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CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

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

AGENDA

CITY OF PALATKA

July 11, 2013

CALL TO ORDER:

- a. **Invocation** – The Reverend John Miles, Pastor; First Church of God of Florahome
- b. **Pledge of Allegiance**
- c. **Roll Call**

APPROVAL OF MINUTES 6/27/13 Budget workshop and 6/27/13 Regular meetings

1. PUBLIC RECOGNITION/PRESENTATIONS:

- a. **Community Recognition: 2013 Fireworks Sponsors**

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

3. CONSENT AGENDA:

- *a. **Adopt Resolution No. 2013-9-134** approving the Contract Agreement with Professional Firefighters of Palatka Local 2992 for the term 10/1/13 through 9/30/16 and authorizing its execution
- *b. **Adopt Resolution No. 2013-9-135** authorizing the Police Department's application for FY2013 Edward Byrne Memorial Justice Assistance Grant (Countywide Solicitation) funds in the amount of \$15,341 for the purchase of computers and surveillance equipment – no match required
- *c. **Adopt Resolution No. 2013-9-136** authorizing the Police Department's application for FY2013 Edard Byrne Memorial Justice Assistance Grant (Local Solicitation) funds in the amount of \$10,986 for the purchase of computers and tasers – no match required
- *d. **Adopt Resolution No. 2013-9-137** authorizing the execution of a brokerage agreement with Brown & Brown (Daytona) for Property/Casualty Agent of Record Services
- *e. **Adopt Resolution No. 2013-9-138** authorizing the execution of a Brokerage Agreement with Bates & Hewitt, Inc. for Employee Benefits Agent of Record Services
- *f. **Make the following Code Enforcement Board appointments:**
 - Johnny M. Brown to Member with Architectural Exp, term expiring Sept. 2015 (currently Alternate)
 - John Lyons to Member with Sub Contractor Exp. Term expiring Sept. 2014 (currently Alternate)
 - Col. Andrew M Kiley (Ret) as Alternate, term expiring Sept., 2015
 - Darcy W. Phillips as Alternate, term expiring Sept., 2014
- *g. **Amend the City Commission Summer Meeting Schedule** to set the Budget Workshop on July 18, 2013 at 2:00 p.m. and move the regular July 25 meeting to July 18, 2013, per FY 2013/14 TRIM Calendar

PUBLIC HEARINGS:

- * 4. **ORDINANCE** de-annexing property inadvertently annexed into the City of Palatka – 2nd Reading, Adopt
- * 5. **ORDINANCE** amending Zoning Code Text to allow Caretaker or Manager Dwelling Units in C-2 Zoning Districts – 2nd Reading, Adopt

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AGENDA - CITY OF PALATKA

July 11, 2013

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- * 6. **ORDINANCE** amending Zoning Code Text to eliminate the requirement that conditional uses in R-3 zoning districts be located on a major thoroughfare or highway – 2nd Reading, Adopt
- * 7. **ORDINANCE** amending Planning Code Text to allow staff review for Certificates of Appropriateness for exterior changes to historic properties – 2nd Reading, Adopt
- * 8. **ORDINANCE** amending Planning Code Text to modify building and fire code enforcement for locally designated historic buildings - 2nd Reading, Adopt
- * 9. **ORDINANCE** amending the General Employees Pension Plan Investment Guidelines to allow for investments in Master Limited Partnerships (MLPs) – 2nd Reading, Adopt
- 10. **CITY MANAGER & ADMINISTRATIVE REPORTS**
 - a. Fireworks Reschedule Options – City Manager Michael Czymbor
- 11. **COMMISSIONER COMMENTS**

- 12. **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 288.105

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:

Aug. 15 thru 17 – FLC Annual Conference, Orlando FL
Sept. 2 – City offices closed to observe Labor Day Holiday
Sept. 19 – Palatka hosts NEFLC Meeting
Oct. 4 – City Employees' Safety Luncheon; 12:00 p.m.
Nov. 11 – City offices closed to observe Veterans Day
Nov. 21 & 22 – FLC Legislative Conference, Orlando FL
Nov. 28 & 29 – City offices closed to observe Thanksgiving

Board Openings: None

CITY OF PALATKA 2013 INDEPENDENCE DAY FIREWORKS CONTRIBUTORS:

Florida Power & Light
Palatka Daily News
Azalea Health
Badcock Home Furnishings
Bradley's Steak and Seafood
Bates, Hewitt & Floyd Insurance/Coldwell Banker – Ben Bates
Carr, Riggs & Ingram
City Shippers
Clay Electric Cooperative
Conlee-Snyder Mural Committee
Cracker House Sauces, In.
Dunkin Donuts/Baskin Robbins
Georgia-Pacific Corp.
Gottago of Putnam County
Ginn Financial Group, Inc.
Human Resources Development Services
Income Tax Service
Johnson-Overturf Funeral Homes & Crematory
Masters Funeral Homes
Mathews Moving & Storage
Lavinia Moody
Palatka Men's Golf Association
Palatka Health Care Center
Pilot Club of Palatka
Producers Ace Hardware
Publix Supermarkets
Dr. Richard Perallon
Richard Morris Light Hauling
River Villas, Inc.
Sentry Termite & Pest Control, Inc.
Singleton Subway #13431, Inc
Singleton Subway #4631, Inc.
Sunset Point Car Wash
Sunrise Primary Care
Robert E. Taylor, AIA, Architect, Builders & Developers
Republican Women's Network of Putnam County
WTRP

**MANY THANKS TO OUR CO-SPONSORS,
WHO WERE FEATURED IN THE JULY 4TH EDITION OF THE PALATKA DAILY NEWS!**

Agenda Item

3a



AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka ratifying and authorizing the execution of Firefighters' Local 2992 Union Contract for the term October 1, 2013 through September 30, 2016.

DEPARTMENT: FIRE

ATTACHMENTS: [] Ordinance [x] Resolution [] Motion [x] Support Documents [] Other

SUMMARY: This contract has been duly negotiated by representatives of both the City of Palatka and Firefighters' Local 2992. This is a three-year contract covering the period October 1, 2013 through September 30, 2016. It has been ratified by the members of Local 2992 and now awaits approval of the City Commission.

RECOMMENDED ACTION: Adopt Resolution 2013-9 _____ approving the Contract Agreement with Professional Firefighters of Palatka Local 2992 for the term 10/1/13 through 9/30/16, and authorizing its execution.

DEPARTMENT HEAD Submitted: Mike Lambert Date: 07-11-13 Requested Agenda: Consent Date: 07-11-13

FINANCE DEPARTMENT Budgeted [x] Yes [] No [] N/A Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date: _____

CITY MANAGER Approved Agenda Item For: _____ Date: 07-01-13

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

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

RESOLUTION No. 2013 – 9 - _____

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
AUTHORIZING THE EXECUTION OF A CONTRACT
AGREEMENT WITH THE PROFESSIONAL FIREFIGHTERS OF
PALATKA LOCAL 2992 EFFECTIVE OCTOBER 1, 2013
THROUGH SEPTEMBER 30, 2016**

WHEREAS, the Professional Firefighters of Palatka Local 2992 Union (Local 2992) represents the City of Palatka Fire Department 56-hour employees; and

WHEREAS, Local 2992 union representatives have acted in accordance with due diligence in negotiations with City of Palatka representative, and all parties have reached a tentative agreement as to the terms of the renewal of the contract that has been in place since October 1, 2009; and

WHEREAS, the proposed Contract Agreement for the period October 13, 2013 through September 30, 2016 was ratified by vote of the members of Local 2992 on June 4, 2013.

WHEREAS, the Palatka City Commission deems it reasonable and appropriate, and in the best interest of the citizens of Palatka, to approve the new Contract Agreement between the City of Palatka and Professional Firefighters of Palatka Local 2992 union employees for the period beginning October 1, 2013 and running through September 30, 2016.

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

1. That the three-year Contract Agreement between the City of Palatka and Professional Firefighters of Palatka Local 2992, effective October 1, 2013, a copy of which is attached hereto as Exhibit "A" and incorporated herein, is hereby approved by the Palatka City Commission; and
2. That the City Manager and City Clerk are hereby authorized to execute and attest said Contract Agreement between the City of Palatka and Professional Firefighters of Palatka Local 2992.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 11th day of July, 2013.

CITY OF PALATKA

By: Its MAYOR

EXHIBIT "A"



Professional Firefighters of Palatka & City of Palatka Contract Agreement

October 1, 2013 - September 30, 2016

***NOTE:** The basis of this contract agreement is the current agreement that is in place. This document represents what the City of Palatka and Professional Firefighters of Palatka have agreed upon as dated.

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ARTICLE 1 AGREEMENT

This Agreement is entered into by and between the City of Palatka, herein referred to as the “City”, and the Professional Firefighters of Palatka, Local 2992, herein referred to as the “Union”.

ARTICLE 2 PURPOSE

It is the intent and purpose of this agreement to provide conditions of employment conducive to the most efficient operation of the City Fire Department and to maintain harmonious relations between the City and the Union. It is understood that the Employer is engaged in furnishing essential public services which vitally affect the health, safety, comfort, and general well-being of the public, and both parties hereto recognize the need for a continuous and reliable service to the public.

ARTICLE 3 RECOGNITION

1. The City recognizes the Union as the exclusive bargaining representative of all regular full-time employees in the classifications of Captain, Lieutenant, Engineer, and firefighters.
2. Probationary employees shall be covered under this Agreement; provided, however, probationary employees shall have no right to available administration or grievance procedure. Probationary, in this case, refers to new hires only. The City and Fire Department Rules and Regulations shall govern the duration of and other provisions relating to an employee's probationary period.

3. All references to employees in the Agreement designate both genders. Wherever the male gender is used, it shall be construed to include male and female employees.
4. The employer agrees that there will be no individual negotiations with any employee as to wages or other economic benefits specifically covered by this Agreement.

ARTICLE 4 MANAGEMENT RIGHTS

Management rights are stated as in Florida State Statutes 447.209
Public employer's rights:

It is the right of the public employer to determine unilaterally the purpose of each of its constituent agencies, set standards of service to be offered to the public, and exercise control and discretion over its organization and operations. It is also the rights of the public employer to direct its employees, take disciplinary action for proper cause, and relieve its employees from duty because of lack of work or for other legitimate reasons. However, the exercise of such rights shall not preclude employees or their representatives from raising grievances, should decisions on the above matters have the practical consequence of violating the terms and conditions of any collective bargaining agreement in force or any civil or career service regulation.

ARTICLE 5 NON- DISCRIMINATION

The Parties agree not to interfere with the right of any employee covered by this agreement to become a member of the Union, withdraw from membership from the Union, or refrain from becoming a member of the Union. There shall be no discrimination against any employee covered by this agreement by reason of race, creed, color, national origin, gender, age, Union membership, or lack of Union membership.

ARTICLE 6 CHECK OFF

1. Any membership of the Union, who has submitted a properly executed dues deduction card or statement to the City in accordance with a format approved by the City may, by request in writing, have his/her membership dues, initiation fees and uniform assessments in the Union electronically deducted from his wages on a weekly basis. Dues, assessments and initiation fees so deducted shall be transmitted to the Union monthly, by the 15th day of the month following the month in which the dues were deducted. The exact dollar amount to be deducted from each employee's salary is provided by the employee to the City. However, the City shall have no responsibility for any liability for the improper deduction of dues. The Union shall indemnify the City and hold it harmless against any and all suits, claims, demands and liabilities which arise out of or by reason of any action taken or not taken by the City to comply or attempt to comply with the provisions of this article.
2. It shall be the responsibility of the Union to notify the City of any change in the amount of dues to be deducted at least thirty (30) days in advance of said change. Under no circumstances shall the City be required to deduct union fines, penalties, political action payments, or special assessments of any kind.
3. Any member of the Union may, within thirty (30) days written notice to the City, request that the City cease making deductions from his/her wages.
4. There will be no charge for dues deductions. The employer will, without cost to the Union, place one copy of this agreement in each working location.

ARTICLE 7 SPECIAL MEETINGS

The President of the Union or his/her designee from Local 2992 may arrange to meet with the City Manager or other person designated by the City to handle employee relation's matters. Request for such meetings shall be arranged through the Fire Chief and /or City Manager, and any such meeting shall take place at a time and place agreed upon by the Union and the City.

ARTICLE 8 WORK STOPPAGES

1. There will be no strikes, work stoppages, picketing in furtherance of any strike or work stoppage, slowdowns, boycotts, job actions, or refusal to perform assigned work by the employees covered under this agreement. Picketing as used herein shall mean any action, which has the effect of preventing any employee of the City from reporting to or continuing work, or preventing the public from entering any City facility. Picketing for purely informational purposes (i.e., picketing not having the effect of interfering with employees of the City reporting to or continuing to work) shall not be prohibited.

2. Recognizing that Florida law prohibits the activities enumerated in section 1 above, the parties agree that the City shall retain the right to discharge or otherwise discipline some or all of the employees participating in or promoting any of the aforementioned activities, and the exercise of such rights by the City will not be subject to recourse under the grievance arbitration procedure herein.
3. The Parties recognize that the activities enumerated in paragraph 1 are contrary to the ideals of professionalism and to the Department's community responsibility. Accordingly, it is understood and agreed that in event of any violation of this article the City shall be entitled to seek and obtain legal and/or equitable relief in any court of competent jurisdiction.

ARTICLE 9 UNION STEWARDS AND REPRESENTATIVES

1. There shall be three (3) employees designated as union stewards; one (1) per shift. The names of the Union Stewards and Union Officers shall be furnished in writing to the City Manager and the Fire Chief. Any changes shall be promptly reported in writing. No Steward will be recognized unless said written notice has been provided.
2. Nothing in this Agreement shall be construed to prevent any employee from presenting, at any time, his/her own grievance in person or by legal counsel to his/her Employer and having such grievance adjusted without the intervention of the Union, provided the adjustment is not inconsistent with the terms of this Agreement. The Union will be given reasonable opportunity to be present at any meeting called for the resolution of such grievances.

ARTICLE 10 GRIEVANCE PROCEDURE P.F.D.

- 10-1. A grievance shall be defined as any difference, dispute or complaint regarding the interpretation or application of the terms of this Agreement. The Fire Chief and/or his designee shall be kept informed of each step of the grievance.
- 10-2. Grievances shall be processed in accordance with the procedures as set forth in this Article and shall be determined by the application of the terms of this Agreement, the laws of the United States, and the laws of the State of Florida.

Time is considered to be of the essence for the purposes of this Article. Accordingly, any grievance not submitted or processed by the grieving party in accordance with the time limits provided below shall be considered conclusively abandoned and shall be barred, forfeited and foreclosed for all contractual purposes and shall result in the forfeiture of all rights to arbitration. Any grievance not answered by the City within the time limits provided below will automatically advance to the next higher step of the grievance procedure. Time limits may be extended only by written mutual consent of the parties.

The aggrieved employee may request that a Union steward or officer be present at any and/or all steps of the grievance procedure.

STEP 1:

The aggrieved employee or the Union shall present orally, and in writing, his/her grievance to the shift commander or acting shift commander within seven (7) calendar days after the occurrence of, or knowledge of the event(s), which gave rise to the grievance.

The shift commander or acting commander within seven (7) days receipt of the grievance shall meet with and confer orally with the grievant and respond to the grievance in writing. Discussion shall be informal for the purpose of settling differences in the simplest and most direct manner. The Shift Commander will notify the Chief of the grievance and/or its outcome within seven (7) days.

STEP 2A:

If the grievance is not settled in the first step, the grievant shall, within seven (7) days of the date of the answer or lack of response present his grievance and a representative's name for the grievance committee in writing to the Fire Chief. The Fire Chief has seven (7) days to resolve the grievance to the satisfaction of the grievant or name his representative for the grievance committee. The grievance committee once formed shall consist of;

1. One person chosen by the grievant
2. One person chosen by the Fire Chief
3. One person chosen by the first two named members of grievance committee.

The first two members of the grievance committee shall have seven (7) days to agree on and select the third member of the committee. The committee shall have seven (7) days to make a recommendation to the Fire Chief.

STEP 2B:

The Fire Chief or his designee shall within seven (7) calendar days following the receipt of the grievance committee's recommendation or expiration of committee's time, unless notified of time extinction as allowed above, shall obtain the facts concerning the grievance, meet with the aggrieved employee, and notify the aggrieved employee of his decision in writing.

STEP 3:

If the grievance is still unresolved, the grievance and all responses shall be submitted to the City Manager and/or his designee within

seven (7) calendar days of the time response due in Step 2B. The City Manager and/or his designee shall within seven (7) working days review the grievance and responses, shall meet and confer with the aggrieved employee and notify the aggrieved employee of his decision in writing.

STEP 4:

The Union may request that any decision of the City Manager be reviewed through arbitration under this Article (Grievance and Arbitration Procedure), by submitting a written request within seven (7) days after receipt of the City Manager's written decision. Arbitral review of the decision of the City Manager shall proceed in accordance with the provisions as specifically set forth below.

In accordance with this Article and the limitations set forth in Article 4 (Management Rights), the arbitrator shall affirm the City Manager's decision unless he/she determines that said City Manager's decision was arbitrary and capricious as defined in this article. Where the arbitrator determines that the City Manager acted arbitrarily and capriciously, as defined by this Agreement, the arbitrator may order rescission of the disciplinary action or other action and/or reinstatement of the former employee.

