement of the ordinance pursuant to Part I of Chapter 162 of the Florida Statutes, as amended. The Hearing Officer shall have jurisdiction and authority to hear and decide alleged violations of the "Traffic Light Safety" Ordinance of the City of Palatka. An aggrieved party, including the City may appeal a final administrative order of the Hearing Officer to the Circuit Court, pursuant to Section 162.11 of the Florida Statutes, as amended. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Hearing Officer. An appeal shall be filed within thirty (30) days of the Rendition of the Order to be appealed.

RECOMMENDATION(S):

1) Consent Agenda - Approve and authorize distribution Request for Qualifications for "Hearing Officer Services."

ATTACHMENTS:

- City of Palatka Request for Qualifications – "Hearing Officer Services"



REQUEST FOR QUALIFICATIONS (RFQ)

FOR

HEARING OFFICER SERVICES

Issue date: June 3, 2009

Qualifications Due to City by July 3, 2009; 2:00 pm EST

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PROPOSER'S CERTIFICATION FORM

SWORN STATEMENT
PURSUANT TO SECTION 287.133 (3)(A), FLORIDA STATUTES ON PUBLIC ENTITIES CRIMES

AMERICANS WITH DISABILITIES ACT (ADA) DISABILITY NONDISCRIMINATION STATEMENT

BUSINESS ENTITY AFFIDAVIT (VENDOR / BIDDER DISCLOSURE).

IRS W-9 FORM

ATTACHMENT(s) City of Palatka Ordinance NO.09-08

II. INTRODUCTION

The City of Palatka, Florida (hereinafter "the City") requests qualifications from qualified vendors for a Hearing Officer to hear appeals and render decisions related to ordinance violations administered through the City's Traffic Light Safety program. The City intends to have automated traffic safety cameras (also known as red light photo enforcement equipment) installed at arterial intersections where data has shown a high level of violations and/or a frequency of right-angle collisions likely caused by red light running and at other selected intersections.

III. IMPORTANT DATES/TIME LINES:

A.	Request for Qualifications Issued		6/3/2009
B.	Deadline for submission of Qualifications	2:00 pm (est)	7/3/2009
C.	Qualifications Opened	9:00 am (est)	7/6/2009
D.	Committee Reviews	9:00 am – 5:00 pm	7/14/2009
E.	Interview of Companies		TBA
F.	Recommendations to City Commission for Approval		7/23/2009
G.	Contract Commencement Commission approval	Within three (3) months of	

IV. Other Important Information Pertaining to Submitting qualifications:

A. This above timetable is for the information of submitting companies. Project constraints, including interviews, may cause these dates to change.

B. In no event shall the deadline for submission of the qualifications change, except by written modification from the City.

C. All qualifications received after the posted deadline will be returned, unopened.

D. Original qualification, and three (3) copies, must be submitted in a sealed envelope or box clearly marked with the RFP Title **"Hearing Officer Services."** Telegraphic or email qualifications will not be accepted.

E. Qualifications received after the closing time and date, for any reason whatsoever, will not be considered. Any disputes regarding timely receipt of qualifications shall be decided in the favor of the City of Palatka. Proposers shall assume full responsibility for timely delivery at the location designated for receipt of qualifications. The City of Palatka cannot be responsible for qualifications received after opening time and encourages early submittal. Qualifications received by the City after the time specified for receipt will not be considered.

F. All information required by the Request for Qualification must be supplied to constitute a regular qualification.

G. Qualifications should be addressed as follows for mail or hand delivery:

"Hearing Officer Services Qualifications"

C/O Gary S. Getchell
Chief of Police
City of Palatka Police Department
110 N. 11th Street
Palatka, FL 32177

V. PROJECT BACKGROUND

Overall, the goals of the City's Traffic Light Safety Program are to reduce the number of fatalities and serious injuries that result from traffic collisions at City intersections, to improve the safety of motorists and pedestrians at locations where cameras are in place, and to improve overall motorist and pedestrian safety and awareness citywide through a coordinated outreach and education effort.

The City proposes the following goals to achieve these policy objectives:

- Reduce the total number of crashes at selected intersections by at least 10% over five years.
- Reduce instances of right-angle collisions at selected intersections by at least 10%, over 5 years.

Some of the worst traffic crashes - those involving so-called "T-Bone" or right-angle collisions at high rates of speed are the result of red light running. National studies have shown that these crashes involve more serious injury and deaths than other kinds of accidents at signalized intersections.

The strategic placement of automated cameras at intersections to record red light running violations has been shown to reduce the frequency of violations and the corresponding injuries. Accordingly, the Palatka City Commission has expressed support for moving forward with a program to address the problem of red light running in the city and are working toward the adoption of an enabling ordinance (the " City Ordinance") which will allow use of the City's existing Code Enforcement system for this Red Light Camera Enforcement program.

To achieve these goals, the City will work with American Traffic Solutions (ATS) to deploy a turnkey program for automated red light enforcement. And, as a matter of law, the City must afford violators with the ability to appeal enforcement actions

The City of Palatka has passed a city ordinance which authorizes Red Light Camera enforcement through code enforcement.

VI. SCOPE OF SERVICES:

The intent of the City of Palatka is to promote, protect, and improve the safety and welfare of the citizens by appointing a **Hearing Officer** with the authority to impose administrative fines and other non-criminal penalties and to provide an equitable expeditious, and effective method of enforcing the City's "Traffic Light Safety Act" (ordinance attached). Work will be awarded which may include any or all of the above services, or services not specifically mentioned, but directly related to the specific discipline. The Hearing Officer shall have the same status, powers, and duties as prescribed in Chapter 162, Part I, Florida Statutes, as amended.

The contract term of the Hearing Officer shall be for five (5) years, from the date of appointment, unless terminated earlier by the City for misfeasance, malfeasance, or nonfeasance in office. The City of Palatka or the appointed Hearing Officer may terminate the contract, with or without cause, by giving sixty (60) days written notice. The contract may be renewed for two (2) additional one (1) year periods.

The anticipated project will involve the hearing of cases specific to violations of the City of "Palatka Traffic Light Safety Act" Ordinance. The hearings will be scheduled for a specific day and time within each month of the year and the anticipated project hours should not exceed five (5) hours per month.

The Hearing officer is authorized to impose fines not to exceed $150.00 per violation, and may also impose additional fines and fees to cover all the costs incurred by the City in the enforcement of the ordinance pursuant to Part I of Chapter 162 of the Florida Statutes, as amended. The Hearing Officer shall have jurisdiction and authority to hear and decide alleged violations of the "Traffic Light Safety" Ordinance of the City of Palatka. An aggrieved party, including the City may appeal a final administrative order of the Hearing Officer to the Circuit Court, pursuant to Section 162.11 of the Florida Statutes, as amended. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Hearing Officer. An appeal shall be filed within thirty (30) days of the Rendition of the Order to be appealed.

VII. REQUEST FOR QUALIFICATIONS – "Hearing Officer Services"

TO: All interested business firms, corporations, partnerships, or individuals dealing in "Hearing Officer Services."

The Request for Qualifications is to hire a qualified attorney for the position of Hearing Officer, to impose administrative fines to enforce City of Palatka ordinance No. 09-08, "City of Palatka Traffic Light Safety Act" (ordinance attached).

VIII. SUBMISSION OF QUALIFICATIONS

A. Incurred Expenses:
The City is not responsible for any expenses which proposers may incur preparing and submitting qualifications called for in this Request for Qualifications.

B. Qualification Format
In order to insure a uniform review process and to obtain the maximum degree of comparability, it is required that the qualifications be organized in the manner specified. All qualifications must follow the same format. No exceptions to this format will be accepted. To be accepted for evaluation, the qualification format must address all required components in order. The intention of the required format is to simplify the qualification preparation and evaluation process and to ensure that all qualifications receive the same orderly review.

The RFQ must be submitted on 8 ½ x 11" paper, numbered, typewritten, with headings, sections and sub-sections identified appropriately.

C. Required Submittals

1. **Letter of Transmittal**:
This letter will summarize in a brief and concise manner, the respondent's understanding of the scope of work and make a positive commitment to perform the work in a timely manner. The letter should name all of the persons authorized to make representations for the respondent, including the titles, addresses, telephone numbers, and email addresses of such persons. An authorized agent of the respondent must sign the letter of transmittal indicating the agent's title or authority.

2. **Sections**

a) Section 1:

(1) Title Page

Show the name of the company, address, telephone number, name of contact person, date, and the subject: "Hearing Officer Services."

(2) Table of Contents
Include a clear identification of the material by section and by page number

b) Section 2: Profile & General Company Information
Provide a resume to include, but not limited to, the following information:

(1) Name of business or partnership

(2) Mailing address & phone number(s)

(3) Business hours

(4) Names of persons to be contacted for information or services if different from name of person in charge

(5) a brief background statement

(6) types of services offered

(7) number of years in active practice of law

(8) State if business is local, national, or international and indicate the business legal status (corporation, partnership, etc.).

(9) Give the date business was organized and/or incorporated, and where.

(10) Indicate whether the business is a parent or subsidiary in a group of firms/agencies.

(11) State if the business is licensed, permitted and/or certified to do business in the State of Florida and attach copies of all such licenses issued to the business entity.

(12) Vendors must disclose if vendor's firm is or has been subject to any criminal investigation or pending civil litigation. Please include a statement of the circumstances surrounding the matter and, if known, the outcome of the investigations, charges or law suit.

c) **Section 3: <u>Related Experience and References</u>**
Include up to five (5) relevant projects, include a one or two page description that demonstrates capabilities of the Hearing Officer services, experience with similar counties and/or local project experience within the past three (3) years. Include the name of the organization and the name of the person to contact for a reference.

d) **Section 5: <u>Schedule and Availability</u>**
Describe current work schedule and availability to perform the required services and willingness to travel to the City of Palatka to conduct hearings.

e) **Section 6: <u>Administrative Information</u>**
Please provide the following:

(1) proof of active Florida Bar membership
(2) qualifications required to perform Hearing Officer services.

f) **Section 7: <u>Schedule of Fees and Cost</u>**
The intent of this qualification is to enter into an agreement with a firm that can provide the services and products as specified

herein. A firm fixed price proposal shall be submitted. Pricing for additional services, as requested in the Request for Qualification, shall be provided. Provide a list of all fees and costs that may be charged to the City of Palatka in the performance of the duties as it relates to Hearing Officer Services.

g) **Section 6: <u>Additional Information</u>**
At your discretion, include any additional information to support your qualification. However, choose the additional information carefully, because this section of the qualification should not constitute the bulk of your submission.

h) **Section 7: <u>Proof of Insurance</u>:**
Upon award the successful bidder(s) shall be required to obtain and furnish to the City of Palatka, prior to the contract being effective, Certificates of Insurance approved by the City with the below minimum coverage. All insurance policies shall be with insurers with an acceptable rating, registered, and licensed to do business in the State of Florida.

The selected firm or individual will be required to name the City as an additional named insured with the following minimum coverage's.

Workers Compensation shall be maintained by the selected firm or individual for all employees engaged in the work under the Bid, RFQ or RFP in accordance with the Laws of the State of Florida. Employers Liability Insurance shall be maintained by the selected firm or individual at limits no less than the following:

$100,000 Each Accident
$100,000 Disease Each Employee
$500,000 Disease Aggregate

Comprehensive General Liability Insurance shall be maintained by the selected firm or individual with limits not less than the following.

$1,000,000 Bodily Injury & Property Damage-each occurrence
$1,000,000 Personal & Advertising Injury-each Occurrence
$2,000,000 General Aggregate
$2,000,000 Products/Completed Operations Aggregated limit
$ 5,000 Medical Payment
$ 100,000 Fire Damage Legal Liability

Coverage shall include Professional Liability and Independent Contractors Liability.

Automobile Liability Insurance shall be maintained by the selected firm or individual with a combined single limit of not less than $1,000,000 Bodily Injury and Property Damage in accordance with the Laws of the State of Florida, as to the ownership, maintenance, and use of all owned, non-owned, leased or hired Vehicles.

All insurance minimum coverage's extend to any subcontractor, and the general contractor is responsible for all sub-contractors.

All policies are to be endorsed to include the City as insured. In the cancellation clause, the word endeavor shall be excluded and the number thirty (30) inserted in the blank space provided before the words, days-prior notice. All contractor policies are to be considered primary to City coverage and shall not contain co-insurance provisions.

i) **Section 8: <u>Required Forms</u>**
Please provide the signed required forms in this section.

(1) Proposer's Certification.

(2) Sworn Statement regarding Public Entities Crimes (PEC).

(3) Americans with Disabilities Act Non-Discrimination Statement (ADA).

(4) Business Entity Affidavit and Proposer's Certification Form must be completed and submitted with qualification.

(5) Drug free workplace certification.

(6) W-9 Form/

IX. <u>EVALUATION PROCEDURES FOR REVIEW OF QUALIFICATIONS</u>

A. Sealed qualification responses will be publicly opened and read aloud in the Palatka Police Department conference room, 110 N. 11th Street, Palatka Florida 32177 at 9;00 am on July 6, 2009 or as soon thereafter as possible. All firms responding to this request will be notified in writing as to the final outcome of this process. It is anticipated that notifications will be mailed within three (3) weeks of the contract being awarded.

B. The City of Palatka reserves the right to accept or reject any or all qualifications without recourse, to waive technicalities or to accept the qualification. A Committee shall be established to review and evaluate all qualifications submitted in response to this Request for Qualifications (RFQ). The Committee shall conduct a preliminary

evaluation of all qualifications on the basis of the information provided and other evaluation criteria as set forth in this Request for Qualifications or as reasonably determined by the Committee.

C. The Committee will first review each qualification for compliance with the minimum qualifications and mandatory requirements of the RFP. Failure to comply with any mandatory requirements may disqualify a qualification.

D. **Interviews:**
The City reserves the right to conduct personal interviews or require presentations prior to selection. The City will not be liable for any costs incurred by the proposer in connection with such interviews/presentations (i.e. travel, accommodations, etc.).

E. **Request for Modification:**
The City reserves the right to request that the proposer modify his qualification to more fully meet the needs of the City.

F. **Qualification Acknowledgment:**
By submitting a qualification, the proposer certifies that he has fully read and understands the qualification method and has full knowledge of the scope, nature, and quality of work to be performed.

G. **Request for Additional Information:**
The proposer shall furnish such additional information as the City of Palatka may reasonably require. This includes information, which indicates financial resources as well as ability to provide the services. The City reserves the right to make investigations of the qualifications of the proposer as it deems appropriate, including but not limited to, a background investigation conducted by the Palatka Police Department.

H. **Acceptance/Rejection/Modification to Qualifications:**
The City reserves the right to negotiate modifications to qualifications that it deems acceptable, reject any and all qualifications, and to waive minor irregularities in the qualifications.

I. **Qualifications Binding:**
All qualifications submitted shall be binding for three hundred sixty-five (365) calendar days following opening.

J. **Alternate Qualifications:**
An alternate qualification is viewed by the City as a qualification describing an approach to accomplishing the requirements of the Request for Qualification which differs from the approach set forth in the solicitation.

An alternate qualification may also be a second qualification submitted by the same proposer which differs in some degree from its basic or prime qualification.

Alternate qualifications may be in the area of technical approach, or other provisions or requirements of the solicitation.

The City will, during the initial evaluation process, consider all alternate qualifications submitted.

K. Addendum or Amendment to Request for Qualification:
If it becomes necessary to revise or amend any part of this Request for Qualification, the Chief of Police will furnish the revision by written Addendum and will place it on the City's website.

L. Economy of Preparation:
Qualifications should be prepared simply and economically, providing a straightforward, concise description of the proposer's ability to fulfill the requirements of the qualification.

M. Proprietary Information:
In accordance with Chapter 119 of the Florida Statutes (Public Records Law) and except as may be provided by other applicable State and Federal Law, all proposers should be aware that Request for Qualifications and the responses are in the public domain. However, the proposers are required to identify specifically any information contained in their qualifications which they consider confidential and/or proprietary and which they believe to be exempt from disclosure, citing specifically the applicable exempting law.

All qualifications received from proposers in response to this Request for Qualification will become the property of the City of Palatka and will not be returned to the proposers. In the event of contract award, all documentation produced as part of the contract will become the exclusive property of the City.

N. Qualification Pricing:
The intent of this qualification is to enter into an agreement with a firm that can provide the services and products as specified herein. A firm fixed price qualification shall be submitted. Pricing for additional services, as requested in the Request for Qualification, shall be provided.

O. Scoring Qualifications
The City of Palatka intends to select a Hearing Officer that demonstrates, in the City's opinion, the highest degree of compliance with the criteria listed below:

❖ Pricing/Cost	0-20 points
❖ Quality of submittal	0-10 points
❖ Professional qualifications	0-20 points
❖ Ability to meet project schedule	0-10 points
❖ Past performance with similar projects	0-20 points
❖ References	0-20 points

Total Possible Score: 100 points

P. The City Police Chief and City Manager reserves the right to conduct pre-award discussion and/or pre-contract negotiations with any or all-responsive and responsible proposers who submit qualifications determined to be reasonably acceptable of being selected for award. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of qualifications and such revisions may be permitted after submission of qualifications and prior to award of a contract. In conducting discussions, there shall be no disclosure of any information derived from qualifications submitted by competing proposers except as may be required by the Florida Public Records Law, Chapter 119, Florida Statutes.

Q. The City reserves the right to reject any and all qualifications and to waive minor irregularities in the qualifications. The City further reserves the right to seek new qualifications when such a procedure is reasonably in the best interest of the City to do so.

R. Protests, appeals and disputes: A contract may not be awarded to a Proposer, unless prior to scheduled award, the committee ranking has posted in the Police Department. 110 N. 11th Street, Palatka, Florida, and City Hall, 201 N. 2nd Street, Palatka, Florida 32177, 72 hours prior to the scheduled award by the City Commission. Protest must be submitted in writing to the Chief of Police no later than five (5) working days prior to the scheduled award by the City Commission. Should the matter not be resolved to the satisfaction of the Proposer, the appeal shall be heard by the City Commission. The Chief of Police shall act as the City's representative, in the issuance and administration of all contracts, and shall issue and receive all documents, notices, and all correspondence. Any documentation not issued by or received by the Chief of Police shall be null and void. All costs accruing from a Request for Qualification or award challenged shall be assumed by the challenger. The decision of the City Commission shall be final and conclusive. Its decision shall be binding on all parties concerned, reviewable by a court of competent jurisdiction in Putnam County in accordance with laws of the State of Florida.

S. Any award made shall be subject to execution of a contract in a form and substance, which is approved by the City Attorney.

X. OTHER GUIDELINES & REQUIREMENTS

A. Public Records:

Upon award recommendation on ten (10) days after closing, submittals became "public records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Proposers must invoke the exemptions to disclosure provided by law in the response to the

State of Qualifications and must identify the data or other materials to be protected and must state the reasons why such exclusion from public disclosure is necessary. The submission of a qualification authorizes release of your firm's credit data to the City of Palatka.

B. Prohibition against Contingent Fees:
It shall be unethical for a person to be retained or to retain any company or person, other than a bonafide employee working solely for the consultant, to solicit or secure this agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bonafide employee working solely for the consultant, any fee, commission, percentage, gift or other consideration contingent upon or resulting from award or making of this agreement. For the breach or violation of this provision, the City shall have the right to terminate the agreement at its sole discretion, without liability and to deduct from the agreement price or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration.

C. Accuracy of Qualification Information:
Any proposer which submits in its RFQ to the City any information which is determined to be substantially inaccurate, misleading, exaggerated, or incorrect, shall be disqualified as non-responsive.

D. Licenses:
Proposers, both corporate and individual, must be fully licensed and certified for the type of work to be performed in the State of Florida at the time of submittal of the RFQ. Any licenses or fees required shall be the responsibility of the proposer.

E. Affirmation:
By submission of a RFQ, respondent affirms that his/her submittals is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a RFQ for the same services and is in all respects fair and without collision or fraud. Respondent agrees to abide by all conditions of this request for Qualification and the resulting contract.

F. Advertising:
In submitting an RFQ, a proposer agrees not to use the results there from as a part of any commercial advertising, without the express written approval of the City of Palatka.

G. Acceptance/Rejection:
The City reserves the right to accept or reject any or all RFQ's and to make the award to these proposers, which in the opinion of the City will be in the best interest/or the most advantageous to the City.

XI. QUESTIONS REGARDING SPECIFICATIONS OR QUALIFICATION PROCESS:

A. Any questions relative to interpretation of specifications or the qualification process shall be addressed to the City Police Chief, in writing, in ample time before the period set for the receipt and opening of qualifications. No inquiries, submitted within ten (10) days of the date set for receipt of qualifications will be given any consideration. Any interpretation made to prospective proposers will be expressed in the form of an addendum to the specifications which, if issued, will be conveyed in writing to all prospective proposers (who have registered with the City for this RFQ) no later than five (5) days before the date set for receipt of qualifications.

B. It will be the responsibility of the proposer to contact the Police Chief's Office prior to submitting a qualification to ascertain if any addenda have been issued, to obtain all such addenda, and to return executed addenda with the qualification.

C. Direct inquiries to:

Gary S. Getchell
Chief of Police
City of Palatka Police Department
110 N. 11th Street
Palatka, Florida 32177
Telephone (386) 329-0110

XII. Other Matters:

A. Force Majeure:

The Agreement which is awarded to the successful proposer may provide that the performance of any act by the City or Contractor hereunder may be delayed or suspended at any time while, but only so long as, either party is hindered in or prevented from performance by acts of God, the elements, war, rebellion, strikes, lockouts or any cause beyond the reasonable control of such party, provided however, the City shall have the right to provide substitute service from third parties or City forces and in such event the City shall withhold payment due Contractor for such period of time. If the condition of force majeure exceeds a period of 14 days the City may, at its option and discretion, cancel or renegotiate this Agreement.

B. Collusion:

By offering a submission pursuant to this Invitation to Bid, the Bidder certifies the Bidder has not divulged discussed or compared his Bid with other Bidders and has not colluded with any other bidder or parties to this Bid whatsoever. Also, the Bidder certifies, and in the case of a joint bid, each party thereto certifies, that his/her own organization's bid and prices and/or cost data submitted have been arrived at independently, without consultation, communication or

agreement for the purpose of restricting competition, as to any matter relating to such prices and/or cost data, with any other Bidder or with any competitor.

Any prices and/or cost data quoted for this Bid have not knowingly been disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to the scheduled opening, directly or indirectly to any other Bidder or to any competitor.

No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a Bid for the purpose of restricting competition.

The only person or persons interested in this Bid, principal or principals is/are named therein and that no person other than therein mentioned has any interest in this bid or in the contract to be entered into.

No person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee excepting bona fide employees of the Bidder.

C. City Website:

Bids, addenda, bid tabulations, lists of pre-bid conferences attendees and other information is available on City of Palatka web page, which can be found at:

http://www.co.putnam.fl.us/palatka/.

Note: All prospective respondents are hereby cautioned not to contact any member of the City of Palatka Commission, City of Palatka Staff or Officials other than the specified contact person concerning this project. Any such contact shall be cause for rejection of your RFP.

Contact: Gary Getchell
Chief of Police
Phone (386) 329-0110

PROPOSER'S CERTIFICATION

I have carefully examined the Request for Qualification, Instructions to Bidders, General and/or Special Conditions, Vendor's Notes, Specifications, proposed agreement and any other documents accompanying or made a part of this Request for Qualification.

I hereby propose to furnish the goods or services specified in the Request for Qualification. I agree that my qualification will remain firm for a period of 365 days in order to allow the City adequate time to evaluate the qualifications.

I certify that all information contained in this qualification is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this qualification on behalf of the firm as its act and deed and that the firm is ready, willing and able to perform if awarded the contract.

I further certify, under oath, that this qualification is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a qualification for the same product or service; no officer, employee or agent of the City of Palatka or any other proposer is interested in said qualification; and that the undersigned executed this Proposer's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity , and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

_____
Name of Business

BY:

Sworn to and subscribed before me
this _____ day of _____, 20___

_____
Signature

_____
Name and Title, Typed or Printed

_____
Mailing Address

_____
Notary Public

_____
City, State, Zip Code

STATE OF _____

(_____)_____
Telephone Number

_____
My Commission Expires

SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a),

FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the CITY OF PALATKA, FLORIDA

by: _____

(print individual's name and title)

for: _____

(print name of entity submitting sworn statement)

whose business address is:_____

and (if applicable) its Federal Employer Identification Number (FEIN) is:_____.

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____-_____-_____.)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentations.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:

    a. predecessor or successor of a person convicted of a public entity crime; or

    b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners. Shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement, which I have marked below, is true in relations to the entity submitting this sworn statement. (Indicate which statement applies).

   ☐ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with ad convicted of a public entity crime subsequent to July 1, 1989.

   ☐ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

   ☐ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

_____
Name of Business

BY:

Sworn to and subscribed before me

this _____ day of _____, 20___

_____
Signature

_____
Name and Title, Typed or Printed

_____ _____
Mailing Address Notary Public

_____ STATE OF_____
City, State, Zip Code

(_____)_____ _____
Telephone Number My Commission Expires

AMERICANS WITH DISABILITIES ACT (ADA)
DISABILITY NONDISCRIMINATION STATEMENT

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the CITY OF PALATKA, FLORIDA

by: _____
(print individual's name and title)

for: _____
(print name of entity submitting sworn statement)

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____.

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____-_____-_____.)

I, being duly first sworn state:

That the above named firm, corporation or organization is in compliance with and agreed to continue to comply with, and assure that any subcontractor, or third party contractor under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

The American with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat 327, 42 USC 1210112213 and 47 USC Sections 225 and 661 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

The Florida Americans with Disabilities Accessibility Implementation Act of 1993, Section 553.501-553.513, Florida Statutes:

The Rehabilitation Act of 1973, 229 USC Section 794;
The Federal Transit Act, as amended 49 USC Section 1612;
The Fair Housing Act as amended 42 USC Section 3601-3631.

_____
Signature

Sworn to and subscribed before me this _____ day of _____, 20_____.

Personally known _____ OR Produced identification _____

Notary Public – State of _____

_____ My commission expires: _____
Type of identification

_____
Printed, typed or stamped
commissioned name of notary public

BUSINESS ENTITY AFFIDAVIT
(VENDOR / BIDDER DISCLOSURE)

I, _____, being first duly sworn state:

The full legal name and business address of the person(s) or entity contracting or transacting business with the City of Palatka ("City") are (Post Office addresses are not acceptable), as follows:

_____
Federal Employer Identification Number (If none, Social Security Number)

_____
Name of Entity, Individual, Partners or Corporation

_____
Doing Business As (If same as above, leave blank)

_____
Street Address Suite City State Zip Code

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contact or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who holds directly or indirectly five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full legal name and address shall be provided for each trustee and each beneficiary. All such names and addresses are (Post Office addresses are not acceptable), as follows:

   Full Legal Name Address Ownership

_____%

_____
%

_____
%

_____
%

2. The full legal names and business address of any other individual (other than subcontractors, materialmen, suppliers, laborers, or lenders) who have, or will have, any interest (legal, equitable, beneficial or otherwise) in the contract or business transaction with the City are (Post Office addresses are not acceptable), as follows:

_____

_____

_____

Signature of Affiant

Date

Print Name

Sworn to and subscribed before me this
_____ day of _____, 20_____.
Personally known _____OR
Produced identification _____
Type of Identification_____

Notary Public – State of _____
My commission expires:_____

Printed, typed or stamped
commissioned name of notary public

Form **W-9**
(Rev. October 2007)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See **Specific Instructions** on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ .....
☐ Other (see instructions) ▶

☐ Exempt payee

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

or

Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here **Signature of U.S. person** ▶ **Date** ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.

2. The treaty article addressing the income.

3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

4. The type and amount of income that qualifies for the exemption from tax.

5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,

2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). Check the "Limited liability company" box only and enter the appropriate code for the tax classification ("D" for disregarded entity, "C" for corporation, "P" for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line.

For an LLC classified as a partnership or a corporation, enter the LLC's name on the "Name" line and any business, trade, or DBA name on the "Business name" line.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),

2. The United States or any of its agencies or instrumentalities,

3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,

4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or

5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,

7. A foreign central bank of issue,

8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,

9. A futures commission merchant registered with the Commodity Futures Trading Commission,

10. A real estate investment trust,

11. An entity registered at all times during the tax year under the Investment Company Act of 1940,

12. A common trust fund operated by a bank under section 584(a),

13. A financial institution,

14. A middleman known in the investment community as a nominee or custodian, or

15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over $600 required to be reported and direct sales over $5,000[1]	Generally, exempt payees 1 through 7[2]

[1] See Form 1099-MISC, Miscellaneous Income, and its instructions.

[2] However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at *www.ssa.gov*. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at *www.irs.gov/businesses* and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting *www.irs.gov* or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: *A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.*

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see *Exempt Payee* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account [1]
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor [2]
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee [1]
b. So-called trust account that is not a legal or valid trust under state law	The actual owner [1]
5. Sole proprietorship or disregarded entity owned by an individual	The owner [3]
For this type of account:	**Give name and EIN of:**
6. Disregarded entity not owned by an individual	The owner
7. A valid trust, estate, or pension trust	Legal entity [4]
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

[1] List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

[2] Circle the minor's name and furnish the minor's SSN.

[3] You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

[4] List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

Call the IRS at 1-800-829-1040 if you think your identity has been used inappropriately for tax purposes.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to *phishing@irs.gov*. You may also report misuse of the IRS name, logo, or other IRS personal property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: *spam@uce.gov* or contact them at *www.consumer.gov/idtheft* or 1-877-IDTHEFT(438-4338).

Visit the IRS website at *www.irs.gov* to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

ORDINANCE NO. 09 - 08

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, BY CREATING A NEW ARTICLE IV, ENTITLED "THE CITY OF PALATKA TRAFFIC LIGHT SAFETY ACT"; AND NEW SECTIONS 82-87 THROUGH 82-102; PROVIDING FOR INTENT AND DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF UNMANNED CAMERAS/MONITORING DEVICES FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Palatka is located in a high density traffic area and regularly experiences traffic incidents related to the failure of motorists to obey duly erected traffic control devices, exposing its citizens to the dangers of personal injury and property damage; and

WHEREAS, the City Commission of the City of Palatka is concerned with the inability to sufficiently enforce the State statutes prohibiting running of red lights, due mainly to the requirement that enforcement of the State law requires the personal observation of police officers, affecting the ability to effectively reduce the significant dangers presented to motorists and pedestrians by the failure to stop for a red light; and

WHEREAS, the use of unmanned cameras to enforce toll violations on the State's system of toll roads has been determined to be fair, reasonable and sufficient by the State in order to effectively enforce laws regulating the payment of tolls without the need to commit the extreme amount of personnel that would be necessary without the use of unmanned cameras; and

WHEREAS, similarly, the use of unmanned cameras will be effective in enforcing laws requiring drivers of motor vehicles to stop for red lights and will have the effect of freeing law enforcement personnel to respond to other, and sometimes more significant, incidents as well as serious crime; and

WHEREAS, local governments in different parts of the State and Nation have demonstrated the enhancement of vehicular and pedestrian traffic safety attributable to the integration of automated image capture technologies with traditional traffic law enforcement methodology; and

WHEREAS, Section 316.008, Florida Statutes, grants municipalities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, the authority to regulate and monitor traffic by means of law enforcement officers and security devices; and

WHEREAS, the City of Palatka is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact an ordinance making the failure to stop for a red light indication a code violation, and to provide for enforcement of such violations; and

WHEREAS, Opinion 05-41 of the Attorney General of the State of Florida, dated July 12, 2005, issued to Samuel S. Goren, City Attorney for the City of Pembroke Pines, confirms the authority of the City to enact an ordinance making the failure to stop at a red light indication a code violation, to use unmanned cameras to monitor intersections in the City for such code violations, and to record the license tag numbers of vehicles involved in such violations; and

WHEREAS, the Attorney General has opined that the cities may not issue traffic citations under the State law to drivers for violations observed by the use of unmanned cameras and not otherwise observed by law enforcement officers; and

WHEREAS, in order to be consistent with State law and the referenced Attorney General Opinion, the City will issue the uniform traffic citation prescribed by Chapter 316, Florida Statutes, and will not prosecute offenses of this Ordinance through the County Court, but, rather, through the City's code enforcement program, procedures and processes; and

WHEREAS, the City Commission of the City of Palatka finds it to be fair and reasonable to use the same procedure used by the State to enforce toll violations through unmanned cameras, and to provide alleged violators with the opportunity to have a hearing within the City using the City's code enforcement procedures, program, and processes; and

WHEREAS, the City Commission of the City of Palatka finds that implementation of the enforcement program as set forth in this Ordinance will promote, protect and improve the health, safety and welfare of its citizens, consistent with the authority of and limitations on the City pursuant to the Constitution of the State of Florida and the Florida Statutes.

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

Section 1. Recitals Adopted. That the recitals set forth above are hereby adopted and confirmed.

Section 2. That Chapter 82 of the Code of Ordinances of the City of Palatka is hereby amended by adopting a new Article IV, Section 82-87 through Section 82-102 to read as follows:

Article III – The City of Palatka Traffic Light Safety Act

Sec. 82-87. Intent.

The purpose of this article is to authorize the use of an unmanned cameras/monitoring system to promote compliance with red light signal directives a proscribed by this article, and to adopt a civil enforcement system for red light signal violations. This article will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with other routine statutory traffic enforcement techniques.

Sec. 82-88. Use of Image Capture Technologies.

The City shall utilize image capture technologies as a supplemental means of monitoring compliance with the State laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall not supersede, infringe, curtail or impinge upon State laws related to red light signal violations or conflict with such laws. The City shall utilize image capture technologies as an ancillary deterrent to traffic control and traffic signal violations and to thereby reduce accidents and injuries associated with such violations. Notices of infractions issued pursuant to this article shall be addressed using ~~the City's code~~ a City enforcement process and not uniform traffic citations or County Courts.