Arbitrary, for the purpose of this agreement, is defined as deciding an issue by whim or caprice with no basis for that decision.

Capricious, for the purpose of this agreement is defined as an impulsive and unpredictable decision with no discernable basis for its having been made.

The arbitrator may be any impartial person within the City of Palatka mutually agreed upon by and between both parties. However, in the event that the parties are unable to agree upon an impartial arbitrator within ten (10) working days, the parties shall jointly request Federal Mediation and Conciliation Services to furnish a panel of seven (7) qualified arbitrators from which each party shall strike three (3) names in alternating fashion, thus the

seventh (7th) name will be the impartial arbitrator. Both parties shall notify the person whose name remains that he/she has been selected as the arbitrator. The party requesting arbitration shall strike first from the list of arbitrators provided.

The City and the employee (or the employee with the Union's assistance) shall mutually agree in writing as to the statement of grievance to be arbitrated prior to the arbitration hearing, and the arbitrator, thereafter, shall confine his/her decision to the particular grievance thus specified. In the event the parties fail to agree on the statement of the grievance to be submitted to the arbitrator, the arbitrator will confine his/her consideration and determination to the written statement of the of the grievance presented in step 2 of the grievance procedure. The arbitrator will be privileged to all documents and evidence pertaining to the grievance. The arbitrator shall have no authority to substitute his/her judgment for that of management and/or to change, amend, add to, subtract from, or otherwise alter or supplement this Agreement or any part thereof or amend thereon. The arbitrator shall have no authority to consider or rule upon any matter which is stated in this Agreement not to be subject to arbitration or which is not a grievance as defined in this Agreement, nor shall this collective bargaining Agreement be construed by the arbitrator or an award be made which supersedes applicable state and federal laws and city ordinances not inconsistent with this Agreement, except to extent as specifically provided herein.

The arbitrator may not issue declaratory opinions and shall confine him/herself exclusively to the question, which is presented to him/her, which the question must be actual and existing. The party filing the grievance and requesting arbitration shall, at all times, have both the burden of going forward with its evidence and the burden of proving its grievance beyond any reasonable doubt (i.e., proving beyond reasonable doubt that a provision of this Agreement was violated).

Each party shall bear the expense of its own witness and of its own representatives for purpose of the arbitration hearing. The impartial arbitrator's fee and related expenses and any expenses associated with obtaining a hearing room shall be split by both parties. Both parties shall also share the cost of the transcript of the hearing. There will be no cost for use of the hearing room if owned by the City.

Either party shall be entitled to seek review of the arbitrator's decision in the Circuit Court. Notwithstanding any provisions of Florida Law, The parties agree that the standard of review of the Arbitrator's decision shall be whether the Arbitrator had clear and convincing evidence to establish that the City Manager had acted arbitrarily and capriciously, as defined above, in making his/her decision.

ARTICLE 11 RULES AND REGULATIONS

1. The UNION and CITY agree that they shall comply with all City and Fire Department Rules and Regulations, including those related to conduct and work performance, and that the current Rules and Regulations will be part of this contract.
2. The Union shall have fourteen (14) days prior written and posted notice to any proposed change in the existing policies and any additions to policy.
3. All employees shall be provided a current copy (including any changes or additions as they are made) of the City rules and regulations, and Fire Department Rules, Regulations and Standard Operating Guidelines which can be identified by either the City Manager or Fire Chief's initials along with the initials of the current Union President.
4. An advisory committee, as defined in the Fire Department Rules and Regulations, will review and make semi-annual recommendations.

ARTICLE 12 SWAP TIME

1. Employees shall have the right to swap shifts or any portion thereof with the approval of the employee's immediate officer and the Fire Chief or Fire Chief's representative. Said request shall be submitted one (1) shift in advance and shall not be unreasonably withheld. The Chief or his designated representative may waive the requirement of one (1) shift in advance.
 2. The employee will be notified in writing as to the reasons for any denial of exchange time.
-

ARTICLE 13 UNION HELD HARMLESS

The Union and its members shall be held harmless from lawsuits or other legal action taken against the City of Palatka or where faulty equipment, maintenance, and/or improper repairs on equipment are cited as contributing factors in such legal action. The members of this Fire Department are routinely required to conduct repairs and maintenance, which they may or may not be qualified to do. For these reasons the Union and its members shall be held harmless. This article omits acts of malice or intent on the part of the employee.

ARTICLE 14 SUBCONTRACTING

1. Should the City exercise its judgment to subcontract the work performed by any Department, division, unit, or operation, it shall provide thirty (30) days' notice to employees in advance of their termination.
2. Employees terminated as a result of City subcontracting shall be entitled to receive thirteen (13) weeks' severance pay at their regular rate of pay, including overtime and applicable holiday pay. They shall also receive their earned and accrued vacation benefit (if any).
3. Any employee scheduled to be terminated as a result of City subcontracting will have the right to apply for another City position for which he has all of the requisite qualifications at the time of application. In the event such employee is selected for another City position and is employed in that position immediately upon the implementation of the City's subcontracting action, he shall suffer no break in service and shall be deemed a transferred employee.

While an employee terminated under this Article shall not be restricted from applying for a non-bargaining unit position, he shall not retain any rights or continuity of employment in the event he is selected for and employed in such non-bargaining position. Execution of the provisions of this article will not remove the legal requirement that the City has to negotiate the impact of any proposed change.

ARTICLE 15 WAGE AGREEMENT

1. Maintain current clothing allowance.
2. The union will receive any cost of living and/or merit raises that other city employees receive during the term of this agreement.
Firefighters step in grade = 25
Engineers step in grade = 31
Lieutenants step in grade = 37
Captains step in grade = 43
3. Paramedics holding certification since February 25, 1992 and who were employed by the City's Fire Department at that time will receive \$35.00 per week.

Any new paramedics who maintain all five Urban Search and Rescue disciplines shall receive \$15.00 per week, so long as he/she maintains the paramedic certification. In the event that Advanced Life Support service is initiated; this article may be opened for further negotiations.
4. All bargaining unit employees will receive retirement as set by the Fire Pension Board and City Commission.
5. The union agrees that no grievance will be filed as a result of this wage article provided that the contents of this article are not violated. No grievances filed by the Union or its bargaining unit members will be authorized, processed, or accepted for previously foregone raises.
6. The city will maintain the twenty-one (21) regular department positions over the life of this contract, as far as number of employees and officer titles and positions. This does not include the Fire Chief and Assistant Fire Chief/Fire Marshal whose positions shall also be maintained over the life of the contract. The minimum staff for the department is six (6). When the shift staff drops below six (6) for more than two (2) hours an employee will be called in to work. All members of the bargaining unit will receive the same cost-of-

living adjustments or any other economic benefits, if any, that any other group of non-bargaining unit employees of the City enjoy.

7. In the event that an officer (, Captain, Lieutenant, or Engineer) is absent from the shift for a period greater than thirty days, the Fire Chief shall appoint an 'acting officer' from within the department to fill the position.
8. Fire personnel will receive a \$15.00 per week incentive for maintaining a current State of Florida Fire Inspectors certification.
9. Fire personnel will receive a \$15.00 per week incentive for maintaining certification in all five disciplines of U.S.A.R. (Urban Search and Rescue).
10. Fire personnel will receive a \$15.00 per week incentive for maintaining a Hazmat Certification.
11. Fire personnel will receive \$15.00 per week incentive pay for maintaining a current state of Florida Instructor's Certification.

ARTICLE 16 UNION MEETINGS

1. The Professional Firefighters of Palatka, Local 2992 will be allowed to hold union meetings each month at the Palatka Fire Department. The Union understands that these meetings cannot disrupt the work schedule of the station, nor can the privacy of the meetings be guaranteed.
 2. The Professional Firefighters of Palatka will be allowed to display their official union charter in the Palatka Fire Department Stations.
 3. The Professional Firefighters of Palatka will be allowed to display one bulletin board in each of the Palatka Fire Department Stations.
-

ARTICLE 17 PROFESSIONAL RECORDS

Each employee shall have full knowledge of the contents of his/her personnel files. Disciplinary actions will require the signature of the employee or witnessed notice that he refused to sign.

ARTICLE 18 WORK WEEK AND OVERTIME

1. The Chief and Administration as per the Management Rights Clause shall set the work schedule for shift employees.
2. Any change in shift hours (24/48) schedule, start time 0800-0800 or current 7 day pay cycle will be impact bargained with the union.
3. Fair Labor Standards will be strictly adhered to.
4. Any reductions in positions by commission will be impact bargained.
5. A reduction in hours will not result in a reduction in annual salary.
6. Fire personnel will continue to receive 24 hrs. off time for their Personal Holiday and 24 hrs. off time for their Safety Holiday as agreed upon in October 6, 2008 Step-in-Grade negotiations.
7. Overtime shall be scheduled by a rotational list per Overtime List Rotation Rules and Regulations #1627 (effective date 12-08-2011). The included steps shall follow:
 - a. The officer in charge will call employees from an alphabetically ordered list.
 - b. Should there be no answer from the employee within two (2) minutes of the call, the officer in charge will move to the next employee.
 - c. If the employee accepts, declines or does not reply that employee moves to the bottom of the list. The process starts over once the list has been exhausted.
 - d. The list shall be used for any time that exceeds 6 hours in a 24- hour shift.
 - e. If the need for an officer to fill the overtime shift arises, the first qualified officer on the list shall be called.

ARTICLE 19 SCHOOL LEAVE REIMBURSEMENT

The City in recognition of the importance of furthering education is willing to reimburse members of the department their time voluntarily spent in classes approved by the Fire Chief, under the following conditions:

If an employee voluntarily goes to an approved class he/she shall receive an hour per hour of time off. This time must be used in accordance with the time off policy and within one year of the time it was earned or it will be lost. As allowed under Fair Labor Standard Laws, time awarded under this policy cannot be transferred into cash payments. This time reimbursement is an additional benefit the City is providing that is not a wage and hour mandate and is recognized as such by the Union.

Classes must be approved by the Fire Chief for the time reimbursement **before** the classes are taken. When a member uses this time it will not be deducted from his/her hours worked or will it be added to his/her hours worked.

The approved classes are as follows:

- Hazardous Materials
- U.S.A.R.
- Fire Inspector classes
- Fire Officer One classes
- Pump Ops/Hydraulic classes
- Instructor classes
- EMT recertification
- Paramedic recertification
- Recertification classes for above
- Any future promotional required classes
- Any other class approved by the Fire Chief

ARTICLE 20 COMP TIME/STANDBY AND OVERTIME POLICY

Personnel will be allowed to choose overtime or compensatory time for first and second standby; third standby is eligible for compensatory time only as outlined in the current standby policy. The current standby and overtime policy in Fire Department Rules and Regulations revised 10/01/2013 is hereby adopted into this contract.

The maximum amount of comp time allowed to be held by any Fire Department employee shall be set at 96 hours. (Effective Date: October 1, 2009.)

ARTICLE 21 HEALTH AND SAFETY

1. All fire department personnel shall receive an annual physical, EKG, and pulmonary function test every 12 months (± 3 months). All department personnel shall receive a blood draw every two (2) years. All department personnel shall receive a chest x-ray and heavy metal blood screening every four (4) years. All department personnel shall receive a complete blood screen after any significant hazardous materials event. Significant event can be defined as any event involving dangerous chemicals where exposure and health risks are a genuine concern.
2. All employees shall be allowed to exercise while on duty with the option of personnel traveling to the Kay Larkin Station gym beginning at 1700 hours (provided exercise for health and fitness does not interfere with emergency response). Reasonable actions should be taken by emergency response personnel and shift commanders to ensure the option to exercise for health and fitness of all emergency response personnel.

ARTICLE 22 PROMOTIONAL POLICY

1. The current promotional policy as stated in the Fire Department Rules and Regulations (below) is hereby adopted into the contract for the life of this contract.

2. All new hire candidates, including reserve, must pass the current physical agility test, the approved written exam, and must be state certified Firefighter 1 and Firefighter 2 and state certified Emergency Medical Technician (minimum) to be considered for employment.

1200

Promotional System

- 1201 When a position becomes vacant, or a known vacancy is imminent, the Fire Chief must declare the position vacant within 30 days of the position becoming vacant. At that time a notice will be posted advising all Palatka Fire Department career personnel who meet the promotional policy requirements for the vacancy. Furthermore, the notice will give a deadline of not less than 30 days, nor more than 60 days, for interested, qualified personnel to submit letters of interest with appropriate supporting documentation to the Fire Chief or his/her designee. No letter of interest will be accepted after the submission deadline as stated in the notice.
- 1202 All testing will be held within 45 days after the deadline to submit letters of interest.
- 1203 Eligibility to compete for each rank is as listed below:
- A. Engineer:
- a. Shall be a current, full-time employee of the Palatka Fire Department, whose current term of service is no less than two

consecutive years on the date resumes are due.

b. Shall have the following classes/certifications:

- i. Florida State Hazardous Materials Technician Certification
- ii. Firefighter Tactics/Strategies I
- iii. Pump Operators Certification
- iv. Florida State Certification Level in Urban Search and Rescue Confined Space Rescue, Vehicle Extrication, Ropes Rescue, Collapse Operations, and Trench Rescue.
- v. ICS 100,200,300,400,700 & 800.

B. Lieutenant:

a. Shall be a current, full-time employee of the Palatka Fire Department, who has served in the rank of Engineer for not less than 2 years, or who has been a full-time Fire Fighter with the Palatka Fire Department for the previous 6 consecutive years, and meets all current requirements for Engineer.

b. Shall have the following classes/certifications:

- i. Florida State Fire Officer I Certification
- ii. Florida State Fire Inspector I Certification

C. Captain:

a. Shall be a current, full-time employee of the Palatka Fire Department, who has served in the rank of Lieutenant for not less than 2 years, has the Florida State Fire Instructor Certification and meets all other current requirements for Lieutenant.

1204 A three person board and a department facilitator will be appointed by the Fire Chief to administer the practical portion of the Engineer's exam or the oral board for Lieutenant's and Captain's exams. A department facilitator will be appointed by the Fire Chief to administer written examinations.

1205 The three person board will consist of persons who are not members of the Palatka Fire Department, who possess skills and knowledge in the areas to be tested. No member of the three person board will be of a lesser rank than the position being tested for.

1206 The three person board will forward the scores of those who are tested to the Fire Chief.

1207 A minimum of 70% score for written and practical exams is required for all ranks. Scoring for Engineer will be as follows: Written test -45%; Practical Exam -45%; Job Time -10%. Scoring for Lieutenant and Captain will be as follows: Written Test - 55%; Oral Board - 35%; and Job Time - 10%. Extra points for education will be given according to the chart in Section 1110.

1208 Written test study material will consist of the following:

A. Engineer: City Personnel Rules, City Safety Manual, Palatka Fire Department Rules and Regulations, Palatka Fire Department Standard Operations Guide, Pump Operator book and Fire-ground strategies text chapters 1-8, and Tower 21 Operations Manual.

B. Lieutenant: City Personnel Rules, City Safety Manual, Palatka Fire Department Rules and Regulations, Palatka Fire Department Standard Operation Guides, Fire-ground Strategies, Company officer text, Fire Inspection and Code Enforcement Text, Tower 21 Operations Manual.

C. Captain: City Personnel Rules, City Safety Manual, Palatka Fire Department Rules and Regulations, Palatka Fire Department Standard Operations Guide, Fire Inspection and Code Enforcement Text, Fire Instructor Text, Tower 21 Operations Manual.

1209 Seniority points will be awarded at 1/10th point per month of uninterrupted service with the Palatka Fire Department, not to exceed 20 years of service.

1210 Educational points will be awarded as follows:
 (Maximum allowed is 20 points.)

Certification:	Engineer	Lieutenant	Captain
Inspector I	5		
Inspector II	2	2	2
Fire Officer I	3		
Fire Officer II Complete	10	10	10
Fire Officer II Partial (1 point for each of the following classes)			
Fire Chemistry	1	1	1
Origin and Cause	1	1	1
Fire Department Administration	1	1	1
Legal and Ethical Issues for Fire Service	1	1	1
Fire Service Course Design	1	1	1
Fire & Life Safety Educator I (or)	1	1	1
Public Information Officer	1	1	1
Business/ Technical Writing	1	1	1
Computer Literacy or Micro Computer Concepts	1	1	1
Instructor I, II, or III	5	5	
Bachelors in Fire Science	8	10	10
Associates in Fire Science	4	5	5
Bachelors- other	4	4	4
Associates- other	2	2	2

*** Points for College Degree will be awarded only for the highest level completed. You will not receive points for having both an Associates and a Bachelor's degree in either of the categories, or a combination of both. You will only be awarded points for one of the four options listed above. ***

1211 Personnel File review: Personnel files will be reviewed and two points will be deducted for each written reprimand less than 12 months old.

1212 The order of testing and scoring shall be as follows:

A. Written Exam: Engineer's exam - 50 questions;
 Lieutenant's and Captain's exams - 100 questions.

B. Engineer's Practical exam, and Lieutenant's and Captain's Oral Board, will be scheduled within 10 days of written exam.