Sec. 82-89. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Hearing officer means a person whom the City Commission authorizes to conduct appeals or other administrative hearings. Hearing officers must be members of

The Florida Bar in good standing and have adequate experience or knowledge in the area of the matters over which they will preside and make recommendations, determinations, decisions, or findings of facts and conclusions of law, or any combination thereof. Hearing officers shall be selected through the request for proposal process in a manner authorized by the City Attorney consistent with the City's purchasing procedures.

Intersection means the area embraced within the prolongation or connection of the lateral curb line; or, if none, then the lateral boundary lines, of the roadways of two roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

Motor vehicle means the meaning set forth in the definition in Section 316.003(21), Florida Statutes, or its successor provision.

Notice of infraction means a citation issued for a red zone infraction.

Owner means the person or entity identified by the Florida Department of Highway Safety and Motor Vehicles, or other State Vehicle Registration Office, as the registered owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six months or more.

Recorded images means images recorded by a traffic control signal monitoring system/device:

(1) On:

Two or more photographs, or

Two or more electronic images; or

Two or more digital images, or

Digital or video movies; or

Any other medium that can display a violation; and

(2) Showing the rear of a motor vehicle and on at least one image, clearly identifying the license plate number of the vehicle.

Red zone infraction means a traffic offense whereby a traffic control signal monitoring system established that a motor vehicle entered an intersection controlled by a duly erected traffic control device at a time when the traffic control signal for such motor vehicle's direction of travel was emitting a steady red signal.

Traffic Control Infraction review Officer. The city police department employee designated, pursuant to Sec. 82-93 herein, to review recorded images and issue red zone infractions based upon those images.

Traffic control signal means a device exhibiting different colored lights or colored lighted arrows, successively, one at a time, or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in Section 316.075, Florida Statutes.

Traffic control signal monitoring system/device means an electronic system consisting of one or more vehicle sensors, working in conjunction with a traffic control signal, still cameras and video recording device, to capture and produce recorded images of motor vehicles entering an intersection against a steady red light signal indication.

Sec. 82-90. Adherence to Red Light Traffic Control Signals.

Motor vehicle traffic facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown on the traffic control signal; however, the driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the

intersection in obedience of a steady red traffic control signal, may make a right turn (unless such turn is otherwise prohibited by posted sign or other traffic control device) but shall yield right-of-way to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.

Sec. 82-91. Violation.

A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with the requirements of Sec. 82-90 shall be enforced pursuant to Sec. 82-93.

Sec. 82-92. Ninety Day notice; introductory period.

The Police Chief shall notify the City Manager when the red light camera system is operating correctly at the initial location established. For the ninety days following said notification, unless the driver of a vehicle received a citation from a police officer at the time of a red zone infraction in accordance with routine traffic enforcement techniques, the vehicle owner shall receive a warning in the form of a courtesy notice of the violation. Commencing ninety-one days after the above referenced notification, the vehicle owner is subject to the enforcement provisions as provided herein and no warning shall be given pursuant to this article.

Sec. 82-93. Review of Recorded Images.

(a) The owner of the vehicle, which is observed by recorded images committing a red zone infraction, shall be issued a notice of violation (hereinafter also known as a "notice"). The recorded image shall be sufficient grounds to issue a notice.

(b) The City's Chief of Police shall designate a Traffic Control Infraction Review Officer, who shall be a police officer of the City or who shall meet the qualifications set forth in F.S. § 316.640(5)(A), or any other relevant statute. The Traffic Control Infraction Review Officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the Traffic Control Infraction Review Officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.

Sec. 82-94. Notice of Violation.

(a) The notice of violation/infraction shall include at a minimum.
(1) The name and address of the owner;
(2) The license plate number and registration number of the motor vehicle;
(3) The make, model, and year of the motor vehicle;
(4) Notice that the violation charged is pursuant to this article;
(5) The location of the intersection where the violation occurred;
(6) The date and time of the red zone infraction;
(7) Notice that the recorded images relating to the vehicle and a statement that the recorded images are evidence of a red zone infraction;
(8) The civil penalty imposed;
(9) Images depicting violation;
(10) The procedures for payment of the civil penalty and contesting the notice of infraction;
(11) A signed statement by the Traffic Control Infraction Officer that, based on inspection of recorded images, the vehicle was involved in a red zone infraction;
(12) Information advising the person alleged to be liable under this section, the manner and time in which liability as alleged in the notice of infraction may be appealed and warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability.
(b) The City Manager shall have authority to promulgate the form described herein.

Sec. 82-95. Vehicle owner responsibilities.

(a) An owner receiving a notice of infraction may, within 21 days of the notice of infraction:

(1) Pay the assessed civil penalty pursuant to instructions on the notice of infraction; or
(2) Request an appeal pursuant to section 82-97.
(b) The failure to comply with the provisions of this section within 21 days from the date of the notice of infraction shall constitute a waiver of the right to contest the notice of infraction and will be considered an admission of liability.

Sec. 82-96. Appeal to Hearing Officer.

(a) The City's Hearing Officer shall consider appeals under **this section that are filed** within 21 days of the date of the notice of infraction. The owner may file an appeal with the City pursuant to the directions in the notice of infraction. A hearing on the appeal shall be scheduled for all appeals.

(b) Upon receipt of the appeal, the City shall schedule a hearing before the Hearing Officer to occur not later than 60 days after City's receipt of the appeal request. A notice of hearing shall be provided to the owner no less than ten days prior to the hearing, and shall be delivered via certified U.S. mail to the same address to which the notice of infraction was sent. The Hearing Officer shall issue a written order either granting or denying the appeal.

(c) The following shall be permissible grounds for an appeal:

(1) At the time of the infraction, the vehicle was not under the care, custody, or control of the owner or an individual with owner's consent, established pursuant to affidavit as provided in section 82-97.

(2) The motor vehicle driver was issued a citation by a Law Enforcement Officer, which was separate and distinct from the citation issued under this section, for violating the steady red traffic control signal;

(3) The motor vehicle driver was required to violate the steady red traffic control signal in order to comply with other governing laws;

(4) The motor vehicle driver was required to violate the steady red traffic control signal in order to reasonably protect the property or person of another;

(5) The steady red traffic control signal was inoperable or malfunctioning; or

(6) Any other reason the Hearing Officer deems appropriate.

(d) The Traffic Control Infraction Review Officer shall testify at the appeal. The owner, or his or her representative, may also present testimony and evidence.

(e) Recorded images indicating a red zone infraction, verified by the traffic Control Infraction Review Officer, are admissible in any proceeding before the Hearing Officer to enforce the provisions of this article, and shall constitute prima facie evidence of the violation.

(f) Unless an affidavit is provided pursuant to section 82-97, it is presumed the person registered as the owner with the Florida Department of Highway Safety and Motor Vehicles or any other State Vehicle Registration Office, or an individual having the owner's consent, was operating the vehicle at the time of a red zone infraction.

Sec. 82-97. Vehicle Owner affidavit of non-responsibility.

(a) In order for the owner to establish that the motor vehicle was, at the time of the red zone infraction, in the care, custody, or control of another person without the consent of the owner, the owner is required to complete an affidavit setting forth the circumstances demonstrating that the motor vehicle was not in the owner's care, custody or control, or that of a person with owner's consent. The affidavit must be executed in the presence of a notary, and include at a minimum:

(1) If known to the owner, the name, address, and the driver license number of the person who leased, rented or otherwise had care, custody, or control of the motor vehicle at the time of the alleged red zone infraction; or

(2) If the motor vehicle was stolen, the police report indicating the motor vehicle was stolen at the time of the alleged red zone infraction.

(3) The following language immediately above the signature line: "Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true."

(b) The owner may present an affidavit pursuant to this section, as a defense in any proceeding before the Hearing Officer.

Sec. 82-98. Penalties.

(a) A violation of this article shall be deemed a non-criminal, non-moving violation for which a civil penalty in the amount of $150.00 shall be assessed.

(b) As the violation relates to this article and not the Florida Statutes and no points as provided in Section 322.27, Florida Statutes, shall be recorded on the driving record of the vehicle owner or responsible party.

Sec. 82-99. Administrative charges.

In addition to the assessment pursuant to section 82-99, administrative charges in the amount of the City's actual costs shall be assessed in the event of an unsuccessful appeal or the necessity to institute collection procedures.

Sec. 82-101. Collection of fines.

The City Manager may establish procedures and processes for the collection of any penalty or charge imposed or assessed under the provisions of this article and may enforce such penalty by civil action in the nature of debt.

Sec. 82-102. Exceptions.

(a) This article shall not apply to red zone infractions involving motor vehicle collisions or to any authorized emergency vehicle responding to a bona fide emergency.

(b) A notice of infraction may be issued in any case where the operator of the motor vehicle was issued a citation for violating State law regarding the failure to stop at a red light indication.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Palatka; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 12th day of March, 2009.

CITY OF PALATKA

By: Kathy N. Flagg
Its Mayor

ATTEST:

Betty J. Driggers
City Clerk

Agenda Item

3h

Surplus Property Request

City of Palatka

Memo

To: City Commission

From: Karen Venables, Asst. City Clerk

Department: Clerk's Office

CC: Betsy Driggers, City Clerk
Ruby Williams, Finance Director

Date: May 19, 2009

Re: Surplus Property Request

Please declare the following property surplus:

	Item/Description	Quantity	Inventory Control No.
1.	Scoreboard (not functional)	1	Park's Dept.
2.	1985 Hann, E-One Ladder & Box Hann Chassis Hale Pump-2000 GPM 2 Stage - 37,445 miles Motor #8VF097168	1	Fire Dept. VIN#HCCT211785 GVWR-56000
3.	1994 Chevy Pick-up w/Utility Body, 2 wheel drive	1	Streets Dept. VIN#1GBGC24K3R305879 Property#06331
4.	1999 Dodge Truck		W&S Dept. VIN#3B7KC26Z6XM585658 Property#8720
5.			
6.			
7.			
8.			
9.			
10.			

Recommended Disposition:

DESCRIPTION TRUCK

NAME, MAKE, OR MANUFACTURER DODGE

YEAR AND MODEL 1999 CITY PROPERTY # 8720

TITLE CERTIFICATE # VIN-~~SERIAL~~ # 3B7KC26Z6XM585658

PURCHASE ORDER # 259 COST $ 21,001

DEPARTMENT ASSIGNED WS DATE PURCHASED 9/7/99

LIABILITY INSURANCE YES( ) NO( ) EFFECTIVE DATE

INVENTORY RECORD

Date	Condition	Initials	Date	Condition	Initials
9/7/99	New	dmf			

DISPOSITION OF PROPERTY DATE

City of Palatka
Property Record

Item Description: Truck

Name, Make and/or Manufacturer: Chevy Pick-Up W Utility Body 2wheel DR

Year and Model: 1994 City Property #: 06331

Title Certificate #: VIN ~~Serial #~~: 1GBGC24K3R305879

Projected Life: Cost:

Department Assigned: Streets Purchase Date: 1994

THIS ITEM IS: ____ CONTENT OF BUILDING ____ MISC EQUIPMENT

FOR CITY HALL USE ONLY: LIABILITY INSURANCE ____YES ____NO
EFFECTIVE DATE OF INSURANCE: ___/___/____

INVENTORY RECORD

Date	Condition	Initals	Date	Condition	Initals
5/21/09	Fair	E.C.			

DISPOSITION OF PROPERTY:

DATE OF DISPOSITION:

Karen Venables

From: Mike Lambert
Sent: Tuesday, May 19, 2009 1:04 PM
To: Karen Venables
Subject: Surplus

Karen,

Im not sure if there is a form that needs to be filled out, but here is the information for the Snorkle truck to be added to the surplus list.

Palatka Fire Department Snorkle Truck
1985 Hann, E-One Ladder and Box
Hann Chassis
Hale Pump- 2000 GPM 2 Stage
Motor #8VF097168
VIN # HCCT211785 GVWR-56000
37,445 Miles

Please let me know if you need any additional information.

Chief Lambert

CITY OF PALATKA
Karen M. Venables
Assistant City Clerk
201 N. 2nd Street
Palatka, FL 32177
Phone: 386-329-0100 ext. 231
Fax: 386-329-0106
kvenables@palatka-fl.gov

Memorandum

To: **All City Departments**

From: **Karen M. Venables**
Assistant City Clerk

Date: **May 12, 2009**

Re: **Surplus Property**

The Parks Department is recommending the surplus of the scoreboard located at Fred Green Park.

If you have any items you would like added to the list of surplus items please have your list to me by May 26, 2009.

If you have any questions please call Betsy Driggers or Karen Venables.

Thank you.

INTEROFFICE MEMORANDUM

TO: ELWIN C. "WOODY" BOYNTON/CITY MANAGER

FROM: JEFF NORTON

SUBJECT: SCOREBOARD SURPLUS

DATE: 5/5/2009

CC: BETSY DRIGGERS/CITY CLERK

The Parks Department is recommending the surplus of the scoreboard <*pictured below> located at Fred Green Park .

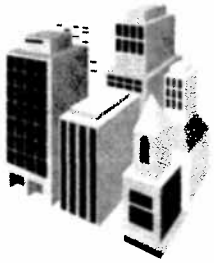
The scoreboard is not functional and is not in the best of interest to have standing at the park due its' appearance.

The Parks department is currently looking for sponsors for a new scoreboard for future events.

If you have any questions you may contact me at office.

Agenda Item

3i



CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0106
e-mail: betsy@mail.qbso.net

Memorandum

To: Commission & Staff

From: Betsy Driggers, City Clerk

Date: 5/22/2009

Re: Library Board Appointment

Per City Commission policy, the City advertised that the Commission was seeking applicants for open and/or term expiration positions on the Putnam County Library Board. This opportunity was advertised in the Palatka Daily News and on the website. The incumbent, Theodore Haengel, has reapplied for appointment. This is for appointment to a three-year term to expire June, 2012. This is an at-large position. Mr. Haengel is the only applicant and incumbent.

Policy calls for applicants' interviews at the commission meeting prior to appointment. **As Mr. Haengel is the sole applicant and incumbent member, Staff requests that the Commission waive the 2nd meeting requirement and recommend to the County the appointment of Mr. Theodore Haengel Haengel to its Library Board to represent the Palatka City Commission for a three year term to expire June, 2012.**

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

CITY OF PALATKA

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

ELWIN C. "WOODY" BOYNTON, II
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

CITY OF PALATKA
BOARD REAPPOINTMENT REQUEST

I wish to apply for reappointment to the Library **Board.**
I understand that I will continue to serve in a volunteer capacity on this advisory board.

MEMBER: Theodore Haengel **# of years' prior service:** 2
Residence (911 Address) 521 Kirby Street **Phone:** 386-326-1328
Business Name & Address **Fax:**
Phone:
Fax:

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 521 Kirby Street, Palatka, FL 32177

E-mail: sleistack@bellsouth.net **Daytime Phone:** 386-326-1328

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

Theodore H [illegible] 5-17-09

SIGNATURE OF APPLICANT **DATE**

Chairman/Director:: *Please return this form,* ***together with a copy of this member's attendance record,*** *to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.*

CHAIRMAN/DIRECTOR'S COMMENTS (if any)_____

_____

_____

_____

Chairman's/Director's Signature _____

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

AMES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

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

ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
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GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

CITY OF PALATKA
BOARD REAPPOINTMENT REQUEST

I wish to apply for reappointment to the Ted Hargrove **Board.**
I understand that I will continue to serve in a volunteer capacity on this advisory board.

MEMBER: _____ **# of years' prior service:** _____
Residence **Phone:** _____
(911 Address) _____ **Fax:** _____
Business Name **Phone:** _____
& Address _____ **Fax:** _____
(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)
Preferred Mailing Address: _____

E-mail: _____ **Daytime Phone:** _____

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

_____
SIGNATURE OF APPLICANT **DATE**

Chairman/Director:: *Please return this form,* ***together with a copy of this member's attendance record,*** *to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.*

CHAIRMAN/DIRECTOR'S COMMENTS (if any) _____

Ted has been an excellent member of the board.

His attendance has been supportive

Chairman's/Director's Signature _____

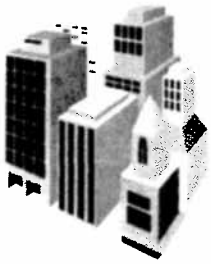
201 N. 2ND STREET • PALATKA, FLORIDA 32177
www.cityofpalatka.com

PHONE: (386) 329-0100

FAX: (386) 329-0106

Agenda Item

3j



CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0106
e-mail: betsy@mail.qbso.net

Memorandum

To: City Commission

CC: Jim Lee, Planning Director

From: Betsy Driggers, City Clerk

Date: 5/22/2009

Re: Palatka Historic Preservation Board Appointments

Per City Commission policy, the City advertised that the Commission was seeking applicants for open and/or term expiration positions on the Palatka Historic Preservation Board. Those positions are (1) member with contractor experience and (2) Putnam County Historical Society Representative. These are for term expirations.

Mark B. Miles, member with contractor experience, and Larry Beaton, Putnam County Historical Society Representative, both incumbents, have applied for reappointment to this Board. They are the sole applicants.

Policy calls for applicants' interviews at the commission meeting prior to appointments. **Since Mr. Miles and Lt. Beaton are the sole applicants for these positions, it is Staff's recommendation to waive the 2nd meeting requirement and reappoint Mr. Miles as member with contractor experience and Lt. Beaton as Putnam Co. Historical Society Representative to the Palatka Historic Preservation Board for three-year terms, to expire June, 2012.**

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

MES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

CITY OF PALATKA

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

ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
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RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

CITY OF PALATKA
BOARD REAPPOINTMENT REQUEST

I wish to apply for reappointment to the Historic Preservation Board **Board.**
I understand that I will continue to serve in a volunteer capacity on this advisory board.

MEMBER: Laurence "Larry" F. Beaton **# of years' prior service:** 6

Residence (911 Address) 627 Crill Avenue, Palatka **Phone:** 386-328-1655 **Fax:**

Business Name & Address Putnam County Sheriff's Office **Phone:** 329-0811 **Fax:** 329-0893

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 627 Crill Avenue, Palatka, FL 32177-5139

E-mail: LBeaton@putnamsheriff.org **Daytime Phone:** 329-0811

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

Laurence F. Beaton — MAY 7, 2009

SIGNATURE OF APPLICANT **DATE**

Chairman/Director:: *Please return this form,* ***together with a copy of this member's attendance record,*** *to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.*

CHAIRMAN/DIRECTOR'S COMMENTS (if any)_____

_____

_____

_____

Chairman's/Director's Signature _____

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

MES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

CITY OF PALATKA

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ELWIN C. "WOODY" BOYNTON, JR.
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GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

CITY OF PALATKA
BOARD REAPPOINTMENT REQUEST

I wish to apply for reappointment to the Historic Preservation Board **Board.**
I understand that I will continue to serve in a volunteer capacity on this advisory board.

MEMBER: Mark B. Miles **# of years' prior service:** 1
Residence (911 Address) 414 River St, Palatka **Phone:** 561 722 7195
Business Name & Address Wellington Remodeling Inc 3132 Fortune Way # D-31 Wellington **Phone:** 561 795 3330 **Fax:** 561 795 3416

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 3132 Fortune Way, Suite D-31, Wellington FL 33414

E-mail: M6039@AOL.com **Daytime Phone:** 561 722 7195

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

SIGNATURE OF APPLICANT 5/7/09 **DATE**

Chairman/Director:: *Please return this form,* ***together with a copy of this member's attendance record,*** *to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.*

CHAIRMAN/DIRECTOR'S COMMENTS (if any)_____

_____

_____

_____

Chairman's/Director's Signature _____

ATTENDANCE RECORD

HISTORIC PRESERVATION BOARD-2009												
NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Larry Beaton	√	X	N	X	X							
Lynda Crabill	X	X	O	X	X							
Robbie Correa	X	X		X	X							
Vacant Position			M									
Lynn Braddy	√	X	E	√	X							
Robert Goodwin	X	√	E	X	X							
Mark Miles		√	T	X	X							
Vicki Mast	√	√	I	X	√							
Jim Lee Planning Director			N									
X=Present √= Not present			G									

Karen M. Venables, Asst. City Clerk
City of Palatka
201 N. 2nd Street
Palatka, Florida 32177
386-329-0100 // Fax 386-329-0106
e-mail: kvenables@palatka-fl.gov

Fax Transmittal

To:	Palatka Daily News	**Fax:**	e-mail round
From:	Karen Venables, Asst. City Clerk	**Date:**	May 5, 2009
Re:	Historic Preservation Board	**Pages:**	1

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

FOR IMMEDIATE RELEASE:

The City of Palatka is now accepting applications for appointment to its Historic Preservation Board for (1) member with a legal background, (1) Putnam County Historical Society Member Representative and (1) member with building contractor experience. These members are appointed by the Palatka City Commission. Applications will be accepted until the positions are filled. Applicants who reside within the corporate limits of the City of Palatka will be given preference.

The purpose of this Board is to preserve and enhance the character of the historic districts. Historic Preservation Board Members serve three-year terms and meet at City Hall on the 1st Thursday of each month at 4:00 p.m. Members enforce and have jurisdiction over certain provisions of the Palatka Municipal Code, which relate to issuing certificates of appropriateness on construction and/or renovations, and monitoring for compliance with building codes. A complete description of this Board's mission and duties is available at City Hall.

Applications can be picked up at Palatka City Hall, 201 N. 2nd Street, Palatka. For more information, please contact Betsy Driggers, City Hall, at 386-329-0100, or Jim Lee, Building & Zoning, at 386-329-0103.

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

LEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA

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

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CITY MANAGER

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RUBY M. WILLIAMS
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GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

May 5, 2009

Mr. Jim Lee, Planning Director
205 N. 2nd Street
Palatka FL 32177

Dear Jim:

The following Palatka Historic Preservation Board Members' terms will expire in June, 2009:

Larry F. Beaton (Member Putnam County Historical Society)
Mark Miles (Contractor)

The City Commission requests that the Board Chairman or Director have these members complete the enclosed Appointment Renewal Form indicating their continued interest in serving in this capacity. Please return these forms to City Hall by Wednesday, June 3, 2009, along with attendance records for these members, so that the Commission can consider their reappointment to another three-year term to expire June, 2012.

These reappointments will be on the City Commission agenda for consideration on June 11, 2009 at 6:00 p.m. at Palatka City Hall. **The Commission requests that these members be present for interview.**

Sincerely,

Karen M Venables

Karen M. Venables
Assistant City Clerk

cc: City Commission
Larry F. Beaton
Mark Miles

Agenda Item

3k

CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0106
e-mail: betsy@mail.qbso.net

Memorandum

To: City Commission

From: Betsy Driggers, City Clerk

Date: 5/21/2009

Re: Palatka Historic Preservation Board Appointments

Per City Commission policy, the City has been advertising that the Commission was seeking an applicant for a member with experience as an attorney due to a position vacancy.

One application has been received from Mr. Tom Pelikan. Mr. Pelikan has the desired experience, is a city resident and otherwise meets all criteria for appointment to this position. He understands the attendance requirements and responsibilities associated with this appointment. His application is attached.

As Mr. Pelikan is the sole applicant **staff recommends the appointment of Tom Pelikan as member with experience as an attorney to the Palatka Historic Preservation Board for the remainder of a three-year term to expire June, 2011.**

Tom Pelikan, Executive Director
Putnam Land Conservancy
P.O. Box 8, Palatka, FL 32178
(386) 336-5400
hrhpelikani@gmail.com
www.putnamlandconservancy.org

MAY 12 2009

BY

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the Historic Preservation **Board.**
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: Tom Pelikan

Residence (911 Address) 6875 Moody Rd., Apt. 18E, Palatka, FL 32177 **(Must be at least 18 yrs. old)** **Phone:** 386-326-3560 **Fax:**

Business Name & Address Putnam Land Conservancy, P.O. Box 8, Palatka, FL 32178 **Phone:** 386-336-5400 **Fax:**

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: Home

E-mail: hrhpelikani@gmail.com **Daytime Phone:** 386-336-5400

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

I serve as Executive Director of the Putnam Land Conservancy. I've been a professional conservationist since 2000. Before that, I practiced law in Pennsylvania from 1977-2000. I've served on Boards of Directors and local commissions. I'm also a member of the Putnam County Historical Society. While I'm a relatively new resident of Palatka, I'd like to get involved and help preserve its history.

OTHER COMMENTS OR INFORMATION: Government Boards and

AGREEMENT: by filing this document, I agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections within thirty (30) days of my appointment, and each year thereafter, covering my term of appointment.

Tom Pelikan
SIGNATURE OF APPLICANT

5/12/2009
DATE

Applicants will be interviewed by the Palatka City Commission during regular public meetings.

Karen M. Venables, Asst. City Clerk
City of Palatka
201 N. 2nd Street
Palatka, Florida 32177
386-329-0100 // Fax 386-329-0106
e-mail: kvenables@palatka-fl.gov

Fax Transmittal

To:	Palatka Daily News	**Fax:**	e-mail round
From:	Karen Venables, Asst. City Clerk	**Date:**	May 5, 2009
Re:	Historic Preservation Board	**Pages:**	1

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

FOR IMMEDIATE RELEASE:

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Applications can be picked up at Palatka City Hall, 201 N. 2nd Street, Palatka. For more information, please contact Betsy Driggers, City Hall, at 386-329-0100, or Jim Lee, Building & Zoning, at 386-329-0103.

Agenda Item

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Agenda Item

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KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

GRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
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FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

May 21, 2009

The Honorable Charlie Crist
Governor, State of Florida
PL05 Capitol
400 S. Monroe Street
Tallahassee FL 32399-0001

Dear Governor Crist:

As authorized by the City of Palatka City Commission, **I write this letter to strongly urge you to exercise your constitutional authority to not allow SB216 to become law.** SB216 prohibits a local government or any person on the local government's behalf from spending public money to advocate for the passage or defeat of any issue, referendum or amendment going to a public vote. A local government would be prevented from taking an advocacy position on a multitude of issues, including local option sales taxes or bond referenda to provide essential infrastructure or community services, or proposed constitutional amendments. This is an intrusion by State government into local matters that are best left at the local level.

This bill is broad, vague and ambiguous, and is a disaster in the making for local governments, local officials, citizen volunteers and public employees; it is clearly not well thought-out and difficult to interpret. This bill will expose both elected and non-elected public officers, employees and volunteers to civil and criminal penalties and will in effect serve to prevent one from taking an official position on matters that directly affect the quality of life of constituents and/or local citizens. It could likely result in public officials and employees being subject to criminal investigations or inquisitions, with penalties and fines, just for venturing an opinion.

According to the Senate Bill Analysis and Fiscal Impact Statement, dated April 20, 2009, potential constitutional issues were identified. In addition, the Florida Supreme Court has upheld the use of public funds by local government to advocate with respect to a local referendum (see People Against Tax Revenue Mismanagement vs Leon County, 583 So.2d 1373 – Fla 1991). Furthermore, while the bill expressly provides that it does not prevent an *elected* official from expressing an opinion, because to do so would be a violation of his/her First Amendment rights, it does not allow public employees/volunteers to express an opinion. While it puts public employees in jeopardy, it does not extend these restrictions to State officials and employees.

This bill is improper, overbroad, inequitable and very likely unconstitutional. We respectfully request your veto of SB216. Your attention and consideration of this matter is greatly appreciated.

Sincerely,

PALATKA CITY COMMISSION

Karl N. Flagg, Mayor

CC: Michael Sittig, Executive Director
Florida League of Cities, Inc.

201 N. 2ND STREET • PALATKA, FLORIDA 32177
PHONE: (386) 329-0100
www.cityofpalatka.com
FAX: (386) 329-0106

FLORIDA LEAGUE OF CITIES, INC.
301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.flcities.com

May 13, 2009

The Honorable Charlie Crist
Governor, State of Florida
PL 05 Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

Dear Governor Crist:

On behalf of Florida's 410 municipalities, I respectfully request that you exercise your constitutional authority to not allow SB 216 to become law.

SB 216 prohibits a local government, or any person on the local government's behalf, from spending public money to advocate for the passage or defeat of any issue, referendum, or amendment going to a public vote. Under the bill, a local government would be prohibited from taking an advocacy position on a multitude of issues, including but not limited to: local option sales taxes or bond referenda to provide essential infrastructure or community services (roads, parks, schools, sewers, courthouses, jails, health care, etc.); land use and comprehensive planning activities (local or state "hometown democracy" proposals); or proposed constitutional amendments. The bill is a substantial intrusion by state government into local matters that are best resolved locally by the local electorate. The bill will expose both elected and non-elected public officers and public employees to civil and criminal penalties, and thus operate as a gag that prevents them from taking a position on matters that directly affect the quality of life of their constituents. The bill is fundamentally flawed in principle and application, and is very likely unconstitutional. Because the bill is so broad, vague and ambiguous, it will likely result in local public officials and employees being subjected to criminal investigations or Florida Elections Commission proceedings, with criminal penalties and civil fines, because the local official simply ventured an opinion or advocated for what he or she believes is best for the community and its citizens.

SB 216 is full of so many land mines for local governments and local government officials, citizen volunteers and local public employees that it is a clear recipe for disaster.

President **Carmine Priore**, Vice Mayor, Wellington
First Vice President **John Marks**, Mayor, Tallahassee • Second Vice President **Joy Cooper**, Mayor, Hallandale Beach
Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

Land Mine 1: Understanding the Bill

SB 216 amends the Florida Elections Code by creating section 106.113, Florida Statutes. The bill defines "local government" as a county, municipality, school district or other political subdivision in the state, along with any entity, such as a board, commission, or authority, of a county, municipality, school district, or other political subdivision. This definition is broad enough to include citizen advisory boards and other "volunteer" boards such as local planning agencies, code enforcement boards, and economic development boards. "Public funds" is defined as all monies under the jurisdiction or control of the local government.

The bill prohibits a local government or a person acting on behalf of a local government from expending or authorizing the expenditure of, and a person or group from accepting, public funds for a "political advertisement" or "electioneering communication" concerning an issue, referendum, or amendment that is subject to a vote of the electors. The bill specifically states that no public funds may be expended regarding any "state question," such as a proposed amendment to the Florida Constitution. The Florida Elections Code defines a "political advertisement" and an "electioneering communication."

A "political advertisement" means a paid expression in any communications media, such as radio, television, newspaper, magazine, campaign literature, direct mail, or otherwise, other than the spoken word in direct conversation, which expressly advocates the approval or rejection of an issue. Section 106.011(17), Florida Statutes. Therefore, by definition, "political advertisement" means a communication other than a direct verbal conversation, which expressly advocates a position, whether in support or opposition. "Electioneering communication" means a paid expression in any communications media by means other than the spoken word in direct conversation, which contains a clear reference indicating that an issue is to be voted on at an election, without expressly advocating for the passage or defeat of the issue. Section 106.011(18), Florida Statutes. By definition, an "electioneering communication" means a paid communication other than a direct verbal conversation, which does not expressly advocate for the passage or defeat of an issue. Both "political advertisement" and "electioneering communication" have narrowly drawn exceptions.

The bill continues by creating several unclear exceptions. It states that the prohibition on using public funds does not apply to an electioneering communication from a local government or a person acting on behalf of a local government that is limited to factual information. Thus, the bill appears to provide that public funds may be used to provide

an expression in any communications media as long as the information is factual in nature, and does not advocate for the passage or defeat of the issue. The question whether information is "factual" appears to be left to the state attorney or the Elections Commission. One need only consider the typical local referenda issues to understand how nuanced the phrase "factual information" might be in application. For example, is a statement that a proposed penny sales tax increase for roadway improvements will "improve the quality of life in County A" factual or not? Or that a penny sales tax increase for green space acquisition will "help protect the environment"? Or that a bond issue to build a new jail will "protect public safety"? What about a statement that a proposed constitutional amendment on "Hometown Democracy" will "cost taxpayers money"? Or that a county charter amendment proposing to cap property taxes will bring "tax relief"? What if statements made prior to an election turn out to be wrong after the election for unforeseen circumstances? Will public officials and employees be vulnerable to "after-the-fact" challenges when things don't go as planned?

To complicate matters even further, the bill provides that the prohibition on using public funds for a political advertisement or electioneering communication, except an electioneering communication limited to factual information, does not preclude an elected official of a local government from expressing an opinion on any issue at any time. This provision of the bill appears to say that an elected local government official may express his or her opinion on any issue coming before the voters, whether in support of or opposition to the issue; however, absolutely no public funds can be used by the locally elected official in the preparation or presentation of that opinion. For example, public funds are used for the operation of all activities of city hall. In addition, almost all city elected officials are paid "part-time" but serve around the clock. Who decides which opinions are given on "city (i.e., public) time" and which are not? The Elections Commission? Moreover, a city elected official could not use a computer at city hall, a copy machine at city hall, a telephone at city hall, or any other service at city hall, or potentially drive a city vehicle to the local chamber of commerce luncheon, if the official writes a factual speech on an issue and at the end of the speech gives his or her opinion to vote for or against the matter. Once the official does one or more of the above and then says, "I think this is a good/bad idea and you should vote for/against it," a violation occurs. Public employees could not even use a public computer at the public library on their own time to write a letter to the editor on a pending issue. The bill's fine slicing of hairs with ambiguous, overlapping, and conflicting standards creates huge pitfalls for local officials and employees, with the prospect of facing the state attorney or the Elections Commission. Anyone with a vendetta against any public official or employee, elected or not, could use the vague provisions of this legislation to wreak havoc. The

threat of facing the state attorney or Elections Commission on seemingly innocuous actions will have a profound gag effect on all public officials and employees.

Land Mine 2: Alleged Violations of the Bill

Because the bill creates section 106.113, Florida Statutes, any alleged violations of provisions of the bill fall under the general investigation and penalty provisions on campaign financing in Chapter 106, Florida Statutes. In pertinent part, section 106.19, Florida Statutes, provides that any person who knowingly and willfully makes or authorizes any expenditure prohibited by Chapter 106, Florida Statutes, is guilty of a misdemeanor of the first degree. A misdemeanor is a criminal offense and is enforced by the state attorney in criminal court. Additionally, the person is subject to a civil penalty equal to three times the amount involved in the prohibited expenditure. Therefore, if a local government, including the local government's elected officials and employees, or any person or group acting on behalf of the local government, uses any public funds, directly or indirectly, to support or oppose any issue presented to the citizens for a vote will be guilty of a first-degree misdemeanor and subject to a civil penalty. Is it really fair to subject a public school teacher to such a penalty if she uses a school computer to send an email to a colleague urging him to vote against a proposed penny tax increase for education funding because she thinks the money "won't really make its way to the classroom?"

Chapter 106, Florida Statutes, also creates the Florida Elections Commission, which is within the Department of Legal Affairs, Office of the Attorney General. The Commission has jurisdiction to investigate and determine violations of any provision of Chapter 106, Florida Statutes. The Commission must investigate all alleged violations of Chapter 106, Florida Statutes, when any person or the Division of Elections files a sworn complaint. Within five days of receipt of a sworn complaint, the Commission must transmit a copy of the complaint to the alleged violator. If the Commission's staff finds that a complaint is legally sufficient, the alleged violator is notified, which sets forth the process for a violation determination. Unless the complaint is withdrawn, the matter moves to a probable cause investigation and hearing. The complaint and probable cause determination process essentially requires an alleged violator (local government, local elected official, or local government employee) to hire an attorney. If the alleged violation occurs in the performance of the officer or employee's official duties, then taxpayer dollars are used to defend the official or employee. The probable cause determination, and associated hearing, is the conclusion of the preliminary investigation.

If the Commission determines that there is probable cause that a violation of Chapter 106, Florida Statutes, has occurred, the Commission may order a final, public hearing on the complaint. If probable cause is found, the Commission may attempt to enter into a consent agreement, make a preliminary determination to consider the matter, or refer the matter to the appropriate state attorney. The next step in the process is for the Commission to hold either a formal or informal hearing, or for there to be a formal administrative hearing before an administrative law judge.

Complaints filed with the Commission, investigation and investigative reports, and other papers of the Commission with respect to an alleged violation, and the proceedings of the Commission, are exempt from public records requests. However, a complainant is not bound by the confidentiality provisions applicable to the Commission. Therefore, a complainant, once a sworn complaint is filed, may go to the media or anywhere else describing the alleged violation made by a local government, local elected official, or local government employee.

If the Commission finds that a violation of Chapter 106, Florida Statutes, has occurred, the Commission may impose a civil penalty fine not to exceed $1,000 per count, under section 106.265, Florida Statutes. In determining the amount of civil penalties, the Commission must consider various mitigating or aggravating circumstances. The Commission may also bring civil actions in court for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided in Chapter 106.

Local governments, local elected officials and local government employees will be required to navigate the ambiguous, overlapping and conflicting standards in the bill relating to issues having potentially significant impacts in their community. Any slip from these ambiguous, overlapping and conflicting standards will land that local government or person squarely before a state attorney or the Elections Commission, subject to the processes and procedures outlined above. It is highly questionable if the Legislature was fully aware of the enormous process it was placing onto local governments, local elected officials, and local government employees with the passage of a 3-paragraph bill. Thus, even if the policy behind the bill was appropriate, the provisions are so muddy and conflicting that it will inflict harm far beyond its intended scope.

Land Mine 3: Is SB 216 Constitutional?

The Senate Bill Analysis and Fiscal Impact Statement for SB 216, dated April 20, 2009, identifies potential constitutional issues with the bill. The Analysis notes that in Broward Coalition of Condominiums, Homeowners Associations and Community Organizations, Inc. v. Browning 2008WL 4878917 (N.D. Fla. 2008), the court enjoined, completely and without exception, the enforcement of all Chapter 106, Florida Statutes, regulations of issue-only electioneering ads. The court held:

> The [U.S.] Supreme Court's explanation of the functional equivalent of express advocacy does not allow for "express advocacy made about ballot issues." The Supreme Court's guidance on the functional equivalent of express advocacy is confined to communication that advocates for a candidate. **Therefore, to the extent that a communication only addresses a ballot issue and does not, through the ballot issue, advocate a listener, reader, or hearer to vote for a particular candidate, then that communication is issue advocacy and it constitutes protected political speech that cannot be regulated.** (Emphasis added)

As noted in the Analysis, this case is currently on appeal to the Federal 11th Circuit Court of Appeals.

The Florida Supreme Court has upheld the use of public funds by local government to advocate with respect to a local referendum. In People Against Tax Revenue Mismanagement, Inc. v. County of Leon, 583 So. 2d 1373 (Fla. 1991), Leon County voters passed an optional sales tax in a local referendum. After the referendum passed, plaintiffs argued that the sales tax election was invalid because local governmental agencies used public funds and public resources to mount an informational campaign supporting the referendum. Plaintiffs described the agencies' actions as "violat[ing] the 'neutral forum' of the election." In response, the Florida Supreme Court held:

> Such a position [requiring local governments to provide only a "neutral forum" on issue elections], however, is tantamount to saying that governmental officials may never use their offices to express an opinion about the best interests of the community simply because the matter is open to debate. A rule to that effect would render government feckless. One duty of a democratic government is to lead people to make informed choices through fair persuasion.
>
> ... [L]ocal governments are not bound to keep silent in the face of a controversial vote that will have profound consequences for the community. Leaders have both a duty and a right to say which course of action they think best, and to make fair

use of their offices for this purpose. The people elect governmental leaders precisely for this purpose.
Id. at 1375.

Finally, as noted previously, the bill expressly provides that it does not prevent an elected public official from expressing an opinion on any matter at any time. Presumably this was added to address potential First Amendment problems for elected officials. But what about everybody else? The bill says nothing about non-elected public officials or public employees. Thus, the bill appears to preclude those people from expressing an opinion to the extent it would fall within the prohibitions of the bill. Such prohibitions would clearly infringe upon the First Amendment rights of non-elected public officials, employees and volunteers.

SB 216 would take away a recognized right and duty from local public officials and public employees. It is noteworthy that the bill does not extend similar prohibitions to state officials and employees. So, Florida's Secretary of the Department of Community Affairs could use public money to state that the proposed "Hometown Democracy" constitutional amendment is a bad idea, but the mayor of Jacksonville could not. Florida's legislators can continue to advocate in public offices using public equipment on proposed constitutional amendments; Florida's city council members could not. Florida's state employees can use a public computer at a public library to write a op-ed piece on a proposed constitutional amendment; a city firefighter could not.

In conclusion, SB 216 is improper, overbroad, inequitable, and very likely unconstitutional. Therefore, I respectfully request your veto of SB 216. Your attention to this matter is greatly appreciated. If you have any questions or require any additional information, please contact Rebecca O'Hara or Kraig Conn at (850) 222-9684.

In the fight for HOME RULE,

Michael Sittig, Executive Director

cc: FLC Board of Directors
Florida Mayors
Senator Charlie Justice
Representative Janet Long

Agenda Item

3i-2

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

[illegible]GRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA
FLORIDA

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

ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

May 22, 2009

The Honorable Charlie Crist
Governor, State of Florida
PL 05 Capitol
400 S. Monroe Street
Tallahassee FL 32399-0001

Dear Governor Crist:

The Palatka City Commission **hereby requests that you exercise your constitutional authority to veto CS/CS/HB 227.** This bill is an attempt to codify judicial precedent related to impact fees for development, but devolved into a broad change in existing law and policy. This bill was adopted in violation of the mandates provision of the Florida Constitution, s.18, Art. VII, which puts procedure in place to enact a mandate. This provision states the Legislature may not enact, amend or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill is a clear violation of the constitutional rights granted to cities and counties. Even the staff analysis from both the Finance and Tax and Judiciary Committees of the Florida Senate declared that the language contained in the final version of this Bill falls under the mandates provision because it reduces the authority of local governments to impose impact fees. Additionally, and importantly, this bill failed to be approved by the constitutionally required two-thirds majority of the membership of the Senate. The final roll-call on this vote recorded 26 votes cast in the affirmative, and not 27, as is required for passage.

While this fundamental procedural flaw alone would be reason enough to veto this bill, the fact remains that this bill runs contrary to the doctrine of separation of powers, as expressed in both the US and Florida Constitutions. This bill expressly prohibits the judiciary from providing any deference to the legislative decision of the local governing body in a legal challenge to an impact fee. This bill allows and requires the judicial branch to substitute its judgment for that of the legislative branch on legislative decisions, in contrast to centuries of jurisprudence, and allows intrusion by the judiciary into legislative matters. This is not what our system of government was built upon. This loss of legislative discretion will have far-reaching negative impacts on the positive aspect of the local legislative and political process to balance the competing policy interests of various groups. No longer will legislative bodies be able to work to resolve fee issues based upon compromise and in the best interests of all parties involved. In addition, SB360, which establishes Transportation Concurrency Exception Areas of large portions of the State, requires cities and counties to develop strategies to support **and fund** mobility within such areas, and impact fees remain one of the only viable tolls for a city to comply with these requirements. CS/CS/HB 227 will prohibit a city's ability to comply with the provisions of SB360.

Based upon the above, we respectfully request your veto of CS/CS/SB 227. Your attention to this matter and consideration of our request are greatly appreciated.

Sincerely,

PALATKA CITY COMMISSION

Karl N. Flagg, Mayor

Cc: Mike Sittig, Executive Dir., Fla. League of Cities, Inc.

FLORIDA LEAGUE OF CITIES, INC.
301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.flcities.com

May 13, 2009

The Honorable Charlie Crist
Governor, State of Florida
PL 05 Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

VIA HAND DELIVERY

Dear Governor Crist:

On behalf of Florida's 410 municipalities, I respectfully request your veto of CS/CS/HB 227. This bill was an attempt to codify judicial precedent relating to impact fees for development, but devolved into a broad change in existing law and policy. Please refer to the attached legal memorandum for more information on the pretext for this legislation.

CS/CS/HB 227 was adopted in violation of the mandates provision of the Florida Constitution, s. 18, Art. VII. This provision requires the following procedure to enact a mandate:

> (b) Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate; as such authority exists on February 1, 1989.

The staff analysis from both the Finance and Tax and Judiciary Committees of the Florida Senate declared that the language contained in the final version of CS/CS/HB 227 falls under the mandates provision because it reduces the authority of local governments to impose impact fees. CS/CS/HB 227 failed to be approved by the necessary two-thirds majority of the membership of the Senate as required by the constitution. In order to achieve a two-thirds majority in the Senate, a bill must receive twenty-seven votes in the affirmative. The roll call vote on the final passage of CS/CS/HB 227 only recorded twenty-six votes cast in the affirmative. Although close, CS/CS/HB 227 did not receive the necessary votes required by the Florida Constitution.

In addition to this fundamental procedural flaw, this bill runs contrary to the doctrine of separation of powers, as espoused in the U.S. and Florida Constitutions. This bill expressly prohibits the judiciary from providing any deference to the legislative decision of the local governing body in a legal challenge to an impact fee. In short, the bill allows (and even

President **Carmine Priore**, Vice Mayor, Wellington
First Vice President **John Marks**, Mayor, Tallahassee • Second Vice President **Joy Cooper**, Mayor, Hallandale Beach
Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

requires) the judicial branch to substitute its judgment for that of the legislative branch on legislative decisions. This runs afoul of centuries of jurisprudence and it without question allows intrusion by the judiciary into legislative matters. This bill upsets the checks and balances upon which our system of government is based and should be rejected by veto.

Moreover, the loss of legislative discretion in the setting of impact fees will negatively impact the positive aspects of the local legislative and political process, wherein legislative bodies attempt to balance the competing policy interests of various groups. For example, if the local government's impact fee study identifies a fee that some consider too high, but a competing study identifies a fee that some consider too low, often the local legislative body will decide on a fee that is somewhere in between. If such a fee were challenged under the standards set forth in HB 227, a judge would be authorized to completely disregard the policy and political reasons behind the local body's legislative decision to "split the difference".

Finally, the implications of HB 227 on another bill passed in this legislative session, CS/CS/SB 360, cannot be overlooked. CS/CS/SB 360 establishes Transportation Concurrency Exception Areas for large portions of the state. This means that in these areas, local governments may no longer require proportionate share payments from developers to offset the transportation impacts of developments. Nevertheless, SB 360 requires cities and counties to develop strategies to support and fund mobility within such areas. Impact fees remain one of the only viable tools for a city to comply with this new requirement to support and fund mobility within Transportation Concurrency Exception Areas. CS/CS/HB 227 will negatively impact, if not prohibit, a city's ability to comply with SB 360.

Based on the foregoing, I respectfully request your veto of CS/CS/HB 227. I appreciate your consideration of this matter. Please do not hesitate to contact either Rebecca O'Hara or Tim Stanfield at (850) 222-9684 if you have any questions or require additional information.

In the Fight for HOME RULE,

Michael Sittig
Executive Director

Attachment

cc: Senator Mike Haridopolos
Representative Gary Aubuchon
FLC Board of Directors
Florida Mayors

Impact Fees Burden of Proof – HB 227/SB 580
Florida Association of Counties, Inc.
April 28, 2009

Does the Fifth District Court of Appeal's decision in *St. Johns River Water Management District v. Koontz, 2009 WL 47009 (Fla. 5th DCA 2009)* apply to challenges of local government impact fees?

No, *Koontz* may be applicable in the context of defining the constitutional standards for evaluating the lawfulness of more traditional exactions but is wholly inapplicable to local government impact fees. At its most basic level, *Koontz* does NOT involve impact fees.

The water management district informed Mr. Koontz that it would approve his development permit applications only if, among other things, he agreed to perform off-site mitigation involving property a considerable distance from the subject property. Mr. Koontz refused and the district denied the permits. Based on the permit denial, Mr. Koontz filed suit, bringing an inverse condemnation claim and arguing an unconstitutional exaction by the district. The Fifth District Court of Appeal applied a heightened scrutiny examination under *Dolan v. City of Tigard, 512 U.S. 374 (1994) and Nollan v. Calif. Coastal Comm'n, 483 U.S. 825 (1987)*, to the arguable "monetary" exaction conditions of the district. The court concluded that the condition the district "imposed did not involve a physical dedication of land but ... a requirement that Mr. Koontz expend money to improve land belonging to the district." And, it found the distinction between expending money to alter land and the relinquishment of land "legally [in]significant" for purposes of its decision in the case. This one conclusion and a single citation among four in a long string cite to a case from a Utah state court[1] is the closest the Fifth District Court of Appeal gets to impact fees.

The proponents of HB 227 argue in a letter to the General Counsel of the Florida Home Builders Association, that *Koontz* "squarely addressed" the application of the heightened scrutiny tests in *Dolan and Nollan* to impact fees. The *Koontz* decision is a far cry from "significantly cl[airifying]" the law in this regard. The *Koontz* opinion, issued by a panel of three judges, carries a majority opinion, a dissent, and a written concurring opinion. Clearly each one had a different view of the case. In fact, since the filing of HB 227 and even some of the committee meetings on the bill, the judicial panel has certified a question of great public importance to the Supreme Court as follows:

---

[1] The citation is to *Salt Lake County v. Bd. Of Educ. of Granite Sch. Dist., 808 P.2d 1056, 1058 (Utah 1991)* and the Fifth DCA parenthetically notes this case stands for the proposition that "exactions include land dedications or payment of fees as condition for issuance of permit." *See Koontz.*

WHERE A LANDOWNER CONCEDES THAT PERMIT DENIAL DID NOT DEPRIVE HIM OF ALL OR SUBSTANTIALLY ALL ECONOMICALLY VIABLE USE OF THE PROPERTY, DOES ARTICLE X, SECTION 6(a) OF THE FLORIDA CONSTITUTION RECOGNIZE AN EXACTION TAKING UNDER THE HOLDINGS OF *NOLLAN* AND *DOLAN* WHERE, INSTEAD OF A COMPELLED DEDICATION OF REAL PROPERTY TO PUBLIC USE, THE EXACTION IS A CONDITION FOR PERMIT APPRO VAL THAT THE CIRCUIT COURT FINDS UNREASONABLE?

So, even on the result in *Koontz* which did not deal with impact fees, the Fifth District Court of Appeal believes that further judicial clarification is necessary and of great public importance. Not exactly a "significantly clear" statement of whether *Nollan* and *Dolan* apply to impact fees.

The concerns expressed by courts when considering ad hoc land exactions include the leverage of governmental authority associated with case-by-case impositions of development conditions on individual property owners as well as the onerous impact to private property owners when their land is taken. In the case of jurisdiction-wide fee impositions, such as an impact fee, however, the risk of a governmental leverage of authority is minimal, given the protections of the political process involved in adopting such a fee.

For purposes of comparisons, courts across the country have ruled that the heightened scrutiny of *Nollan* and Dolan do NOT apply to impact fees. The clear trend throughout the country is that the heightened scrutiny standard of *Dolan* does <u>not</u> apply in the context of general fee impositions. *See Ehrlich v. City of Culver City, 911 P. 2d 429 (Cal. 1996) (holding that Nollan/Dolan proportionality test applied where ad hoc determinations are made as to an individual applicant but not where legislatively formulated fees are applied to a class of property owners); Town of Flower Mound v. Stafford Estates Ltd, P'ship, 135 S.W. 3d 620 (Tex. 2004) (same); and Benchmark Land Co. v. City of Battle Ground, 14 P. 3d 172 (Wash. Ct. App. 2000) (same).* Other jurisdictions have held that the *Dolan* proportionality test did not apply in the context of <u>any</u> monetary exactions. *See San Remo Hotel L.P. v. City & County of San Francisco, 41 P. 3d 87 (Cal. 2002) (holding that Nollan/Dolan proportionality test did not apply in the context of a monetary exaction); Krupp v. Breckenridge Sanitation Dist., 19 P. 3d 687 (Colo. 2001) (en banc) (same); McCarthy v. City of Leawood, 894 P. 2d 836 (Kan. 1995) (same), and Rogers Machinery, Inc. v. Washington County, 45 P. 3d 966 (Or. Ct. App. 2002) (holding that the Dolan heightened scrutiny test did not apply to a traffic impact fee).*

The following statement, borrowed from the Supreme Court of Ohio, provides guidance with respect to the sort of deference that ought to be accorded by a court in reviewing the constitutionality of an impact fee ordinance that is challenged on methodology grounds:

> The role of a court in reviewing the constitutionality of an impact fee ordinance is not to decide which methodology provides the best results. Given that impact fee ordinances are not subject to precise mathematical formulation, choosing the best methodology is a difficult task that the legislature, not the courts, is better able to accomplish. Rather, a court must only determine whether the methodology used is reasonable based on the evidence presented.

Home Builders Ass'n of Dayton & the Miami Valley v. Beavercreek, 729 N.E. 2d 349, 357 (Ohio 2000). Cf. Krupp v. Breckenridge Sanitation Dist., 19 P. 3d 687, 694 (Colo. 2001) ("Because the setting of rates and fees is a legislative function that involves many questions of judgment and discretion, we will not set aside the methodology chosen by an entity with ratemaking authority unless it is inherently unsound."); Haire v. Florida Dep't of Agric. & Consumer Svcs., 870 So. 2d 774, 786 (Fla. 2004) (discussing, in the context of the appropriate scientific methodology, that the court ought not substitute its judgment for that of the legislature in determining whether a legislative determination is reasonable or rational).

What is the law with respect to challenging impact fees?

The issues related to the imposition of taxes and other revenue sources are legislative in nature. Examples of the legislative decisions include the following: the decision of whether to impose a particular revenue source at all; at what level of need should the revenue source be imposed; who should bear the burden of the revenue source; and are there benefits to be conferred on the payer. As such, the role of the courts is, upon challenge, to review the revenue source in deference to the legislative powers that have been exercised in their enactment. The courts in Florida have defined the proper role of the judiciary in reviewing the legislative determinations of local governments and have consistently concluded as follows:

> [Q]uestions of business policy and judgment incident to . . . revenue issues are beyond the scope of judicial interference and are the responsibility and prerogative of the governing

> body of the governmental unit in the absence of fraud or violation of legal duty.

Town of Medley v. State, 162 So. 2d 257, 258-59 (Fla. 1964); see also Partridge v. St. Lucie County, 539 So. 2d 472 (Fla. 1989); State v. Dade County, 142 So. 2d 79 (Fla. 1962).

Inherent in the power to legislate is the responsibility to make ultimate choices. "Even . . . unpopular decision[s], when made correctly, must be upheld." *City of Winter Springs v. State, 776 So. 2d 255, 261 (Fla. 2001)(upholding a municipality's legislative declarations on a special assessment to be presumptively correct that could not be struck unless the declarations were proven to be arbitrary).* In fact, even when public debate is occurring and there is a disagreement of experts, no legal consequence results because a decision must be made between the experts. *See Rosche v. City of Hollywood, 55 So. 2d 909, 913 (Fla. 1952)("If the evidence as to benefits is conflicting and depends upon the judgment of witnesses, the findings of the City Commission will not be disturbed.").*

While local government legislative decisions with respect to impact fees are entitled to deference, they cannot be upheld absent some showing on the part of the local government. To state it quite simply: a county commission cannot make an elephant into an ant with the mere stroke of a pen. At the other extreme, however, local governments are not required to affirmatively prove, under strict scrutiny, their decisions were correct. The law in Florida is well developed in the area of impact fees and provides guidance as to the appropriate level of scrutiny and burden of proof to be applied.

The dual rational nexus test governs the validity of a local government's impact fee program. *See Hollywood, Inc. v. Broward County, 431 So. 2d 606, 611-12 (Fla. 4th DCA 1983); see also St. Johns County v. N.E. Fla. Builders Assoc., 583 So. 2d 635, 637 (Fla. 1991).*

> [T]he local government must <u>demonstrate</u> a <u>reasonable connection</u>, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must <u>show</u> a <u>reasonable connection</u>, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision.

Hollywood, Inc., 431 So. 2d at 611-612 (emphasis added). "The developer, of course, can attempt to refute the government's showing by offering additional evidence." *Id.*

This dual rational nexus test, without dispute by the parties, is the correct recitation of the standards for impact fees in Florida. The test is not a standard of perfection. In fact, in one of the early impact fee cases in Florida, the Supreme Court commented that "[t]he 'costs of expansion' may sometimes be difficult to identify precisely . . . ; in this matter, too, 'perfection is not the standard of municipal duty.'" *Contractors & Builders Assoc. of Pinellas County v. City of Dunedin, 329 So. 2d 314, 320 (Fla. 1976)(quoting Rutherford v. City of Omaha, 160 N.W.2d 223, 228 (Neb. 1968)); see also, Dolan v. City of Tigard, 512 U.S. 374, 390 (1994)(articulating a "rough proportionality" test for property exactions, stated that "[n]o precise mathematical calculation is required[.]").*

The words chosen by the courts in Florida to articulate the test for valid impact fees illustrate quite clearly the appropriate standard of review and burden of proof: "dual rational nexus" test or the two-part reasonable connection test. The words "rational" and "reasonable," by their very nature indicate that strict scrutiny is not the review standard for valid impact fees. Furthermore, the use of the terms "rational" and "reasonable" shore up the fact that these determinations are legislative in nature – reasonable persons may disagree on the decision but such disagreement does not invalidate the decision made. *See Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469, 474 (Fla. 1993)(noting that the court sustains local government legislative acts so long as they are "fairly debatable").*

Furthermore, the use of the terms "demonstrate" and "showing" in the consistent articulation of the impact fee validity test throughout Florida's jurisprudence on this issue indicates that there is some responsibility on the part of the local government. These words carry affirmative responsibilities but they do not in any way imply perfection in result or require a burden of proof that borders on being the beyond a reasonable doubt standard. Instead, they imply that upon challenge, a local government must "show" or "demonstrate" the reasonable connections and that such a demonstration can be refuted by the challenger. *See Hollywood, Inc. v. Broward County, 431 So. 2d 606, 611-12 (Fla. 4th DCA 1983).*

As to the second prong of the dual rational nexus test, the same standard of review and burden of proof apply. The local government must "demonstrate" or "show" that a reasonable connection exists between the expenditure of the fees collected and the benefits accruing to the new development. *See Hollywood, Inc. v. Broward County, 431 So. 2d 606, 611-612 (Fla. 4th DCA 1983).* Here, two elements must exist: the revenue from the fee must actually benefit the fee-paying land; and the calculation of

the fee must reasonably relate to the benefit conferred (i.e., improvement constructed). As to each element, the local government must again "demonstrate" or "show" its existence. Upon such a demonstration, a plaintiff can then attempt to prove that the conclusions are arbitrary. Only an arbitrariness standard affords the requisite due deference to the legislative calculation of the amount of the fee and recognizes that reasonable persons may disagree as to the calculation. But, so long as the calculation is not arbitrary, it will withstand scrutiny.

This articulation strikes the appropriate balance between a legislative act and the deference to which it is entitled and the right of property owners to be protected from unconstitutional exactions. This standard of review and burden of proof allows debate over whether the need for additional infrastructure is created by a particular new development to take place and for different points of view and pieces of evidence to be presented supporting a particular argument at the local level. But, at the same time the standard recognizes that a decision must be made. That decision will be respected by the courts but it is not beyond judicial scrutiny and response. Finally, the standard is consistent with the traditional rules of civil procedure: the plaintiff must make a prima facie showing to overcome a motion to dismiss; the local government must "show" or "demonstrate" the elements of the dual rational nexus test; and the plaintiff has the obligation to prove that the decisions and/or assumptions underlying the impact fee program are "indisputably unreasonable." Absent such persuasion on the part of the plaintiff, the impact fee will stand.

Agenda Item

3i-3

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

EGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
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CITY OF PALATKA
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CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

May 22, 2009

The Honorable Charlie Crist
Governor, State of Florida
PL 05 Capital
400 S. Monroe Street
Tallahassee FL 32399-0001

Dear Governor Crist:

On behalf of the Palatka City Commission, **I respectfully request that you exercise your constitutional authority to not allow SC/SB 2282 to become law.** This bill prohibits a city from imposing a fee or other reimbursement for any costs incurred for police, fire or other services in response to a motor vehicle accident.

Essentially, this bill prohibits cities from lowering property taxes, because cities like Palatka will be required to subsidize the insurance industry for crash investigation & reports. This bill was drafted and pushed through by the insurance industry to avoid reimbursement of lawful claims for services the industry receives from cities, thereby preserving and/or increasing the industry's bottom-line profit. Due to its location on Highway 17/SR15, much of the high volume of traffic that comes through our City is out-of-town and commercial pass-through traffic, and a majority of the accidents and incidents we investigate and report are for people who are non-residents of Palatka or are out-of-town commercial entities, neither of which pay no property or other taxes to the City of Palatka. If this bill is signed into legislation, our taxpayers will be subsidizing the insurance industry on behalf of those who have no investment or interest in our community.

Under current law, individuals and/or their insurance companies may be required to reimburse cities for policy, fire or other services provided for the expense of response to traffic accidents. Insurance companies typically pay fees associated for crash reports, drawings and other assistance to the industry and policy holder. Accident response fees are a home-rule revenue source based upon local circumstances. By law, those fees cannot exceed the value of services rendered and must be used to pay for the service provided. The City of Palatka wishes to be proactive and protect its citizens, especially in these difficult times. All costs recovered will be of direct benefit to our citizens. It is interesting to note that, while insurance companies will still be required to reimburse for ambulance and haz-mat clean up, with the savings insurance companies will realize from this, there are no plans to reduce premiums to policy holders based on this prohibition.

Based upon our wish to protect our taxpayers from the burden of shouldering these expenses, which cause increases to our taxpayers' property taxes, we respectfully request your veto of CS/SB 2282. Your attention to this matter and consideration of our request are greatly appreciated.

Sincerely,

PALATKA CITY COMMISSION

Karl N. Flagg, Mayor

Cc: Mike Sittig, Executive Dir., Fla. League of Cities, Inc.

201 N. 2ND STREET • PALATKA, FLORIDA 32177
PHONE: (386) 329-0100
www.cityofpalatka.com
FAX: (386) 329-0106

FLORIDA LEAGUE OF CITIES, INC.

301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.flcities.com

May 13, 2009

The Honorable Charlie Crist
Governor, State of Florida
PL 05 Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

Dear Governor Crist:

On behalf of Florida's 410 municipalities, I respectfully request that you exercise your constitutional authority to not allow CS/SB 2282 to become law. This bill prohibits a city from imposing a fee or other reimbursement for any costs incurred for police, fire, or other emergency services in response to a motor vehicle accident.

Boiled down to its essential elements, this bill prohibits cities from lowering property taxes, because cities will be required to subsidize the insurance industry for crash investigations and reports. The bill was drafted and pushed toward passage by the insurance industry to avoid reimbursement of lawful claims for services the insurance industry receives from cities.

Under current law, insurance companies, or individuals if their insurance company refuses, may be required to reimburse cities for police, fire or other emergency services provided for the response to a traffic accident. Insurance companies typically pay these fees because the insurance industry receives crash reports, drawings, and other assistance to the industry and to the policy holder. In accordance with applicable state law and exemptions under the bill, the insurance industry or individual would continue to pay for ambulance transport and clean-up of hazardous materials. However, even though the bill prohibits all other fees, it does not require any mandatory rate relief for automobile insurance policy holders based on the prohibition on reimbursement for services rendered.

Accident response fees, like any fee charged by a city, are a home rule revenue source based upon local circumstances. Under Florida law, fees charged by cities for services cannot exceed the value of the service provided, and fee revenue must be used to pay for the particular service provided.

President **Carmine Priore**, Vice Mayor, Wellington
First Vice President **John Marks,** Mayor, Tallahassee • Second Vice President **Joy Cooper,** Mayor, Hallandale Beach
Executive Director **Michael Sittig** • General Counsel **Harry Morrison, Jr.**

Numerous cities have varying reasons for charging accident response fees. Some cities have a major interstate or state highways passing through their jurisdictions, which generate large volumes of accident response services by non-residents. Other cities experience daily population fluctuations because they serve as employment centers, with a corresponding increase in use of accident response services by non-residents of the city.

With cities seeking to lower property taxes, cities desire to charge various service users for the costs of the services. With service fees, city property taxpayers are not required to fund services provided to others, which frequently includes non-residents of the city. The costs resulting from the negligent actions of a few should not be borne by responsible city property taxpayers. Attached is an illustrative example of just one city's individual circumstances for adopting police and fire services response fees. (City of Longwood Police and Fire Services Response Fees Letter.)

Therefore, based upon numerous cities' desire not to subsidize the insurance industry and to lower property taxes by charging service users for the costs of the services, I respectfully request your veto of CS/SB 2282. Your attention to this matter is greatly appreciated. If you have any questions or require any additional information, please contact Rebecca O'Hara or Kraig Conn at (850) 222-9684.

In the fight for HOME RULE,

Michael Sittig, Executive Director

Attachment

cc: FLC Board of Directors
Florida Mayors
Senator Mike Bennett
Representative Nicholas Thompson

Longwood Police Department

THOMAS S. JACKSON
CHIEF OF POLICE

235 West Church Avenue
Longwood, FL 32750
Phone (407) 260-3400
Fax (407) 332-4780

The City of Longwood has investigated an alternative program to minimize the tax burden of the citizens.

The primary responsibilities of the City's safety services, Police and Fire Departments, are investigating crimes, apprehending criminals and protection of the citizens, who in turn, provide funding for such through municipal tax assessments. However, an inordinate amount of safety services' time and resources are devoted to responding to vehicular crashes, which are basically civil issues. Services rendered at a vehicular crash are outside the scope of basic fire and police protection.

The quick response of safety services personnel saves many lives. Their investigation of the crash scene, interviewing of witnesses, and subsequent detailed reporting directly benefit Insurance Companies...they cannot adjudicate claims without this information. The Insurance Companies extreme profitability relies heavily on the Police and Fire Departments' services. A quick response time also saves Insurance Companies a great deal of money by reducing serious damage, injury and death. It is reasonable and just to ask the Insurance Companies to share in the responsibility of keeping their insured safe.

Statistics indicate that NON-residents cause a significant number of motor vehicle crashes. If a municipality must raise taxes to sustain their safety services levels, all of the tax-paying residents are actually paying for the mistakes of others who do not share in the tax burden.

The city has researched other municipalities who have implemented this program and determined that cited drivers have not experienced rate increases. The State Insurance Commissioner controls rates; therefore, rates cannot be arbitrarily increased. Typically, good drivers have discounted policies; however, if they are cited for causing a vehicular crash, the discount is cancelled, giving the illusion of a rate increase.

The City of Longwood is choosing to be proactive and is implementing programs to protect their citizens in these difficult financial times. The program requires NO OUT OF POCKET EXPENSE TO RESIDENTS, and all costs recovered are a direct benefit to the taxpayers and the Safety Services Departments, thus ensuring continued quick responses.

Annually, the City of Longwood experiences an excess of 1200 traffic crashes. Of that number, approximately 88 to 92 percent are caused by non-resident drivers.

Non-resident drivers who are involved in traffic crashes within the city, and not found to be at-fault for the crash, are not charged with the response fee. Only those at-fault parties who are not city residents or business owners within the city limits are charged a response fee as they have not contributed to the municipal tax base that provides emergency responder services.

In many parts of our state where there is a large influx of visitors that has a significant impact on services, a higher tax in the form of sales tax or tourist tax is imposed. If one were to visit such an area and rent a hotel room, they would be charged an additional tax due to the impact the additional visitors have on the services in that area. Such a tax is present in Orange County, as well as Duval County.

The concept that one's insurance premium is going to be increased simply because an emergency response fee has been imposed has little merit. The response fee, which typically ranges from approximately $290 to $450, is minimal when considering the total scope of the vehicle crash. With most traffic crashes, there is significant vehicle damage which requires costly repair in the range of $2,500 to $8,000 on average. Additionally, there is the issue of rental car usage costs which range from $80 to $200, depending on the time needed to complete the repair. One must also consider the financial impact resulting from injuries stemming from the crash; those medical costs can run into the $100,000's or more. Add to this the reality that there will be a law suit to cover personal injury, and now you have the reasons why the at-fault driver's insurance rates will be increased.