1213 When testing is completed, service points, educational points, personnel file reviews, and test score points will be combined to arrive at a total final score for each candidate. A promotional list will then be established and posted by descending order of total scores. Candidates must have a minimum of 70% on all test scores to be eligible for placement on the promotional list. In the event of a tie, the candidate scoring the highest on the written exam will receive consideration. If still tied, the candidate with the most educational points will receive consideration.

1214 If there are more vacant positions than qualified applicants, the following process shall be followed until there are enough candidates to fill the positions:

- A) Drop one year from the time in grade requirement.
- B) Drop one class from the educational requirement that is not part of a required certification. The dropped class must be successfully completed within one year of promotion, or as soon as it is offered.
- C) Drop any one class. The dropped class must be completed within one year of promotion, or as soon as it is offered.
- D) Drop six months from the time in grade requirement.

1215 If there are more positions open than qualified applicants, the strike-down method in Section 1114 will be used. The qualified applicants will test against each other, if more than one, for the first available positions. The strike down applicants will test for the additional available positions. Strike down applicants will not be testing against qualified applicants, nor will they be testing against lower level strike down applicants.

After testing is completed and there is not enough applicants that have passed testing to fill the open position(s) we will use the strike down method to the

next level that allows at least one additional personnel to test. All previous applicants that failed will be allowed to test. All applicants for this testing will be testing against each other.

- 1216 All persons promoted shall serve a probationary period of not less than 6 months.
- 1217 Exam scores will stand for 2 years from the date of testing.
- 1218 Acting positions (Captains, Lieutenants, and Engineers) shall be appointed by the Fire Chief in the event that an officer is due to be absent for a period greater than 30 days. Members will be appointed to acting positions at the discretion of the Fire Chief, and if possible, that person shall meet all the qualifications for the vacant position.
-

Revised 11/3/09

ARTICLE 23 UNIFORMS AND EQUIPMENT

1. The City agrees to continue to provide the employees with uniforms, uniform shoes/boots and other equipment. A complete uniform will consist of proper and appropriate trousers, dress shirts (class A&B) both short and long sleeve, t-shirts both long and short sleeve, belt, dress shoes, duty boots, name plate, badge, hat with department logo, and winter jacket.
 2. All uniforms and equipment shall conform to industry standards.
 3. All uniforms and equipment shall be replaced as needed to maintain professional appearance and safety of the firefighter.
-

ARTICLE 24 AGREEMENT BINDING ON SUCCESSORS

1. This Agreement shall be binding upon the successors and assigns of the parties hereto, and no provisions, terms or obligations herein contained shall be affected, modified, altered, or changed in any respect whatsoever by the consolidation, merger, annexation, transfer or assignment of either party hereto, or by any change geographically or otherwise in the location of place of business of either party hereto.

ARTICLE 25 SIGN OFF AND DURATION

This agreement shall be effective as of October 1, 2013 and remain in full force and effect until September 30, 2016 or until negotiation is completed on the succeeding contract.

City of Palatka

By: _____
City Manager

By: _____
City Clerk

Professional Firefighters of Palatka, Local 2992

By: _____
President, Local 2992

By: _____
Secretary, Local 2992

Agenda Item

3b



CITY COMMISSION AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, Florida authorizing the Palatka Police Department to submit an application for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Countywide JAG) in the amount of \$15,341 (no match required)

DEPARTMENT: Police

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

SUMMARY: This is one of two JAG grants the Palatka Police Department applies for annually. The grant funds from this grant will be used to purchase computers (laptop and desk top models as well as electronic surveillance equipment to be used during criminal investigations). The funding amount is \$15,341 and requires no match by the City of Palatka. The signature of the Mayor is required to complete the grant process.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9 ___ authorizing the Police Department to submit an application for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Countywide JAG in the amount of \$15,341, and authorizing the Mayor to execute the grant application.

DEPARTMENT HEAD Submitted: Gary Getchell Date: 06/26/13
Requested Agenda Line Item Date: 07/11/13

FINANCE DEPARTMENT Budgeted X Yes ___ No ___ N/A Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: Date: 07/01/13

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

DISTRIBUTION: ___ APT ___ CA ___ CC ___ CM ___ FIN ___ FD ___ P&C ___ PD ___ PLN ___ S&S ___ W&S ___ WTP ___ WWTP

RESOLUTION NO. 2013-9-__

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE PALATKA POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR THE BUREAU OF JUSTICE ASSISTANCE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - COUNTYWIDE GRANT SOLICITATION IN THE AMOUNT OF \$15,341 TO BE UTILIZED FOR THE PURCHASE OF COMPUTER EQUIPMENT AND ELECTRONIC SURVEILLANCE EQUIPMENT FOR CRIMINAL INVESTIGATIONS

WHEREAS, on May 30, 2013 the Bureau of Justice Assistance announced the availability of grant funds for law enforcement use by the City of Palatka Police Department; and

WHEREAS, the City of Palatka has determined that a need exists to purchase new computer equipment and electronic surveillance equipment; and

WHEREAS, Edward Byrne Memorial Justice Assistance Grant (JAG) funds may be used to purchase the described equipment for law enforcement purposes; and

WHEREAS, the Grant Application requires the signature of the Mayor; and

WHEREAS, the Palatka City Commission deems it reasonable and in the best interest of the citizens to authorize the Palatka Police Department to apply for said JAG funds for the purpose of purchasing computer and electronic surveillance equipment for use in criminal investigations.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida that the Palatka Police Department is hereby authorized to submit an application for 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Countywide Grant funds to be used to purchase computer and surveillance equipment for use in criminal investigations, and to authorize the Mayor to sign said grant application as required.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this 11th day of July, 2013.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

Staff Report

Date: 6/26/2013

To: City Commission

From: Gary S. Getchell, Chief of Police 

Subject: Grant funding – 2013 Edward Byrne Memorial Justice Assistance Grant Local Solicitation

Background

The 2013 Edward Byrne Memorial Justice Assistance Grant, Local Solicitation has been posted as available for applications to be submitted. The Palatka Police Department is eligible to request up to \$10,986 in funding, with no match being required. The funds can be used for law enforcement purposes.

Discussion

Palatka Police Department personnel utilize technological equipment on a daily basis to perform their duties in an efficient and safe manner. The equipment is used for crime data collection, storage, reporting and analysis as well as for personal protection. The equipment includes computers, software for crime reporting, and (electrical demobilization devices) tasers for personal protection. Valuable information pertaining to crimes and incidents, evidence and other data are all collected and stored utilizing the computer equipment. Officers have found tasers to be a very valuable device for officer safety. Innovative equipment is always necessary and all the technological equipment as well as its' accompanying software packages require replacement, repairs and upgrades on a yearly basis.

Without the proper equipment to gather the information and data in addition to the computer equipment, software to store the data and technology to access the information our agency will be at a substantial disadvantage when attempting to conduct professional investigations. As stated above, tasers have been proven to be a very beneficial tool for officer safety. The need for this equipment is great, and the funding available from the Bureau of Justice Assistance allows the Department to purchase the type of equipment discussed above with little impact to the city's general fund.

Recommendation

It is recommended the Palatka Police Department apply for the grant funds and utilize the funds obtained from the Edward Byrne Memorial Justice Assistance Grant to purchase new technological equipment and enhance existing technological equipment at the Palatka Police Department. With the signature of the Mayor, the Department can complete the application process of the grant.

Staff Report

Date: 6/26/2013

To: City Commissioners

From: Gary S. Getchell, Chief of Police 

Subject: Grant funding – 2013 Edward Byrne Memorial Justice Assistance Grant
Countywide JAG

Background

The 2013 Edward Byrne Memorial Justice Assistance Grant, Countywide JAG has been posted as available for applications to be submitted. Putnam County is eligible to apply for \$76,707. The Palatka Police Department is eligible to request up to \$15,341 of that amount for the City of Palatka. This is allowing all government bodies in Putnam County an equal share. Crescent City, Interlachen, Palatka, Putnam County and Welaka each receive the same amount. The funds can be used for law enforcement purposes.

Discussion

The Palatka Police Department utilizes computerized crime reporting, digital evidence as well as electronic traffic citations and crash reports. The department utilizes numerous forms of technological equipment to gather, store and analyze crime data. All crime data is stored in information systems. The information systems are accessible through our department network and through computer aided dispatch. The information systems are utilized by officers on a daily basis to access data necessary to perform their duties. The Palatka Police Department must constantly add to, improve the technological equipment and simply maintain the equipment used to gather and access crime information. Access to crime information is essential if the agency is going to continue to respond properly to ever changing crime trends and problems.

Equipment necessary for officers and staff on a daily basis are desk top and lap top computers. The desk top computers are directly connected to the department network and the laptops are utilized by officers in the field to compile, store and analyze data as well as access the department network. The department is currently in need of new computers, desk top and laptop models to be used by department staff.

Additional equipment such as undercover audio and video systems, video storage and editing systems as well as software for the processing of audio and video are essential to collecting and processing needed evidence in many criminal cases. The department is currently in need of new audio and video recording, transmitting and storage equipment.

Recommendation

It is recommended that the Palatka Police Department apply for the grant funds and utilize the funds obtained from the Edward Byrne Memorial Justice Assistance Grant to

purchase new technological equipment and enhance existing technological equipment at the Palatka Police Department. With the signature of the Mayor, the Department can complete the application process for the grant.

Agenda Item

3c



CITY COMMISSION AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, Florida authorizing the Palatka Police Department to submit an application to the Bureau of Justice Assistance for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation – in the amount of \$10,986.00 (no match required)

DEPARTMENT: Police

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

SUMMARY: This is one of two JAG program grants the Palatka Police Department applies for annually. These grant funds will be used to purchase computers and electrical demobilization devices (tasers). The funding amount is \$10,986 and requires no match by the City of Palatka. The signature of the Mayor is required to complete the grant process.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9 ___ authorizing the Palatka Police Department to submit an application to the Bureau of Justice Assistance for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation in the amount of \$10,986.00, and authorizing the Mayor to execute the grant application.

DEPARTMENT HEAD Submitted: Gary Getchell [Signature] Date: 06/26/13 Requested Agenda Line Item Date: 07/11/13

FINANCE DEPARTMENT Budgeted [X] Yes ___ No ___ N/A [Signature] Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: [Signature] Date: 07/01/13

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

DISTRIBUTION: ___ APT ___ CA ___ CC ___ CM ___ FIN ___ FD ___ P&C ___ PD ___ PLN ___ S&S ___ W&S ___ WTP ___ WWTP

RESOLUTION NO. 2013-9-__

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE PALATKA POLICE DEPARTMENT APPLY FOR THE BUREAU OF JUSTICE ASSISTANCE, THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) LOCAL SOLICITATION IN THE AMOUNT OF \$10,986 TO BE UTILIZED BY THE PALATKA POLICE DEPARTMENT TO PURCHASE COMPUTER EQUIPMENT AND ELECTRICAL DEMOBILIZATION DEVICES (TASERS)

WHEREAS, on May 30, 2013 the Bureau of Justice Assistance announced the availability of grant funds for law enforcement use by the City of Palatka Police Department; and

WHEREAS, the City of Palatka has determined that a need exists to purchase new computer equipment and electrical demobilization devices (tasers); and

WHEREAS Edward Byrne Memorial Justice Assistance Grant (JAG) funds may be used to purchase the described equipment for law enforcement purposes; and

WHEREAS the grant application requires the signature of the Mayor; and

WHEREAS, the Palatka City Commission deems it reasonable and in the best interest of the citizens to authorize the Palatka Police Department to make application for said JAG funds for the purpose of purchasing computers and electrical demobilization devices (tasers).

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida that the Palatka Police Department is hereby authorized to submit an application for 2013 Edward Byrne Memorial Justice Assistance Grant Program - Local Grant Solicitation funds in the amount of \$10,896 to be used to purchase computers and electrical demobilization devices (tasers), and to authorize the Mayor to sign said grant application as required.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 11th day of July, 2013.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

CITY CLERK

Staff Report

Date: 6/26/2013

To: City Commission

From: Gary S. Getchell, Chief of Police 

Subject: Grant funding – 2013 Edward Byrne Memorial Justice Assistance Grant Local Solicitation

Background

The 2013 Edward Byrne Memorial Justice Assistance Grant, Local Solicitation has been posted as available for applications to be submitted. The Palatka Police Department is eligible to request up to \$10,986 in funding, with no match being required. The funds can be used for law enforcement purposes.

Discussion

Palatka Police Department personnel utilize technological equipment on a daily basis to perform their duties in an efficient and safe manner. The equipment is used for crime data collection, storage, reporting and analysis as well as for personal protection. The equipment includes computers, software for crime reporting, and (electrical demobilization devices) tasers for personal protection. Valuable information pertaining to crimes and incidents, evidence and other data are all collected and stored utilizing the computer equipment. Officers have found tasers to be a very valuable device for officer safety. Innovative equipment is always necessary and all the technological equipment as well as its' accompanying software packages require replacement, repairs and upgrades on a yearly basis.

Without the proper equipment to gather the information and data in addition to the computer equipment, software to store the data and technology to access the information our agency will be at a substantial disadvantage when attempting to conduct professional investigations. As stated above, tasers have been proven to be a very beneficial tool for officer safety. The need for this equipment is great, and the funding available from the Bureau of Justice Assistance allows the Department to purchase the type of equipment discussed above with little impact to the city's general fund.

Recommendation

It is recommended the Palatka Police Department apply for the grant funds and utilize the funds obtained from the Edward Byrne Memorial Justice Assistance Grant to purchase new technological equipment and enhance existing technological equipment at the Palatka Police Department. With the signature of the Mayor, the Department can complete the application process of the grant.



CITY COMMISSION AGENDA ITEM

SUBJECT:

A resolution of the City of Palatka, Florida authorizing the Palatka Police Department apply for the Bureau of Justice Assistance for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation to be utilized by the Police Department (\$10,986 with no match).

DEPARTMENT: Police

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

SUMMARY: The grant funds will be used to purchase computers and electrical demobilization devices (tasers). The funding amount is \$10,986 and requires no match by the City of Palatka. The signature of the Mayor is required to complete the grant process.

RECOMMENDED ACTION: Adopt Resolution No. 2013-9___authorizing the Police Department apply for the Bureau of Justice Assistance for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation

DEPARTMENT HEAD Submitted: Gary Getchell [Signature] Date: 06/26/13
Requested Agenda Line Item Date: 07/11/13

FINANCE DEPARTMENT Budgeted ___ Yes ___ No ___ N/A Date:

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: Date:

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

DISTRIBUTION: ___ APT ___ CA ___ CC ___ CM ___ FIN ___ FD ___ P&C ___ PD ___ PLN ___ S&S ___ W&S ___ WTP ___ WWTP

Agenda Item

3d



AGENDA ITEM

SUBJECT: A Resolution of the City of Palatka, Florida, entering into a Broker Services Agreement with Brown & Brown (Daytona) as Broker/Agent of Record for Casualty & Property Insurance and authorizing the City Manager to execute the Agreement on behalf of the City of Palatka, Florida.

DEPARTMENT: Finance

ATTACHMENTS: Ordinance Resolution Motion Support Documents Other

SUMMARY: On June 13, 2013, the City Commission adopted Resolution 213-9-127 which accepted the Request For Proposal (RFP) for brokerage/consulting services for casualty & property insurance from Brown & Brown (Daytona) as the most responsive and authorized the City Manager to negotiate an agreement for those services. The parties have negotiated an acceptable agreement which is attached hereto. The City Attorney has reviewed and approved the proposed agreement.

RECOMMENDED ACTION: Adopt of Resolution 2013-9-which adopts a Broker Services Agreement with Brown & Brown of Daytona, Florida which designates them as the Agent of Record for as Casualty & Property Insurance Agent of Record and authorizes the City Manager to execute the agreement on behalf of the City of Palatka.

DEPARTMENT HEAD Submitted: Michael Czymbor, City Manager Date: 07-01-13 Requested Agenda: Consent Date: 07-11-13
FINANCE DEPARTMENT Budgeted Yes No N/A Date: 07-01-13
CITY ATTORNEY Approved as to Form and Correctness Date:
CITY MANAGER Approved Agenda Item For: Date: 7/2/13

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

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

RESOLUTION No. 2013 - 9 -

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING A BROKER SERVICES AGREEMENT WITH BROWN & BROWN (DAYTONA) AS THE CITY'S AGENT OF RECORD (BROKER) FOR PROPERTY & CASUALTY INSURANCE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALATKA, FL.

WHEREAS, the City of Palatka advertised and accepted Requests for Proposals (RFP) for Property & Casualty and Employee Benefits Insurance brokerage services on April 29, 2013; and

WHEREAS, the Palatka City Commission adopted Resolution 2013-9-127 on June 13, 2013 which designated Brown & Brown (Daytona) as the Agent of Record/Broker for Property & Casualty Insurance; and

WHEREAS, the Palatka City Manager successfully negotiated a Broker Services Agreement with Brown & Brown (Daytona), which agreement has been reviewed and approved by the City Attorney as to form..