To take all of these facts into consideration and make the statement that an insured's insurance rates are going be increased due to the assessment of an emergency response fee of a couple of hundred dollars is reckless. The insured's rates are going to be affected because they caused a crash, they damaged cars, they injured people, they caused people to lose time at work, and they are being sued for all of the above. Make no mistake, the insurance companies are going to use the same police services and reports that they are balking about paying for in order to defend or prove their cases.

We know in the insurance industry that drivers can pick from a range of insurance coverage which include the minimum limits of liability to million dollar coverage limits. The drivers can choose their deductable; they can also select comprehensive coverage and rental car reimbursement. They can choose to have uninsured driver coverage, and now they can even choose insurance coverage for their pet riding in the car. Yes, all of this additional coverage comes with a price, and that price is called the premium. So for a few dollars more, the insurance industry could charge a fee to cover emergency responder fees for at-fault non-resident drivers.

It is not fair for the city tax payers to shell out additional tax dollars to cover the service demands caused by the irresponsible driving actions of those non-resident drivers not paying taxes.

A cost recovery program for emergency responder fees may not be applicable in an area where traffic crashes are a rare occurrence. However, in our community of 14,000 residents that covers six square miles that experiences 1200+ traffic crashes a year, of which 88 to 92% are caused by non-residents, it is necessary to cover the cost by those who cause the cost.

When citizens provide taxes to pay for police service, they are covering the cost by having a police force that responds to protect them from the unsolicited acts of violence against them, their family, or their property. In a traffic crash, the driver also is a victim of the actions of another. In the State of Florida, there are provisions in the law which allow for the recovery of costs associated with the investigation and prosecution of criminal acts. Our recovery fee ordinance provides for the recovery of costs associated with the investigation of traffic crashes by those who are not residents and therefore are not supporting police or fire services within our community.

We welcome all to visit our community, and we encourage all to drive carefully. However, if you are a non-resident and cause a crash, you will be assessed a service fee for emergency responders.

Respectfully,

Thomas Jackson
(Chief of Police, Longwood Police Department)
Acting City administrator
City of Longwood

Agenda Item

4

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

CITY OF PALATKA
CITY OF PALATKA FLORIDA

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

ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

REQUEST TO BE PLACED ON CITY COMMISSION AGENDA

NOTE: Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. If you wish to appear on the Palatka City Commission meeting agenda, you should submit this request form, together with any attachments or backup material that would help the Commission to better consider your request, to the City Clerk's office either in person, by mail (201 N. 2nd Street, Palatka 32177), fax (386-329-0199) or e-mail (betsy@gbso.net). Please note that without adequate supporting documentation or information, it is unlikely that the Commission will be in a position to take any action on your request.

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

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

Davis Monk & Co.

Address: _____ e-mail TRobinson@davismonk.com

Daytime Phone _____ Other ph. [redacted] Fax _____

Requested meeting date: 5/28/09 *Meeting date assigned:* _____
(For Clerk's Office Use Only)

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

Subject Matter you wish to address: presentation of audit

(attach additional sheet if necessary)

Commission Action Requested, if any: acceptance of audit

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.

DAVIS
MONK
&
Company

Certified Public Accountants
& Business Consultants

A Partnership Consisting of
Professional Associations

Gainesville
4010 N. W. 25 Place
P.O. Box 13494 (32604)
Gainesville, Florida 32606
Phone: (352) 372-6300
Fax: (352) 375-1583

Palatka
906 South State Road 19
Palatka, Florida 32177
Phone: (386) 325-4561
Fax: (386) 328-1014

St. Augustine
1301 Plantation Island Dr.
Suite 205A
St. Augustine, Florida 32080
Phone: (904) 471-3445
Fax: (904) 471-3825

Website:
www.davismonk.com

Members:
CPAmerica International
Florida Institute of
Certified Public Accountants
American Institute of
Certified Public Accountants
Horwath International

April 24, 2009

The Honorable Mayor and City Commissioners
City of Palatka, Florida

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Palatka, Florida for the year ended September 30, 2008. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements are fairly presented, in all material respects. Our audit of the financial statements does not relieve you or management of your responsibilities.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

During 2008, the City implemented GASB Statement 48, *Sales and Pledges of Receivables and Future Revenues and Intra-Entity Transfers of Assets and Future Revenues*, and GASB Statement 50, *Pension Disclosures*. GASB 48 includes disclosures pertaining to future revenues that have been pledged, are unavailable for other purposes, and for how long they will continue to be so. GASB 50 amends certain portions of GASB 25 and 27. Its requirements include disclosing certain items in the notes to the financial statements, rather than solely in the required supplementary section.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements are estimated of the carrying values of depreciable capital assets.

The disclosures in the financial statements are neutral, consistent, and clear. Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The City's disclosures of changes in the values of pension investments, as well as actuarial disclosures relating to pensions may be particularly sensitive because of their significance to financial statement users.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit. Management has been very cooperative in providing any information needed for our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Accumulated uncorrected misstatements do not cause the financial statements to be materially misstated.

In addition, certain material, corrected misstatements were detected as a result of our audit procedures. These misstatements related to the accounting classification of certain complex loan agreements, corrections to the beginning fund balance for the CDBG Fund, and the classification of state versus federal expenditures for the Schedule of Awards.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This report is intended solely for the use of the Honorable Mayor and City Commissioners, management, and appropriate audit agencies, of and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Davis, Monk & Company

Davis, Monk & Company

CITY OF PALATKA,
FLORIDA

COMPREHENSIVE ANNUAL FINANCIAL REPORT

FOR THE YEAR ENDED
SEPTEMBER 30, 2008

PREPARED BY:

ELWIN C. BOYNTON, JR.
CITY MANAGER

RUBY M. WILLIAMS
FINANCE DIRECTOR

City of Palatka, Florida
Comprehensive Annual Financial Report
For The Year Ended September 30, 2008

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Comprehensive Annual Financial Report
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KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
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CITY OF PALATKA

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

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GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

April 24, 2009

Honorable Mayor and
Members of the City Commission
City of Palatka, Florida

Mayor and Commissioners:

We are pleased to present to you, the City Commission and the citizens of Palatka, the Comprehensive Annual Financial Report of the City of Palatka (the "City") for the fiscal year ended September 30, 2008.

This report was completed by the City Manager and Finance Director, with close cooperation of the external auditors, Davis, Monk & Company, and represents the official report of the financial operations and condition of the City of Palatka to its citizens. Responsibility for both the accuracy of the data, and the completeness and fairness of the presentation, including all disclosures, rests with the management of the City. To the best of our knowledge and belief, the enclosed data is accurate in all material respects and is reported in a manner designed to present fairly the financial position and results of operations of the various funds and account groups of the City. All disclosures necessary to enable the reader to gain an understanding of the City's financial activities have been included. This letter of transmittal should be read in conjunction with Management's Discussion and Analysis, which can be found beginning on page xiv.

THE REPORTING ENTITY

The City of Palatka is a political subdivision of the state of Florida, which was incorporated January 8, 1853. Palatka is in the Northeast section of Florida in Putnam County (the "County") and is the County Seat. Palatka lies along the St. Johns River and is approximately 50 miles south of Jacksonville, 26 miles west of St. Augustine and 50 miles east of Gainesville.

The City operates under a Commission/Manager form of government. It has an elected Mayor-Commissioner and a Board of Commissioners (four members) and serves approximately 11,100 residents by providing a full range of municipal services including General Administration, Public Safety, Planning and Zoning and Community Enrichment and Development. In addition, the City operates a Municipal Golf Course; an Airport; Sanitation, Water and Wastewater utility systems. The Palatka Downtown Redevelopment Agency, and the Palatka Gas Authority are considered component units of the City, and the City is financially accountable for them. Accordingly, these component units are included in the City's Comprehensive Annual Financial Report.

ECONOMIC CONDITION

Palatka's population is estimated at 11,264 persons according to the last University of Florida estimate. Due to current economic conditions, the City of Palatka like many communities continues to experience serious budget constraints. During the budget planning for fiscal year 2008-09, the City proposed a

201 N. 2ND STREET • PALATKA, FLORIDA 32177
PHONE: (386) 329-0100
www.cityofpalatka.com
FAX: (386) 329-0106

ECONOMIC CONDITION (Concluded)

budget that was similar to the previous year. Although the total budget reflected a number similar to the previous year; increases in health care expenses, pension contributions as well as other increase in operating costs, the City had to suspend or eliminate most capital improvement projects and capital outlay expenses for fiscal year 2008-09. Estimated reductions in ad valorem taxes, sales taxes and other fees collected were offset by an unanticipated increase in the City's telecommunication service fee.

However, half-way through the 2008-09 budget year, the telecommunications service fee was significantly reduced, creating an almost $500,000.00 shortfall in anticipated revenues. The City has had to adjust its 2008-09 budget to account for this lack of income including reducing the contingency, utilizing balances carried forward and elimlnating certain programs and professional services that were originally anticipated.

The millage rate was 8.50% mills, which was less than the previous fiscal year 2006-07. With declining state share revenues, the major challenge the City faces in the next few years is maintaining the current level of service it provides its citizens without increasing the millage rate significantly.

Whether enough growth takes place in the coming year to offset increases in operating cost is questionable. Normal personnel increases in payroll, pension and health coverage may outpace any additional revenues, which become available. Due to this concern, balancing the budget in the short-term will remain difficult.

MAJOR INITIATIVES

CURRENT PROJECTS

The City's Riverfront Redevelopment Project continues to move forward. A developer has been selected and we are currently in negotiations on a Developers Agreement. The anticipated project includes a hotel and conference center, additional retail and a restaurant. We believe this project will increase the number of people visiting and shopping in the area and have a positive effect on all property in the Community Redevelopment District.

The City continues to be a leader in removing its wastewater from the St. Johns River. The first step in wastewater reclamation was the construction of additional treatment at the wastewater treatment plant, a transmission line to the City's golf course, and an irrigation system at the course. The next phase of the project was constructing a pump station and 12,000 linear feet of transmission line to service the school department's and City's recreational fields, local cemeteries and the St. Johns River Community College. The next phase of the project includes additional treatment capacity at the wastewater treatment plant and additional service lines to the airport, SJRWMD complex and the baseball fields on St. Johns Avenue near CR 309C.

The City has secured 85% state funding for additional treatment facilities at its potable water plant. These improvements are part of the City's long-range plan to stay ahead of tightening EPA regulations on potable water supplies. Last year the City began construction of a $12 million water quality improvement project. This project includes degasification and ultra-filtration treatment of the water and will treat 6 mgd of water and is expected to be fully operational in 2009.

The one-cent sales surtax money (Better Place Funds) is dedicated to capital improvements within the City. This year's improvements were primarily for sidewalk and building renovations.

MAJOR INITIATIVES
(Concluded)

Approximately one-third of the Better Place monies will be used to fund the repayment of a loan used to purchase property owned by the Palatka Housing Authority and demolish a 7-story high-rise that once stood on this property. Other improvements were made to City facilities which included the Larimer Center, Bronson House, Tilghman House, Old Waterworks facility and City Hall. This revenue has led to noticeable improvements to the City's buildings, roads and sidewalks.

The City continued to upgrade the pavement and drainage systems at the airport with the help of Federal Aviation Administration and Florida Department of Transportation grants. Over $2.3 million was invested in making these improvements. The City also commenced construction of a new $1.7 million terminal building. In addition, ten (10) T-hangars and a new bulk hangar are being constructed at a total cost of approximately $1.1 million.

Future Projects

Better Place Funds raised through the local sales tax initiative will continue to be used to improve the City's infrastructure and for major equipment purchases. The improvements to the City's roads and sidewalks are clearly visible. This use of Better Place Funds will continue next fiscal year and thereafter until all streets and sidewalks in the City are addressed.

The City anticipates resurfacing its north-south runway at the airport as well as making other drainage improvements in 2009. The City has also received a portion of money from the Federal Economic Stimulus Package and intends to resurface Moseley Avenue and St. Johns Avenue from Palm Avenue to SR-19. An engineering/planning proposal was recently awarded to evaluate and design improvements to the City's riverfront property including but not limited to dockage, boardwalk and other interactive programs to entice people of all ages to utilize the waterfront. Work is underway at the Old Waterworks facility to construct new restrooms, an amphitheater and other safety improvements.

Other projects that will need further evaluation and discussion over the next few years are: upgrading the City's water transmission lines, expansion of the City's wastewater treatment plant and expansion of current utilities to outside of the City's current boundaries. The priority of these projects will change as the City grows.

FINANCIAL INFORMATION

INTERNAL CONTROL STRUCTURE

The City's general governmental fund operations are accounted for by using the modified accrual basis of accounting, with revenues being recognized when they become measurable and available. Expenditures are recorded when goods or services are received and the related liability is incurred. The City's enterprise funds and government wide activities are reported on the accrual basis of accounting.

The City Manager serves as the chief financial officer of the City. The Finance Director is responsible for financial accounting and reporting. The City Manager also serves as the budget officer and presents the preliminary budget, based on departmental requests, to the City Commission for approval. All budgeted amounts lapse at year's end.

In developing and maintaining the City's accounting system, consideration is given to the adequacy of internal controls. Internal controls are designed to provide reasonable, but not absolute, assurance that (1) assets are safeguarded against loss from unauthorized use or disposition, that (2) transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in accordance with generally accepted accounting principles (GAAP). The concept

FINANCIAL INFORMATION
(Concluded)

of reasonable assurance recognizes the cost of internal controls should not exceed the benefits likely to be derived. The evaluation of costs and benefits requires estimates and judgments by management.

All internal control evaluations occur within the above framework. We believe the City's internal accounting controls adequately safeguard assets and provide reasonable assurance of proper recording of financial transactions.

BUDGETARY CONTROL

Budgetary control is maintained at the fund level. The City Manager may authorize budget transfers between major categories within the departments and between departments. Departmental expenditures are monitored on a monthly basis by the City Manager and Finance Director. The City Commission is provided with a monthly budget status report. Each department is required to present a quarterly budget status report to the City Manager and City Commission to report potential problems that could result in exceeding their budget. Encumbrances lapse at year's end.

GENERAL GOVERNMENT

FUND ACCOUNTING

The financial transactions of the City are recorded in individual funds. Each fund has a self-balancing set of accounts that comprise its assets, liabilities, fund equities, or balances to carry on specific activities in accordance with special regulations, restrictions or limitations.

GENERAL FUND

The General Fund is the principal fund of the City and is used to account for all activities of the City not otherwise accounted for by a specified fund.

Local tax revenues are the primary sources of the City's tax revenue and are a combination of property tax, franchise, utility, sales tax and local option gas tax. Total taxes increased by $404,266 from the prior year.

Ad valorem taxes, which were accounted for in the general and special revenue funds was 8.50 mills and generated $3,363,291, an increase of $132,098 from the prior year.

Several departments of the General Fund had inceases in their expenditures. General Government had an increase due to the purchase of property on the riverfront; Culture and Recreation increase was due to grant funds expenditures and operational costs; Debt Service payments increased due to the repayment to the Gas Au0thority for a loan in the prior year; Physical Environment increased due to the balance of the city's share of a grant; Human Services showed a decrease in their expenditures; Public Safety and Transportation decreased because there wasn't any large capital purchases or improvements in this fiscal year.

Unreserved fund balance in the General Fund increased $1,592,241 from the prior year due to the Golf fund repaying the advance they received in the prior year.

SPECIAL REVENUE FUNDS

Special revenue funds account for revenues from sources that are restricted for specific purposes. Tax increment revenues are a significant source of these funds. The combined fund balance for special revenue funds was $1,437,259 at September 30, 2008.

ENTERPRISE FUNDS

Enterprise funds are used to account for operations that are financed and operated in a manner similar to a private business enterprise, where the intent of the cost (expenses, including depreciation) of providing goods and services to the general public on a continuing basis is financed through user charges. The City operate four enterprise funds: the Water Revenue Fund, Municipal Golf Course Fund, Sanitation Fund, and Airport Fund.

WATER REVENUE FUND

The Water Revenue Fund accounts for revenues of the City's water and sewer systems. Several of the City's major projects and initiatives are directly relate to the Water Revenue Fund. The Water Revenue Fund received federal and state grant funds in the amount of $5,802,123. Net assets increased by $5,416,659 or 61.5% from the prior year.

SANITATION FUND

There was a decrease in operating revenue of $10,589. Expenditures increased by $11,352 due to the increase in fuels. Personal services and depreciation were less and other operating expenses increased about $31,000. Net assets decreased by $20,231.

GOLF COURSE FUND

Revenue showed a slight increase of $3,108 from the prior year. Operating expenses, which had a slight increase from prior year, exceeded operating revenues by $250,146. Net assets decreased by $225,404.

AIRPORT FUND

Operating revenue increased by $205,114 from the prior year due to the increase in fuel prices. The airport received $498,940 from state and federal grants. Net assets increased by $83,289.

FIDUCIARY FUNDS

PENSION TRUST FUNDS

The City administers a single-employer Public Employee Retirement System (the "System"). The System provides an employee contributory defined benefit pension plan for its employees which covers police officers, fire fighters, and general employees. Benefits vary depending on the particular membership in the plan. The City is responsible for funding liabilities of the plan based upon actuarial valuations. At September 30, 2008, the employees' retirement fund had net assets available for benefits of $28,487,493. The assets are managed through a contract with a private investment company. Further details are included in the notes to the financial statements.

GOVERNMENTAL CAPITAL ASSETS

The capital assets of the governmental funds are those assets used in the performance of general governmental functions and exclude the assets of the Enterprise Funds. As of September 30, 2008, the governmental capital assets of the City amounted to $14,844,802, net of depreciation. This was an increase of $2,757,737 over the prior year. The majority of this increase was due to the purchase of property on the riverfront. Capital assets are recorded at historical cost or estimated historical cost, except for contributed assets, which are recorded at fair value at the date of contribution.

DEBT ADMINISTRATION

At September 30, 2008, the City had $4,125,099 of revenue bonds & notes payable from specific general fund revenue sources other than ad valorem taxes. Also, outstanding were, $5,668,653 Water and Sewer System Improvement and Refunding Bonds, Series 1998, payable from the net revenues of the Water and Sewer system and Public Service Tax Revenues; $571,851 Water Reuse System Construction loan, payable from the net revenues of the Water and Sewer system; $7,915,079 interim construction loan that is due August 2010; $973,764 Drinking Water State Revolving Fund Loan payable from the net revenues of the water and sewer system; $1,700,000 Taxable Golf Course Revenue Note payable from the net revenues of the Golf Course and non-ad valorem taxes; $765,231 Airport Hangar Revenue notes and a $1,250,000 Airport Terminal Revenue Note payable from the net revenues of the Airport and non-ad valorem taxes; $471,919 Sanitation note payable from the net revenues of the Sanitation system.

The City has no general obligation debt (debt secured by ad valorem taxes) outstanding.

RISK MANAGEMENT

The City is exposed to various risks of loss related to general liability (workers' compensation, public liability, law enforcement liability, health benefits, property damage, and errors and omissions). The City participates in the Florida League of Cities Self Insurance Fund (the Fund), a public entity risk pool, currently operating as a common risk management and insurance program for member cities. The City pays an annual premium to the fund for its coverage. The premiums are designed to fund the liability risks assumed by the fund and are based on certain actual exposures of each member. The City had no settlement in excess of coverage provided by the Fund during the year ended September 30, 2008.

CASH MANAGEMENT

The City utilizes a sweep account or zero balance account and pools all cash into a single interest-bearing account. Only funds necessary to cover paid checks are transferred automatically from the account as needed.

During the year, idle cash balances were invested in short-term certificates of deposit at local banks. Interest rates varied from a high of 4.865% to a low of .90%. Total interest income increased from the prior year by $422,192 due to the funds that were held in escrow for the interim financing for the construction of the new water plant.

INDEPENDENT AUDIT

Florida Statutes require an audit of the financial statements of the City of Palatka by an independent certified public accountant selected by the City Commission. The City complied with this requirement, and the auditor's opinion is included in the financial section of this report.

AWARDS

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Palatka for its comprehensive annual financial report for the fiscal year ended September 30, 2007. This was the sixteenth year that the City received this prestigious award. In order to be awarded a Certificate of Achievement, the City published an easily readable and efficiently organized comprehensive annual financial report.

A certificate of achievement is valid for one year only. We believe this report satisfies the requirements of generally accepted accounting principles, applicable legal requirements, and certificate of achievement program requirements, and we are submitting it to the GFOA for consideration for an award.

ACKNOWLEDGMENTS

The preparation of this report was accomplished through the efforts and dedication of the City's financial staff.

We would also like to thank the members of the City Commission for their interest and support in planning and conducting the fiscal operations of the City of Palatka.

Respectfully submitted,

Elwin C. Boynton
City Manager

Ruby M. Williams
Finance Director

A FULL COPY OF THIS
AUDIT REPORT
IS AVAILABLE FOR
PUBLIC VIEWING
IN THE
OFFICE OF THE
CITY CLERK
OR ON THE
CITY OF PALATKA
WEBSITE
UNDER "REPORTS"

Agenda Item

5

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

ITEM: Adoption of an ordinance changing the zoning for 2104 Husson Avenue from Putnam County R1-A to City of Palatka R1-A. Second reading.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS
1. An Ordinance of the City of Palatka changing the zoning from Putnam County R1-A to City of Palatka R1-A.
2. February 3, 2009, Planning Board Minutes.
3. February 3, 2009, Planning Board Packet.

DATE: May 28, 2009

SUMMARY HIGHLIGHTS:

The identified purpose of this application is to allow City water due to failure of the applicant's well. This is a .33 acre parcel of land. On May 14, 2009, the City Commission approved the related ordinances for annexation and future land use map designation in the City.

A public hearing was held by the Planning Board on February 3, 2009, at the applicant's request for annexation, change of future land use from County Urban Service to City Low Density Residential, and rezoning from Putnam County R1-A (Single Family Residential) to City of Palatka R1-A (Single Family Residential). There was no public testimony. The Planning Board voted to recommend approval of the three requests.

The first reading of this zoning ordinance was conducted by the City Commission on May 14, 2009. There was no public testimony.

RECOMMENDED ACTION:

Staff recommends approval of the attached zoning ordinance.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

This instrument prepared by:
Jim Lee
205 N. 2nd St.
Palatka, FL 32177

ORDINANCE NO. 09-____

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST; REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1.

WHEREAS, application has been made by the owner, Yvonne Van Der Lee, to the City for certain amendments to the Official Zoning Map of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 3,2009,and two public hearings before the City Commission of the City of Palatka on May 14,2009, and May 28,2009, and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted, now therefore,

Section 2. The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described property from its present zoning classification of County R1-A(Single Family Residential) to City R-1A (Single Family Residential)

DESCRIPTION OF PROPERTY:

Property Tax Number 13-10-26-6790-0000-0130

Lot 13, ORMAN-LEIGH ESTATES, according to plat thereof recorded in Map Book 4, Page 157 of the public records of Putnam County, Florida.

Plat herein referred to show a 25 foot building set back line in street side.

Section 3. All ordinances in conflict with the terms and

provisions of this ordinance are hereby specifically repealed.

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 May, 2009.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

_____
City Clerk

PLANNING AND ZONING STAFF REPORT

February 3, 2009

APPLICATION: PB 07-17 – Annexation, Small-Scale Future Land Use Map Amendment to change the Future Land Use designation from County Urban Service to City Low Density Residential and Rezone from County R1-A (Single family residential district) to City R-1A (Single family residential district).

APPLICANT: Yvonne Van Der Lee

LOCATION: 2104 Husson Avenue

Parcel #: 13-10-26-6790-0000-0130

A. BACKGROUND & ANALYSIS: On March 27, 2007 the applicant had requested City water due to the failure of her well. Since this property is contiguous to the City limits to the west across Husson Avenue, annexation is a requirement. Because the City was not allowed to process annexations and Future Land Use amendments until it's Comprehensive Plan was in compliance, the applicant was allowed to connect to water and sewer prior to approval by the Planning Board and City Commission. The property's main access is Husson Avenue.

Surrounding properties have future land use designations of County Urban Service north and west of the subject property and City High Density Residential, Low Density Residential and Commercial to the east and Low Density Residential to the south. The zoning pattern of the site and surrounding area is County R1-A to the north and west, City R-3 (multi-family residential), R1-AA, R-3 and Commercial to the east and City R1-A to south. The existing land use pattern in the area is predominately residential.

SURROUNDING LAND USE AND ZONING:

	Future Land Use Designation	Zoning	Current Land Uses
North	Urban Reserve	R1A (Putnam)	Single Family Residence
South	Low Density Residential	R1A	Single Family Residence
East	Low Density Residential High Density Residential Commercial	R1-AA; R-3; Commercial	Single Family Residence Multi-Family Residence Commercial
West	Urban Reserve	R1A (Putnam)	Single Family Residence

B. COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES, ANNEXATIONS

The request is to annex .33 acres into the City. The subject property is located at 2104 Husson Avenue. Properties directly south and east of the site are County.

The proposed annexation does not create an enclave and meets the criteria identified in Section 171.043, Florida Statutes. This includes being contiguous to the City's boundaries at this time, is reasonably compact, is not included within the boundary of another incorporated municipality, and is intended to be developed for urban purposes because of the availability of City sewer and water lines that are contiguous to the property.

This request is a voluntary annexation and meets the criteria identified in Section 171.044, Florida Statutes, as it relates to being contiguous to the City, and reasonably compact. Following a recommendation from the Planning Board, an appropriately prepared ordinance will be considered by the City Commission after the correct advertising and scheduling of public hearings.

C. COMPLIANCE WITH THE CITY OF PALATKA COMPREHENSIVE PLAN

The Existing Land Use Designation: The existing Future Land Use is County Urban Service which recognizes areas where urban infrastructure, such as central water, sewer, stormwater systems, paved major roads, exists or is programmed and available for more urban type of development. Although agricultural activities are allowed as a holding land use, this land use designation allows a broad mix of residential, commercial, industrial, public facility and recreation uses. Residential development can achieve a density of up to 9 dwelling units per acre, the highest in Putnam County, with adequate density bonus points.

The Proposed Land Use Designation:

Policy A.1.9.3.A.1 (9J-5.006(3)(c)7)
Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types. Low Density (1730 acres) - provides for a range of densities up to 5 units per acre.

Future Land Use Element

Objective A.1.1 (9J-5.006(3)(b)1; F.S. 187-201 (161)(1)(5)
Upon Plan adoption, the City shall coordinate future land uses with the appropriate topography, adjacent land uses, soil conditions, and the availability of facilities and services.

Policy A.1.1.3 (9J-5.006(3) (c) 3)
The City shall as a condition of issuing a building permit or other development order, require proposed developments to hook up to the City central sewer systems in accordance with the revised City zoning code and subdivision regulations based upon Chapter 381, F.S. and Division 64E, FAC.

STAFF ANALYSIS: The site is built out as a single-family residence which is consistent with the predominately residential uses on Husson Avenue. City water lines have been run to the property and there is sufficient capacity to maintain existing level of service standards. In the Traffic Circulation Element, Public Facilities Element, Recreation and Open Space Element and Public Schools Facilities Element sections of this staff report we will evaluate each adopted level of service standard for this site related to a maximum density of up to 5 dwelling units per acre.

Traffic Circulation Element

Objective B.1.1 (9J-5.007(3)(b)1)
Upon plan adoption, the City shall provide for a safe, convenient and efficient motorized and non motorized transportation system by correcting, to the maximum extent feasible,

all existing roadway deficiencies identified in this plan and maintain acceptable operating conditions in the future on a priority basis.

Policy B.1.1.1 (9J-5.007(3)(01))
The State-wide minimum acceptable operating Level of Service (LOS) standards for the State Highway System and City Street System shall be the base LOS standards listed herein, except for those conditions provided in Policies 1.1.1.A. and 1.1.1.B.

STAFF ANALYSIS: This segment of Husson Avenue is a City maintained road that serves as a north-south urban collector with an adopted level of service of C.

Public Facilities Element

Objective D.1.1 (9J-5.011(2)(b)2)
Upon Plan adoption, the City of Palatka shall enforce adopted Concurrency Management System procedures to ensure that at the time a building permit or other development order is issued, infrastructure facility capacity is available to meet the demand of development without lowering adopted Levels of Service Standards (LOSS).

Policy D.1.1.1 (9J-5.011(2) (c)2)
The following level of service standards shall be the basis for determining the availability of facility capacity against the demand generated by development.
A1. Potable Water, Residential: 130 gallons per capita per day
B1. Central Sanitary Sewer System, Residential: 125 gallons per capita per day
C. Solid Waste: 6.4 lbs/person/day
D. Drainage Facilities: City of Palatka and Ravine State gardens Stormwater Quality Master Plan and minimum requirements of the St. Johns River Water Management District.

Policy D.1.1.2 (9J-5.011 (2)(c)2)
All improvements for replacement, expansion, or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and that distribution of these facilities/services is consistent with the Future Land Use Map.

STAFF ANALYSIS: This is an existing single-family dwelling that will not exceed the level of service standards.
- Potable Water: 325 gallons per day multiplied by 2.5 persons per unit is 812.50 gallons per day. A new water plant will be going on line in January 2009 with a capacity of 6 million gallons per day. Current peak usage is approximately 3,200,000 gallons per day. Capacity exists for this home.
- Central Sanitary Sewer System, Residential: 125 gallons per capita per day multiplied by 2.5 person per unit = 312.50 gallons per day. Capacity exists for this home.
- Solid Waste – 6.4 lbs multiplied by 2.5 persons per unit is 16 lbs per day. Capacity exists for this home.
- Drainage: This house was constructed in the County. All drainage issues would have been handled through their permitting process.

Recreation And Open Space Element

Objective F.1.1 (9J-5.0143(3)(b)1
Upon plan adoption, the City shall implement the following policies to ensure public access to all identified recreational facilities.

Policy F.1.1.2 (9J-5.014(3)(c)3
The City shall adopt the following Level of Service Standards: Regional Park/ 1 acre per 50, Community Park/ 1 acre per 500, Neighborhood Park/ 1 acre per 500, Equipped Play and Tot Lot/ 1 Per 2,000, Baseball/Softball Fields/ 1 per 5,000, Football/Soccer Fields/ 1 per 6,000, Equipped Play area/ 1 play area per 10,000, Basketball Courts/ 1 per 5,000, Boat Ramp (Lanes)/ 1 lane per 5,000, Tennis Court/ 1 court per 2,000, Swimming Pools/1 pool per 25,000, Hiking (miles)/ 1 Mile per 6,750, and Picnic Areas (Tables) 1 Table per 6,000.

STAFF ANALYSIS: This house will generate an additional 2.5 people (2.5 persons per unit multiplied by 21 units). Capacity exists for all recreational Level of Service Standards for this additional population.

Public Schools Facilities Element

Objective 1.1.1 (9J-5.025(3)(b)1
The City of Palatka shall ensure the correction of existing school facility deficiencies to provide adequate student capacity, which shall not exceed the adopted level of service standards within the Putnam County School District and which will meet future capacity needs.

Policy 1.1.1.1 (9J-5.025(3)(c)7
The City of Palatka hereby adopts LOSS for Schools of 100% based on permanent FISH capacity for all school types (Elementary, Middle and High)

STAFF ANALYSIS: Phil Leary, the consultant for the Putnam County School District has indicated this single family already exists and will not need to be analyzed for concurrency.

D. COMPLIANCE WITH THE PALATKA MUNICIPAL CODE, REZONING REQUEST

Rezoning requirements
When pertaining to the rezoning of land, the report and recommendations of the Planning Board to the City Commission shall show that the Planning Board has studied and considered the proposed change in relation to the following, where applicable (from Sec. 94-38(f)(1) of the Palatka Municipal Code):

a. Whether the proposed change is in conformity with the comprehensive plan.

STAFF ANALYSIS: The applicant requests rezoning to City R-1A (Single family residential district) from County R1-A (Single family residential district.) The proposed change is in conformance with the comprehensive plan as stated in the above comp plan review and is consistent with both the City and County land use designations for single family dwellings.
This zoning category is consistent with the requested Low Density Residential Future Land Use Map designation. The current land use designation is Putnam County Urban Service.

b. The existing land use pattern.

STAFF ANALYSIS: This rezoning request to City R-1A (Single family residential district) is consistent with the existing land use pattern in the area which is

residential development. This request changes the zoning jurisdiction from County to City to accompany the annexation and future land use map amendment request.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

STAFF ANALYSIS: This rezoning request will not create an isolated district since the City and County have adjacent parcels with residential zoning that allow residential uses. The County's setbacks are similar to the City's but are slightly more restrictive.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

STAFF ANALYSIS: This parcel is built out as a single-family residence and will not overtax public services.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

STAFF ANALYSIS: Staff has no information to indicate that existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

STAFF ANALYSIS: In order to obtain water service, the applicant was required to annex, amend the Future Land Use map and rezone since the property is contiguous to the city limits. The proposed amendment is necessary to comply with these requirements.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

STAFF ANALYSIS: This change is consistent with the existing conditions of the neighborhood.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

STAFF ANALYSIS: This site is already developed as a single family residence and has not created or caused the LOSS to be exceeded for this portion of Husson Avenue which is designated as a minor collector with an adopted level of service C.

i. Whether the proposed change will create a drainage problem.

STAFF ANALYSIS: This site is built out as a single-family residence. If any additions are made, drainage will be addressed in plan review.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

STAFF ANALYSIS: This site is built out.

k. Whether the proposed change will adversely affect property values in the adjacent area.

STAFF ANALYSIS: It is not anticipated that this rezoning request will adversely affect property values.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

STAFF ANALYSIS: Staff does not have any information to indicate that the proposed zoning change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations. Adjacent property owners were notified of this rezoning request and have the opportunity to appear before the Planning Board.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

STAFF ANALYSIS: This rezoning request does not constitute a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

STAFF ANALYSIS: The existing zoning is County zoning. With the proposed requests for annexation and a City future land use designation, it is appropriate to change the zoning to a consistent City zoning designation.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

STAFF ANALYSIS: This change is not out of scale with the needs of the neighborhood or City.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

STAFF ANALYSIS: There may be other sites in the City that could accommodate the projected use however, this site is already developed as a residence and the annexation along with the future land use amendment and zoning change is required in order to obtain water service.

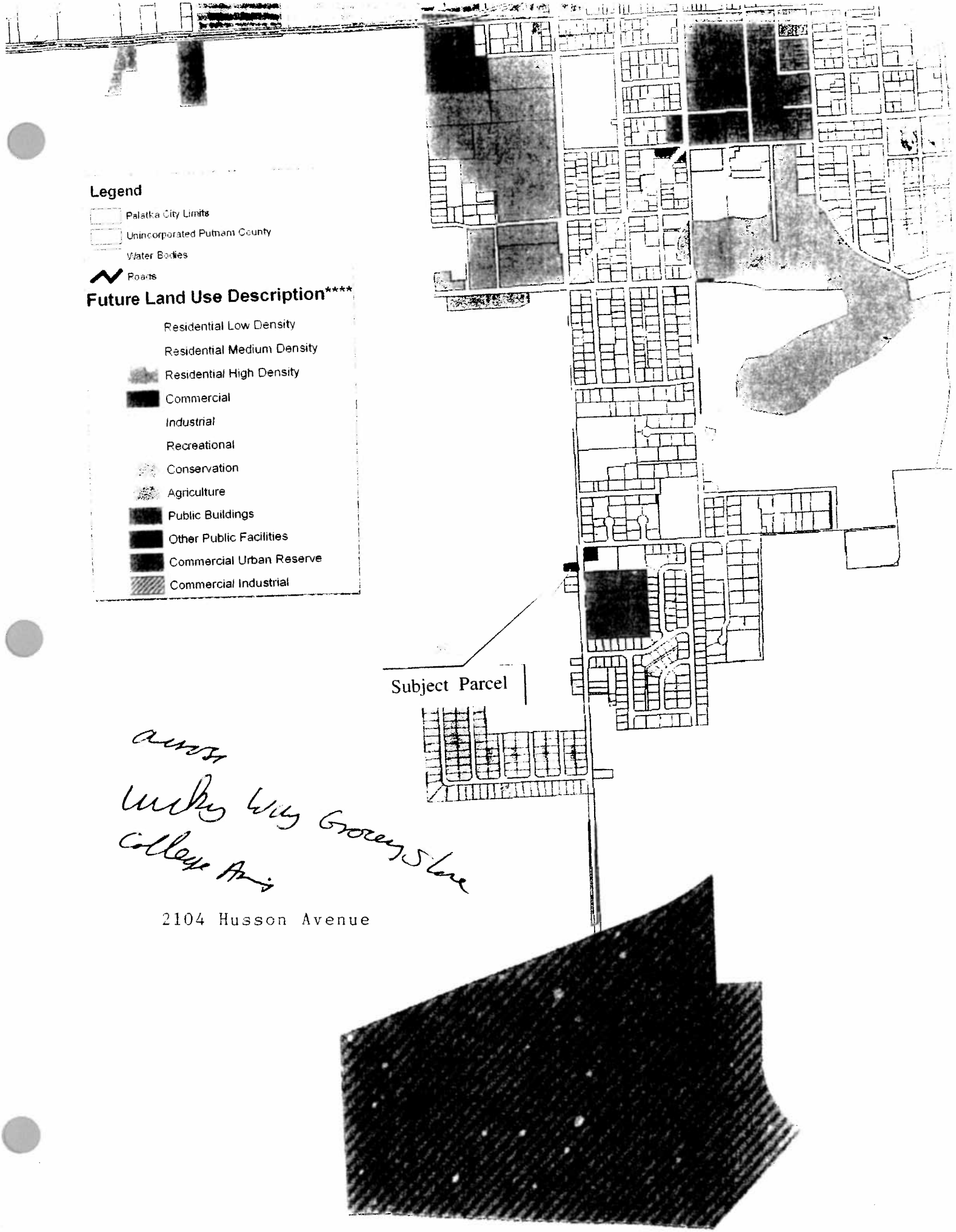
q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.

STAFF ANALYSIS: This parcel is not located in a Historic District.

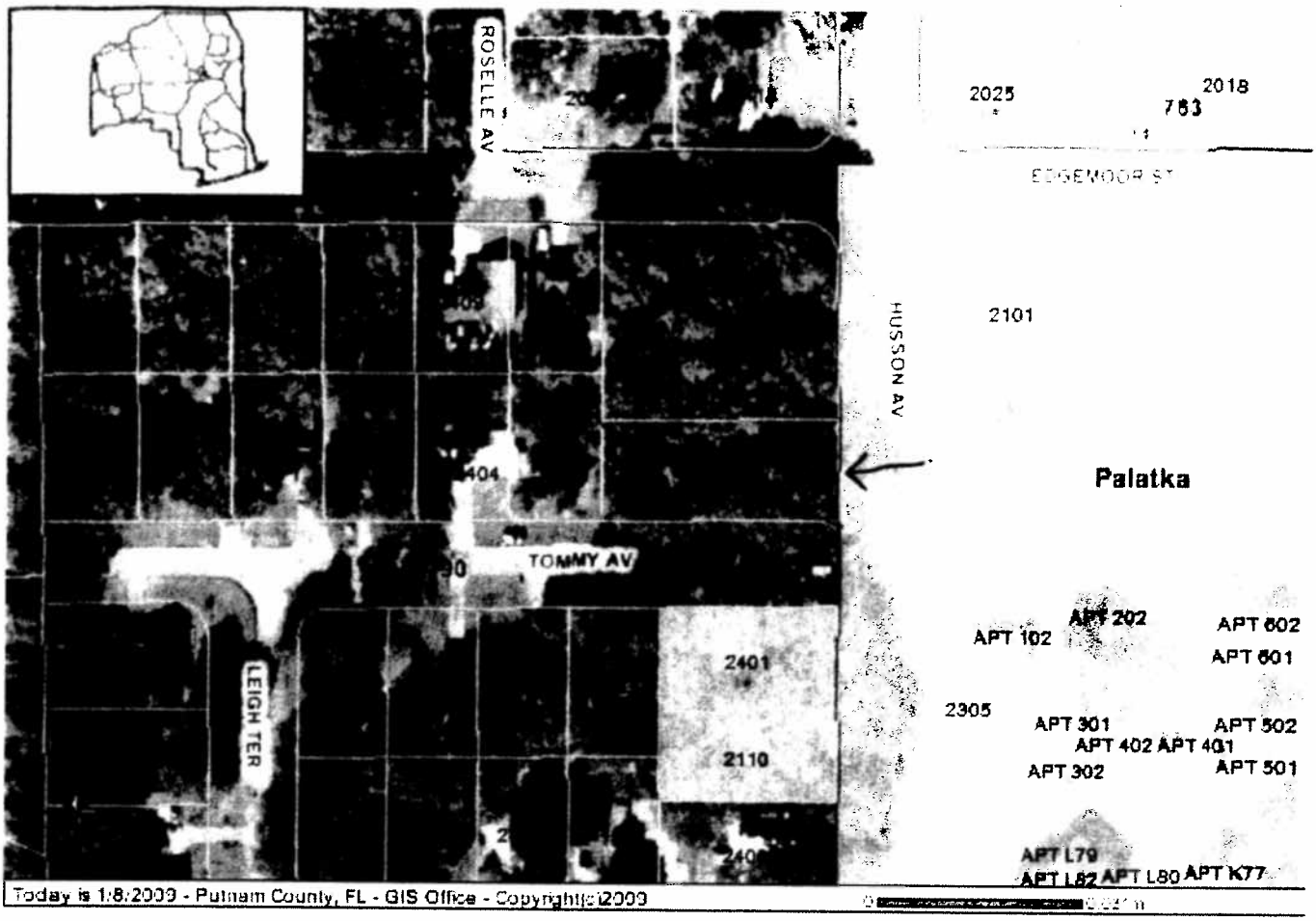
STAFF RECOMMENDATION: Staff recommends approval of the requested zoning change from County R1-A (Single family residential district) to City R-1A (Single family residential district). The request complies with the rezoning criteria provided in the Palatka Municipal Code.

Photographs

2104 Husson Avenue



2104 Husson Avenue


ROSELLE AV
HUSSON AV
TOMMY AV
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2018
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2101
Palatka
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2305
APT 102
APT 202
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APT 601
APT 301
APT 502
APT 402
APT 401
APT 302
APT 501
APT L79
APT L82
APT L80
APT K77
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City of Palatka
Building & Zoning
201 N. 2nd Street
Palatka, Florida 32177
386-329-0103 • Fax 386-329-0172

As an owner of adjacent property, you are hereby notified of a pending action before the Planning Board which may be of concern to you:

PUBLIC NOTICE

Notice is hereby given that the **CITY OF PALATKA PLANNING BOARD** will hold a public hearing on **February 3, 2009** at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

A request to annex into the City of Palatka city limits, to rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district) and to amend the Future Land Use Map from County Urban Service to City Low Density Residential

Location: 2104 Husson Avenue (13-10-26-6790-0000-0130)

Owner: Yvonne Van Der Lee

Case: PB 07-17

All interested parties are invited to attend this public hearing.

Deborah Banks
Assistant Planning Director

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING & ZONING DEPARTMENT AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

PB 07-17
Anket Food Mart
11629 Beach Blvd
Jacksonville, FL 32246

PB 07-17
COLLEGE ARMS APTS PHASE II LTD
1002 W 23rd St. Suite 400
PANAMA CITY FL 32405

PB 07-17
LORRAINE WETHERINGTON +
MARCIA A CARR
2403 TOMMY AVE
PALATKA FL 32177

Case 07-17
CHAVARRO DEANGELO+
KEASHIA R THOMAS
2110 HUSSON AVE
PALATKA FL 32177

Case 07-17
WILLA A ROBB
2401 TOMMY AVE
PALATKA FL 32177

Case 07-17
SANDRA T JACKSON
2407 TOMMY AVE
PALATKA FL 32177

Case 07-17
RAO DONTHAMSETTI V + SREEDEVI
4414 NW 51 DRIVE
GAINESVILLE FL 32606

Case 07-17
JIMMY A ALEXANDER
2406 TOMMY AVE
PALATKA FL 32177

Case 07-17
ROBERT C TINDALL
2411 EDGEMOOR ST
PALATKA FL 32177

Case 07-17
JAMES + WANDA CROSTHWAITE
2409 EDGEMOOR ST
PALATKA FL 32177

Case 07-17
JOHN + EMILY BLEVINS
2407 EDGEMOOR ST
PALATKA FL 32177

Case 07-17
GILBERT HARTLEY M
2256 SMULLIAN TR S
JACKSONVILLE FL 32217

PB 07-17
David C. & Dorothy J. Wright
2409 Tommy Ave.
Palatka, FL 32177

PB 07-17
Rhoda Harris
2405 Tommy Ave.
Palatka, FL 32177

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STATE OF FLORIDA

County of Putnam

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

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

01/16/2009

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

Jeannette Eveland

Sworn to and subscribed to before me this 16th day of January, 2009 by Jeannette Eveland, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

Mary Kaye Wells

Mary Kaye Wells, Notary Public
My commission expires July 22, 2011

Notary Seal
Seal of Office:

MARY KAYE WELLS
MY COMMISSION # DD 654041
EXPIRES: July 22, 2011
Bonded Thru Notary Public Underwriters

____ Personally known to me, or
____ Produced identification:
____ Did take an oath

PUBLIC NOTICE

Notice is hereby given that the CITY OF PALATKA PLANNING BOARD will hold a public hearing on February 3, 2009 at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

A request to annex into the City of Palatka city limits, to rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district) and to amend the Future Land Use Map from County Urban Service to City Low Density Residential

Location: 2104 Husson Avenue (13-10-26-6790-0000-0130)

Owner: Yvonne Van Der Lee

Case: PB 07-17

All interested parties are invited to attend this public hearing.

Deborah Banks
Assistant Planning Director

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING & ZONING DEPARTMENT AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Legal No. 04642510
01/16/2009

RECEIVED
JAN 23 2009
BY: _____

Case Number
Date Filed

CITY OF PALATKA
PETITION FOR VOLUNTARY ANNEXATION

Please provide the following information and return to: *City of Palatka Building & Zoning Dept.*
205 N. 2nd Street
Palatka, FL 32177

1 Official 911 address or legal description: 2104 Husson Ave

2 Property Appraiser parcel #: 13-10-26-6790-0000-0130

3. Total acres to be considered as part of this request: .33

4. The names and addresses of all owners as shown in the Putnam County public records:
Van Der Lee, Yvonne
546-4403

5. Reason for annexation request: Well Ran Dry, No more Water Available

6. Number and types of structures on the property: 1

7. If residential, provide an estimate of the number of persons expected to be living on site at the time of annexation *(for U.S. Census reports)*: 2

8. Copy of recorded deed (attach to application).

9. Boundary survey or location map (attach to application).

10. Application for Rezoning and Future Land Use Map Amendment (attach to application).

11 Name, telephone number, and mailing address of agent authorized to represent owner (if applicable)

12. Three hundred five dollar ($305.00) application fee (checks payable to City of Palatka).

13. This application submitted by

Signature of owner(s) [signature]

Print owner(s) name(s) VAN DER LEE, YVONNE

Address of owner(s) 2104 HUSSON AVE
PALATKA Fl 32177

Telephone: 546 4403

STATE OF FLORIDA
County of Putnam

Before me this day personally appeared Yvonne Van Der Lee who executed the foregoing application and acknowledged to and before me that she executed said instrument for the purposes therein expressed.
WITNESS my hand and official seal, this 29 day of March A.D. 2007.

Lori-Jean Ramey
Notary Public
State of Florida at Large

My commission expires:

LORI-JEAN RAMEY
Notary Public - State of Florida
My Commission Expires Oct 5, 2010
Commission # DD 602870
Bonded Through National Notary Assn.

Case Number ____
Date Filed ____

CITY OF PALATKA
APPLICATION FOR REZONING AND/OR AMENDING THE FUTURE LAND USE MAP (Small Scale)

Please provide all of the following information and return to:

City of Palatka Building Dept
205 N 2nd Street
Palatka, FL 32177

1. Official 911 address or legal description: 2104 HUSSON AVE PALATKA FL.

2. Property Appraiser parcel #: _____

3. Total acres to be considered as part of this request: _____

4. The names and addresses of all owners as shown in the Putnam County public records:
Y. VANDER LEE, 2104 HUSSON AVE PALATKA FL 32177

5. Current zoning designation: County R-1A Requested zoning designation: City R1-A

6. Current land use designation: County UR Requested land use designation: City Low Density Residential

7. Reason for rezoning/land use amendment request: annexation

8. Number and types of structures on the property: SINGLE FAMILY WOOD FRAME

9. Copy of recorded deed (attach to application).

10. Boundary survey or location map (attach to application).

11. Name, telephone number, and mailing address of agent authorized to represent owner (if applicable) _____

12. Select and attach appropriate application fee (checks payable to *City of Palatka*):

__ $130.00 (rezoning only)
✓ $240.00 (rezoning with small scale land use amendment)

13. This application submitted by:

Signature of owner(s): _____

Print owner(s) name(s): Yvonne Van Dee Lee

Address of owner(s): 2104 Husson Ave
Palatka Fl. 32177

Telephone: 326 4403

STATE OF FLORIDA
County of Putnam

Before me this day personally appeared Yvonne Van Dee Lee who executed the foregoing application and acknowledged to and before me that she executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 6th day of April A.D. 2007.

Lori-Jean Ramey

My commission expires: 10/5/10.

Notary Public
State of Florida at Large

LORI-JEAN RAMEY
Notary Public - State of Florida
My Commission Expires Oct 5, 2010
Commission # DD 602870
Bonded Through National Notary Assn.

TO. CITY OF PALATKA,

I, YVONNE VAN DER LEE, RESIDING AT 2104 HUSSON AVE, PALATKA, FL. 32177. DO HEREBY PETITION TO BE ANNEXED TO CITY WATER AS MY WELL THAT HAS SERVICED MY WATER NEEDS HAS RUN DRY. I HAVE NO WATER SINCE MARCH 20, 2009 AND HOPE THAT THE CITY OF PALATKA WILL GRANT MY REQUEST FOR CITY ANNEXATION TO ITS WATER SERVICE.

Yvonne Van Der Lee

MRS. Y. VAN DER LEE.

2007 Interim Property Information for Parcel: 13-10-26-6790-0000-0130

2006 Certified Tax Collector Information

Van Der Lee Yvonne

2104 Husson Ave
Palatka Fl 32177-6511 (**Putnam County GIS Interactive Mapping**)

Parcel 911 Addresses

2104 Husson Av, Palatka (**MapQuest map**)

Detail Information for Parcel: 13-10-26-6790-0000-0130

Property Use:	Single Family Residential	Structures:	1
Mobile Homes: [?]	0	MH Unextended:	0
Census Tract:	950900	Census Block:	5006
Total Acreage:	0.33	Location:	Putnam County

Property Legal Description

ORMAN LEIGH ESTATES MB4 P157 LOT 13

Parcel Sales Data

Book	Page	Instrument	Month	Year	QSCD	Price
0614	1640	Corrective Quit Claim Deed	November	1992	01 I	$100
0614	1641	Affidavit	November	1992		$0
0613	0287	Quit Claim Deed	October	1992	01 I	$100
0574	0671	Quit Claim Deed	December	1990	01	$100
0529	0481	Death Certificate	August	1988	01	$0
0529	0483	Warranty Deed	August	1988	01	$52000
0357	0926	Warranty Deed	March	1978		$47300

Land Data

Units	Descriptions
75.00	Residential Front Feet

Zoning Data

Department	Code	Descriptions
Putnam County	R-1A	Residential, Single-Family

Future Land Use Map (FLUM)

Code	Description
UR	Urban Reserve

Structure Data

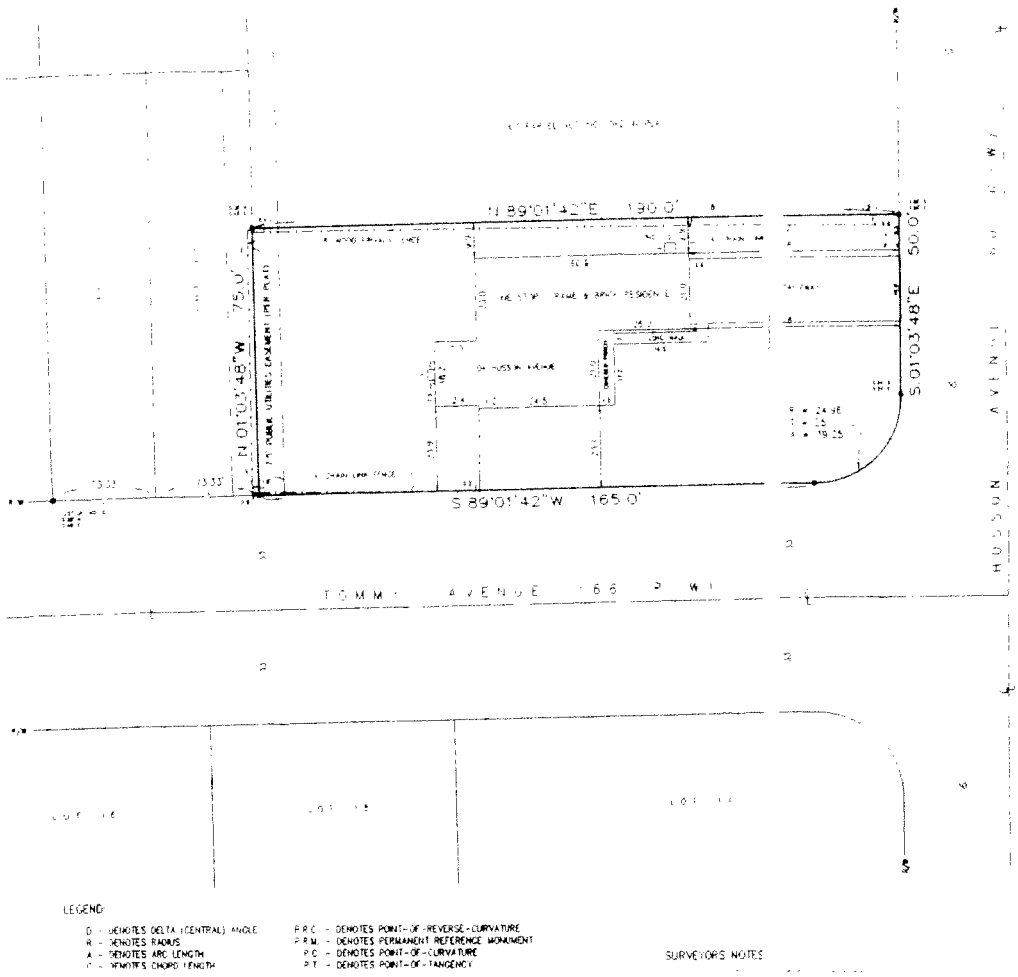
Type	Year	Area	Square Feet
Single Family	1977	BASE	1770
		OPF	84
		GRF	462

Notice:

NOTICE - This is an interim Putnam County file. Property assessment information will not be displayed until it is certified in October.

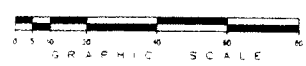
Click **here** to do another search or use your browser's back button to return to previous search results.

MAP SHOWING BOUNDARY AND IMP VEMENT LOCATION SURVEY



DESCRIPTION BY CLIENT:
LOT 13 URMAN-LEIGH ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 4 PAGE 57 OF THE PUBLIC RECORDS OF PUTNAM COUNTY FLORIDA

PREPARED FOR AND CERTIFIED TO:
YVONNE VANDERLEE,
BARNETT BANK OF THE ST. JOHNS,
PALATKA ABSTRACT & TITLE
GUARANTY CO., INC.,
MERIDIAN TITLE INSURANCE CO
JAY D. ASBURY, ESQ



LEGEND:

D - DENOTES DELTA (CENTRAL) ANGLE
R - DENOTES RADIUS
A - DENOTES ARC LENGTH
C - DENOTES CHORD LENGTH
P.R.C. - DENOTES POINT-OF-REVERSE-CURVATURE
P.R.M. - DENOTES PERMANENT REFERENCE MONUMENT
P.C. - DENOTES POINT-OF-CURVATURE
P.T. - DENOTES POINT-OF-TANGENCY

SURVEYORS NOTES

NEW BUSINESS

Case PB 07-18 **Address:** 105 Williams Street (01-10-26-5200-0200-0110)
Applicant: Robert and Janet Walker

Request: To annex into the City of Palatka, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential) to City R 1-A (single family residential)

(Public Hearing)

Ms. Lennard, a neighbor of the applicants, asked why she received a letter and asked if this request would affect her in any way.

Ms. Banks advised that notification to surrounding property owners is a requirement of this type of request, and advised that this request would not affect her property.

(Regular Meeting)

Motion made by Randy Braddy and seconded by Clem Saccareccia to approve the request to annex into the City of Palatka, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential) to City R 1-A (single family residential). All present voted affirmative, motion carried.

Case PB 07-17 **Address:** 2104 Husson Avenue (13-10-26-6790-0000-0130)
Applicant: Yvonne Van Der Lee

Request: To annex into the City of Palatka city limits, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district)

(Public Hearing)

(Regular Meeting)

Motion made by Randy Braddy and seconded by Clem Saccareccia to approve the request to annex into the City of Palatka city limits, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district) All present voted affirmative, motion carried.

Case 09-01 **Downtown Riverfront and Downtown Business District**

Request: To amend the Downtown Riverfront and Downtown Business Zoning Districts to exclude those parcels abutting St. Johns Avenue from the Conditional Use allowance for single-family dwellings.

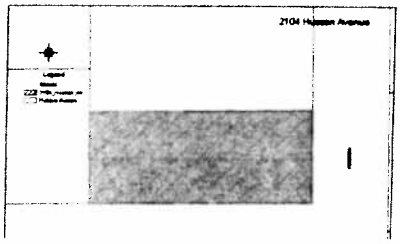
NOTICE OF ANNEXATION

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, at the next regular meeting to be held at 6:00 p.m. on the 14th day of May, 2009, at City Hall, Palatka, Florida, will consider the enactment of Ordinance No. 09-12 annexing the following described property into the corporate limits of the City and redefining the boundary lines of the City of Palatka to include said property. The property is described as approximately .33 acres of improved property in Section 13, Township 10 South, Range 26 East, located at 2104 Husson Avenue, Palatka, Putnam County. A map is attached hereto and a copy of the Ordinance containing a copy of the legal description can be obtained from the Office of the City Clerk at City Hall.

All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meeting at said time and place and be heard with respect to the proposed ordinance. This notice is given in accordance with F.S. 171.044.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK



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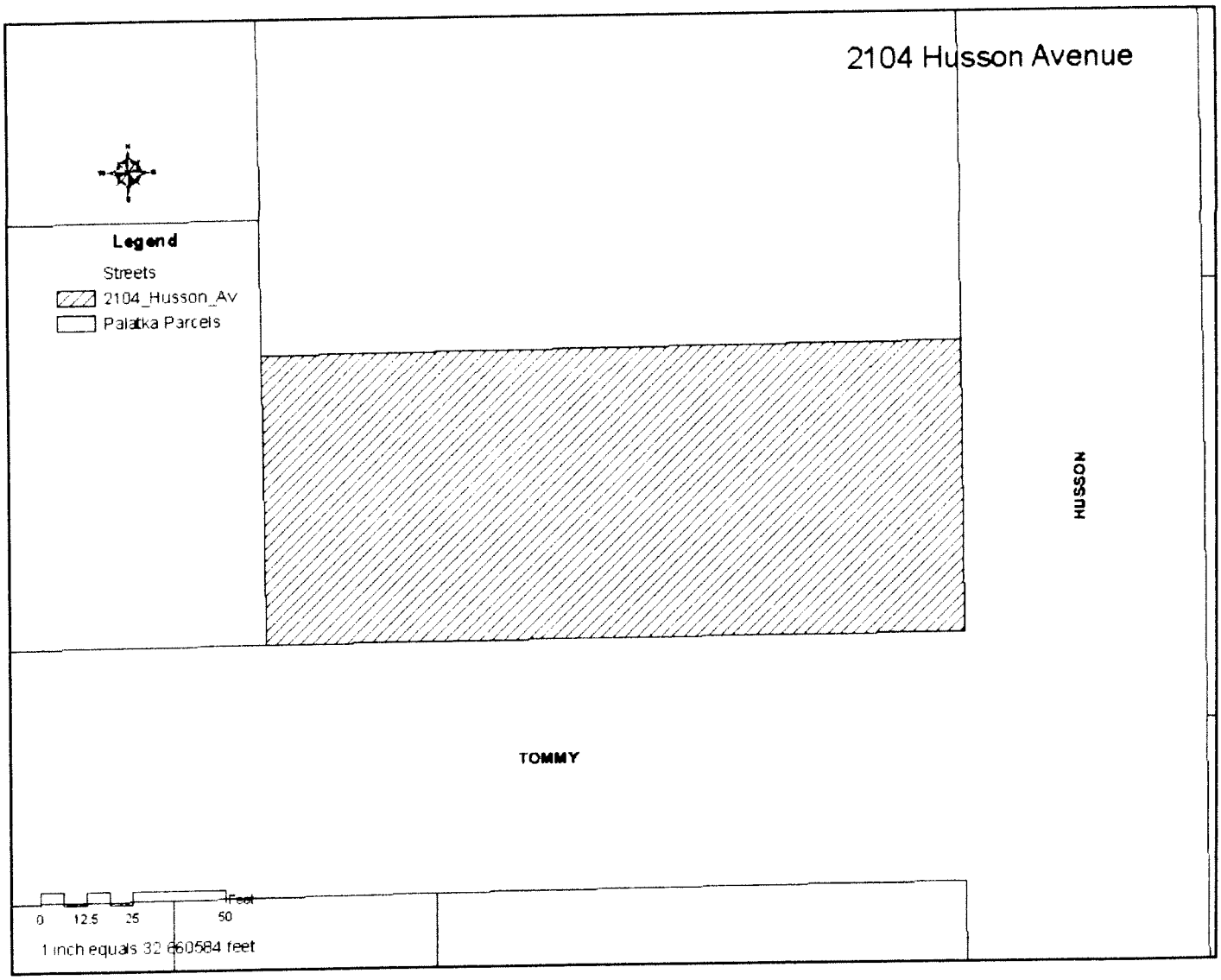
All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meeting at said time and place and be heard with respect to the proposed ordinance. This notice is given in accordance with F.S. 171.044.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK

DISPLAY ADVERTISEMENT – 2 x 6 -- run w/ map on file
Run Dates: 05/01/09 and 05/08/09
PROOF OF ADVERTISEMENT REQUESTED
Betsy J. Driggers
City of Palatka
201 N. 2nd Street
Palatka FL 32177
phone 386-329-0100
fax 386-329-0106


2104 Husson Avenue
Legend
Streets
2104_Husson_Av
Palatka Parcels
HUSSON
TOMMY
0 12.5 25 50
Feet
1 inch equals 32.660584 feet

Agenda Item

6

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

ITEM: Adoption of an ordinance changing the zoning for 105 Williams Street from Putnam County R1-A to City of Palatka R1-A. Second reading.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS
1. An Ordinance of the City of Palatka changing the zoning from Putnam County R1-A to City of Palatka R1-A.
2. February 3, 2009, Planning Board Minutes.
3. February 3, 2009, Planning Board Packet.

DATE: May 28, 2009

SUMMARY HIGHLIGHTS:

The identified purpose of this application is to allow City water due to failure of the applicant's well. This is a .23 acre parcel of land. On May 14, 2009, the City Commission approved the related ordinances for annexation and future land use map designation in the City.

A public hearing was held by the Planning Board on February 3, 2009, at the applicant's request for annexation, change of future land use from County Urban Service to City Low Density Residential, and rezoning from Putnam County R1-A (Single Family Residential) to City of Palatka R1-A (Single Family Residential) . There was no public testimony. The Planning Board voted to recommend approval of the three requests.

The first reading of this zoning ordinance was conducted by the City Commission on May 14, 2009. There was no public testimony.

RECOMMENDED ACTION:

Staff recommends approval of the attached zoning ordinance.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

This instrument prepared by:
Jim Lee
205 N. 2nd St.
Palatka, FL 32177

ORDINANCE NO. 09-____

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST; REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1.

WHEREAS, application has been made by the owner, Robert and Janet Walker, to the City for certain amendments to the Official Zoning Map of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on February 3,2009,and two public hearings before the City Commission of the City of Palatka on May 14,2009, and May 28,2009, and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted, now therefore,

Section 2. The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described property from its present zoning classification of County R1-A(Single Family Residential) to City R-1A (Single Family Residential)

DESCRIPTION OF PROPERTY:

The Northerly 98.0 feet of Lots 11 and 12 of Block 20, in LEMON STREET HEIGHTS, Waits and Johnson's Re-subdivision of Blocks 16, 17, 18, 19, 20, and 21 of McGregor's Subdivision of a part of Section 1, Township 10 South, Range 26 East, according to map of said Lemon Street Heights recorded in Map Book 2 on page 33 in the office of the Clerk of the Circuit Court of Putnam County, Florida

(Being tax parcel #01-10-26-5200-0200-0110)

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 May, 2009.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

_____
City Clerk

PLANNING AND ZONING STAFF REPORT

February 3, 2009

APPLICATION: PB 07-18 – Annexation, Small-Scale Future Land Use Map Amendment to change the Future Land Use designation from County Urban Service to City Low Density Residential and Rezone from County R1-A (Single family residential district) to City R-1A (Single family residential district).

APPLICANT: Robert and Janet Walker

LOCATION: 105 Williams Street

Parcel #: 01-10-26-5200-0200-0110

A. BACKGROUND & ANALYSIS: On March 16, 2007 the applicant had requested City sewer due to the failure of their septic tank. They already had City water. Since this property is contiguous to the City limits to the east across Williams Street, annexation is a requirement. Because the City was not allowed to process annexations and Future Land Use amendments until it's Comprehensive Plan was in compliance, the applicant was allowed to connect to sewer prior to approval by the Planning Board and City Commission. The property's main access is Williams Street located off St. Johns Avenue.

Surrounding properties have future land use designations of County Urban Service north, south and west of the subject property and City Medium Density Residential to the east. The zoning pattern of the site and surrounding area is County R1-A to the north, south and west and City R-2 to the east. The existing land use pattern in the area is single family residential.

SURROUNDING LAND USE AND ZONING:

	Future Land Use Designation	Zoning	Current Land Uses
North	Urban Service	R1A (Putnam)	Vacant
South	Urban Service	R1A (Putnam)	Single Family Residence
East	Medium Density Residential	R-2	Single Family Residence
West	Urban Service	R1A (Putnam)	Single Family Residence

B. COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES, ANNEXATIONS

The request is to annex .23 acres into the City. The subject property is located at 105 Williams Street. Properties directly north, east, and west of the site is County.

The proposed annexation does not create an enclave and meets the criteria identified in Section 171.043, Florida Statutes. This includes being contiguous to the City's boundaries at this time, is reasonably compact, is not included within the boundary of another incorporated municipality, and is intended to be developed for urban purposes because of the availability of City sewer and water lines that are contiguous to the property.

This request is a voluntary annexation and meets the criteria identified in Section 171.044, Florida Statutes, as it relates to being contiguous to the City, and reasonably compact. Following a recommendation from the Planning Board, an appropriately prepared ordinance will be considered by the City Commission after the correct advertising and scheduling of public hearings.

STAFF RECOMMENDATION: Approval of the annexation request.

C. COMPLIANCE WITH THE CITY OF PALATKA COMPREHENSIVE PLAN

The Existing Land Use Designation: The existing Future Land Use is County Urban Service which recognizes areas where urban infrastructure, such as central water, sewer, stormwater systems, paved major roads, exists or is programmed and available for more urban type of development. Although agricultural activities are allowed as a holding land use, this land use designation allows a broad mix of residential, commercial, industrial, public facility and recreation uses. Residential development can achieve a density of up to 9 dwelling units per acre, the highest in Putnam County, with adequate density bonus points.