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

1. The Broker Services Agreement between the City of Palatka, FL and Brown & Brown (Daytona) to provide agent of record/broker services for property & casualty insurance is hereby approved and adopted.
2. The City Manager is hereby authorized to execute the agreement with Brown & Brown (Daytona) on behalf of the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 11^h day of July, 2013.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM
AND CORRECTNESS:**

CITY ATTORNEY

BROKER SERVICES AGREEMENT

THIS BROKER SERVICES AGREEMENT is made by and between THE CITY OF PALATKA, a Florida Municipal Corporation, and 201 North 2nd Street, Palatka, FL 32177 (hereinafter referred to as the "City") and Brown and Brown Insurance, 220 South Ridgewood Avenue, Daytona Beach, FL 32114 (hereinafter referred to as the "Broker").

PURPOSE: Broker is a licensed insurance agency in the State of Florida. City has selected Broker to provide certain risk and claims management and insurance program administration services relating to the Lines of Insurance (as hereinafter defined) and, for good and adequate consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Term. The term of this Agreement shall commence on the Effective Date and continue for a period of three (3) years, unless sooner terminated as herein provided.

2. Relationship of Parties. Broker is an independent contractor and nothing in this Agreement is intended nor shall be construed to create an employer/employee relationship, a joint venture relationship or partnership relationship. In consideration of the compensation from the City to the Broker, Broker is providing services to the City as an insurance broker. However, Broker, or its parent company, Brown & Brown, Inc., and related or affiliated companies, may provide services as an insurance agent on behalf of certain insurance carriers or risk-bearing entities. City acknowledges and expressly consents to such relationship, if applicable, in the rendition of services by Broker under this Agreement.

3. Broker Services. Broker, subject to the terms of this Agreement, shall provide certain services set forth in the attached Schedule A (the "Services"), but only in relation to the following lines of insurance (collectively referred to as "Lines of Insurance"): (a) Property; (b) General Liability; (c) Auto Liability; (d) Law Enforcement Liability; (e) Public Officials Liability / Employment Practices Liability; (f) Workers' Compensation; (g) Storage Tank Liability; (h) Fine Arts; (i) Special Events; (j) Fiduciary Liability; (k) Claims and Risk Management Services; (l) accidental death and dismemberment; (m) airport liability; (n) executive travel accident; (o) fiduciary liability; (p) golf course liquor liability; (q) storage tank liability; (r) schedule position bonds.

Nothing in this Agreement shall be construed to impose any obligations on Broker, or limitations on Broker's compensation, relative to any lines of insurance or coverage's other than those specifically included in the Lines of Insurance delineated above.

4. City Responsibilities. In consideration of the Services provided by Broker, City agrees as follows:

(a) City shall cooperate fully with Broker and the insurance companies with whom Broker solicits in the performance of Broker's obligations in this Agreement.

(b) City shall timely produce complete and accurate information including, but not limited to, current financial information, statements of values, loss information and any other information, necessary for the effectuation of insurance coverage at the request of Broker. City further agrees to provide Broker with notice of any material changes in City's business operations, risk exposures or in any other material information provided under this Agreement. In addition, City shall confirm the accuracy and recommend any changes to insurance policies issued to City.

(c) This Agreement shall in no way obligate City to procure any insurance or to use Broker for any insurance it wishes to procure. If, however, City nonetheless chooses to procure its insurance through Broker:

(i) City shall timely pay all premiums and fees.

(ii) City shall provide Broker with at least ninety (90) days' notice in advance of any policy effective date in the event City intends to allow competing agents or brokers to solicit or market insurance.

5. Compensation. In consideration of the Services, City shall compensate Broker through a "Broker Services Fee" in the amount of Commission from the carrier. The Broker Services Fee shall be fully earned and payable upon City's execution and delivery of this Agreement. If City chooses to procure insurance through Broker, with regard to the Broker Services Fee, City and Broker acknowledge and agree as follows:

(a) Broker may utilize insurance intermediaries (such as a wholesale insurance broker, managing general agent (MGA), managing general underwriter or reinsurance broker) for the placement of City's insurance. In addition to providing access to the insurance City, the intermediary may provide the following services: (i) risk placement; (ii) coverage review; (iii) claims liaison services with the insurance company; (iv) policy review; and (v) current market intelligence. The compensation received by the insurance intermediary for placements and, if applicable, the services above is typically in the range of 4% to 15% of policy premium. There may be an intermediary utilized in the placement of your insurance, which may or may not be a company owned by Brown & Brown Inc., the parent company of Broker. Any payments or allowances paid to the intermediary are not subject to this Agreement, and will not be credited against the balance of the fee owed to Broker pursuant to this Agreement or paid to City.

(b) If City chooses to finance its premiums, Broker may assist City in the arrangement of such financing. Any payments or allowances paid to Broker for arranging premium financing are not subject

to this section, and will not be credited against the balance of the fee owed to Broker pursuant to this Agreement or paid to City.

(c) Broker may, in the ordinary course of its business, receive and retain interest on premiums paid by the City from the date received by Broker until the date the premiums are remitted to the insurance City or intermediary. Any interest income retained by Broker on these premiums are not subject to this section, and will not be credited against the balance of the fee owed to Broker pursuant to this Agreement or paid to City.

(d) Compensation for the Services specified under this Agreement are exclusive of all federal, state and local sales, use, excise, receipts, gross income and other similar taxes and governmental charges and fees. Any such taxes, charges or fees for the Services under this Agreement, now imposed or hereafter imposed during the term of this Agreement, shall be in addition to the compensation, premiums and charges set forth in this Agreement and shall be paid by City upon request.

(e) City acknowledges and agrees that the Broker Services Commission arrangement is reasonable in relation to the Services to be provided by Broker hereunder. City shall not be liable for the payment of any fees or payments to the Broker other than the "Broker Services Fees" paid from the Insurance Carriers to the Broker. In the event that the City chooses coverage offered through the Florida League of Cities and its Florida Municipal Insurance, no broker services fees will be paid to the Broker.

6. Termination.

(a) Either party may terminate this Agreement, without cause and for any reason whatsoever, by giving written notice of termination to the other party at least ninety (90) days prior to the effective date of termination, which shall be specified in such written notice.

(b) Notwithstanding the provisions in sub-paragraph (a) above, City may terminate this Agreement upon the happening of any one of the following causes: (i) Suspension or termination of Broker's insurance license in the State of Florida is not cured by Broker within sixty (60) days following such suspension or termination; (ii) Broker's participation in any fraud; or (iii) Broker's material failure to properly perform its duties and responsibilities hereunder because of Broker's gross neglect, proven dishonesty, or commission of a felony.

(c) Notwithstanding the provisions in sub-paragraph (a) above, Broker may terminate this Agreement upon the happening of any one of the following causes: (i) City's failure to pay any Broker Services Fee more than five (5) days after such payment is due; (ii) City's participation in any fraud; or (iii) City's material failure to properly perform its duties and responsibilities hereunder because of City's gross neglect, proven dishonesty, or commission of a felony.

Termination for any cause enumerated in sub-paragraphs (b) or (c) shall become effective upon the delivery of written notice of termination to the breaching party or at such later time as may be specified in the written notice.

(d) Termination of this Agreement shall not release City from any accrued obligation to pay any sum to Broker (whether then or thereafter payable) or operate to discharge any liability incurred prior to the termination date.

7. Notices. Any notices required or permitted to be given under this Agreement shall be sufficient if in writing by Certified Mail to:

If to City: City of Palatka Phone: (386)329-0100
Attn: City Manager Fax: (386)329-0195
201 N. 2nd Street
Palatka, FL 32177

If to Broker: Brown and Brown, Insurance – Daytona Beach
220 South Ridgewood Avenue
Daytona Beach, FL 32114
Attn: Alan Flores, Executive Vice President

With a copy to: Brown & Brown, Inc.
655 N. Franklin Street, Suite 1900
Tampa, Florida 33602
Attn: Carrie R. Brown, Corporate Counsel
Email: cbrown@bbinslegal.com

or such other address as either shall give to the other in writing for this purpose.

8. Severability. The invalidity or unenforceability of any provision of this Agreement shall in no way affect the validity or enforceability of any other provision.

9. Florida Law Applies; Venue. This Agreement has been made and executed in the State of Florida and shall be governed by and construed and enforced in accordance with the laws of the State of Florida, without regard to its conflicts of laws principles. Exclusive venue is agreed to be in a state or federal court of competent jurisdiction in or for Putnam County, Florida.

10. Waiver of Jury Trial. THE PARTIES WAIVE ANY RIGHT TO A TRIAL BY JURY IN THE EVENT OF LITIGATION ARISING OUT OF THIS AGREEMENT.

11. Assignment. Neither this Agreement nor any of the rights, interests or obligations hereunder shall be assigned by any of the parties hereto (whether by operation of law or otherwise) without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed. This Agreement will be binding upon, inure to the benefit of, and be enforceable by the parties and their respective successors and permitted assigns.

12. Entire Agreement. This Agreement (including the documents and instruments referred to herein) constitutes the entire agreement and supersedes all prior agreements and understandings, both written and oral, among the parties with respect to the subject matter hereof. The Agreement shall not be modified except by a written agreement dated subsequent to the date of this Agreement and signed on behalf of City and Broker by their respective duly authorized representatives.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date: _____

CITY:

The City of Palatka

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

BROKER:

Bates Hewett & Floyd Insurance Agency

By: _____

Name: _____

Title: _____

WITNESS AS TO BROKER:

Printed Name: _____

Printed Name: _____

SCHEDULE A

BROKER SERVICES

- a. Evaluate City's business practices with regard to risk and possible transfer of risk to third parties and conduct regular, scheduled meetings with City to review City's risk management program.
- b. Review and analyze City's existing insurance coverage and identify potential lines of coverage or coverage enhancements to improve City's insurance program.
- c. Analyze current insurance market conditions and advise City of significant implications for City's insurance program.
- d. Facilitate, market and procure quotations from carriers, review and analyze quotations and provide proposals for review by City.
- e. Secure and bind all coverage's accepted by City.
- f. Coordinate loss prevention services provided by any insurance company with those services provided by Broker.
- g. Analyze past and current claim and loss history information and advise the City of significant implications for City's insurance program.

Agenda Item

3e

RESOLUTION No. 2013 - 9 -

A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING A BROKER SERVICES AGREEMENT WITH BATES & HEWITT (PALATKA) AS THE CITY'S AGENT OF RECORD (BROKER) FOR EMPLOYEE BENEFITS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALATKA, FL.

WHEREAS, the City of Palatka advertised and accepted Requests for Proposals (RFP) for Property & Casualty and Employee Benefits Insurance brokerage services on April 29, 2013; and

WHEREAS, the Palatka City Commission adopted Resolution 2013-9-127 on June 13, 2013 which designated Bates & Hewitt (Palatka, FL) as the Agent of Record/Broker for Employee Benefits; and

WHEREAS, the Palatka City Manager successfully negotiated a Broker Services Agreement with Bates & Hewitt, which agreement has been reviewed and approved by the City Attorney as to form..

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

1. The Broker Services Agreement between the City of Palatka, FL and Bates & Hewitt (Palatka, FL) to provide agent of record/broker services for employee benefits is hereby approved and adopted.
2. The City Manager is hereby authorized to execute the agreement with Bates & Hewitt (Palatka) on behalf of the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 11^h day of July, 2013.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM
AND CORRECTNESS:**

CITY ATTORNEY

Broker Services Agreement

This Agreement ("Agreement"), effective as of the date of execution by both parties, between City of Palatka, FL having its office at 201 North 2nd Street, Palatka, FL 32177 (hereinafter referred to as "CITY"), and Bates & Hewett, Inc DBA Bates Hewett & Floyd Insurance Agency—having its office at 3400 Crill Ave Ste 2 Palatka, FL 32177 (hereinafter referred to as "BROKER")

1. PURPOSE

This is an Agreement for specified services whereby CITY retains BROKER and BROKER accepts CITY's to perform services as more fully set forth below.

2. TERM.

The term of this Agreement shall commence on the Effective Date and continue for a period of three (3) year, unless sooner terminated as herein provided.

3. BROKER SERVICES.

BROKER, subject to the terms of this Agreement, shall provide certain services in relation to the following lines of insurance Employee Benefits to include Health, Life, Disability, Vision, Dental, Financial services related to these and to include voluntary benefits. BROKER will review current lines of coverage and recommend changes to improve CITYS current program. BROKER will provide quotations from carriers and provide a review and analysis to CITY. BROKER will develop and coordinate Wellness Services for CITY but will need CITYS participation and backing to maintain effectiveness of program.

Nothing in this Agreement shall be construed to impose any obligations on Broker, or limitations on Broker's compensation, relative to any lines of insurance or coverage's other than those specifically included in the Lines of Insurance delineated above.

3. CITY RESPONSIBILITIES

CITY shall be solely responsible for the accuracy and completeness of all information it furnishes to BROKER and/or insurers, and CITY shall sign any required application for insurance. BROKER shall not be responsible to verify the accuracy or completeness of any information provided by CITY, and BROKER shall be entitled to rely on that information. BROKER shall have no liability for any errors, deficiencies or omissions in any services provided to CITY, including the placement of insurance on CITY's behalf, that are based on inaccurate or incomplete information provided to BROKER. CITY understands that the failure to provide all necessary information to an insurer, whether intentional or by error, could result in the impairment or voiding of coverage. CITY will

review all policy documents provided to it by BROKER. CITY shall timely pay all premiums and fees. CITY shall provide BROKER with at least ninety (90) days' notice of policy effective date if the CITY chooses to allow other companies or brokers to solicit insurance.

4. COMPENSATION.

CITY shall not compensate BROKER directly. BROKER will be compensated by commissions paid through insurance carriers or companies. CITY will have no other liability for any other fees other than the BROKER services fee paid to the BROKER from the insurance carriers/companies. In the event that the CITY chooses covered offered through the Florida League of Cities, no broker service fees will be paid to the BROKER.

5. TERMINATION.

BROKER or CITY may terminate this agreement, with cause by giving written notice to the other party at least ninety days (90) prior to the effective date of termination. CITY may terminate this Agreement upon the happening of any one of the following causes: (i) Suspension or termination of Broker's insurance license in the State of Florida is not cured by Broker within sixty (60) days following such suspension or termination; (ii) Broker's participation in any fraud; or (iii) Broker's material failure to properly perform its duties and responsibilities hereunder because of Broker's gross neglect, proven dishonesty, or commission of a felony.

6. SEVERABILITY

It is the intent of the parties that the provisions of this Agreement shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in this Agreement or any word, phrase, clause or sentence is found to be illegal or unenforceable for any reason, such word, phrase, clause or sentence shall be modified or deleted in such manner so as to afford the party for whose benefit it was intended the fullest benefit commensurate with making this Agreement, as modified, enforceable, and the balance of this Agreement shall not be affected thereby, the balance being construed as severable and independent.

7. FLORIDA LAW APPLIES

This Agreement has been made and executed in the State of Florida and shall be governed by and construed and enforced in accordance with the laws of the State of Florida, without regard to its conflicts of laws principles, and venue shall lie exclusively in Putnam County, Florida.

8. WAIVER OF JURY TRIAL

Each party, on behalf of itself and its affiliates, to the fullest extent permitted by law, knowingly, voluntarily, and intentionally waives its right to a trial by jury in any action or other legal proceeding arising out of or relating to this Agreement or any services provided by BROKER. The waiver applies to any action or legal proceeding, whether sounding in contract, tort or otherwise. Each party, on behalf of itself and its affiliates, also agrees not to include any employee, officer or director of the other party or its affiliates as a party in any such action or proceeding.

9. ENTIRE AGREEMENT

This Agreement and its written amendments and appendices constitute the entire understanding between BROKER and CITY, and supersede all other agreements understandings, related to its subject matter. This Agreement may only be amended by mutual written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date: _____

CITY:

The City of Palatka

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

BROKER:

Bates Hewett & Floyd Insurance Agency

By: _____

Name: _____

Title: _____

WITNESS AS TO BROKER:

Printed Name: _____

Printed Name: _____

Agenda Item

3_f



CITY COMMISSION AGENDA ITEM

SUBJECT: Code Enforcement Board Appointments

DEPARTMENT: Admin/Clerk

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

SUMMARY: There are two openings on the Palatka Code Enforcement Board. These openings are experience-specific. One is for an individual with sub contractor experience and one is for a member with architectural experience. The Code states members should be appointed with these general qualifications "whenever possible." When that is not possible, individuals with a desire to serve, who can attend meetings, and who are otherwise qualified to serve can be appointed. Members serve three-year terms and must live within the City limits.

Staff has received applications from Col Andrew M. Kiley (Ret) and Darcy W. Phillips. Both meet all other qualifications, but do not have the specific experience desired. They have been informed of this Board's function, responsibilities and meeting attendance requirements and come with recommendations for appointment from Staff. They both live inside the City limits and are qualified to serve on this Board in this voluntary capacity.

This Board has two "alternate" positions. Both positions have been filled for some time with citizens who also do not meet the experience-specific qualifications, but are otherwise qualified. Staff recommends moving the alternates up into the regular board positions, and appoint Col Kiley and Ms. Phillips into the alternate positions. Alternates function as regular board members whenever a regular board member is absent from a meeting, but do not vote or make motions when a full board is present.