The Proposed Land Use Designation:

Policy A.1.9.3.A.1 (9J-5.006(3)(c)7)
Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types. Low Density (1730 acres) - provides for a range of densities up to 5 units per acre.

Future Land Use Element

Objective A.1.1 (9J-5.006(3)(b)1; F.S. 187-201 (161)(1)(5)
Upon Plan adoption, the City shall coordinate future land uses with the appropriate topography, adjacent land uses, soil conditions, and the availability of facilities and services.

Policy A.1.1.3 (9J-5.006(3) (c) 3)
The City shall as a condition of issuing a building permit or other development order, require proposed developments to hook up to the City central sewer systems in accordance with the revised City zoning code and subdivision regulations based upon Chapter 381, F.S. and Division 64E, FAC.

STAFF ANALYSIS: The site is built out as a single-family residence which is consistent with the residential uses on Williams Street. City water & sewer lines have been run to the property and there is sufficient capacity to maintain existing level of service standards. In the Traffic Circulation Element, Public Facilities Element, Recreation and Open Space Element and Public Schools Facilities Element sections of this staff report we will evaluate each adopted level of service standard for this site related to a maximum density of up to 5 dwelling units per acre.

Traffic Circulation Element

Objective B.1.1 (9J-5.007(3)(b)1)
Upon plan adoption, the City shall provide for a safe, convenient and efficient motorized and non motorized transportation system by correcting, to the maximum extent feasible, all existing roadway deficiencies identified in this plan and maintain acceptable operating conditions in the future on a priority basis.

Policy B.1.1.1 (9J-5.007(3)(01))
The State-wide minimum acceptable operating Level of Service (LOS) standards for the State Highway System and City Street System shall be the base LOS standards listed herein, except for those conditions provided in Policies 1.1.1.A. and 1.1.1.B.

STAFF ANALYSIS: This segment of Williams Street is a City maintained road that serves as a collector with an adopted level of service of D.

Public Facilities Element

Objective D.1.1 (9J-5.011(2)(b)2)
Upon Plan adoption, the City of Palatka shall enforce adopted Concurrency Management System procedures to ensure that at the time a building permit or other development order is issued, infrastructure facility capacity is available to meet the demand of development without lowering adopted Levels of Service Standards (LOSS).

Policy D.1.1.1 (9J-5.011(2) (c)2)
The following level of service standards shall be the basis for determining the availability of facility capacity against the demand generated by development.
A1. Potable Water, Residential: 130 gallons per capita per day
B1. Central Sanitary Sewer System, Residential: 125 gallons per capita per day
C. Solid Waste: 6.4 lbs/person/day
D. Drainage Facilities: City of Palatka and Ravine State gardens Stormwater Quality Master Plan and minimum requirements of the St. Johns River Water Management District.

Policy D.1.1.2 (9J-5.011 (2)(c)2)
All improvements for replacement, expansion, or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and that distribution of these facilities/services is consistent with the Future Land Use Map.

STAFF ANALYSIS: This is an existing single-family dwelling that will not exceed the level of service standards.
- Potable Water: 325 gallons per day multiplied by 2.5 persons per unit is 812.50 gallons per day. A new water plant will be going on line in January 2009 with a capacity of 6 million gallons per day. Current peak usage is approximately 3,200,000 gallons per day. Capacity exists for this home.
- Central Sanitary Sewer System, Residential: 125 gallons per capita per day multiplied by 2.5 person per unit = 312.50 gallons per day. Capacity exists for this home.
- Solid Waste – 6.4 lbs multiplied by 2.5 persons per unit is 16 lbs per day. Capacity exists for this home.
- Drainage: This house was constructed in the County. All drainage issues would have been handled through their permitting process.

Recreation And Open Space Element

Objective F.1.1 (9J-5.0143(3)(b)1
Upon plan adoption, the City shall implement the following policies to ensure public access to all identified recreational facilities.

Policy F.1.1.2 (9J-5.014(3)(c)3
The City shall adopt the following Level of Service Standards: Regional Park/ 1 acre per 50, Community Park/ 1 acre per 500, Neighborhood Park/ 1 acre per 500, Equipped Play and Tot Lot/ 1 Per 2,000, Baseball/Softball Fields/ 1 per 5,000, Football/Soccer Fields/ 1 per 6,000, Equipped Play area/ 1 play area per 10,000, Basketball Courts/ 1 per 5,000, Boat Ramp (Lanes)/ 1 lane per 5,000, Tennis Court/ 1 court per 2,000, Swimming Pools/1 pool per 25,000, Hiking (miles)/ 1 Mile per 6,750, and Picnic Areas (Tables) 1 Table per 6,000.

STAFF ANALYSIS: This house will generate an additional 2.5 people (2.5 persons per unit multiplied by 21 units). Capacity exists for all recreational Level of Service Standards for this additional population.

Public Schools Facilities Element

Objective 1.1.1 (9J-5.025(3)(b)1
The City of Palatka shall ensure the correction of existing school facility deficiencies to provide adequate student capacity, which shall not exceed the adopted level of service standards within the Putnam County School District and which will meet future capacity needs.

Policy 1.1.1.1 (9J-5.025(3)(c)7
The City of Palatka hereby adopts LOSS for Schools of 100% based on permanent FISH capacity for all school types (Elementary, Middle and High)

STAFF ANALYSIS: Phil Leary, the consultant for the Putnam County School District has indicated this single family already exists and will not need to be analyzed for concurrency.

STAFF RECOMMENDATION: Staff recommends approval to change the Future Land Use designation from County Urban Service to City Low Density Residential

D. COMPLIANCE WITH THE PALATKA MUNICIPAL CODE, REZONING REQUEST

Rezoning requirements
When pertaining to the rezoning of land, the report and recommendations of the Planning Board to the City Commission shall show that the Planning Board has studied and considered the proposed change in relation to the following, where applicable (from Sec. 94-38(f)(1) of the Palatka Municipal Code):

a. Whether the proposed change is in conformity with the comprehensive plan.

STAFF ANALYSIS: The applicant requests rezoning to City R-1A (Single family residential district) from County R1-A (Single family residential district.) The proposed change is in conformance with the comprehensive plan as stated in the above comp plan review and is consistent with both the City and County land use designations for single family dwellings.

This zoning category is consistent with the requested Low Density Residential Future Land Use Map designation. The current land use designation is Putnam County Urban Service.

b. The existing land use pattern.

STAFF ANALYSIS: This rezoning request to City R-1A (Single family residential district) is consistent with the existing land use pattern in the area which is residential development. This request changes the zoning jurisdiction from County to City to accompany the annexation and future land use map amendment request.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

STAFF ANALYSIS: This rezoning request will not create an isolated district since the City and County have adjacent parcels with residential zoning that allow residential uses. The County's setbacks are similar to the City's but are slightly more restrictive.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

STAFF ANALYSIS: This parcel is built out as a single-family residence and will not overtax public services.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

STAFF ANALYSIS: Staff has no information to indicate that existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

STAFF ANALYSIS: In order to obtain water and sewer services, the applicant was required to annex, amend the Future Land Use map and rezone since the property is contiguous to the city limits. The proposed amendment is necessary to comply with these requirements.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

STAFF ANALYSIS: This change is consistent with the existing conditions of the neighborhood.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

STAFF ANALYSIS: This site is already developed as a single family residence and has not created or caused the LOSS to be exceeded for this portion of

Williams Street which is designated as a minor collector with an adopted level of service D.

i. Whether the proposed change will create a drainage problem.

STAFF ANALYSIS: This site is built out as a single-family residence. If any additions are made, drainage will be addressed in plan review.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

STAFF ANALYSIS: This site is built out.

k. Whether the proposed change will adversely affect property values in the adjacent area.

STAFF ANALYSIS: It is not anticipated that this rezoning request will adversely affect property values.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

STAFF ANALYSIS: Staff does not have any information to indicate that the proposed zoning change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations. Adjacent property owners were notified of this rezoning request and have the opportunity to appear before the Planning Board.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

STAFF ANALYSIS: This rezoning request does not constitute a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

STAFF ANALYSIS: The existing zoning is County zoning. With the proposed requests for annexation and a City future land use designation, it is appropriate to change the zoning to a consistent City zoning designation.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

STAFF ANALYSIS: This change is not out of scale with the needs of the neighborhood or City.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

STAFF ANALYSIS: There may be other sites in the City that could accommodate the projected use however, this site is already developed as a residence and the annexation along with the future land use amendment and zoning change is required in order to obtain sewer service.

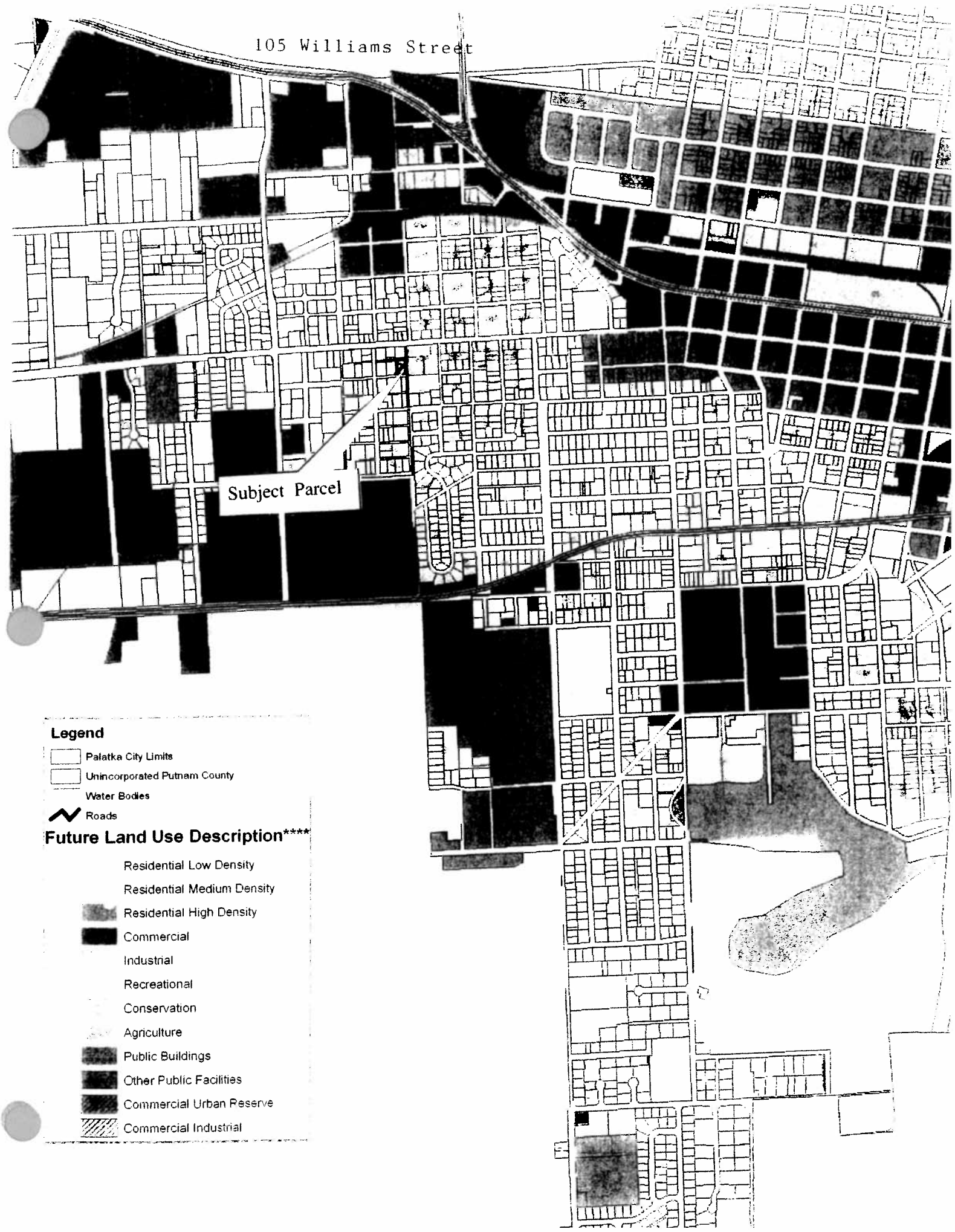
q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.

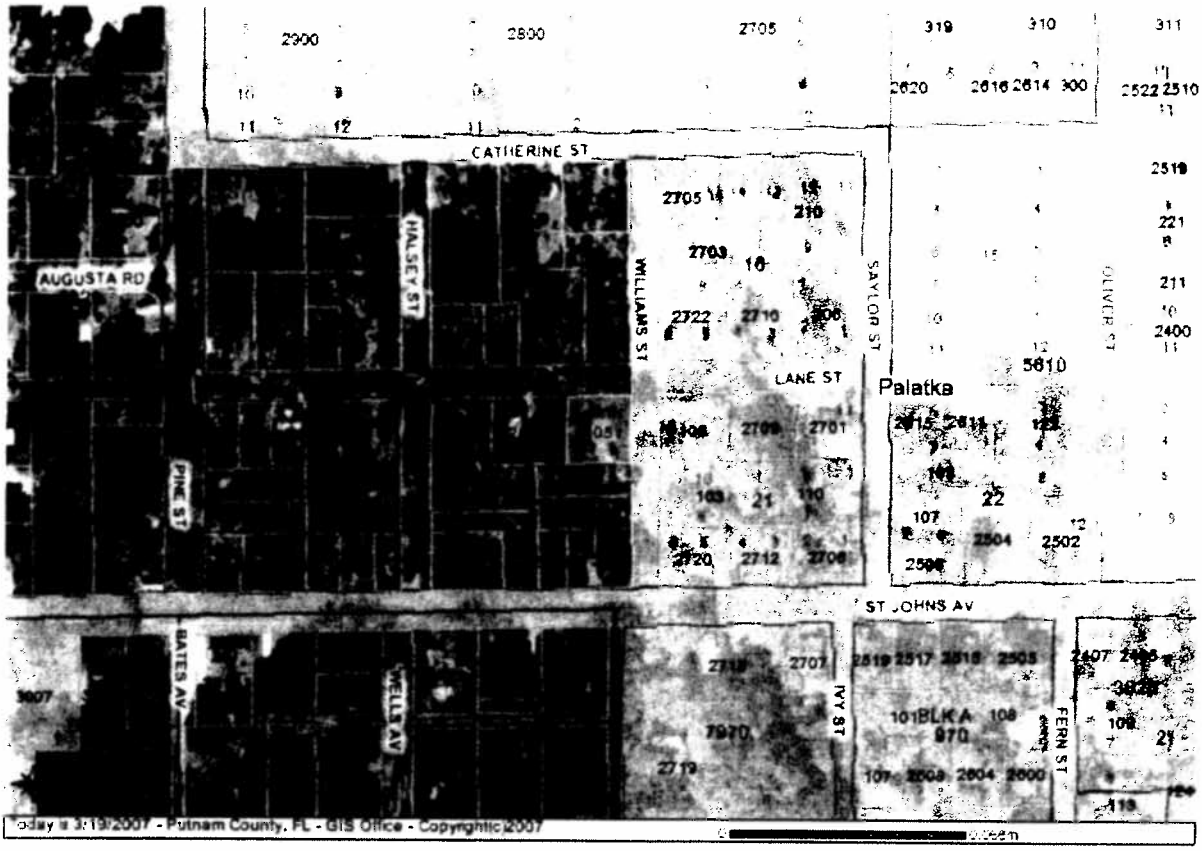
STAFF ANALYSIS: This parcel is not located in a Historic District.

STAFF RECOMMENDATION: Staff recommends approval of the requested zoning change from County R1-A (Single family residential district) to City R-1A (Single family residential district). The request complies with the rezoning criteria provided in the Palatka Municipal Code.

E. Photographs

105 Williams Street


105 Williams Street
Subject Parcel
Legend
Palatka City Limits
Unincorporated Putnam County
Water Bodies
Roads
Future Land Use Description****
Residential Low Density
Residential Medium Density
Residential High Density
Commercial
Industrial
Recreational
Conservation
Agriculture
Public Buildings
Other Public Facilities
Commercial Urban Reserve
Commercial Industrial



Sewer Request

105 Williams St.

Putnam County GIS Office
P.O. Box 307
Palatka, FL 32178-0307

3/19/2007 2:19:49 PM

Disclaimer: All provided Putnam County GIS data are to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. The Putnam County Board of County Commissioners as well as the constitutional offices including the Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector assume no responsibility associated with its misuse.

STATE OF FLORIDA

County of Putnam

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

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

01/16/2009

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

Jeannette Eveland

Sworn to and subscribed to before me this 16th day of January, 2009 by Jeannette Eveland, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

Mary Kaye Wells

Mary Kaye Wells, Notary Public
My commission expires July 22, 2011

Notary Seal
Seal of Office:

_____ Personally known to me, or
_____ Produced identification:
_____ Did take an oath

PUBLIC NOTICE

Notice is hereby given that the CITY OF PALATKA PLANNING BOARD will hold a public hearing on February 3, 2009 at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

A request to annex into the City of Palatka city limits, to rezone from County R 1-A (single family residential) to City R 1-A (single family residential) and to amend the Future Land Use Map from County Urban Service to City Low Density Residential

Location: 106 Williams Street (01-10-26-5200-0200-0110)

Owner: Robert and Janet Walker

Case: PB 07-18

All interested parties are invited to attend this public hearing.

Deborah Banks
Assistant Planning Director

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING & ZONING DEPARTMENT AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Legal No. 04542511
01/16/2009

RECEIVED
2009
BY: _____

MARY KAYE WELLS
MY COMMISSION # DD 654041
EXPIRES: July 22, 2011
Bonded Thru Notary Public Underwriters

City of Palatka
Building & Zoning
201 N. 2nd Street
Palatka, Florida 32177
386-329-0103 • Fax 386-329-0172

As an owner of adjacent property, you are hereby notified of a pending action before the Planning Board which may be of concern to you:

PUBLIC NOTICE

Notice is hereby given that the **CITY OF PALATKA PLANNING BOARD** will hold a public hearing on **February 3, 2009** at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

A request to annex into the City of Palatka city limits, to rezone from County R 1-A (single family residential) to City R 1-A (single family residential) and to amend the Future Land Use Map from County Urban Service to City Low Density Residential

Location: 105 Williams Street (01-10-26-5200-0200-0110)

Owner: Robert and Janet Walker

Case: PB 07-18

All interested parties are invited to attend this public hearing.

Deborah Banks
Assistant Planning Director

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

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PB07-18
LORETTA A TUCKER
11542 JOANCE LN
JACKSONVILLE FL 32223

PB07-18
LUIS A CEDENO
2810 LANE ST
PALATKA FL 32177

PB07-18
ANDRE G + MARGUERITE A GABORIA
PO BOX 2441
PALATKA FL 32178

PB 07-18
Sandra M + Timothy N Headley
105 Halsey St.
Palatka, FL 32177

PB07-18
RUSSELL E JR + ANITA L THOMAS
125 WASHINGTON ST
ST AUGUSTINE FL 32084

PB07-18
CHERRY LEONARD
2805 LANE ST
PALATKA FL 32177

PB07-18
WILLIAM E + DOROTHY Z WISE
2104 GOLF DR
PALATKA FL 32177

PB07-18
JOSEPH T+ROSE MARIE SARA AGIUS
PO BOX 310
SATSUMA FL 32189

PB 07-18
Martin & Kimberly Scott
104 Williams St.
Palatka, FL 32177

PB07-18
JEB + FALYN TEUTON
102 WILLIAMS ST
PALATKA FL 32177

PB07-18
EDDIE L + DEBRA L JOHNSON
PO BOX 1115
PALATKA FL 32178

PB07-18
CLEVELAND WOODROW SHEPPARD
103 WILLIAMS ST
PALATKA FL 32177

PB07-18
LEW A JR MERRYDAY
425 N PALM AVE
PALATKA FL 32177

PB07-18
G LEE SCHUMACHER
2722 LANE ST
PALATKA FL 32177

PB 07-18
June T. Roberds
2804 St. Johns Ave.
Palatka, FL 32177

RECEIVED
JUN 13 2007
BY:
07-13
Date Filed

CITY OF PALATKA
PETITION FOR VOLUNTARY ANNEXATION

Please provide the following information and return to: *City of Palatka Building & Zoning Dept.*
205 N. 2nd Street
Palatka, FL 32177

1. Official 911 address or legal description: 105 Williams St Palatka
2. Property Appraiser parcel #: 01-10-26-5200-0200-0110
3. Total acres to be considered as part of this request: _____
4. The names and addresses of all owners as shown in the Putnam County public records: Robert + Janet Walker 105 Williams Street Palatka, Fl.
5. Reason for annexation request: City sewer
6. Number and types of structures on the property: 1 residential
7. If residential, provide an estimate of the number of persons expected to be living on site at the time of annexation *(for U.S. Census reports)*: 2
8. Copy of recorded deed (attach to application).
9. Boundary survey or location map (attach to application).
10. Application for Rezoning and Future Land Use Map Amendment (attach to application).
11. Name, telephone number, and mailing address of agent authorized to represent owner (if applicable): William Walker 954-587-0100

11. Name, telephone number, and mailing address of agent authorized to represent owner (if applicable): William Walker
5041 S. State Rd 7 #415 Davie, Fl 33314

12. Select and attach appropriate application fee (checks payable to *City of Palatka*):

__ $130.00 (rezoning only)
$240.00 (rezoning with small scale land use amendment)

13. This application submitted by:

Signature of owner(s): Robert Walker Janet Walker

Print owner(s) name(s): Robert Walker Janet Walker

Address of owner(s): 105 Williams Street
Palatka, Fl.

Telephone: 386-328-4165

STATE OF FLORIDA
County of Putnam

Before me this day personally appeared Robert + Janet Walker who executed the foregoing application and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 16 day of May A.D. 1999 2007

Susan Jones

My commission expires: Notary Public

State of Florida at Large

SUSAN JONES
MY COMMISSION # DD 275203
EXPIRES: February 1, 2008
Bonded Thru Notary Public Underwriters

Case Number 07-18
Date Filed ____

CITY OF PALATKA
APPLICATION FOR REZONING AND/OR AMENDING THE FUTURE LAND USE MAP (Small Scale)

Please provide all of the following information and return to: *City of Palatka Building Dept*
205 N. 2nd Street
Palatka, FL 32177

1. Official 911 address or legal description: 105 Williams Street Palatka, Fl.
2. Property Appraiser parcel #: 01-10-26-5200-0200-0110
3. Total acres to be considered as part of this request: ____
4. The names and addresses of all owners as shown in the Putnam County public records: Robert & Janet Walker
5. Current zoning designation: (County) R1A Requested zoning designation: (City) R1-A
6. Current land use designation: US (Urban Service) Requested land use designation: Low Density Res
7. Reason for rezoning/land use amendment request: to establish city sewer.
8. Number and types of structures on the property: 1 residental home
9. Copy of recorded deed (attach to application).
10. Boundary survey or location map (attach to application).

12. Three hundred five dollars ($305.00) application fee (check payable to City of Palatka)

13. This application submitted by:

Signature of owner(s): Robert Walker | Janet Walker

Print owner(s) name(s): Robert Walker | Janet Walker

Address of owner(s): 105 Williams St Palatka, FL | 105 Williams St Palatka FL

Telephone: 386 328 4165 | 386 328 4165

STATE OF FLORIDA
County of Putnam

Before me this day personally appeared Robert + Janet Walker who executed the foregoing application and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.
WITNESS my hand and official seal, this 16 day of May A.D. ~~19~~ 2007

My commission expires:

Susan Jones
Notary Public
State of Florida at Large

SUSAN JONES
MY COMMISSION # DD 275203
EXPIRES: February 1, 2008
Bonded Thru Notary Public Underwriters

FL 217302 B 632 P 970
CO:PUTNAM ST:FL

WARRANTY DEED

Made this 30th day of August, 1993, **BETWEEN, ELOISE C. WALKER,** A single woman, whose post office address is 121 Williams Street, Palatka, Florida 32177, **GRANTOR** and **ROBERT ALLEN WALKER and JANET E. DAVIDSON WALKER,** Husband and Wife, whose post office address is 121 Williams Street, Palatka, 32177, of the County of Putnam, State of Florida, **GRANTEES,**

WITNESSETH: That said Grantor, for and in consideration of the sum of **TEN DOLLARS,** and other good and valuable consideration to said Grantor in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantees, and Grantees' heirs, successors and assigns forever, the following described land, situate, lying and being in Putnam County, Florida, to-wit:

The Northerly 98.0 feet of Lots 11 and 12 of Block 20, in LEMON STREET HEIGHTS, Waits and Johnson's Re-subdivision of Blocks 16, 17, 18, 19, 20 and 21 of McGregor's Subdivision of a part of Section 1, Township 10 South, Range 26 East, according to map of said Lemon Street Heights recorded in Map Book 2 on Page 33 in the office of the Clerk of the Circuit Court of Putnam County, Florida.

TAX I.D. NO. - 01-10-26-5200-0200-0110

Reserving nevertheless in the Grantor a life estate, personal to her, in and to the above described properties.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seals the day and year first above written.

Signed, Sealed and Delivered
in our presence:

Witnesses as to Mrs. Walker

Eloise C. Walker
ELOISE C. WALKER

DOC STAMPS .70
INTANG TAX .00

Documentary Tax Pd $ .70
Certificate # 64-000000-00-01
EDWARD L. BROOKS, Clerk of Circuit Court
By Linda L. Robert

FL 217302 B 632 P 971
CO:PUTNAM ST:FL

STATE OF FLORIDA
COUNTY OF PUTNAM

I HEREBY CERTIFY that on this 30th day of August, 1993, the foregoing instrument was acknowledged before me by ELOISE C. WALKER, A single woman, who is personally known to me or who has produced a Florida Driver's License as identification and who did take an oath.

OFFICIAL SEAL
LANA K. BUNTON
MY COMMISSION EXPIRES
OCTOBER 25, 1994

Notary Public
Commission No. CC057259

Lana K. Bunton
Name of Notary typed, printed or stamped

Grantees' Tax I. D. Number Information:

Robert Allen Walker _____

Janet E. Davidson Walker _____

This Instrument Prepared
by and Return To:
TITO S. SMITH
Attorney at Law
601 St. Johns Avenue
Palatka, Florida 32177

FILED AND RECORDED
DATE 09/01/93 TIME 09:49

ED BROOKS CLERK
CO:PUTNAM ST:FL

Detail Information for Parcel: 01-10-26-5200-0200-0110			Tax Collector Info
Just Value of Land:	$7200	Property Use:	Single Family Residential
Improvement Value:	$50669	Structures:	1
Market Value:	$57869	Mobile Homes: [?]	0
Market Classified:	$0	MH Unextended:	0
Classified: [?]	$0	Census Tract:	950700
Assessed Value:	$57869	Census Block:	3041
SOH Limitation:	$55801	Total Acreage:	0.23
School Exempt:	$25000	Exemptions: [?]	HX [?]
School Taxable:	$30801	Location:	Putnam County

Parcel 911 Addresses

105 Williams St, Palatka (MapQuest map)

Property Legal Description

LEMON ST HEIGHTS MB2 P33 BLK 20 LOTS 11 + 12

Parcel Sales Data

Book	Page	Instrument	Month	Year	QSCD	Price
0966	0101	Death Certificate	January	2004		$0
0632	0970	Life Estate Warranty Deed	September	1993	01 I	$100
0310	1721	Warranty Deed	August	1974		$12800

Land Data

Units	Descriptions
100.00	Residential Front Feet

Zoning Data

Department	Code	Descriptions
Putnam County	R-1A	Residential, Single-Family

Future Land Use Map (FLUM)

Code	Acreage	Descriptions
US	0.11	Urban Service

Structure Data

Type	Year	Area	Square Feet
Single Family	1947	BASE	856
		OPF	64
		UTF	80

Notice:

The information displayed is from the Final Taxroll which is certified each year in mid October and is updated annually. This information may not reflect the data currently on file in the Property Appraisers office

Click **here** to do another search or use your browser's back button to return to previous search results.

NEW BUSINESS

Case PB 07-18 **Address:** 105 Williams Street (01-10-26-5200-0200-0110)
Applicant: Robert and Janet Walker

Request: To annex into the City of Palatka, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential) to City R 1-A (single family residential)

(Public Hearing)

Ms. Lennard, a neighbor of the applicants, asked why she received a letter and asked if this request would affect her in any way.

Ms. Banks advised that notification to surrounding property owners is a requirement of this type of request, and advised that this request would not affect her property.

(Regular Meeting)

Motion made by Randy Braddy and seconded by Clem Saccareccia to approve the request to annex into the City of Palatka, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential) to City R 1-A (single family residential). All present voted affirmative, motion carried.

Case PB 07-17 **Address:** 2104 Husson Avenue (13-10-26-6790-0000-0130)
Applicant: Yvonne Van Der Lee

Request: To annex into the City of Palatka city limits, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district)

(Public Hearing)

(Regular Meeting)

Motion made by Randy Braddy and seconded by Clem Saccareccia to approve the request to annex into the City of Palatka city limits, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district) All present voted affirmative, motion carried.

Case 09-01 **Downtown Riverfront and Downtown Business District**

Request: To amend the Downtown Riverfront and Downtown Business Zoning Districts to exclude those parcels abutting St. Johns Avenue from the Conditional Use allowance for single-family dwellings.

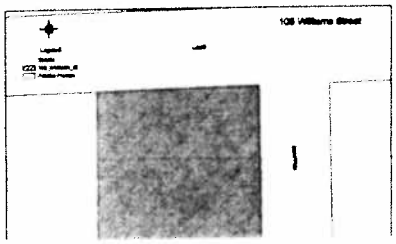
NOTICE OF ANNEXATION

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, at the next regular meeting to be held at 6:00 p.m. on the 14th day of May, 2009, at City Hall, Palatka, Florida, will consider the enactment of Ordinance No. 09-14 annexing the following described property into the corporate limits of the City and redefining the boundary lines of the City of Palatka to include said property. The property is described as approximately .23 acres of improved property in Section 1, Township 10 South, Range 26 East, located at 105 Williams Street, Palatka, Putnam County. A map is attached hereto and a copy of the Ordinance containing a copy of the legal description can be obtained from the Office of the City Clerk at City Hall.

All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meeting at said time and place and be heard with respect to the proposed ordinance. This notice is given in accordance with F.S. 171.044.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK



Bold

Mary Kay
OK to run
4-30-09
Annexations

NOTICE OF ANNEXATION

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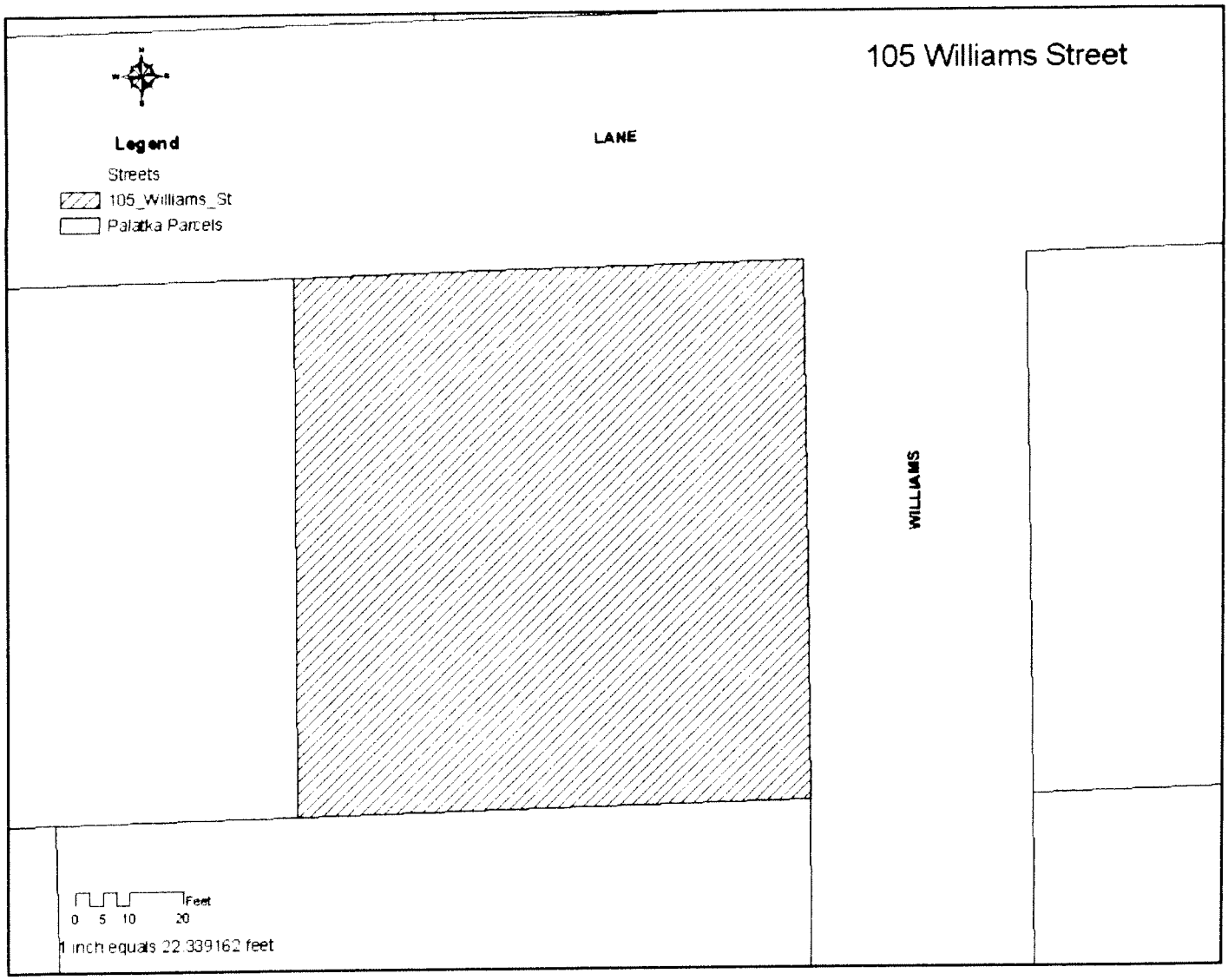
PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK

DISPLAY ADVERTISEMENT – 2 x 6 -- run w/ map on file
Run Dates: 05/01/09 and 05/08/09
PROOF OF ADVERTISEMENT REQUESTED
Betsy J. Driggers
City of Palatka
201 N. 2nd Street
Palatka FL 32177
phone 386-329-0100
fax 386-329-0106


105 Williams Street
Legend
Streets
105_Williams_St
Palatka Parcels
LANE
WILLIAMS
Feet
0 5 10 20
1 inch equals 22.339162 feet

Agenda Item

7

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

ITEM: Adoption of an ordinance changing the zoning for 114 Tanner Terrace from Putnam County R1-A to City of Palatka R1-A. Second reading.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS

1. An Ordinance of the City of Palatka changing the zoning from Putnam County R1-A to City of Palatka R1-A.
2. December 2, 2008, Planning Board Minutes.
3. December 2, 2008, Planning Board Packet.