RECOMMENDED ACTION: Appoint as follows:

- Johnny M. Brown to Member with Architectural Exp, term expiring Sept. 2015
• John Lyons to Member with Sub Contractor Exp. Term expiring Sept. 2014
• Col. Andrew M Kiley (Ret) as Alternate, term expiring Sept., 2015
• Darcy W. Phillips as Alternate, term expiring Sept., 2014

DEPARTMENT HEAD Submitted: Betsy Driggers, City Clerk Date: 07/02/13
Requested Agenda Consent Date: 07/11/13

FINANCE DEPARTMENT Budgeted ___ Yes ___ No x N/A Date:

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: [Signature] Date: 7/2/13

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

DISTRIBUTION: ___ APT ___ CA ___ CC ___ CM ___ FIN ___ FD ___ P&C ___ PD ___ PLN ___ S&S ___ W&S ___ WTP ___ WWTP

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

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

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the Code Enforcement Board.
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: ANDREW M KILEY, Colonel, Ret. (Must be at least 18 yrs. old)
Residence (911 Address) 613 Kirby St, Palatka Phone: 386.325.9993
Business Name & Address RETIRED Fax: None

(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: eldie.de.muerto@hellsouth.net Daytime Phone: 386.325.9993

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

please see attached.

OTHER COMMENTS OR INFORMATION:

Thank you for the opportunity to apply.

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.

SIGNATURE OF APPLICANT [Signature] DATE 06/15/2013

Applicants will be interviewed by the Palatka City Commission during regular public meetings.

Code Enforcement -

Why am I applying to become a member of the ~~Zoning Advisory Board~~?

I am new to Palatka, owning a home in the South Historic District for just about four years. In that time, I have developed a strong bond toward our community and the people I share with. The town, with its murals, river, and parks all lend themselves to a very unique beauty. Our town thrives with the artistic, sporting, and special performances that bring both residents and visitors out to engage in 'Palatka.'

That said, our town faces challenges with a large percentage of the properties owned by non-residents; those owners perhaps ambivalent to the best interest of our community. I am excited that the Palatka Police Department is becoming the enforcement arm of the Code Division and would be inspired to participate as an advisor.

Experience:

I have three areas of personal and professional experience that lend themselves to helping the Zoning Advisory Board.

Personal:

Over the years, I purchased investment properties and to enhance the experience and to minimize losses, I attended a realtor licensing program. It helped me understand the laws, policies and strategies for successful investing. I never sought to become a licensed realtor, but the education did provide me with an advantage in my investment goals.

Professional:

The second area of experience, valuable in itself, centers on my civilian career as a Deputy Medical Examiner for the State of New Mexico. Aside from the extensive technical and medical training related to the discipline of forensic science, I had very comprehensive legal duties both in and out of the courtroom. I received extensive training in criminal, tort and administrative law and was court qualified as an expert in select areas of my discipline. As an additional duty, I taught interrelated courses at the Health Science Center for the University of New Mexico School Of Medicine. Lastly, I was the Medical Officer for a medium sized city in the Southwest until retiring.

I had an all-encompassing career of active duty and active reserve service in the Military. Much of the experience allowed me to grow in many directions, but my duties were generally not germane to the responsibilities of this board. I served in a combat role, trained junior officers, and served as a commander. I flew for many years, conducted censored surveillance, and provided command oversight. I eventually was forced to retired medically from complications from the exposure to Agent Orange.

Why Palatka Zoning Advisory Board, given my experience?

1. Love of Palatka and its historic beauty, the St. Johns River, sailing, and kayaking
2. Work cooperatively towards consensus.
3. Remain within the scope of my duties
4. Working knowledge of the law or willing to learn what is new to me
5. Experience in the interpretation of investigations
6. I am available

I appreciate this opportunity to apply to the Palatka Zoning Advisory Board and look forward to discussing my experience with the hope that it might be of benefit for the community and the mission of the Board.

es: Andrew M Kiley

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GFTCHELL
CHIEF OF POLICE

MICHAEL LAMJERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

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

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the CODE ENFORCEMENT Board.
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: DARCY W PHILLIPS (Must be at least 18 yrs. old)
Residence 2214 PRESIDENT ST Phone: 386 312 0605
(911 Address) PALATKA FL 32177 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: ABOVE

E-mail: DWPHILLIPS@AOL.COM Daytime Phone: 386 312 0605

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

MY VOLUNTEER ACTIVITIES IN MY FORMER PLACE OF RESIDENCE INCLUDED: MEMBER NORTH BELMONT CDBG TASK FORCE; REPRESENTATIVE OF NORTH BELMONT TO THE CITYWIDE CDBG TASK FORCE; N BELMONT REP TO THE ASSOCIATION OF NEIGHBORHOODS; PRES OF ASSOC OF

OTHER COMMENTS OR INFORMATION: NEIGHBORHOODS
ALL THE ABOVE ACTIVITIES TOOK PLACE IN CHARLOTTESVILLE, VA WHERE I LIVED FOR 16 YEARS BEFORE MOVING TO PALATKA.

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.

Darcy W Phillips
SIGNATURE OF APPLICANT 6/19/2013
DATE

Applicants will be interviewed by the Palatka City Commission during regular public meetings.

Updated July 1, 2013

CODE ENFORCEMENT BOARD

7 Members - 3-Yr. Terms

Appt. Date		Term Expires
10/27/11	Vacant (Sub-contractor Rep.)	Sept. 2015
11/11/04	Pat A. Wilson (Engineering Rep.) 516 River Street (H)325-7736 (F)325-9306 wilson9318@bellsouth.net (W)937-7158	Sept. 2013
7/23/09	Michael Gagnon (General Contractor Rep.) 703 Emmett St. (H)325-9418 captainclub0607@yahoo.com	Sept. 2013
6/13/13	Sandra M. Smith 415 Olive Street (cell) 386-983-3514 Palatka FL 32177 (wk- Watson RE) Smsmith1338@gmail.com	Sept. 2016
02/10/11 (mailing) (home)	Leroy Miles, III (Attorney Rep.) 400 Hwy. 19 N., Suite 42 (C)916-8241 607 S. Moody Rd., Apt. 11A (W)329-2506 Lerovmiles3@aol.com	Sept. 2014
	Vacant (Architectural Exp. Sub. Rep.)	Sept. 2014
10/27/05(alt) 10/26/06 (mailing) 10/09/08(alt) (home)	John A. Lyon (Alternate #1) (C)937-4679 308 Kirkland Street (W)325-0419 (H)325-6667 308 Kirkland St. steamboatwillies1@yahoo.com	Sept. 2014
9/25/03	LaSandra Williams (Business Rep.) 1424 Ocean Street (H)328-1071 (Day) 904-823-4205 williamL@dor.state.fl.us or jwilljr@comcast.com	Sept. 2015
9/13/12	Johnny Maurice Brown (Alternate #2) 107 S. 9 th St. (C)972-9612 Japbrown3@aol.com (W)325-4543	Sept. 2015

Created by Ordinance #87-24 dated 9/10/87;
Ord. passed 1/9/92 allows for successive terms upon Commission approval
Ord. 02-01 Passed 1/10/02 adding two alternates
Ord. 04-24 Passed 9/9/04 amending jurisdiction & powers
Meets 4th Wednesday, 4 PM at City Hall

Agenda Item

3g



CITY COMMISSION AGENDA ITEM

SUBJECT: City Commission TRIM Calendar/Meeting Schedule Changes for July, 2013

DEPARTMENT: City Hall Administration

ATTACHMENTS: Ordinance Resolution Motion
 Support Documents Other

SUMMARY: The TRIM Calendar requires the City to hold public budget workshops for the purpose of setting a tentative budget and determining a tentative millage rate, which must be set by the Commission. This tentative rate must be submitted to the Department of Revenue within 35 days of Day 1 of the TRIM Calendar, or by August 4. The final millage rate is set when the budget is adopted in September and it cannot exceed the tentative millage rate.

The final Budget Workshop is called to be held on July 18 to commence at 2:00 p.m. A call for this meeting was issued on July 3 and a copy follows this Summary. The regular July 25 City Commission meeting is being rescheduled to be held July 18 at 6:00 p.m. following the budget workshop, during which the Commission will be asked to set the tentative millage rate. A Meeting Call was also issued for this schedule change on June 3, a copy of which also follows this Summary. The revised meeting calendar reflects these changes.

RECOMMENDED ACTION: No action required – for information only.

DEPARTMENT HEAD Submitted: Betsy Driggers, City Clerk Date: 07-02-13
Requested Agenda Consent Date: 07-11-13

FINANCE DEPARTMENT Budgeted Yes No N/A Date:

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For:  Date: 7/2/13

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

DISTRIBUTION: APT CA CC CM FIN FD P&C PD PLN S&S W&S WTP WWTP

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

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CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

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

July 3, 2013

**TO COMMISSIONERS: MARY LAWSON BROWN, ALLEGRA KITCHENS,
PHIL LEARY AND JAMES NORWOOD, Jr.:**

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held on July 18, 2013, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 2:00 p.m.

The purpose of the meeting is to hold a budget workshop for FY 2013-14 per TRIM calendar requirements.

/s/ Vernon Myers
Vernon Myers, MAYOR

We acknowledge receipt of a copy of the foregoing notice of a special meeting on the 3rd day of July, 2013.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Phil Leary
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

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.

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

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

July 3, 2013

**TO COMMISSIONERS: MARY LAWSON BROWN, ALLEGRA KITCHENS,
PHIL LEARY AND JAMES NORWOOD, Jr.:**

You are hereby notified that the regular July 25, 2013 meeting of the Palatka City Commission is rescheduled and called to be held on July 18, 2013 at the regular meeting place of the Palatka City Commission at 201 N. 2nd Street, Palatka, Florida, to commence at 6:00 p.m. or as soon as possible thereafter following the Budget Workshop.

The purpose of the meeting is to hold the regular Palatka City Commission 2nd meeting of the month, and to set the Tentative Millage Rate per the 2013/14 Budget Year TRIM Calendar.

Isl Vernon Myers
Vernon Myers, MAYOR

We acknowledge receipt of a copy of the foregoing notice of a special meeting on the 3rd day of July, 2013.

Isl Mary Lawson Brown
COMMISSIONER

Isl Phil Leary
COMMISSIONER

Isl James Norwood, Jr.
COMMISSIONER

Isl Allegra Kitchens
COMMISSIONER

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.

2013 PALATKA CITY COMMISSION CALENDAR
July 1 – December 30, 2013

Rev.7-2-13

- JULY**
- 4 - City Offices closed to observe Independence Day
 - 11 - City Commission mtg. 6:00 p.m.
 - 18 - Budget Workshop 2:00p.m. - City Hall
 - 18 - City Commission regular meeting – 6:00 pm
(TRIM Calendar - set tentative millage rate)
- AUGUST**
- 8 - CRA mtg. 5:00 p.m. - City Hall
 - 8 - City Commission mtg. 6:00 p.m. – City Hall
 - 15-17- FLC Annual Conference, Hollywood FL
- SEPTEMBER**
- 2 - City Offices Closed to observe Labor Day Holiday
 - 12 - City Commission mtg. 6:00 p.m. (1st Public Hearing on Budget) - City Hall
 - 26 - City Commission mtg. 6:00 p.m. (Adoption of Budget) - City Hall
-
- OCTOBER**
- 10 - CRA mtg. 5:00 p.m. - City Hall
 - 10 - City Commission mtg. 6:00 p.m. - City Hall
 - 24 - City Commission mtg. 6:00 p.m.
 - 31 - Halloween Trick or Treat, 6:00 - 8:00 p.m.
- NOVEMBER**
- 11 - City offices closed in observance of Veteran's Day
 - 14 - City Commission mtg. 6:00 p.m.
 - 21-22 - Legislative Conference - Hyatt Regency Orlando Int'l Airport
 - 28 & 29 - City offices closed in observance of Thanksgiving Holiday
- DECEMBER**
- 12 - CRA mtg. 5:00 p.m. - City Hall
 - 12 - City Commission mtg. 6:00 p.m. - City Hall
 - Date TBD - City offices closed in observance of Christmas Holiday

Agenda Item

4



CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE – “DE-ANNEXING” PROPERTY INADVERTENTLY ANNEXED INTO THE CITY – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: Ordinance Resolution Motion
 Support Documents Other

SUMMARY:

This is an ordinance correcting a scrivener’s error that inadvertently annexed a property (119 Round Lake Circle) identified by the wrong legal description. The correct property (119 Round Lake Road) was successfully annexed into the City.

RECOMMENDED ACTION:

Approve adoption

TR

DEPARTMENT HEAD Submitted: Thad Crowe Date: 6/28/2013
Requested Agenda Regular Date: 7/11/2013

FINANCE DEPARTMENT Budgeted Yes No N/A *AM* Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: *(Signature)* Date: 7/2/13

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

DISTRIBUTION: APT CA CC CM FIN FD P&C PD PLN S&S W&S WTP WWTP

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

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA, CORRECTING (DE-
ANNEXING) REAL ESTATE INCORPORATED
INTO THE CITY OF PALATKA, FLORIDA
IN AN ANNEXATION BY ERROR;
PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

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

Section 1.

WHEREAS, the City Commission annexed a property identified as 119 Round Lake Circle into the City of Palatka, Florida on February 28, 2013, and

WHEREAS, the actual intent was to annex property identified as 119 and 121 Round Lake Road and 100 Kelley Smith Road; and

WHEREAS, the annexation ordinance correctly identified the address of the annexed property, therefore annexing that property into the City, but also incorrectly identified the legal description of the property, therefore also annexing that property into the City.

Section 2. NOW THEREFORE, be it enacted by the people of the City of Palatka, Florida, that the following described property annexed inadvertently into the boundaries of the City of Palatka, Florida shall henceforth by way of contraction, be removed and de-annexed from the City of Palatka, Florida said lands being described as follows:

DESCRIPTION OF PROPERTY:

PT OF W1/2 OF E1/2 OF SECOR843 P1713 (EX OR843 PP17171720 1723 1726 1729) (LOT 16) (Being 119 Round Lake Circle / tax parcel # 16-10-26-0000-0030-0016)

Section 3. 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 11th day of July, 2013.

CITY OF PALATKA

Its Mayor
ATTEST:

BY: _____

City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

City Attorney

Agenda *Item*

5



CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - ZONING CODE TEXT AMENDMENT (CARETAKER OR MANAGER DWELLING UNITS IN C-2 ZONING DISTRICTS) – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: Ordinance Resolution Motion
 Support Documents Other

SUMMARY:

This is an administrative request to allow a single caretaker or manager unit for a principal use in C-2 (Intensive Commercial) zoning districts. The Planning Board recommended approval of this item at their May 2, 2013 meeting. This amendment would allow for increased security at businesses, promote mixed use development, and reduce vehicle trips.

RECOMMENDED ACTION:

Approve adoption

DEPARTMENT HEAD Submitted: Thad Crowe ^{TC} Date: 6/28/2013
Requested Agenda Regular Date: 7/11/2013

FINANCE DEPARTMENT Budgeted Yes No N/A ^{AM} Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: ^{AM} Date: 7/2/13

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

DISTRIBUTION: APT CA CC CM FIN FD P&C PD PLN S&S W&S WTP WWTP

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

ORDINANCE NO. 13 -

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA, ELIMINATING
MULTI-FAMILY HOUSING AND ALLOWING
MANAGER OR CARETAKER QUARTERS FOR
PRINCIPAL USES IN THE C-2 ZONING
DISTRICT; PROVIDING FOR
SEVERABILITY AND PROVIDING AN
EFFECTIVE DATE.

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

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on May 2, 2013, and two public hearings before the City Commission of the City of Palatka on June 27, 2013 and July 11, 2013; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

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

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

- (e) *Conditional uses. (Conditional uses are permissible after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses in the C-2 district are as follows:*
- (1) *Wholesale, warehouse or storage uses, but not bulk storage of flammable liquids.*
 - (2) *Building trades contractors with storage yard for materials and equipment on the premises.*
 - (3) *Crematories.*
 - (4) *Television or radio transmitter towers.*
 - (5) *Truckstops.*

- (6) Carnivals or circuses, archery ranges, miniature golf courses, pony rides and skating rinks, and indoor pistol or rifle ranges.
- (7) Machine shops.
- (8) Manufacturing or processing which is clearly incidental to retail use, provided such manufacturing or processing is limited to that which employs not more than ten persons in the manufacturing and processing.
- (9) Boat yards and ways (see section 94-2, definitions).
- (10) Essential services (see section 94-2, definitions).
- (11) ~~Multiple family dwellings~~ A single caretaker or manager dwelling unit for a nonresidential principal use.
- (12) Child care facilities.
- (13) Assembling, packaging or fabricating in completely enclosed buildings.
- (14) Indoor commercial recreational facilities, such as motion picture theaters, billiard parlors, swimming pools, bowling alleys and similar uses, provided such uses shall be in soundproof buildings.
- (15) Bait and tackle shops with the following limitations:
 - a. Sale, display, preparation and repair incidental to sales and storage shall be conducted within a completely enclosed building.
 - b. Products shall be sold only at retail.
 - c. All other requirements for a conditional use shall be met (see section 94-2, definition of "conditional uses").
- (16) Shopping centers.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately

upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 11th day of July, 2013.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Planning Board Minutes (DRAFT)
May 7, 2013

Mr. Crowe advised that 60 to 90 days would be acceptable for a transitional period, but he would want a specified time period to work with.

Motion made by Mr. Sheffield and seconded Ms. Gooding to deny the request for a feeding program but to allow a 6 month day grace period for the use to vacate the premises. With a tie vote motion failed.

Motion made by Pickens seconded by Mr. Sheffield to deny the request for the feeding program but allow a 30 day administrative period plus a 30 day code enforcement period, if necessary, for a total of a 60 day period to vacate the program at this location. All present voted affirmative, motion carried.

Case 13-14: administrative request to amend Municipal Code Sec. 94-149 to allow for residential uses for properties zoned C-2 (Intensive Commercial) in the CRA districts.

Mr. Crowe advised that this is a two part issue; one is to amend the zoning code to allow residential uses in the C-2 zoning district within the CRA districts and two, is to amend the Comprehensive Plan to allow residential uses in the Commercial land use category. He added that there are 14 residential structures in this area that are now non-conforming, which people cannot get loans on or fix up substantially. This creates a blighting influence. He recommended approval of this request as well as the next case on the agenda.

Motion made by Pickens seconded by Mr. Sheffield to approve the request. All present voted affirmative. Motion carried.

Case 13-15: administrative request to amend the Comprehensive Plan Future Land Use Element to allow for residential uses in the COM (Commercial) Land Use Category under certain conditions.

Mr. Crowe explained that this is the companion request of case 13-14; amending the Comprehensive Plan Future Land Use Element that coincides with the zoning amendment that was just approved. The Future Land Use Element of the Comp. Plan overrides the Zoning Code and in order to allow the CRA districts to allow residential uses we have to enable it in the Comp Plan. This basically lays the ground work in the Future Land Use Commercial category to allow for limited residential uses.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve request as submitted by Staff. All present voted in favor of the request. Motion carried unanimously.

Case 13-19: amend Municipal Code Sec. 94-145 to remove the requirement that conditional uses in the R-3 (multiple-family residential) zoning district be located on a major thoroughfare or highway.

Mr. Crowe stated that Staff believes that the Board should be allowed to give consideration for these uses without major thoroughfare requirement on a case by case basis. He added that he did not believe that it was appropriate in the R-3 district to allow hospitals, clubs and retail uses, as there is a neighborhood commercial zoning category that would be more appropriate for these uses. The intent of this request is to remove the intensive uses and also give the board the discretion to determine whether these conditional uses should be allowed regardless of whether they are on a major thoroughfare on a case by case basis.

Motion made by Joe Pickens and seconded by Mr. DeLoach to approve the request as submitted by Staff. All present voted affirmative, motion carried.

Request to Amend Zoning Code

(Allow caretaker or manager dwelling units in C-2 zoning districts and principal residential uses within Community Redevelopment Areas)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: April 29, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to allow caretaker or manager dwelling units in the C-2 zoning district and to fully allow residential uses within this zoning district in Community Redevelopment Areas (CRAs). There is a companion text amendment to the Comprehensive Plan Future Land Use Element. Public notice included legal advertisement.

APPLICATION BACKGROUND

The first amendment would allow businesses in C-2 zoning districts to provide caretaker or manager dwelling units by conditional use permit on the premises. This measure would enhance security for such businesses.

The second amendment allowing residences in the C-2 zoning district in CRAs would promote mixed-use development in the downtown Community Redevelopment Area. Per the City's Comprehensive Plan Future Land Use Element, residential uses are currently only allowed in the Commercial Future Land Use Map (FLUM) category within the two downtown zoning districts (Downtown Business and Downtown Riverfront, shown in the two shades of grey below). The area shown in the Zoning map below is all in the Commercial FLUM. Therefore the 14 single-family dwellings, two duplexes, one triplex, and one quadraplex in the C-2 zoning district (shown in red below) are nonconforming uses. Staff believes this code amendment would further CRA goals of promoting a mixed-use environment for live-work activities. It should be noted that most residential uses are already allowed by right in the downtown zoning districts, except for first-floor units along St. Johns Avenue. Density would be limited by FLUM and zoning restrictions based on lot size.

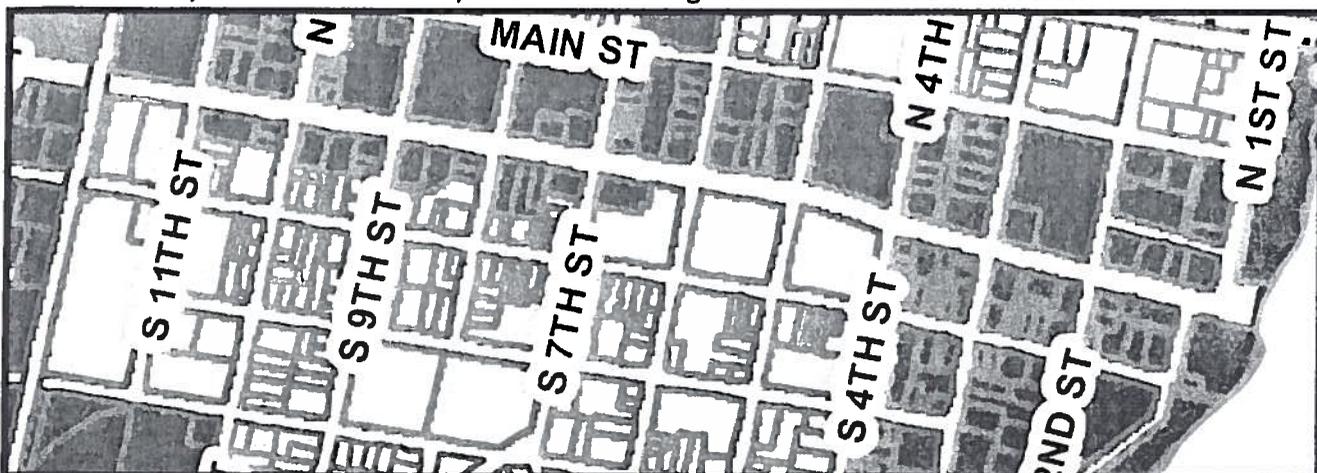


Figure 1: Downtown Zoning Districts

Allow caretaker or manager dwelling units in C-2 zoning districts and principal residential uses within CRA districts

PROJECT ANALYSIS

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

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would allow for increased security for businesses.
- The amendment would make longstanding nonconforming dwelling units conforming.
- The amendment would promote a livelier mixed-use downtown environment.
- The amendment would allow for the same type of residential uses in the CRA C-2 zoning districts as are currently allowed in the CRA downtown districts.
- The amendment would implement Comprehensive Plan policies as noted below.

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

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

FUTURE LAND USE ELEMENT

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

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

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

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

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

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

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

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

Allow caretaker or manager dwelling units in C-2 zoning districts and principal residential uses within CRA districts

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

COMMUNITY REDEVELOPMENT AREA PLAN

Central Business District Assessment Recommendation # 6: Revise the City's Zoning Code (i.e. parking requirements, mixed uses allowable where not mentioned, entertainment district overlay).

STAFF RECOMMENDATION

Staff recommends approval of Case 13-14 revising Zoning Code Section 94-149, allowing a single caretaker or manager dwelling unit for a principal use, occupied by an owner/tenant or an employee of an owner/tenant, by conditional use permit in C-2 zoning districts; and allowing residential uses by right in the C-2 zoning district within Community Redevelopment Areas.

Agenda Item

6



CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - ZONING CODE TEXT AMENDMENT
(ELIMINATING REQUIREMENT THAT CONDITIONAL USES IN C-2 ZONING DISTRICT BE LOCATED ON A MAJOR THOROUGHFARE OR HIGHWAY) – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: Ordinance Resolution Motion
 Support Documents Other

SUMMARY:

This is an administrative request to eliminate the requirement that all conditional uses in the R-3 zoning district be located on major thoroughfares or highways. This is a questionable prohibition, only in place for this one zoning district that takes the ability away from the Planning Board to review any conditional use not located on a main road in this multi-family zoning district. The Planning Board recommended approval at their May 2, 2013 meeting. The Planning Board can on a case-by-case basis evaluate the appropriateness of uses in regards to the type of street involved.

RECOMMENDED ACTION:

Approve adoption

TR

DEPARTMENT HEAD Submitted: Thad Crowe Date: 6/28/2013
Requested Agenda Regular Date: 7/11/2013

FINANCE DEPARTMENT Budgeted Yes No N/A *MR* Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: *MR* Date: 7/2/13

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

DISTRIBUTION: APT CA CC CM FIN FD P&C PD PLN S&S W&S WTP WWTP

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

ORDINANCE NO. 13 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ELIMINATING THE REQUIREMENT THAT ALL CONDITIONAL USES BE LOCATED ON MAJOR THOROUGHFARES OR HIGHWAYS IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on May 2, 2013, and two public hearings before the City Commission of the City of Palatka on June 27, 2013 and July 11, 2013; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

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

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

Sec. 94-149. - C-2 intensive commercial district.

(a) Through (d): no change

(e) Conditional uses. (Conditional uses are permissible if ~~located on a major thoroughfare or highway~~, after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses and structures in the R-3 district are the same as for the R-2 district, and in addition:

(1) Professional and business offices. (See section 94-2, definition of "office, professional" and "office, business.")

- (2) *Public offices.*
- (3) *Medical and dental clinics.*
- (4) *Hospitals.*
- (5) *Nursing and convalescent homes.*
- (6) *Clubs, lodges and fraternal organizations.*
- (7) *Cemeteries.*
- (8) *Retail sale of groceries, but no food service and no motor fuel or special fuels and no alcoholic beverages.*

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. ~~This Ordinance shall become effective immediately upon its final passage by the City Commission.~~

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 11th day of July, 2013.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Planning Board Minutes (DRAFT)

May 7, 2013

Mr. Crowe advised that 60 to 90 days would be acceptable for a transitional period, but he would want a specified time period to work with.

Motion made by Mr. Sheffield and seconded Ms. Gooding to deny the request for a feeding program but to allow a 6 month day grace period for the use to vacate the premises. With a tie vote motion failed.

Motion made by Pickens seconded by Mr. Sheffield to deny the request for the feeding program but allow a 30 day administrative period plus a 30 day code enforcement period, if necessary, for a total of a 60 day period to vacate the program at this location. All present voted affirmative, motion carried.

Case 13-14: administrative request to amend Municipal Code Sec. 94-149 to allow for residential uses for properties zoned C-2 (Intensive Commercial) in the CRA districts.

Mr. Crowe advised that this is a two part issue; one is to amend the zoning code to allow residential uses in the C-2 zoning district within the CRA districts and two, is to amend the Comprehensive Plan to allow residential uses in the Commercial land use category. He added that there are 14 residential structures in this area that are now non-conforming, which people cannot get loans on or fix up substantially. This creates a blighting influence. He recommended approval of this request as well as the next case on the agenda.

Motion made by Pickens seconded by Mr. Sheffield to approve the request. All present voted affirmative. Motion carried.

Case 13-15: administrative request to amend the Comprehensive Plan Future Land Use Element to allow for residential uses in the COM (Commercial) Land Use Category under certain conditions.

Mr. Crowe explained that this is the companion request of case 13-14; amending the Comprehensive Plan Future Land Use Element that coincides with the zoning amendment that was just approved. The Future Land Use Element of the Comp. Plan overrides the Zoning Code and in order to allow the CRA districts to allow residential uses we have to enable it in the Comp Plan. This basically lays the ground work in the Future Land Use Commercial category to allow for limited residential uses.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve request as submitted by Staff. All present voted in favor of the request. Motion carried unanimously.

Case 13-19: amend Municipal Code Sec. 94-145 to remove the requirement that conditional uses in the R-3 (multiple-family residential) zoning district be located on a major thoroughfare or highway.

Mr. Crowe stated that Staff believes that the Board should be allowed to give consideration for these uses without major thoroughfare requirement on a case by case basis. He added that he did not believe that it was appropriate in the R-3 district to allow hospitals, clubs and retail uses, as there is a neighborhood commercial zoning category that would be more appropriate for these uses. The intent of this request is to remove the intensive uses and also give the board the discretion to determine whether these conditional uses should be allowed regardless of whether they are on a major thoroughfare on a case by case basis.

Motion made by Joe Pickens and seconded by Mr. DeLoach to approve the request as submitted by Staff. All present voted affirmative, motion carried.

Request to Amend Zoning Code

(Remove requirement that conditional uses in R-3 zoning be located on major thoroughfare or highway, revise list of R-3 conditional uses)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: April 29, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to remove the standard that requires all conditional uses in the R-3 zoning district be located on a major thoroughfare and to revise the list of R-3 conditional uses. Public notice included legal advertisement.

APPLICATION BACKGROUND

Zoning Code Section 94-145 addresses the R-3 (multiple family residential) zoning district. This zoning allows the following uses by conditional use permit: townhouses, home occupations, churches, professional and business offices, public offices, medical and dental clinics, hospitals, nursing and convalescent homes, clubs, lodges and fraternal organizations, cemeteries, and retail sale of groceries. Staff has previously determined that allowing several of these uses is at odds with Comprehensive Plan Future Land Use Element text noting that "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." Since the Comprehensive Plan takes precedence over zoning, Staff recommends amending the Code to be in keeping with the Plan, eliminating the following uses from R-3 conditional uses: hospitals; clubs, lodges, and fraternal organizations; and retail sale of groceries. The hours of operation and typical intensity of such uses, as manifested by traffic, noise, lighting, etc. make these uses incompatible with residential uses, and a neighborhood commercial or other commercial zoning category is more suitable for such uses. The remaining uses can be reviewed on a case-by-case basis through the conditional use process to ensure compliance with the Comprehensive Plan residential compatibility directive as well as conditional use criteria.

This section also requires that all conditional uses in this zoning be located on a major thoroughfare or highway. The phrase "major thoroughfare or highway" is not defined in the Zoning Code, which presents a problem for enforcing this provision. Inclusion of this standard is also puzzling as no other zoning districts require this. The standard effectively blocks low-key uses like neighborhood churches, home occupations, and townhomes from conditional use consideration unless they are located on main roads. Staff believes that the location of a use on a major thoroughfare, as well as other traffic-related issues, already must be considered through the compatibility, traffic, and public safety-related conditional use criteria – therefore this standard is not needed.

Remove requirement that conditional uses in R-3 zoning be located on major thoroughfare or highway, revise list of conditional uses

PROJECT ANALYSIS

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

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would remove incompatible uses of hospitals, retail, and clubs/lodges uses from R-3 zoning conditional uses.
- The amendment would allow greater discretion to the Planning Board for consideration of other potentially allowable conditional uses that are not on "major thoroughfares and highways" and are thus prohibited, including neighborhood churches, home occupations, townhomes, etc.
- The amendment would implement Comprehensive Plan policies as noted below.

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

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

FUTURE LAND USE ELEMENT

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

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

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

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

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

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

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

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

Remove requirement that conditional uses in R-3 zoning be located on major thoroughfare or highway, revise list of conditional uses

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

STAFF RECOMMENDATION

Staff recommends approval of Case 13-19 revising Zoning Code Section 94-145, eliminating hospitals; clubs, lodges, and fraternal organizations; and retail uses from conditional uses in the R-3 zoning district; and eliminating the requirement that conditional uses be located on major thoroughfares and highways in this zoning district.

Agenda *Item*

7



CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - PLANNING CODE TEXT AMENDMENT (STAFF REVIEW FOR CERTIFICATES OF APPROPRIATENESS) – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: Ordinance Resolution Motion
 Support Documents Other

SUMMARY:

This is an administrative request to eliminate the requirement that all exterior changes to historic structures undergo public hearing review by the Historic Preservation Board. The change would allow Staff to review, and approve if appropriate, ordinary maintenance and also exterior change that do not alter original historic features. The Historic Preservation Board recommended approval of this item at their June 6, 2013 meeting.

RECOMMENDED ACTION:

Approve adoption

DEPARTMENT HEAD Submitted: Thad Crowe *TZ* Date: 6/28/2013
Requested Agenda Regular Date: 7/11/2013

FINANCE DEPARTMENT Budgeted Yes No N/A *MM* Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: *[Signature]* Date: 7/2/13

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

DISTRIBUTION: APT CA CC CM FIN FD P&C PD PLN S&S W&S WTP WWTP

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

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 54 OF THE MUNICIPAL CODE (PLANNING, HISTORIC PRESERVATION) OF THE CITY OF PALATKA, FLORIDA, ALLOWING FOR STAFF REVIEW FOR ORDINARY MAINTENANCE OF HISTORIC STRUCTURES AND FOR EXTERIOR ALTERATIONS THAT PRESERVE THE ORIGINAL APPEARANCE OF THE HISTORIC FEATURE, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Historic Preservation Board of the City of Palatka on June 6, 2013, and two public hearings before the City Commission of the City of Palatka on June 27, 2013, and July 11, 2013; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

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

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

Sec. 54-78. - Certificate of appropriateness required; procedure for issuance.

(a) through (e): no change.