DATE: May 28, 2009

SUMMARY HIGHLIGHTS:

The identified purpose of this application is to allow City water and sewer service for this single family residence. This is a .31acre parcel of land. On May 14, 2009, the City Commission approved the related ordinances for annexation and future land use map designation in the City.

A public hearing was held by the Planning Board on December 2, 2008, at the applicant's request for annexation, change of future land use from County Urban Service to City Low Density Residential, and rezoning from Putnam County R1-A to City of Palatka R1-A. There was no public testimony. The Planning Board voted to recommend approval of the three requests.

The first reading of this zoning ordinance was conducted by the City Commission on May 14, 2009. There was no public testimony.

RECOMMENDED ACTION:

Staff recommends approval of the attached zoning ordinance.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

This instrument prepared by:
Jim Lee
205 N. 2nd St.
Palatka, FL 32177

ORDINANCE NO. 09-____

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST; REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1.

WHEREAS, application has been made by the owner, Lois Darlene Laibl Crowe to the City for certain amendments to the Official Zoning Map of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on December 2,2008,and two public hearings before the City Commission of the City of Palatka on May 14,2009, and May 28,2009, and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted, now therefore,

Section 2. The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described property from its present zoning classification of County R-1A(Single Family Residential) to City R-1(Single Family Residential).

DESCRIPTION OF PROPERTY:

FROM THE POINT OF INTERSECTION BETWEEN THE SOUTHERLY RIGHT OF WAY LINE OF ST. JOHNS AVENUE (FORMERLY LEMON STREET) AS SUCH RIGHT OF WAY LINE IS DESCRIBED IN MINUTES OF CIRCUIT COURT BOOK 15, PAGE 258 WITH THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST RUN SOUTH AND ALONG THE SAID WEST LINE A DISTANCE OF 120 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED IN OFFICIAL RECORDS BOOK 203, PAGE 599, BEING THE POINT OF BEGINNING; (1) THENCE RUN EAST AND ALONG THE SOUTH LINE OF THE SAID TRACT A DISTANCE OF 150 FEET TO THE SOUTHEAST CORNER THEREOF. RETURN TO THE POINT OF BEGINNING AND (2) CONTINUE THENCE SOUTH ALONG THE WEST LINE OF THE EAST 1/2 OF NORTHWEST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 A DISTANCE OF 90 FEET TO A POINT; (3) THENCE RUN EAST AND PARALLEL TO CALL (1) A DISTANCE OF 150 FEET TO A POINT; (4) THENCE RUN NORTH AND IN A STRAIGHT LINE TO THE EASTERLY END OF CALL (1) AND TO CLOSE.

SUBJECT TO THAT CERTAIN EASEMENT GRANTED TO CITY OF PALATKA, RECORDED IN OFFICIAL RECORDS BOOK 141, PAGE 371 AND EXCEPTING THEREFROM THAT PART CONVEYED TO CITY OF PALATKA AND RECORDED IN OFFICIAL RECORDS BOOK 394, PAGE 1120, ALL OF THE ABOVE BEING IN THE PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA.

(Being tax parcel #11-10-26-0000-0120-0030)

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 May, 2009.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

_____
City Clerk

PLANNING AND ZONING STAFF REPORT

December 2, 2008

APPLICATION: PB 06-50 – Annexation, Small-Scale Future Land Use Map Amendment to change the Future Land Use designation from County Urban Service to City Low Density Residential and Rezone from County R1-A to City R-1.

APPLICANT: Lois Darlene Laibl Crowe

LOCATION: 114 Tanner Terrace

Parcel #: 11-10-26-0000-0120-0030

REQUEST: The applicant is requesting to annexation into the City limits, amend the City's Future Land Use Map for .31 acres of property from County Urban Service to City Low Density Residential

BACKGROUND & ANALYSIS: This property is contiguous to the City limits along the western property line and annexation is a requirement to obtain City services. Since the City was not allowed to process annexations and Future Land Use amendments until it's Comprehensive Plan was in compliance, the applicant was allowed to connect to water and sewer prior to approval by the Planning Board and City Commission. The property's main access is off of Tanner Terrace, which is a dirt road off of St. Johns Avenue.

Surrounding properties have future land use designations of County Urban Service north, south and east of the subject property and City High Density Residential to the west. The zoning pattern of the site and surrounding area is County C-1 to the north, County R1-A and Commercial, Professional Offices to the east, County R1-A to the south with City R-3 to the west. The existing land use pattern in the area is mixed commercial and residential.

SURROUNDING LAND USE AND ZONING:

	Future Land Use Designation	Zoning	Current Land Uses
North	Urban Service	C-1 (Putnam)	Ralph's Hair Care
South	Urban Service	R1A (Putnam)	Residence
East	Urban Service	CPO & R1A (Putnam)	Women's Resource Center & a Residence
West	High Density Residential	R1A (Putnam)	St. Johns River Apts.

COMPREHENSIVE PLAN:

The Existing Land Use Designation: The existing Future Land Use is County Urban Service which recognizes areas where urban infrastructure, such as central water, sewer, stormwater systems, paved major roads, exists or is programmed and available for more urban type of development. Although agricultural activities are allowed as a holding land use, this land use designation allows a broad mix of residential, commercial, industrial, public facility and recreation uses. Residential development can

achieve a density of up to 9 dwelling units per acre, the highest in Putnam County, with adequate density bonus points.

The Proposed Land Use Designation:

Policy A.1.9.3.A.1 (9J-5.006(3)(c)7)
Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types. Low Density (1730 acres) - provides for a range of densities up to 5 units per acre.

Future Land Use Element

Objective A.1.1 (9J-5.006(3)(b)1; F.S. 187-201 (161)(1)(5)
Upon Plan adoption, the City shall coordinate future land uses with the appropriate topography, adjacent land uses, soil conditions, and the availability of facilities and services.

Policy A.1.1.3 (9J-5.006(3) (c) 3)
The City shall as a condition of issuing a building permit or other development order, require proposed developments to hook up to the City central sewer systems in accordance with the revised City zoning code and subdivision regulations based upon Chapter 381, F.S. and Division 64E, FAC.

Staff Analysis: The site is built out as a single-family residence which is consistent with surrounding uses on Tanner Terrace. City water lines have been run to the property and there is sufficient capacity to maintain existing level of service standards. In the Traffic Circulation Element, Public Facilities Element, Recreation and Open Space Element and Public Schools Facilities Element sections of this staff report we will evaluate each adopted level of service standard for this site related to a maximum density of up to 5 dwelling units per acre.

Objective A.1.6 (9J-5.006(3)(b)7)
Upon Plan adoption, the City shall discourage urban sprawl. Land Development Regulations shall be adopted that implement the following policies:

Staff Analysis: This site is accessed off Tanner Terrace, has all the City services (including water, sewer and garbage collection) which are all are features that discourage urban sprawl.

Traffic Circulation Element

Objective B.1.1 (9J-5.007(3)(b)1)
Upon plan adoption, the City shall provide for a safe, convenient and efficient motorized and non motorized transportation system by correcting, to the maximum extent feasible, all existing roadway deficiencies identified in this plan and maintain acceptable operating conditions in the future on a priority basis.

Policy B.1.1.1 (9J-5.007(3)(01))
The State-wide minimum acceptable operating Level of Service (LOS) standards for the State Highway System and City Street System shall be the base LOS standards listed herein, except for those conditions provided in Policies 1.1.1.A. and 1.1.1.B.

Staff Analysis: Tanner Terrace is not a street in the LOS City System.

Public Facilities Element

Objective D.1.1 (9J-5.011(2)(b)2)
Upon Plan adoption, the City of Palatka shall enforce adopted Concurrency Management System procedures to ensure that at the time a building permit or other development order is issued, infrastructure facility capacity is available to meet the demand of development without lowering adopted Levels of Service Standards (LOSS).

Policy D.1.1.1 (9J-5.011(2) (c)2)
The following level of service standards shall be the basis for determining the availability of facility capacity against the demand generated by development.
A1. Potable Water, Residential: 130 gallons per capita per day
B1. Central Sanitary Sewer System, Residential: 125 gallons per capita per day
C. Solid Waste: 6.4 lbs/person/day
D. Drainage Facilities: City of Palatka and Ravine State gardens Stormwater Quality Master Plan and minimum requirements of the St. Johns River Water Management District.

Policy D.1.1.2 (9J-5.011 (2)(c)2)
All improvements for replacement, expansion, or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and that distribution of these facilities/services is consistent with the Future Land Use Map.

Staff Analysis: This is an existing single- family dwelling that will not exceed the level of service standards.
- Potable Water: 325 gallons per day multiplied by 2.5 persons per unit is 812.50 gallons per day. A new water plant will be going on line in January 2009 with a capacity of 6 million gallons per day, Current peak usage is approximately 3,200,000 gallons per day. Capacity exists for this home.
- Central Sanitary Sewer System, Residential: 125 gallons per capita per day multiplied by 2.5 person per unit = 312.50 gallons per day. Capacity exists for this home.
- Solid Waste – 6.4 lbs multiplied by 2.5 persons per unit is 16 lbs per day. Capacity exists for this home.
- Drainage: This house was constructed in the County – all drainage issues would have been handled through their permitting process.

Recreation And Open Space Element

Objective F.1.1 (9J-5.0143(3)(b)1
Upon plan adoption, the City shall implement the following policies to ensure public access to all identified recreational facilities.

Policy F.1.1.2 (9J-5.014(3)(c)3
The City shall adopt the following Level of Service Standards: Regional Park/ 1 acre per 50, Community Park/ 1 acre per 500, Neighborhood Park/ 1 acre per 500, Equipped Play and Tot Lot/ 1 Per 2,000, Baseball/Softball Fields/ 1 per 5,000, Football/Soccer Fields/ 1 per 6,000, Equipped Play area/ 1 play area per 10,000, Basketball Courts/ 1 per 5,000, Boat Ramp (Lanes)/ 1 lane per 5,000, Tennis Court/ 1 court per 2,000, Swimming Pools/1 pool per 25,000, Hiking (miles)/ 1 Mile per 6,750, and Picnic Areas (Tables) 1 Table per 6,000.

Staff Analysis: This house will generate an additional 2.5 people (2.5 persons per unit multiplied by 21 units). Capacity exists for all recreational Level of Service Standards for this additional population.

Public Schools Facilities Element

Objective 1.1.1 (9J-5.025(3)(b)1
The City of Palatka shall ensure the correction of existing school facility deficiencies to provide adequate student capacity, which shall not exceed the adopted level of service standards within the Putnam County School District and which will meet future capacity needs.

Policy 1.1.1.1 (9J-5.025(3)(c)7
The City of Palatka hereby adopts LOSS for Schools of 100% based on permanent FISH capacity for all school types (Elementary, Middle and High)

Staff Analysis: Phil Leary, the consultant for the Putnam County School District has stated this single family already exists and will not need to be analyzed for concurrency.

Zoning: The proposed change, if approved, to the Low Density Residential future land use designation is consistent with the R-1 (single-family residential) zoning requested.

STAFF RECOMMENDATION: Staff recommends approval of this request to annex this parcel into the Palatka city limits, to amend the future land use map from County Urban Service to City Low Density Residential and to rezone from County R-1A to City R-1.

Photographs

Case Number
Date Filed

CITY OF PALATKA
PETITION FOR VOLUNTARY ANNEXATION

Please provide the following information and return to: *City of Palatka Building & Zoning Dept.*
205 N. 2nd Street
Palatka, FL 32177

1. Official 911 address or legal description: 114 TANNER TERRACE PALATKA, FL. 32177-2177

2 Property Appraiser parcel #: 11-10-26-0000-0120-0030

3. Total acres to be considered as part of this request: ~ 1

4. The names and addresses of all owners as shown in the Putnam County public records:
LOIS DARLENE LAIB-CROWE
114 TANNER TERRACE, PALATKA, FL. 32177-2177

5. Reason for annexation request: WATER AND SEWER CONNECTION

6. Number and types of structures on the property: ONE NEW CONSTRUCTION FRAME SINGLE FAMILY DWELLING

7. If residential, provide an estimate of the number of persons expected to be living on site at the time of annexation *(for U.S. Census reports)*: 2

* 8. Copy of recorded deed (attach to application).

* 9. Boundary survey or location map (attach to application).

* 10. Application for Rezoning and Future Land Use Map Amendment (attach to application).

11. Name, telephone number, and mailing address of agent authorized to represent owner (if applicable) CAIP JAMISON 100 POINT IDA COURT INTERLACHEN, FL. 32148

PB#06-50

1-24-97

12. Three hundred five dollar ($305.00) application fee (checks payable to *City of Palatka*)

13. This application submitted by:

Signature of owner(s): [signature]

Print owner(s) name(s): LOIS DARLENE LAIB-CROWE

Address of owner(s): 111 TANNER TERR
PALATKA, FL 32177

Telephone: 546-5706

STATE OF FLORIDA
County of Putnam

Before me this day personally appeared Lois Darlene Laib-Crowe who executed the foregoing application and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.
WITNESS my hand and official seal, this 30 day of Oct A.D. 2006.

My commission expires:

[signature]
Notary Public
State of Florida at Large

SHERI D. SPARKS
Notary Public - State of Florida
My Commission Expires Feb 1, 2009
Commission # DD 391638
Bonded By National Notary Assn.

RECEIVED
NOV 02 2006

Case Number: PZ 06-30
Date Filed: 10 31 06

CITY OF PALATKA
APPLICATION FOR REZONING AND/OR AMENDING THE FUTURE LAND USE MAP (Small Scale)

Please provide all of the following information and return to: *City of Palatka Building Dept.*
205 N. 2nd Street
Palatka, FL 32177

1. Official 911 address or legal description: 114 TANNER TERRACE PALATKA, FL. 32177

2 Property Appraiser parcel #: 110-26-0000-0120-0030

3. Total acres to be considered as part of this request: ~1

4. The names and addresses of all owners as shown in the Putnam County public records: LOIS DARLENE LAIBL-CROWE 114 TANNER TERRACE, PALATKA FL 32177

5. Current zoning designation: _____ Requested zoning designation: _____

6. Current land use designation: _____ Requested land use designation: _____

7. Reason for rezoning/land use amendment request: Connection to city services

8. Number and types of structures on the property: 1

9. Copy of recorded deed (attach to application).

10. Boundary survey or location map (attach to application).

RECEIVED
NOV 2 2006

11. Name, telephone number, and mailing address of agent authorized to represent owner (if applicable): _____

12. Select and attach appropriate application fee (checks payable to *City of Palatka*):

__ $130.00 (rezoning only)
10/31/06 ✓ $240.00 (rezoning with small scale land use amendment)

13. This application submitted by:

Signature of owner(s): * _____ * 11-2-06

Print owner(s) name(s): L. DARLENE LAIBL-CRUDE | L. DARLENE LAIBL CRUDE

Address of owner(s): 114 TANNER TERRACE | _____
PALATKA FL. 32177 | _____

Telephone: 546-5706 | _____

STATE OF FLORIDA

County of Putnam

Before me this day personally appeared L. Darlene Laibl Crude who executed the foregoing application and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 2nd day of November A.D. ~~199~~ 2006.

Jessica Rogers

My commission expires: May 28, 2007

Notary Public

State of Florida at Large

JESSICA ROGERS
MY COMMISSION # DD 216948
EXPIRES: May 28, 2007
Bonded Thru Budget Notary Services

2007 Assessment Information for Parcel: 11-10-26-0000-0120-0030

Tax Collector Information

Laibl-Crowe Lois Darlene

114 Tanner Terr
Palatka Fl 32177-2177 (**Putnam County GIS Interactive Mapping**)

Parcel 911 Addresses

114 Tanner Ter, Palatka (**MapQuest map**)

Detail Information for Parcel: 11-10-26-0000-0120-0030

Just Value of Land:	$14310	Property Use:	Single Family Residential
Improvement Value:	$68272	Structures:	1
Market Value:	$82582	Mobile Homes: [?]	0
Market Classified:	$0	MH Unextended:	0
Classified: [?]	$0	Census Tract:	950700
Market Adjusted:	$82582	Census Block:	4021
Assessed/Limited:	$82582	Total Acreage:	0.31
School Exempt:	$82582	Exemptions: [?]	WHX 11 [?]
School Taxable:	$0	Location:	Putnam County

Property Legal Description

PT OF E 1/2 OF NW 1/4 OF NW1/4 OF NE 1/4 OR 292 P 756

Parcel Sales Data

Book	Page	Instrument	Month	Year	QSCD	Price
0664	0188	Warranty Deed	January	1995	00 I	$35000
0612	0379	Warranty Deed	October	1992	00 I	$29900
0590	1394	Warranty Deed	October	1991	01	$7700
0590	1392	Warranty Deed	October	1991	01	$7700
0586	0259	Marriage Certificate	July	1991	01	$0
0382	1880	Warranty Deed	November	1979		$13500
0371	0105	Assignment of Agreement	January	1979		$100
0357	1688	Agreement	March	1978		$13500
0353	1268	Warranty Deed	November	1977		$7400
0292	0756	Warranty Deed	February	1973		$0

Land Data

Units	Descriptions
90.00	Residential Front Feet

Zoning Data

Department	Code	Descriptions
Putnam County	R-1A	Residential, Single-Family

Future Land Use Map (FLUM)

Code	Descriptions
US	Urban Service

Structure Data

Type	Year	Area	Square Feet
Single Family	2006	BASE	1080
		OPF	12

Notice:

The information displayed is from the Final Taxroll which is certified each year in mid October and is updated annually. This information may not reflect the data currently on file in the Property Appraisers office

Click **here** to do another search or use your browser's back button to return to previous search results.

114 Tanner Terrace

City of Palatka
Building & Zoning
201 N. 2nd Street
Palatka, Florida 32177
386-329-0103 • Fax 386-329-0172

As an owner of adjacent property, you are hereby notified of a pending action before the Planning Board which may be of concern to you:

PUBLIC NOTICE

Notice is hereby given that the City of Palatka Planning Board will hold a public hearing at their regular meeting on Tuesday, December 2, 2008 at 4:00PM at City Hall, 201 North 2nd Street, Palatka, FL for the purpose of hearing a request for:

Annexation, Amending the Future Land Use Map from County Urban Service to City Low Density Residential, and Rezoning from County R-1A to City R-1. Case PB 06-50

Location: 114 Tanner Terrace
Parcel #: 11-10-26-0000-0120-0030
Owner: Lois Darlene Laibl Crowe

All interested parties are invited to attend this public hearing.

Debbie Banks
Assistant Planning Director

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THE CITY COMMISSION WILL REQUIRE A VERBATIM TRANSCRIPT BE MADE AT THE EXPENSE OF THE APPELLANT THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED F.S. 286.0105.

PERSONS WITH DISABILITIES INTERESTED IN ATTENDING THIS MEETING AND REQUIRING ACCOMMODATIONS, SHOULD CONTACT THE BUILDING DEPARTMENT AT (386) 329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

STATE OF FLORIDA

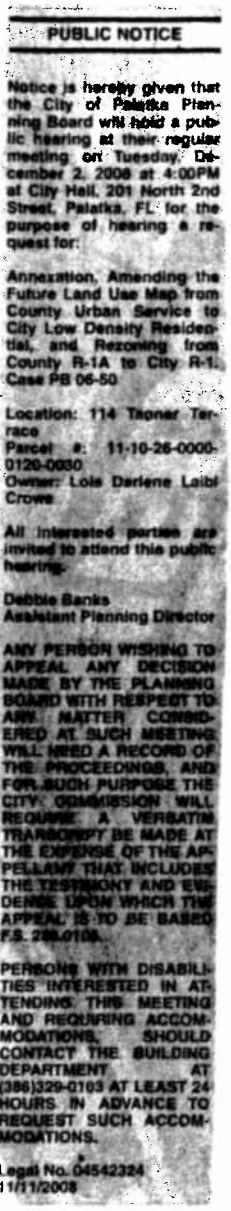
County of Putnam

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

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

11/11/2008



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Location: 114 Tanner Terrace
Parcel #: 11-10-26-0000-0120-0030
Owner: Lois Darlene Laibl Crowe

All interested parties are invited to attend this public hearing.

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Assistant Planning Director

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Legal No. 04542324
11/11/2008

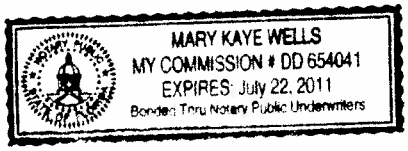
The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order,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

Jeannette Eveland

Sworn to and subscribed to before me this 11th day of November, 2008 by Jeannette Eveland, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

Mary Kaye Wells

Mary Kaye Wells, Notary Public
My commission expires July 22, 2011



Notary Seal
Seal of Office:

✓ Personally known to me, or
_____ Produced identification:
✓ Did take an oath

PLANNING BOARD
December 2, 2008
Minutes & Proceedings

Meeting called to order by Chairman Carl Stewart at 4:00PM. Members present: Earl Wallace, Sue Roskosh, Clem Saccareccia, Randy Braddy, Zachary Landis, and Anthony Harwell. Members absent: Ezekiel Johnson, Leigh Rion and School Board Representative. Also present: Assistant Planning Director, Debbie Banks and Recording Secretary, Pam Sprouse.

Motion made by Clem Saccareccia to approve the minutes of the November 4, 2008 meeting. Seconded by Sue Roskosh. All present voted affirmative, motion carried.

Debbie Banks read, "To Appeal any Decision."

Mr. Stewart requested that any Ex Parte Communication be disclosed prior to each case.

Case 08-27 **Location:** Dodge Street between River Street and the St. Johns River
Applicants: Barbara H. Wayne, Bruce Heishman and Pauline Leary
Agent: Phil Leary
Request: To close that portion of Dodge Street located between River St. and the St. Johns River.

(Public Hearing)

Ms. Banks advised that the applicants withdrew their request.

(Regular Meeting)

Motion made by Sue Roskosh to withdraw the request. Seconded by Randy Braddy. All present voted affirmative. Motion carried.

Case 06-50 **Location:** 114 Tanner Terrace
Parcel #: 11-10-26-0000-0120-0030
Owner: Lois Darlene Laibl Crowe

Request: Annexation, Amending the Future Land Use Map from County Urban Service to City Low Density Residential, and Rezone from County R-1A to City R-1.

(Public Hearing)

Ms. Banks advised that this request is for a home that has already been hooked up to City services and that there were no responses to the public notices. She recommended approval of the request.

Lois Darlene Liabl-Crow was present and advised that she had lived at this address for almost 15 years and that she purchased her home believing that they were on a septic tank. When the Community Development Group assessed her home, it was determined that she was actually connected to City sewer. She then had to sign an agreement to annex right away. She expressed that she would have liked to have been given the choice to annex or not.

Byron Lee Hardy, 114 Tanner Terrace, commented that Ms. Liabl-Crow is happy with her services and that she just wants to know if she needs to do anything else.

Case 06-50 – 114 Tanner Terrace, continued.

Mr. Holmes advised that the annexation process requires the Planning Board to make a recommendation to the City Commission and then for the City Commission to act. He ended by saying that she would not be required to be present for the Commission meeting if she chose not to.

(Regular Meeting)

Motion made by Randy Braddy to recommend approval of this request of annexation, amending the future land use map from County Urban Service to City Low Density Residential, and rezoning from County R-1A to City R-1. Seconded by Clem Saccareccia. Motion carried.

Case 07-08 **Location:** 3829-3831 Reid Street
Parcel #: (02-10-26-0000-0460-0000 & 02-10-26-0000-0390-0010)
Applicant: Terry L. & Lisa M. Geck

Request: Annexation, amending the Future Land Use Map from County Urban Reserve to City Commercial and Rezone from County C-2 and C-4 to City C-2 for the purpose of obtaining City water and sewer service.

(Public Hearing)

Ms. Banks advised that this property is contiguous and that there were no responses to the public notices. She recommended approval of the request.

Ms. Saccareccia asked if this was for his bottling plant.

Mr. Geck advised that it was.

(Regular Meeting)

Mr. Geck, asked what group he needed to get with to find out about his property taxes for this expansion.

Mr. Holmes advised that as the County is currently taxing his property value, once he is annexed into the City, the assessed value would be multiplied by the city millage and added to his tax bill. That he could talk with the property appraiser's office to get an idea of what the taxable value of the improvement might work out to be.

Motion made by Randy Braddy to recommend approval for this request of Annexation, amending the Future Land Use Map from County Urban Reserve to City Commercial and Rezone from County C-2 and C-4 to City C-2 for the purpose of obtaining City water and sewer service. Seconded by Clem Saccareccia. All present voted affirmative. Motion carried.

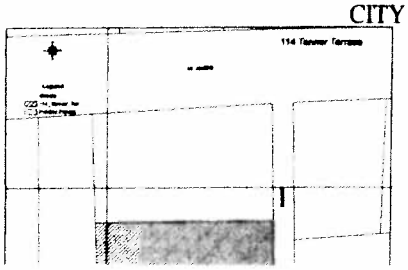
NOTICE OF ANNEXATION

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, at the next regular meeting to be held at 6:00 p.m. on the 14th day of May, 2009, at City Hall, Palatka, Florida, will consider the enactment of Ordinance No. 09-16 annexing the following described property into the corporate limits of the City and redefining the boundary lines of the City of Palatka to include said property. The property is described as approximately .31 acres of improved property in Section 11, Township 10 South, Range 26 East, located at **114 Tanner Terrace**, Palatka, Putnam County. A map is attached hereto and a copy of the Ordinance containing a copy of the legal description can be obtained from the Office of the City Clerk at City Hall.

All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meeting at said time and place and be heard with respect to the proposed ordinance. This notice is given in accordance with F.S. 171.044.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK



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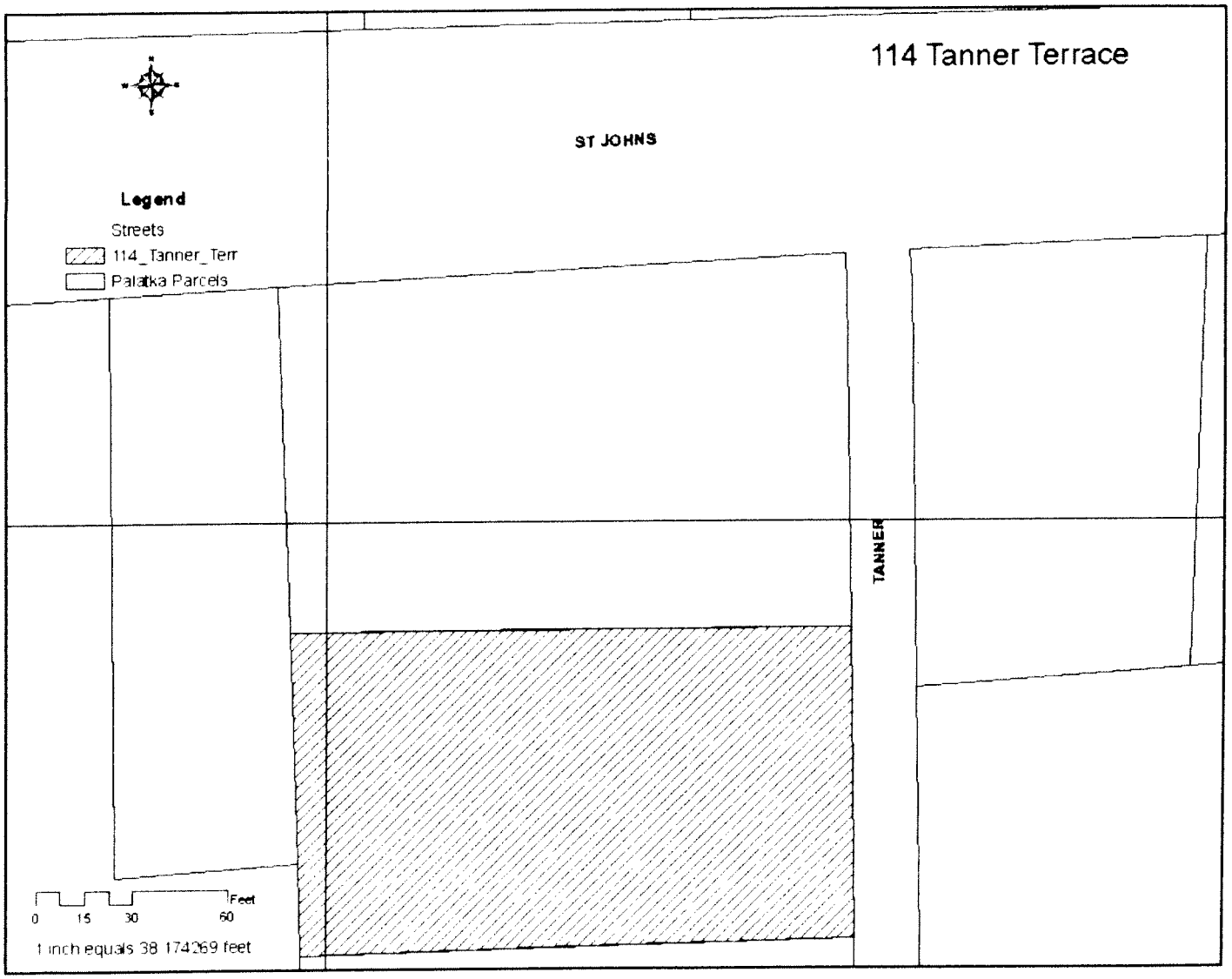
PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK

DISPLAY ADVERTISEMENT – 2 x 6 -- run w/ map on file
Run Dates: 05/01/09 and 05/08/09
PROOF OF ADVERTISEMENT REQUESTED
Betsy J. Driggers
City of Palatka
201 N. 2nd Street
Palatka FL 32177
phone 386-329-0100
fax 386-329-0106


114 Tanner Terrace
ST JOHNS
Legend
Streets
114_Tanner_Terr
Palatka Parcels
TANNER
0 15 30 60
Feet
1 inch equals 38.174269 feet

Agenda Item

8

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

ITEM: Adoption of an ordinance changing the zoning for 909 N State Rd. 19 from Putnam County C-2 (Commercial II) to City of Palatka C-2 (Intensive Commercial). Second reading.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS
1. An Ordinance of the City of Palatka changing the zoning from Putnam County C-2 to City of Palatka C-2.
2. December 2, 2008, Planning Board Minutes.
3. December 2, 2008, Planning Board Packet.

DATE: May 28, 2009

SUMMARY HIGHLIGHTS:

The identified purpose of this application is to allow City water and sewer service for the restaurant located on this parcel. This is a .75 acre parcel of land. On May 14, 2009, the City Commission approved the related ordinances for annexation and future land use map designation in the City.

A public hearing was held by the Planning Board on December 2, 2008, at the applicant's request for annexation, change of future land use from County Commercial to City Commercial, and rezoning from Putnam County C-2 to City of Palatka C-2. There was no public testimony. The Planning Board voted to recommend approval of the three requests.

The first reading of this zoning ordinance was conducted by the City Commission on May 14, 2009. There was no public testimony.

RECOMMENDED ACTION:

Staff recommends approval of the attached zoning ordinance.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

This instrument prepared by:
Jim Lee
205 N. 2nd St.
Palatka, FL 32177

ORDINANCE NO. 09-____

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 02, TOWNSHIP 10 SOUTH, RANGE 26 EAST; REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1.

WHEREAS, application has been made by the owners, Lawrence J. and Susan A. Masters, to the City for certain amendments to the Official Zoning Map of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on December 2,2008,and two public hearings before the City Commission of the City of Palatka on May 14,2009, and May 28,2009, and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted, now therefore,

Section 2. The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described property from its present zoning classification of County C-2(Commercial 11) to City C-2(Intensive Commercial)

DESCRIPTION OF PROPERTY:
A tract of land situated in the East ½ of the Northeast ¼ of Section 2, Township 10 South, Range 26 East, Putnam County, Florida, being more particularly described as follows:

COMMENCING at an iron pipe at the Southwesterly corner of SHADOW LAWN HEIGHTS SUBDIVISION, according to plat thereof recorded in Map Book 3, Page 194 of the Public Records of Putnam County, Florida and run thence Northerly, along the Westerly boundary of said Subdivision, a distance of 604.67 feet to a concrete monument at the Northeasterly corner of lands described in Official Records Book 416, Page 1762 of said public records and the POINT OF BEGINNING of this

description. From POINT OF BEGINNING(1) run thence Westerly, along the Northerly line of lands described in Official Records Book 416, Page 1762, a distance of 215.96 feet to a concrete monument on the Southeasterly right-of-way of State Road #19. Return to the POINT OF BEGINNNING and (2) continue Northerly, along the Westerly boundary of Shadow Lane Height Subdivision, a distance 207.30 feet to a concrete monument on the Southerly line of lands described in Deed Book Q, Page 560 of said public records. (3) Thence run Westerly, along said, Southerly line, a distance of 98.43 feet to a concrete monument on the Southeasterly right-of-way of State Road # 19. (4) Thence run Southwesterly, along said Southeasterly right-of-way, a distance of 241.88 feet to the Westerly end of call (1) and to close.