(f) Ordinary maintenance exemption. A certificate of appropriateness is not required for ordinary maintenance

when a building permit is not required and the work is done to repair damage or prevent deterioration of a structure by restoring it as nearly practical to its condition prior to the damage.

(g) Staff approval. Staff may approve actions that do not constitute ordinary maintenance but do not alter original historic features. Staff may also approve actions that resemble features that were originally on a structure or were likely to have been on such a structure, according to documented descriptions or photos of the structure in question or similar structures and also according to documented descriptions of a particular historic architectural style or building practice.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 11th day of July, 2013.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Request to Amend Planning Code

(Ordinary Maintenance COA Exemption, Staff Approval for Historically Appropriate Exterior Alterations, Modified Building Code Enforcement for Historic Buildings)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: May 30, 2013

TO: Historic Preservation Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Planning Code to allow for COA review exemption for ordinary maintenance, staff approval for historically appropriate exterior alterations, modified Building Code enforcement for historic buildings.

APPLICATION BACKGROUND

The Planning Code (Chapter 54 of the City's Municipal Code) houses the City's historic preservation ordinance. The ordinance was recently overhauled to make changes required for Certified Local Government (CLG) designation. The changes referenced above pertain to suggestions brought by staff in the past to the Board's attention that are intended to reduce the burden on applicants as well as to allow maintenance and appropriate rehabilitation to proceed without public hearings and resulting delays and expense. The specific changes are attached with this staff report.

PROJECT ANALYSIS

The Planning Code does not have specific criteria for consideration of amendments. Therefore any amendment of this Code must conform to the intent of this Code as well as the Comprehensive Plan.

Planning Code Intent. The proposed changes are in keeping with the intent of the Planning Code as shown below.

- (1) *It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historic, cultural and aesthetic merit are in the interest of the health, morals, prosperity and general welfare of the people of the city. Therefore, the purpose of this article is to:*
 - a. *Effect and accomplish the protection, enhancement and perpetuation of districts, structures and sites which represent distinctive elements of the city's cultural, social, economic, political and architectural history;*
 - b. *Foster civic pride in the accomplishments of the past;*
 - c. *Enhance the city's appeal to visitors and thereby support and stimulate the economy;*
 - d. *Protect and enhance property values as a means of stabilizing historic districts of the city; and*
 - e. *Promote the use of historic districts for the education, pleasure and welfare of the people of the city.*

- (2) It is further declared that the purposes of this article are to:
- a. Retain and enhance those properties which contribute to the character of the historic districts and to encourage their adaptation for current use and to ensure that alterations of existing structures are compatible with the character of the historic districts; and
 - b. Ensure that new construction and subdivision of lots in historic districts are compatible with the character of the historic districts.

Comprehensive Plan. The proposed changes are also in keeping with the following policies of the Comprehensive Plan's Future Land Use Element.

Policy A.1.5.1 9J-5.006(3)(c)8

Historic resources shall be protected through designation as historic sites by the State or City. Such designated sites shall require plan review procedures for proposed alterations or remodeling that will ensure, through the permitting process that the proposed activity will not degrade or destroy the historical / archaeological significance of the site.

Policy A.1.5.2 9J-5.006(3)(c)8

Neither the owner of, nor the person in charge of, a structure within a historic district, or a structure that has been designated a national, State or local historical landmark shall permit such structure to fall into a state of disrepair which may result in the deterioration of exterior appurtenances or architectural features so as to produce or tend to produce, in the judgment of the board, a detrimental effect upon the character of the district as a whole or the life and character of the structure in question.

Adaptive reuse of historic structures shall be given priority over actions that would harm or destroy the historic value of such resources. Adaptive reuse shall include the permitting of historic structures to be remodeled or rehabilitated for a use that would be non-conforming to adjacent properties so long as the remodeling/rehabilitation does not affect the historical significance of the structure and the proposed use is or can be made compatible with adjacent land uses.

Policy A.1.11.1

The City will regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process.

STAFF RECOMMENDATION

Staff recommends revisions to Planning Code Chapter 54 that allow for exemption from COA review for ordinary maintenance, staff approval for historically appropriate exterior alterations, and modified Building Code enforcement for historic buildings.

EXHIBIT 1
PART II - MUNICIPAL CODE
Chapter 54 - PLANNING
ARTICLE III. - HISTORIC DISTRICTS

Sec. 54-78. - Certificate of appropriateness required; procedure for issuance.

- (a) *Submission of plans.* A certificate of appropriateness shall be required within historic districts to erect, or construct or alter a structure or sign, alter a structure that is contributing to the district's period of historic significance, or construct an addition to any existing structure located or to be located in a historic district, except for specific exemptions set forth in this section. Every application for a certificate of appropriateness shall be accompanied by plans for the proposed work. As used in this section, the term "plans" shall mean drawings or sketches with sufficient detail to show interior and exterior architectural design of the structure or sign (both before and after the proposed work is done in the cases of altering, repairing or demolishing a structure), including proposed materials, textures and colors, and the plat plan or site layout, including all site improvements or features such as walls, walks, terraces, paintings, accessory structures, signs, lights, awnings, canopies and other appurtenances. Such plans shall be promptly forwarded by the building official to the board.
- (b) *Review of plans; action by board.* The board shall hold a public hearing at its regularly scheduled meeting or a special meeting to promptly review such plans and shall render its decision on issuing a certificate of appropriateness on or before 60 days from the date that plans are submitted by the building official to the board.
- (c) *Notification of decision; issuance of building permit.*
- (1) Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant and the building official of the decision of the board. If the board shall have approved the plans, and has issued a certificate of appropriateness, and if all other requirements of the city have been met, the building official may issue a permit for the proposed structure or sign. If the board shall have disapproved the plans, the building official shall not issue such permit.
 - (2) In a case where the board has disapproved the plans, and denied a certificate of appropriateness, the secretary of the board shall furnish the applicant and the building official with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.

EXHIBIT 1
PART II - MUNICIPAL CODE
Chapter 54 - PLANNING
ARTICLE III. - HISTORIC DISTRICTS

- (d) *Failure of board to review plans.* If no action upon the plans submitted to the board by the building official has been taken upon the expiration of 60 days from the time specified in subsection (b) of this section such plans shall be deemed to have been approved and such applicant shall receive a certificate of appropriateness. If all other applicable requirements of the city have been met, the building official may issue the permit.
- (e) *Notice of public hearing.* Notice of the public hearing shall be given at least 10 days in advance of the public hearing. The owner of the property for which the conditional use is sought, or his agent or attorney designated by him in his petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the conditional use is sought. Notice shall be given by mail to all owners of property within 150 feet of the boundary lines of the property for which the conditional use is requested; provided, however, that where the applicant is the owner of land not included in the applicant's application and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 150-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by applicant's application. For purposes of this subsection, owners of adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the city. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto.
- (f) Ordinary maintenance exemption. A certificate of appropriate is not required for ordinary maintenance when a building permit is not required and the work is done to repair damage or prevent deterioration of a structure by restoring it as nearly practical to its condition prior to the damage.
- (g) Staff approval. Staff may approve actions that do not constitute ordinary maintenance but do not alter original historic features. Staff may also approve actions that resemble features that were originally on a structure or were likely to have been on such a structure, according to documented descriptions or photos of the structure in question or similar structures and also according to documented descriptions of a particular historic architectural style or building practice.

(Code 1981, § 14-55)

Agenda

Item

8



CITY COMMISSION AGENDA ITEM

SUBJECT: ORDINANCE - PLANNING CODE TEXT AMENDMENT (MODIFIED BUILDING AND FIRE CODE ENFORCEMENT FOR HISTORIC BUILDINGS) – 1ST READING

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS: Ordinance Resolution Motion
 Support Documents Other

SUMMARY:

This is an administrative request to allow for modified enforcement of codes administered by the Building Official and Fire Marshall as applicable to buildings designated locally as historic, where it is deemed appropriate in the professional judgment of these officials. This affirms similar language in Chapter 11 of the Florida Existing Building Code. The Historic Preservation Board recommended approval of this item at their June 6, 2013 meeting.

RECOMMENDED ACTION:

Approve adoption

DEPARTMENT HEAD Submitted: Thad Crowe ^{TC} Date: 6/28/2013
Requested Agenda Regular Date: 7/11/2013

FINANCE DEPARTMENT Budgeted Yes No N/A ^{ma} Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: ^{CM} Date: 7/2/13

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

DISTRIBUTION: APT CA CC CM FIN FD P&C PD PLN S&S W&S WTP WWTP

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

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 54 OF THE MUNICIPAL CODE (PLANNING, HISTORIC PRESERVATION) OF THE CITY OF PALATKA, FLORIDA, ALLOWING FOR MODIFIED ENFORCEMENT OF APPLICABLE CODES WHERE APPROPRIATE IN THE PROFESSIONAL JUDGMENT OF THE BUILDING OFFICIAL AND FIRE MARSHALL, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Historic Preservation Board of the City of Palatka on June 6, 2013, and two public hearings before the City Commission of the City of Palatka on June 27, 2013, and July 11, 2013; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

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

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

Section 54-82. - Modification of building code requirements.

Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the standard codes where

appropriate in the professional judgment of the Building Official and Fire Marshall.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 11th day of July, 2013.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Request to Amend Planning Code

(Ordinary Maintenance COA Exemption, Staff Approval for Historically Appropriate Exterior Alterations, Modified Building Code Enforcement for Historic Buildings)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: May 30, 2013

TO: Historic Preservation Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Planning Code to allow for COA review exemption for ordinary maintenance, staff approval for historically appropriate exterior alterations, modified Building Code enforcement for historic buildings.

APPLICATION BACKGROUND

The Planning Code (Chapter 54 of the City's Municipal Code) houses the City's historic preservation ordinance. The ordinance was recently overhauled to make changes required for Certified Local Government (CLG) designation. The changes referenced above pertain to suggestions brought by staff in the past to the Board's attention that are intended to reduce the burden on applicants as well as to allow maintenance and appropriate rehabilitation to proceed without public hearings and resulting delays and expense. The specific changes are attached with this staff report.

PROJECT ANALYSIS

The Planning Code does not have specific criteria for consideration of amendments. Therefore any amendment of this Code must conform to the intent of this Code as well as the Comprehensive Plan.

Planning Code Intent. The proposed changes are in keeping with the intent of the Planning Code as shown below.

- (1) *It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historic, cultural and aesthetic merit are in the interest of the health, morals, prosperity and general welfare of the people of the city. Therefore, the purpose of this article is to:*
 - a. *Effect and accomplish the protection, enhancement and perpetuation of districts, structures and sites which represent distinctive elements of the city's cultural, social, economic, political and architectural history;*
 - b. *Foster civic pride in the accomplishments of the past;*
 - c. *Enhance the city's appeal to visitors and thereby support and stimulate the economy;*
 - d. *Protect and enhance property values as a means of stabilizing historic districts of the city; and*
 - e. *Promote the use of historic districts for the education, pleasure and welfare of the people of the city.*

- (2) It is further declared that the purposes of this article are to:
- a. Retain and enhance those properties which contribute to the character of the historic districts and to encourage their adaptation for current use and to ensure that alterations of existing structures are compatible with the character of the historic districts; and
 - b. Ensure that new construction and subdivision of lots in historic districts are compatible with the character of the historic districts.

Comprehensive Plan. The proposed changes are also in keeping with the following policies of the Comprehensive Plan's Future Land Use Element.

Policy A.1.5.1 9J-5.006(3)(c)8

Historic resources shall be protected through designation as historic sites by the State or City. Such designated sites shall require plan review procedures for proposed alterations or remodeling that will ensure, through the permitting process that the proposed activity will not degrade or destroy the historical / archaeological significance of the site.

Policy A.1.5.2 9J-5.006(3)(c)8

Neither the owner of, nor the person in charge of, a structure within a historic district, or a structure that has been designated a national, State or local historical landmark shall permit such structure to fall into a state of disrepair which may result in the deterioration of exterior appurtenances or architectural features so as to produce or tend to produce, in the judgment of the board, a detrimental effect upon the character of the district as a whole or the life and character of the structure in question.

Adaptive reuse of historic structures shall be given priority over actions that would harm or destroy the historic value of such resources. Adaptive reuse shall include the permitting of historic structures to be remodeled or rehabilitated for a use that would be non-conforming to adjacent properties so long as the remodeling/rehabilitation does not affect the historical significance of the structure and the proposed use is or can be made compatible with adjacent land uses.

Policy A.1.11.1

The City will regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process.

STAFF RECOMMENDATION

Staff recommends revisions to Planning Code Chapter 54 that allow for exemption from COA review for ordinary maintenance, staff approval for historically appropriate exterior alterations, and modified Building Code enforcement for historic buildings.

EXHIBIT 1
PART II - MUNICIPAL CODE
Chapter 54 - PLANNING
ARTICLE III. - HISTORIC DISTRICTS

Section 54-82. - Modification of building code requirements.

Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the standard codes where appropriate in the professional judgment of the Building Official and Fire Marshall.

Section 54-83. - Coordination with the State Historic Preservation Office.

- (1) The State Historic Preservation Officer shall be notified with 30 calendar days prior to all meetings.
- (2) Meeting minutes, a record of attendance of the board, and public attendance figures shall be submitted to the State Historic Preservation Officer within 30 calendar days after each meeting.
- (3) The State Historic Preservation Officer shall be notified of changes in board membership within 30 calendar days of the action.
- (4) The State Historic Preservation Officer shall be immediately notified of all new historic designations or alterations to existing designations.
- (5) The State Historic Preservation Office shall be provided duplicates of all inventory materials.
- (6) An annual report shall be submitted to the State Historic Preservation Officer by November 1 covering activities of previous October 1 through September 30 containing the following information (at a minimum):
 - a. A copy of the Rules of Procedure.
 - b. A copy of the historic preservation ordinance.
 - c. Resume of board members.
 - d. Changes to the board.
 - e. New local designations.
 - f. New national register listings.
 - g. Review of survey and inventory activity with a description of the system used.
 - h. Program report on each grant-assisted activity.

Agenda Item

9



CITY COMMISSION AGENDA ITEM

SUBJECT: Adopt (2nd Reading) an Ordinance Amending Section 2-204 and 2-205 to allow the General Employees Pension Plan Board of Trustees to invest in Master Limited Partnerships (MLPs)

DEPARTMENT: Administration/Clerk

ATTACHMENTS: [x] Ordinance [] Resolution [] Motion
[x] Support Documents [] Other

SUMMARY: On June 18 the General Pension Board of Trustees voted to amend the General Pension Fund Investment Policy to allow the board to invest in Master Limited Partnerships (MLPs). In order to effectuate this investment, Section 204, Investment Performance Objectives, Total fund performance should be amended to add the Alerian (AMJ) MLP Benchmark Component at 5% allocation (taking 3% from Domestic large cap allocation and 2% from Convertible bonds' allocation), and to add a performance standard for MLPs.

In addition, Section 205, Investment Guidelines, authorized investments is amended to add "MLPs that trade on a major exchange" to the list of authorized investments. The final change is to amend Prohibited Investment & Limitations. "Limited partnerships," to add the caveat that MLPs that trade on a major exchange are excluded from this section as a prohibited investment.

The new Investment Policy showing these changes is attached to the ordinance as Exhibit 1. Once these changes are made to the Policy the Investment Monitor, Burgess Chambers, can begin adding this component to the General Employees Pension Portfolio.

RECOMMENDED ACTION: Adopt on 2nd Reading the ordinance to amend Palatka Municipal Code Sections 2-204 and 2-205, General Employees' Pension Plan Investment Guidelines, to allow for investments in Master Limited Partnerships (MLPs). (1st reading 6/27/13)

DEPARTMENT HEAD Submitted: Betsy Driggers, City Clerk Date: 07-01-13
Requested Agenda Regular Date: 07-11-13

FINANCE DEPARTMENT Budgeted [] Yes [] No [x] N/A Date: 7/2/13

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: Date: 7/2/13

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

DISTRIBUTION: [] APT [] CA [] CC [] CM [] FIN [] FD [] P&C [] PD [] PLN [] S&S [] W&S [] WTP [] WWTP

This instrument prepared by:
Betsy J. Driggers
201 N. 2nd Street
Palatka FL 3217

ORDINANCE NO. 13 -

entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY AMENDING THE INVESTMENT POLICY STATEMENT OF THE CITY OF PALATKA GENERAL EMPLOYEES RETIREMENT PLAN TO ADD MASTER LIMITED PARTNERSHIPS (MLPs) AS AUTHORIZED INVESTMENTS; AMENDING SEC. 2-204 INVESTMENT PERFORMANCE OBJECTIVES; AMENDING SEC. 2-205, INVESTMENT GUIDELINES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That the portion of the City of Palatka Municipal Code Investment Policy Statement, being Sections 2-203 through 2-211 of the Palatka Municipal Code of Ordinances, shall be and the same is hereby amended to read as set forth in Exhibit 1 attached hereto and by this reference incorporated herein.

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 upon its final passage by the City Commission of the City of Palatka.

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 11th day of July, 2013.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

EXHIBIT "1"

CITY OF PALATKA GENERAL EMPLOYEES' RETIREMENT PLAN

Investment Policy Statement

1. PURPOSE OF INVESTMENT POLICY STATEMENT

The Pension Board Trustees maintain that an important determinant of future investment returns is the expression and periodic review of the Fund's investment objectives. To that end, the Trustees have adopted this statement of Investment Policy.

In fulfilling their fiduciary responsibility, the Trustees recognize that the retirement system is an essential vehicle for providing income benefits to retired participants or their beneficiaries. The Board also recognizes that the obligations of the Fund are long-term and that investment policy should be made with a view toward performance and return over a number of years. The general investment objective, then, is to obtain a reasonable total rate of return - defined as interest and dividend income plus realized and unrealized capital gains or losses - that is greater than the actuarial interest rate assumption on an annual basis and over rolling three-year periods. Additionally, the Trustees in performing their investment duties shall comply with fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 29 U.S.C. s 1104 (a) (1) (A)-(C).

Specifically, the Board, the Fund's investment manager(s), and the investment monitor shall comply with the following fiduciary standard:

A fiduciary shall discharge its duties with respect to the Plan solely in the interest of the participants and beneficiaries and –

- A. for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the Plan;
- B. with the care, skill, prudence, and diligence under the circumstance then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aim;
- C. by diversifying the investments of the Plan so as to minimize the risk of large loss, unless under the circumstances it is clearly prudent not to do so.

Reasonable consistency of return and protection of assets against the inroads of inflation are paramount. However, the volatility of interest rates and securities markets make it necessary to judge results within the context of several years rather than over short periods of one or two years or less. The Board's acknowledges that each manager is only responsible for the assets that are placed under its management and not for the investment policies that apply to the Fund's entire portfolio.

CITY OF PALATKA GENERAL EMPLOYEES' RETIREMENT PLAN

Investment Policy Statement

2. INVESTMENT PERFORMANCE OBJECTIVES

The below listed investment performance objectives and guidelines will be used as criteria in evaluating ongoing investment performance of the investment manager(s).

Total Plan Performance

A. Total Fund performance will be measured quarterly over rolling three and five year periods. These periods are considered sufficient to represent the capital market cycles. The total return of this portfolio is expected to exceed the return of a benchmark comprised of the following:

Benchmark Components	Type	% Alloc.
Russell 1000	Domestic large-cap equity	+8.14 (-3)
S&P 400	Domestic mid-cap equity	6
Russell 2000	Domestic small-cap equity	6
ML Convertible	Convertible bonds	+0.8 (-2)
Wilshire REIT	Real Estate	5
Alerian MLP	Master Limited Partnership	5
MSCI EAFE	International Equity	15
Barclay's Aggregate	Domestic bonds	34
ML High Yield Master	High Yield Bonds	5
90-Day T-bill	Cash	1

Amend

Amend

Added →



B. It is expected that portfolio volatility will not exceed that of the above benchmark index over three and five-year rolling periods.

C. It is expected that the average three and five-year returns of the Plan will meet or exceed the actuarial interest rate assumption.

Asset Class Investment Performance Standards

1. The large-cap growth equity portion of the portfolio is expected to perform at a rate at least equal to the Russell 1000 growth index, and rank in the top 40th percentile over rolling three and five-year periods.
2. The large-cap value equity portion of the portfolio is expected to perform at a rate at least equal to the Russell 1000 value index, and rank in the top 40th percentile over rolling three and five-year periods.

CITY OF PALATKA GENERAL EMPLOYEES' RETIREMENT PLAN

Investment Policy Statement

3. The mid-cap stock portfolio is expected to perform at a rate at least equal to the S&P 400 Index, and rank in the top 40th percentile over rolling three and five-year periods.
4. The small-cap growth stock portfolio is expected to perform at a rate at least equal to the Russell 2000 growth index, and rank in the top 40th percentile over rolling three and five-year periods.
5. The small-cap value stock portfolio is expected to perform at a rate at least equal to the Russell 2000 value index, and rank in the top 40th percentile over rolling three and five-year periods.
6. Master Limited Partnerships (MLPs) are expected to achieve the return of the Alerian MLP Index over rolling three- and five-year periods.
- ~~5.~~
- ~~6-7.~~ The convertibles portfolio is expected to perform at a rate at least equal to the Merrill Lynch convertible index (ex. 144a), and rank in the top 40th percentile over rolling three and five-year periods.
- ~~7-8.~~ The REIT stock portfolio is expected to perform at a rate at least equal to the Wilshire REIT index, and rank in the top 40th percentile over rolling three and five-year periods.
- ~~8-9.~~ The international equity portfolio is expected to perform at a rate at least equal to the MSCI EAFE index, and rank in the top 40th percentile over rolling three and five-year periods.
- ~~9-10.~~ The investment grade fixed-income portfolio is expected to perform at a rate at least equal to the Barclay's Aggregate bond index, and rank in the top 40th percentile over rolling three and five-year periods.
- ~~10-11.~~ The high yield bond portfolio is expected to perform at a rate at least equal to the Merrill Lynch High Yield Master, and rank in the top 40th percentile over rolling three and five-year periods.

Added
→

Form: numbe
Form:

3. INVESTMENT GUIDELINES

The value of assets shall be made in accordance with s. 302 (c) (2) of the Employee Retirement Income Security Act of 1974 and as permitted under regulations prescribed by the Secretary of the Treasury.

BCA
July 17, 2012

June 18, 2013

CITY OF PALATKA GENERAL EMPLOYEES' RETIREMENT PLAN

Investment Policy Statement

Liquidity: The Fund's investment manager(s) shall be kept informed of the liquidity requirements of the Fund. The investment portfolio shall be structured in such a manner as to provide sufficient liquidity to pay obligations as they come due. To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash-flow requirements.

Custodian: The Board has a retained and will continue to retain a third party to be custodian of the Fund's assets. All securities shall be designated as an asset of the Fund, and no withdrawal of securities-in whole or part-shall be made from safekeeping except by an authorized member of the Board or the Board's designee. Security transactions between a broker dealer and a custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the money or security, as appropriate, in hand at the conclusion of the transaction.

Bid requirement: The Board shall determine the approximate maturity date based on cash flow needs and market conditions, analyzed and select one or more optimal types of investment, and competitively bid the security in question when feasible and appropriate. Except as otherwise required by law, the most economically advantageous bid must be selected.

Risk and Diversification: The investments held by the Fund shall be diversified to the extent practical to control the risk of loss resulting from over-concentration of assets in a specific maturity, issuer, instrument, dealer, or bank which financial instruments are bought and sold.

A. Authorized Investments. The following investments are authorized:

1. Cash equivalents.
2. Obligations issued by the United States Government and its Agencies or obligations guaranteed as to principal and interest by the government of the United States.
3. Foreign equities, convertibles and bonds.
4. Equities, including publicly traded REITS, convertibles (convertible bonds, convertible preferred issues, and preferred stock). Convertible bonds (including synthetics), convertible preferred issues and preferred stock will be deemed as equity and shall not be held to the rating standards of fixed-income. Foreign securities convertibles are limited to those that settle in U. S. dollars and traded on one or more of the recognized national exchanges, NASDAQ or the OTC.
5. Bonds or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States or the District of Columbia. Actively managed fixed-income accounts may hold up to 5% at market value of

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their total portfolio in bonds rated below Baa2/Mid BBB. The Active Fixed Income Manager shall notify the Consultant in writing within ten (10) business days of any such downgrade. The High yield portfolio is not subject to these limitations. Convertible securities do not apply to these limitations, as they are classified as equities.

6. Treasury Inflation Protected Securities (TIPS).
7. Domestic stocks issued by a corporation organized under the laws of the United States or the District of Columbia provided the corporation is listed on one or more of the recognized national or on the National Market System of the NASDAQ.
8. International equities shall emphasize companies of developed countries.
9. Commingled equity, bond, money market mutual funds, and exchange traded funds (ETFs) funds.
10. Real estate shall be limited to REIT funds with daily pricing.

Added
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~~10-11. MLPs that trade on a major exchange~~

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B. Prohibited Investments and Limitations

1. Investments in equities, including the REITS, shall not exceed 70% of the Fund's assets at market value.
2. Prohibited investments include those companies listed in the State Board of Administration's quarterly report, "List of Prohibited Investments (Companies)", under Protecting Florida Investments Act.
3. Equities: Not more than five percent (5%) of the Plan assets, based on market value, shall be invested in the securities of any one issuing company.
4. Up to 20% of the Fund may be invested in foreign securities at market.
5. The aggregate investment in any one issuing company shall not exceed five percent (5%) of the outstanding capital stock of the company.
6. Prior to investing in any repurchase agreement, the Board will adopt, and attach as an exhibit, a Master Repurchase Agreement, which will also be registered

BCA
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with any institution authorized to transact such investment. All repurchase agreement transactions will be required to adhere to the requirements of such Master Repurchase Agreement.

7. The following investments are prohibited:

- a. Bonds issued by any state or municipality or any other tax-exempt security
- b. Commodity futures
- c. Short sales
- d. General obligations issued by a foreign government
- e. Hedge funds
- f. Insurance annuities
- g. Limited partnerships (MLPs permissible)
- h. Repurchase agreements secured by anything but U.S. Government or Agency mortgage backed securities
- i. Margin purchase or lending or borrowing money
- j. Options
- k. Letter stock or private equity placements
- l. Private mortgages
- m. Securities lending (unless directed by the Board)
- n. Investments and assets for which a generally recognized market is not available or for which there is no consistent or generally accepted pricing mechanism
- o. Securities of the money manager, the directed trustee/custodian bank, their parent or subsidiaries
- p. Foreign issued securities not traded in the United States

Amended
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4. COMMUNICATIONS

- A. The City Clerk's office shall prepare all written instructions to the custodian relating to periodic rebalancing of the stock and bond portfolios.
- B. The custodian shall apprise the Trustees of all transactions and shall forward all proxies to the manager within ten calendar days. On a monthly basis, the custodian shall supply an accounting statement that will include a summary of all receipts and disbursements and the cost and the market value of all assets. On a quarterly basis, the managers shall provide a written report affirming compliance with the security restrictions of Section 3 above and a summary of common stock diversification and attendant schedules. In addition, the managers shall deliver each quarter a report detailing the Fund's performance, adherence to the investment policy, forecast of the market and economy, portfolio analysis and current assets of the Fund. Written

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reports and personal presentations shall be delivered to the Trustees within 60 days of the end of the quarter. The managers will provide immediate written and telephone notice to the Trustees of any significant market related or non-market related event, specifically including, but not limited to, any deviation from the standards set forth in Section 3 above.

- C. The managers will disclose any securities that are not in compliance with Section 3 in each quarterly report.
- D. If the Fund owns securities, which complied with Section 3 at time of purchase, which are subsequently down graded while held, the managers will dispose of such securities immediately.
- E. The Trustees shall retain a monitoring service to evaluate and report on a quarterly basis the rate of return and relative performance of the Fund.
- F. The Trustees will meet quarterly with the monitoring service's representative to review the Performance Report. The Trustees will meet with the investment managers and appropriate outside consultants to discuss performance results, economic outlook, investment strategy and tactics and other pertinent matters affecting the Fund on a quarterly basis.
- G. For each actuarial valuation, the Board shall determine the total expected annual rate of return for the current year, for each of the next several years, and for the long-term thereafter.
- H. The Board of Trustees shall submit investment performance reports on a periodic basis to the City Council. This report shall include the investments in the Fund by class or type, income earned, book value, and market value.
- J. The manager shall annually provide the Trustees with an audited financial statement.

5. CRITERIA FOR INVESTMENT MANAGER REVIEW

The Board wishes to adopt standards by which judgments of the ongoing performance of a portfolio manager may be made. With this in mind, the following are adopted:

If, at any time, any one of the following is breached, the portfolio manager will be warned of the Board's serious concern for the Fund's continued safety and performance.

1. Four consecutive quarters of total Fund performance below the 40th percentile in manager performance rankings.

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2. Standard deviation for the Fund in excess of 120% of the market.
3. Loss by the manager of any senior investment personnel.
4. Any change in basic investment philosophy by the manager.
5. Failure to attain a 60% vote of confidence by the Board of Trustees.

6. INTERNAL CONTROLS

The Fund shall be governed by a set of written internal controls and operational procedures, which shall be periodically reviewed by the Fund's certified public accountant (CPA). At the time of every financial audit, the CPA shall review the controls that should be designed to prevent loss of funds that might arise from fraud, error, or misrepresentation by third parties or imprudent actions by the Board or the employees of the City of Palatka.

7. STATEMENT OF CONTINUING EDUCATION

In fulfilling its fiduciary responsibility, the Board of Trustees acknowledges that continuing education is important. Therefore, all Trustees shall receive continuing education in matters relating to investments and the Board's responsibilities.

8. FLORIDA STATUTES 112.661 AND APPLICABLE CITY OF PALATKA ORDINANCES

If at any time, this document is found to be in conflict with Chapter 112.661, Florida Statutes, or the applicable City of Palatka Ordinances, the Statutes and Ordinances shall prevail.

9. REVIEW AND AMENDMENTS

It is the Trustees intention to review this document periodically and to amend this statement to reflect any changes in philosophy, objectives or guidelines. Any change to this document shall require the affirmative vote of at least three (3) Trustees. In this regard, the money managers' interest in consistency in these matters is recognized and will be taken into account when changes are being considered. If at any time any portfolio manager feels that the specific objectives defined herein cannot be met, or the guidelines constrict performance, the Trustees should be notified in writing. By initial and continuing acceptance of this Investment Policy Statement, the money managers concur with the provisions of this document.

Once the Board has adopted the investment policy, the investment policy shall be promptly filed with the Department of Management Services, the City, and the consulting actuary.

The effective date of the Investment Policy Statement and any amendment thereto, shall be the 31st calendar day following the filing date with the City.

BCA

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**BOARD OF TRUSTEES
CITY OF PALATKA GENERAL
EMPLOYEES' RETIREMENT PLAN**

ATTEST:

By: _____
As Chairman, Board of Trustees

By: _____
As,

Date: _____, 2012

Date: _____, 2012

BURGESS CHAMBERS & ASSOCIATES, INC.

By: _____
As President

Date: _____, 2012

BCA

July 17, 2012

June 18, 2013

The following is an excerpt from the minutes of the June 18, 2013 General Employees' Pension Board meeting:

Discussion ensued on MLP investments. Mr. Chambers said in the first 3 months of this year the MLPs were up 40%. In the past month they've pulled back a bit but are still up 25%. Due to the declining performance, he hesitates to encourage them to get in now; they may want to wait and see if they begin to run up again. The kind of MLPs they are looking at is a "fund" or a collection of MLPs that are principally invested in mid-stream oil and gas storage, or a pipeline system. There is one coming through Florida, just west of here. He likes MLPs from a macro standpoint due to the high levels of gas and oil production currently going on in the US; they need pipelines to move it. They are currently devising ways to move more product through these pipelines. This is something this Plan should be getting into at some point, but there is no urgency. The beta coefficient is 0.25, compared to equities, so it is slightly positively correlated to equities. MLPs have an ever-expanding distribution aspect, which is what he likes about it. There is nothing in the investment policy that prohibits them from getting into MLPs. They would be classified as an equity holding. The yield they are getting on core bonds is around 3.5% and declining. The yield on MLPs is around 6.5% and is increasing. They are popular because of the yield and because the US is increasing its oil and gas production, and it has to be transported; this is a logistics opportunity and a 10-year story. (section abbreviated)

Mr. Register moved to amend the investment policy with respect to the prohibition on limited partnerships to allow investment in MLPs, and thirty-one days following the filing of the new Investment Policy with the City, and after the adoption of the ordinance amending the Investment Policy, a 2% investment is to be authorized in the AMJ/Alerian Index Product for MLPs, to be increased to 5% during the next four months. Mr. Lorenzen seconded the motion, which carried unopposed.

Agenda Item

10_a



CITY COMMISSION AGENDA ITEM

SUBJECT: Rescheduling of 4th of July Fireworks Display

DEPARTMENT: Admin/City Manager

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

SUMMARY: The 4th of July/Independence Day Fireworks display was cancelled due to weather conditions. The City has the option of rescheduling the Display, per the contract with Fireworks by Santore.

Several dates have been discussed. They are:

- 1. Friday, November 29 (following the Christmas Parade). There are large crowds present for the Christmas Parade, which is geared towards children and families.
2. Saturday, December 7 (in conjunction with Light the Riverfront). This annual downtown event is also geared towards children and families. It includes live Christmas entertainment, the Lighted Boat Parade and photos with Santa Claus.
3. Tuesday, December 31 (New Year's Eve).

All of these options would provide an incentive for downtown merchants to remain open after hours for shoppers. Options 1 and 2 would allow merchants to maximize Christmas Shopping opportunities for the public. Option #3 would provide Main Street with an opportunity to plan a New Year's Eve event.

RECOMMENDED ACTION: Discuss options for rescheduling the fireworks display.

DEPARTMENT HEAD Submitted: Michael Czymbor, City Mgr. Date: 07-09-12
Requested Agenda Regular Date: 07-11-12

FINANCE DEPARTMENT Budgeted ___Yes ___No ___N/A Date:

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: [Signature] Date: 7/9/13

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

DISTRIBUTION: ___APT___CA___CC___CM___FIN___FD___P&C___PD___PLN___S&S___W&S___WTP___WWTP