(Being tax parcel #02-10-26-0000-0190-0000)

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 May, 2009.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

_____
City Clerk

PLANNING BOARD REPORT
December 2, 2008 Regular Meeting

SUBJECT: CASE # 07-11 – 909 N State Rd. 19

A. REQUEST:

Request to annex, amend the Future Land Use Map (Small Scale) from County Commercial to City Commercial, and rezoning from County C-2(Commercial II) to City C-2, (Intensive Commercial) for approximately .75 of an acre.

B. BACKGROUND:

1. Owner: Lawrence J. and Susan A. Masters
2. Agent: None
3. General Parcel Information:
   a. Location: 909 N. State Rd. 19
   b. Parcel #: 02-10-26-0000-0190-0000
   c. Size: .75 of an acre
   d. Current Zoning: Putnam County C-2 (Commercial II)
   e. Requested Zoning: City of Palatka C-2 (Intensive Commercial)
   f. Current Land Use Map: County Commercial
   g. Requested Future Land Use Map: City Commercial
   h. Current Use: Restaurant

ADJACENT DEVELOPMENT:

DIRECTION:	ZONING:	FLUM:	CURRENT USE:
North	C-2	Commercial (COM)	O'Carroll Homes
East	County C-2 and R-2	County Urban Service	Mainly vacant lots with one single family residence
South	County C-2	County Commercial	Army Navy Store
West	County C-2 & Agriculture (AG)	County Urban Service and Public Buildings, Ground/ Other Public Facilities	Palatka Baptist Temple

C. COMPLIANCE WITH CHAPTER 171, FLORIDA STATUTES, ANNEXATIONS

The request is to annex .75 acres into the City. The subject property is located on N. State Road 19 adjacent to City property to the north which is the O'Carroll Homes assisted living facility. Directly east, south and west of the site is County property.

The proposed annexation does not create an enclave and meets the criteria identified in Section 171.043, Florida Statutes. This includes being contiguous to the City's boundaries at this time, is reasonable compact, is not included within the boundary of another incorporated municipality, and is intended to be developed for urban purposes because of the availability of City sewer and water lines that are contiguous to the property.

Also, this request is a voluntary annexation and meets the criteria identified in Section 171.044, Florida Statutes, as it relates to being contiguous to the City, and reasonably compact. Following a recommendation from the Planning Board, an appropriately prepared ordinance will be considered by the City Commission after the correct advertising and scheduling of public hearings.

STAFF RECOMMENDATION: Approval of the annexation request.

D. COMPLIANCE WITH THE CITY OF PALATKA COMPREHENSIVE PLAN

The Existing Land Use Designation: The existing Future Land Use is County Urban Service which allows for a variety of residential, agriculture as a holding use, commercial, industrial and public facilities uses per their Comprehensive Plan.

The Proposed Land Use Designation: Policy A.1.9.3.A.2 of the Future Land Use Element states that the land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel. The maximum height should not exceed 40 feet. Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use.

Future Land Use Element

Objective (A.1.6 9J-5.006(3)(b)7)

Upon Plan adoption, the City shall discourage urban sprawl. Land Development Regulations shall be adopted that implement the following policies:

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.

Staff Analysis: This request will allow the continuance of City annexed parcels in the commercial State Road 19 corridor. Other properties in the area are developed for commercial uses, transitioning to commercial uses or in a County land use designation that allows commercial uses. City commercial land use designations are located north of the site. This land use change provides a continuity of commercial land use in a corridor the City has designated for such purposes.

Policy A.1.7.2 (9J-5.006(3)(c)3)

Commercial development adjacent to major and minor arterial roads shall provide sufficient depth to allow adequate set back distance and clearance to accommodate FDOT near and long range roadway improvements.

Staff Analysis: This request is located adjacent to State Rd. 19, a minor four lane arterial as classified by the FDOT. Any future development will comply with all setback requirements and an FDOT permit will be required.

Policy A.1.11.4 (9J-5.006(3)(c)6)
Applications by landowners for a land use amendment to the Comprehensive Plan shall, as part of filing procedures, require the payment of a fee and provisions by the land owner of topographic, soil condition, flood hazard zone and wetland zone and wetland information on all land surveys filed in support of a land use amendment, zoning change or land subdivision. The City on a case-by-case basis may make exceptions for small-scale amendments when the property in question is (1) already developed or (2) is of a size, shape, and location that the normal permitting processes are sufficient.

Staff Analysis: This applicant has provided a survey for this site which indicates property lines, flood hazard zone (Flood Zone C, area of minimal flood) and placement of the current structure on the parcel. The soil consists of the Myakka series which are nearly level, poorly drained and very poorly drained and moderately permeable soils. Topography maps indicate this property is 70 – 80 feet above sea level.

Traffic Circulation Element

Objective B.1.1 (9J-5.007(3)(b)1)
Upon plan adoption, the City shall provide for a safe, convenient and efficient motorized and non motorized transportation system by correcting, to the maximum extent feasible, all existing roadway deficiencies identified in this plan and maintain acceptable operating conditions in the future on a priority basis.

Policy B.1.1.1 (9J-5.007(3)(01))
The State-wide minimum acceptable operating Level of Service (LOS) standards for the State Highway System and City Street System shall be the base LOS standards listed herein, except for those conditions provided in Policies 1.1.1.A. and 1.1.1.B.

The City hereby adopts the following LOS standards for each listed facility type:

- principal arterials - LOS C
- collectors and minor arterials -LOS D

Staff Analysis: The property has direct access to N State Road 19. The Florida Department of Transportation classifies this section of SR 19 as a minor arterial with an adopted Level of Service Standard (LOSS) C. This section of SR 19 is currently operating at a LOSS B.

Public Facilities Element

Objective D.1.1 (9J-5.011(2)(b)2)
Upon Plan adoption, the City of Palatka shall enforce adopted Concurrency Management System procedures to ensure that at the time a building permit or other

development order is issued, infrastructure facility capacity is available to meet the demand of development without lowering adopted Levels of Service Standards (LOSS).

Policy D.1.1.2 (9J-5.011 (2)(c)2)

All improvements for replacement, expansion, or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and that distribution of these facilities/services is consistent with the Future Land Use Map.

Staff Analysis: Sewer and water have already been connected to this structure. It has already been determined that there is sufficient capacity for these services.

Objective D.1.2 (9J-5.011(2)(b)2)

In order to preserve adopted Level of Service Standards (LOSS), the City of Palatka, upon Plan adoption, shall continue to coordinate the extension of, or increase of, facilities to meet future needs, through implementing the following policies:

Policy D.1.2.1

The City of Palatka shall establish a coordinating relationship with the Putnam County Board of County Commissioners to discuss future development plans adjacent to City borders and to discuss the City supporting development beyond their border with water/sewer service. Areas served by Palatka water and sewer will be annexed into the city; however, the distribution of potable water for areas outside of City limits is conditioned upon annexation only when those properties become contiguous.

Staff Analysis: This property is contiguous with the City and the applicant has established sewer and water services.

Objective G.1.5 (9J-5.015(3)(b)3)

The City shall ensure that public facilities are planned and allocated equitably, through effective coordination with the appropriate Federal, State and Local government departments and regulatory agencies.

Policy G.1.5.2

The City shall establish a coordinating relationship with the Putnam County Board of County Commissioners to discuss future development plans adjacent to City borders and to discuss the City supporting development beyond their border with water/sewer service. Properties serviced by City water shall annex into the City when they become sufficiently contiguous. Properties serviced by septic shall be annexed into the City.

Staff Analysis: The City and County are continuing to improve their coordinating relationships as it relates to future development along the existing City boundaries. This includes recent success with School Concurrency.

STAFF RECOMMENDATION: Staff recommends approval of this request to amend

the future land use map from County Commercial to City Commercial.

E. COMPLIANCE WITH THE PALATKA MUNICIPAL CODE, REZONING REQUEST

Rezoning requirements
When pertaining to the rezoning of land, the report and recommendations of the Planning Board to the City Commission shall show that the Planning Board has studied and considered the proposed change in relation to the following, where applicable (from Sec. 94-38(f)(1) of the Palatka Municipal Code):

a. Whether the proposed change is in conformity with the comprehensive plan.

Policy A.1.9.3 of the City of Palatka Comprehensive Plan states:
"Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service."

Staff Analysis: The applicant requests rezoning to C-2 (Intensive Commercial) district from Putnam County C-2 (Commercial II). This zoning category is consistent with the requested Commercial Future Land Use Map designation. The current land use designation is Putnam County Commercial.

b. The existing land use pattern.

Staff Analysis: This rezoning request to C-2 (Intensive Commercial) is consistent with the existing land use pattern in the area which is commercial development. This request changes the zoning jurisdiction from County to City to accompany the annexation and future land use map amendment request.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

Staff Analysis: This rezoning request will not create an isolated district since the City and County have adjacent parcels with commercial zoning that allow a variety of compatible commercial uses.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

Staff Analysis: If a building permit is issued for the site a concurrency review will be conducted by staff to determine that there is not an overtaxing of public facilities. No new construction is anticipated at this time and water/sewer services have already been obtained.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

Staff Analysis: Staff has no information to indicate that existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

Staff Analysis: In order to obtain water and sewer services, the applicant was required to annex, amend the Future Land Use map and rezone since the property is contiguous to the city limits. The proposed amendment is necessary to comply with these requirements.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

Staff Analysis: This is not applicable since this parcel is not a part of an established neighborhood and is adjacent to a four lane highway.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

STAFF ANALYSIS: This site is already developed as a restaurant and has not create or caused the LOSS to be exceeded for this portion of State Road 19 which is functioning at a LOSS B, which is above the FDOT standard of LOSS C.

i. Whether the proposed change will create a drainage problem.

STAFF ANALYSIS: There is no new development associated with this request but if they decide to construct anything they will be required to retain all stormwater on site as part of the St. Johns River Water Management District permitting process.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

STAFF ANALYSIS: No new development is proposed.

k. Whether the proposed change will adversely affect property values in the adjacent area.

STAFF ANALYSIS: It is not anticipated that this rezoning request will adversely affect property values.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

STAFF ANALYSIS: Staff does not have any information to indicate that the proposed zoning change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations. Adjacent property owners

were notified of this rezoning request and have the opportunity to appear before the Planning Board.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

STAFF ANALYSIS: This rezoning request does not constitute a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

STAFF ANALYSIS: The existing zoning is County zoning. With the proposed requests for annexation and a City future land use designation, it is appropriate to change the zoning to a consistent City zoning designation.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Staff Analysis: This change is not out of scale with the needs of the neighborhood or City.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Staff Analysis: There may be other sites in the City that could accommodate the projected use however, this site is already developed as a restaurant.

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.

Staff Analysis: This parcel is not located in a Historic District.

STAFF RECOMMENDATION: Staff recommends approval of the requested zoning change from County C-2, (Commercial II) to City C-2 (Intensive Commercial). The request complies with the rezoning criteria provided in the Palatka Municipal Code.

G. PHOTOGRAPHS

View to the west

View to the south

View to the north

Case Number PB 07-11
Date Filed 03-6-0

CITY OF PALATKA
PETITION FOR VOLUNTARY ANNEXATION

Please provide the following information and return to: *City of Palatka Building & Zoning Dept.*
205 N. 2nd Street
Palatka, FL 32177

1. Official 911 address or legal description: 909 North State RD 19, Palatka 32177

2. Property Appraiser parcel #: 02-10-26-0000-0190-0000

3. Total acres to be considered as part of this request: 0.75

4. The names and addresses of all owners as shown in the Putnam County public records: Lawrence J. Masters, 150 Rivershore Drive San Mateo FL. 321 Susan A Masters, Wife (Same

5. Reason for annexation request: City Water, Sewer, Police and Fire

6. Number and types of structures on the property: One main wood Frame Building One storage metal trailer

7. If residential, provide an estimate of the number of persons expected to be living on site at the time of annexation *(for U.S. Census reports)*: —

8. Copy of recorded deed (attach to application).

9. Boundary survey or location map (attach to application).

10. Application for Rezoning and Future Land Use Map Amendment (attach to application).

11. Name, telephone number, and mailing address of agent authorized to represent owner (if applicable) —

12 Three hundred five dollar ($305.00) application fee (checks payable to *City of Palatka*)

13 This application submitted by

Signature of owner(s): Lawrence J Masters | Susan A. Masters

Print owner(s) name(s): Lawrence J Masters | Susan A. Masters

Address of owner(s): 150 Rivershore Drive, San Mateo FL. 32187 | 150 Rivershore Dr. San Mateo, Fl. 32187

Telephone: _____ | _____

STATE OF FLORIDA
County of Putnam

Before me this day personally appeared Lawrence J Masters and Susan Masters who executed the foregoing application and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.
WITNESS my hand and official seal, this 2nd day of March A.D. 2007.

Misty Bolay
Notary Public
State of Florida at Large

My commission expires:

MISTY BOLAY
My Comm. Expires AUG 1, 2008
No. DD 488888
NOTARY PUBLIC
STATE OF FLORIDA

Case Number PB 07-11
Date Filed 3/6/07

CITY OF PALATKA
APPLICATION FOR REZONING AND/OR AMENDING THE FUTURE LAND USE MAP (Small Scale)

Please provide all of the following information and return to:

City of Palatka Building Dept.
205 N. 2nd Street
Palatka, FL 32177

1. Official 911 address or legal description: 909 north State Rd 19, Palatka 32177

2. Property Appraiser parcel #: 02-10-26-0000-0190-0000

3. Total acres to be considered as part of this request: 0.75

4. The names and addresses of all owners as shown in the Putnam County public records: Lawrence J Masters, 150 Rivershore Drive San Mateo FL 32, Susan A Masters, Wife (same

5. Current zoning designation: C-2 Requested zoning designation: _____
   * W/Be Restaurant.

6. Current land use designation: _____ Requested land use designation: _____

7. Reason for rezoning/land use amendment request: City water, sewer, police and fire

8. Number and types of structures on the property: 1 main wood frame Building 1 storage metal trailer

9. Copy of recorded deed (attach to application).

10. Boundary survey or location map (attach to application).

PDC 1

11. Name, telephone number, and mailing address of agent authorized to represent owner (if applicable):

12. Select and attach appropriate application fee (checks payable to *City of Palatka*):

- ✓ $130.00 (rezoning only)
- $240.00 (rezoning with small scale land use amendment)

13. This application submitted by:

Signature of owner(s):	Lawrence J Masters	Susan A Masters
Print owner(s) name(s):	Lawrence J Masters	Susan A Masters
Address of owner(s):	150 Rivershore Drive San Mateo FL 32187	150 Rivershore Dr San Mateo, FL 32187
Telephone:	C 386-983-0739	H 325-7726

STATE OF FLORIDA

County of Putnam

Before me this day personally appeared Lawrence J Masters and Susan Masters who executed the foregoing application and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 2nd day of March A.D. ~~199~~ 2007

Misty Bolay

Notary Public

State of Florida at Large

My commission expires:

MISTY BOLAY
My Comm Expires
AUG 1, 2008
No. DD 498632
NOTARY
PUBLIC
STATE OF FLORIDA

STATE OF FLORIDA

County of Putnam

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

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

11/11/2008

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

Jeannette Eveland

Sworn to and subscribed to before me this 11th day of November, 2008 by Jeannette Eveland, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

Mary Kaye Wells

Mary Kaye Wells, Notary Public
My commission expires July 22, 2011

Notary Seal
Seal of Office:

MARY KAYE WELLS
MY COMMISSION # DD 654041
EXPIRES July 22, 2011
Bonded Thru Notary Public Underwriters

____ Personally known to me, or
____ Produced identification:
____ Did take an oath

PUBLIC NOTICE

Notice is hereby given that the CITY OF PALATKA PLANNING BOARD will hold a public hearing on December 2, 2008 at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

Request for annexation, re-zoning from County C-2 to City C-2 and amending the Future Land Use Map from County Commercial to City Commercial

Location: 909 N Highway 19 ? (02-10-28-0000-0190-0000)

Owner: Lawrence J. & Susan A. Masters

Case: PB 07-11

All interested parties are invited to attend this public hearing.

Debbie Banks
Assistant Planning Director

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING & ZONING DEPARTMENT AT (386) 329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Legal No. 04542327
11/11/2008

2006 Assessment Information for Parcel: 02-10-26-0000-0190-0000

Tax Collector Information

~~**Mull James E Jr Residuary Trust**~~ Masters

~~C/O Elizabeth S Mull Trustee~~

PO Box 69

San Mateo Fl 32187-0069 (**Putnam County GIS Interactive Mapping**)

Parcel 911 Addresses

909 North State Rd 19, Palatka (**MapQuest map**)

Detail Information for Parcel: 02-10-26-0000-0190-0000

Just Value of Land:	$38817	Property Use:	Office Buildings, Non-Professional Services Buildings, One Story
Improvement Value:	$103364	Structures:	1
Market Value:	$142181	Mobile Homes: [?]	0
Market Classified:	$0	MH Unextended:	0
Classified: [?]	$0	Census Tract:	950700
Market Adjusted:	$142181	Census Block:	2016
Assessed/Limited:	$142181	Total Acreage:	0.75
School Exempt:	$0	Exemptions: [?]	(none)
School Taxable:	$142181	Location:	Putnam County

Property Legal Description

PT OF NE1/4 OF NE1/4 OR418 P1108

Parcel Sales Data

Book	Page	Instrument	Month	Year	QSCD	Price
0830	0616	Personal Representative's Deed	July	2000	01 I	$100
0786	1789	Order Determining Heirs	March	1999		$0
0750	1541	Will	January	1998		$0
0000	0000	Death Certificate	October	1997		$0
0418	1108	Warranty Deed	April	1982	01	$46000

Land Data

Units	Descriptions
207.30	Commercial Front Feet

Zoning Data

Department	Code	Descriptions
Putnam County	C-2	Commercial, General, Light

Future Land Use Map (FLUM)

Code	Descriptions
CR	Commercial

Structure Data

Type	Year	Area	Square Feet
General Office	1986	BASE	1080
		CAN	120
		UTN	1640
		UTN	1120

Notice:

The information displayed is from the Final Taxroll which is certified each year in mid October and is updated annually. This information may not reflect the data currently on file in the Property Appraisers office

Click **here** to do another search or use your browser's back button to return to previous search results.

Building Permits - City of Palatka
201 N 2ND STREET

PALATKA FL 32177

DATE: 3/06/07
TIME: 12:47:39

RECEIPT #: 0000010348
CASHIER: JFILION

MISCELLANEOUS RECEIPT
REFERENCE: LARRY J MASTERS/909 N HWY 19-PB/ANNEX

PZ 07-11

ITEM DESCRIPTION	PAID
PLANNING BD AMIN. (1366)	545.00

TOTAL AMOUNT PAID: 545.00
PAYMENT TYPE: CHECK
CHECK NBR: 000001568

PB 01-11

gullett TITLE

TAX PARCEL #: 02.10.26.0000 0190.0000

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS INDENTURE made this **20th** day of **February, 2007** BETWEEN **Stephanie Davis and Jose Matos, as joint tenants with full rights of survivorship** as sellers, whose post office address is Post Office Box 255, Hollister, Florida 32147-0255, hereinafter Grantors, and **Lawrence J. Masters and Susan A. Masters, husband and wife** as buyers, whose post office address is **150 Rivershore Drive, San Mateo, Florida 32187**, hereinafter Grantees.

W I T N E S S E T H, That said Grantors for and in consideration of the sum of --- TEN AND 00/100'S DOLLARS ($10.00) and other goods and valuable considerations --- to said grantors in hand paid by said grantees, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the grantees and grantee's heirs forever the following described land located in the County of **Putnam**, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO taxes for the Year 20 07 and thereafter, also subject to any and all Easements and Restrictions of record, if any.

Said grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals this day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

WITNESS VIRGINIA LEE EBEN

PRINTED WITNESS SIGNATURE

WITNESS GENIECE BLACK

PRINTED WITNESS SIGNATURE

Stephanie Davis
Post Office Box 255
Hollister, Florida 32147-0255

Jose Matos
Post Office Box 255
Hollister, Florida 32147-0255

STATE OF FLORIDA
COUNTY OF PUTNAM

THE FOREGOING INSTRUMENT was sworn to or acknowledged before me this **20th** day of **February, 2007**, by **Stephanie Davis and Jose Matos, as joint tenants with full rights of survivorship** who are personally known to me or have produced their Driver's Licenses and did take an oath.

Notary Public VIRGINIA LEE EBEN

Printed Notary Signature

My Commission Expires 12-28-07

Virginia Lee Eben
My Commission DD276248
Expires December 28, 2007

THIS INSTRUMENT WAS PREPARED BY: Virginia Eben, of GULLETT TITLE, INC. (www.GullettTitle.com), 401 Saint Johns Avenue, , Palatka, Florida 32177-4724, 386.328.5106 (voice) or 386.328.3102|386.328.0465 (fax) as a necessary incident to fulfill the requirements of a Title Insurance Binder issued by it. G36419.

PDC 1

EXHIBIT "A"

A tract of land situated in the East 1/2 of the Northeast 1/4 of Section 2, Township 10 South, Range 26 East, Putnam County, Florida, being more particularly described as follows:

COMMENCING at an iron pipe at the Southwesterly corner of SHADOW LAWN HEIGHTS SUBDIVISION, according to plat thereof recorded in Map Book 3, Page 194 of the Public Records of Putnam County, Florida and run thence Northerly, along the Westerly boundary of said Subdivision, a distance of 604.67 feet to a concrete monument at the Northeasterly corner of lands described in Official Records Book 416, Page 1762 of said public records and the POINT OF BEGINNING of this description. From POINT OF BEGINNING (1) run thence Westerly, along the Northerly line of lands described in Official Records Book 416, Page 1762, a distance of 215.96 feet to a concrete monument on the Southeasterly right-of-way of State Road #19. Return to the POINT OF BEGINNING and (2) continue Northerly, along the Westerly boundary of Shadow Lane Heights Subdivision, a distance 207.30 feet to a concrete monument on the Southerly line of lands described in Deed Book Q, Page 560 of said public records. (3) Thence run Westerly, along said, Southerly line, a distance of 98.43 feet to a concrete monument on the Southeasterly right-of-way of State Road #19. (4) Thence run Southwesterly, along said Southeasterly right-of-way, a distance of 241.88 feet to the Westerly end of call (1) and to close.

Contiguous

Req.for W&S

909 State Rd 19

Masters

Legend
Highlighted Feature
Community Name
Addresses
Block Number
Lot Number
Township Range
Street Names
Street Centerline
Hydrography
Parcels
Subdivisions
Municipal Boundary
2006 Aerials

Putnam County GIS Office
P.O. Box 307
Palatka, FL 32178-0307

2/20/2007 9:48:41 AM

Disclaimer: All provided Putnam County GIS data are to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. The Putnam County Board of County Commissioners as well as the constitutional offices including the Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector assume no responsibility associated with its misuse.

Case 07-11 **Address:** 909 N Highway 19
Parcel: (02-10-26-0000-0190-0000)
Applicant: Lawrence J. & Susan A. Masters

Request: Annexation, amending the Future Land Use Map from County Commercial to City Commercial, and rezoning from County C-2 to City C-2

(Public Hearing)

Ms. Banks advised that this property is contiguous and that no responses to the public notices were received. She recommended approval of the request.

(Regular Meeting)

Motion made by Clem Saccareccia to recommend approval of the request. Seconded by Sue Roskosh. All present voted affirmative. Motion carried.

Case 08-32 **Address:** 701 St. Johns Avenue
Parcel: (42-10-27-6850-0540-0050)
Applicant: Thomas V. + Cheryl E. Kavanaugh
Agent: Clint Snyder

Request: For a conditional use to exceed the 25 percent wall coverage threshold for a wall graphic per Sec. 62-11 in the Downtown Business District.

(Public Hearing)

Ms. Banks advised that there was only one response received from the advertisement or notices mailed and it was in support of the mural. Staff recommends approval.

Clint Snyder shared a rendering of the proposed mural and advised that they are pleased to be able to do their part in the continued effort of the revitalization for the downtown area of the City.

(Regular Meeting)

Motion Randy Braddy to approval this request for a Conditional Use. Seconded by Sue Roskosh. All present voted affirmative. Motion carried.

Case 08-33 **Address:** 2510 Crill Ave.
Parcel: (12-10-26-0210-0000-0001)
Owner: KNT LLC
Agent: Daphne McClendon

Request: For a conditional use to operate a child care facility in a C-2 zoning district.

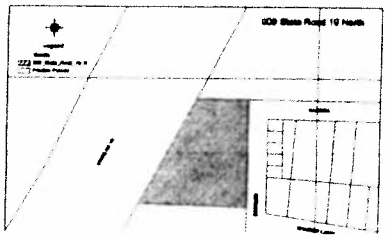
NOTICE OF ANNEXATION

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, at the next regular meeting to be held at 6:00 p.m. on the 14th day of May, 2009, at City Hall, Palatka, Florida, will consider the enactment of Ordinance No. 09-18 annexing the following described property into the corporate limits of the City and redefining the boundary lines of the City of Palatka to include said property. The property is described as approximately .75 acres of improved property in Section 2, Township 10 South, Range 26 East, located at **909 N. State Rd. 19**, Palatka, Putnam County. A map is attached hereto and a copy of the Ordinance containing a copy of the legal description can be obtained from the Office of the City Clerk at City Hall.

All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meeting at said time and place and be heard with respect to the proposed ordinance. This notice is given in accordance with F.S. 171.044.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK



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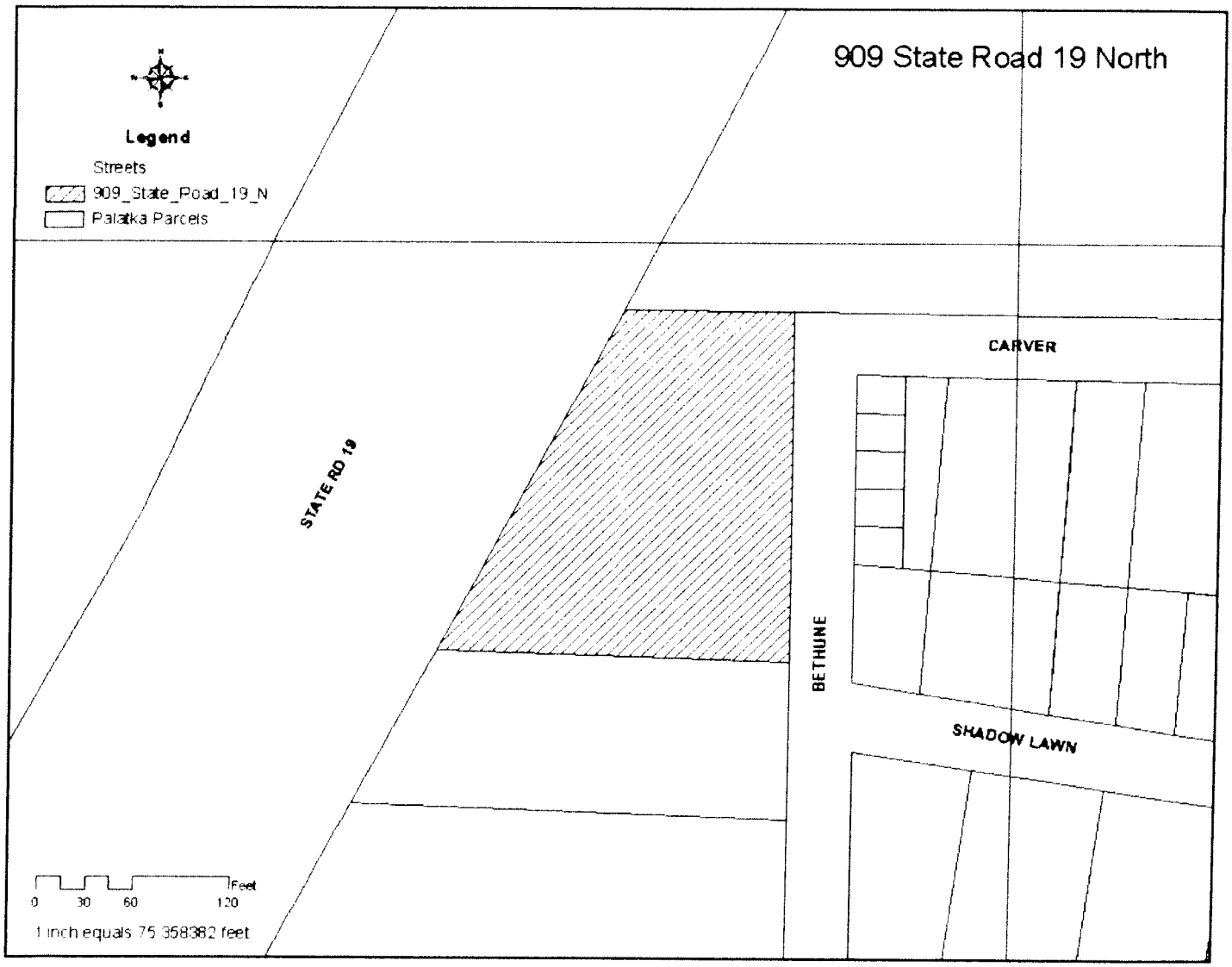
/s/ BETSY J. DRIGGERS
CITY CLERK

DISPLAY ADVERTISEMENT – 2 x 6 -- run w/ map on file
Run Dates: 05/01/09 and 05/08/09
PROOF OF ADVERTISEMENT REQUESTED
Betsy J. Driggers
City of Palatka
201 N. 2nd Street
Palatka FL 32177
phone 386-329-0100
fax 386-329-0106


909 State Road 19 North
Legend
Streets
909_State_Road_19_N
Palatka Parcels
STATE RD 19
CARVER
BETHUNE
SHADOW LAWN
Feet
0 30 60 120
1 inch equals 75.358382 feet

Agenda Item

9

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

ITEM: Public hearing and consideration of an ordinance removing the City residence requirements for the alternate position on the Historic Preservation Board. Second reading.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS:

1. An ordinance of the City of Palatka removing the City residence requirements for the alternate position on the Historic Preservation Board.
2. A letter dated May 19, 2009, from Christy S Sanford, President of the Southside Historic Neighborhood Association (SHNA), indicating the organization opposition to this ordinance

DATE: May 28, 2009

SUMMARY HIGHLIGHTS:

The Historic Preservation Board is composed of seven members and one alternate. Currently, the alternate position is the only member required to be a City resident. This ordinance amendment would remove this City resident requirement. The other members of the Historic Preservation Board, whenever possible, shall include an architect, a property owner within the North Historic District, a property owner within the South Historic District, a representative of the Putnam County Historical Society, a contractor, a real estate broker, and an attorney. At the first reading on May 12, 2009, Ms. Sanford spoke during the public hearing.

The incumbent in the alternate position was reappointed to a three year term by the City Commission on May 28, 2008 after appropriate advertising. Subsequently, it was determined that the incumbent had moved out of the City. It is my understanding that advertising was not done when the incumbent moved. Staff's recommendation for approval of this ordinance is not related to maintaining the incumbent in this position, but to maintain consistency with the other positions on the Historic Preservation Board which do not require City residency.

RECOMMENDED ACTION:

Staff recommends approval of the attached ordinance.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

This instrument prepared by:
Betsy J. Driggers
201 N. 2nd Street
Palatka FL 3217

ORDINANCE NO. 09 - _____

entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 54-76(d), REMOVING RESTRICTIONS FOR THE ALTERNATE MEMBER QUALIFICATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Section 54-76(d) be amended by removing subsection (5), so that such Section shall read as follows:

(d) *Term of members; removal of members; vacancies:*

(1) All members are appointed for three-year terms.

(2) Members may be reappointed for consecutive terms.

(3) The city commission may remove members for just cause.

(4) If a vacancy occurs, a new appointment shall be made by the city commission for the unexpired term.

Section 2. 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.

Section 3. This Ordinance shall become effective immediately upon its final passage by the City Commission of the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this **28th** day of May, 2009.

CITY OF PALATKA

BY:_____
Its MAYOR

ATTEST:

_____
CITY CLERK

SOUTHSIDE HISTORIC NEIGHBORHOOD ASSOCIATION
Christy Sheffield Sanford, President
312 Dodge Street
Palatka, Florida 32177

May 19, 2009

Mr. James Lee
Planning Director
City of Palatka
205 N 2nd Street
Palatka, FL 32177

Dear Mr. Lee:

The Southside Historic Neighborhood Association (SHNA) at a regularly scheduled meeting last evening voted to strongly oppose the removal of the City residency requirement for the alternate member of the Historic Preservation Board.

Since I spoke against this change at the last Commission meeting, I hasten to add that I did not initiate or second this motion. The group voted unanimously to strongly oppose the removal of the city residency requirement. It was felt a suitable member could be located from within the City.

Sincerely yours,

Christy S. Sanford

Christy S. Sanford, President
Southside Historic
Neighborhood Association

Agenda Item

10

MEMORANDUM

TO: Palatka City Commission and Staff

FROM: Vice Mayor Mary Lawson Brown

DATE: 5/22/09

SUBJECT: NEIGHBORHOOD GARDENS

As you know, it is my belief that one of our jobs is to take care of people. With the economy in a recession and unemployment at an all-time high, many families are having a difficult time putting food on their tables and feeding their families. It has come to my attention that other communities have facilitated "neighborhood garden" projects in certain neighborhoods in conjunction with area churches and other organizations to help people to help themselves.

I am asking the Commission to allow me to utilize the Price Martin Community Center and staff to call a community meeting to determine if there is any interest amongst the churches, community aid and/or civic organizations and citizens in cultivating several community gardens in different locations throughout the City. This is just a meeting to gauge interest from the community and gather input from staff on what would be needed to facilitate such a program. There are several vacant lots around the City that would be suitable for this purpose. If those can't be used, then possibly some churches or other organizations or individuals may be able to donate space for this purpose.

Thank you,