

**VERNON MYERS**  
MAYOR - COMMISSIONER

**MARY LAWSON BROWN**  
VICE MAYOR - COMMISSIONER

**ALLEGRA KITCHENS**  
COMMISSIONER

**PHIL LEARY**  
COMMISSIONER

**JAMES NORWOOD, JR.**  
COMMISSIONER



**MICHAEL J. CZYMBOR**  
CITY MANAGER

**BETSY JORDAN DRIGGERS**  
CITY CLERK

**MATTHEW D. REYNOLDS**  
FINANCE DIRECTOR

**GARY S. GETCHELL**  
CHIEF OF POLICE

**MICHAEL LAMBERT**  
CHIEF FIRE DEPT

**DONALD E. HOLMES**  
CITY ATTORNEY

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

**AGENDA**  
**CITY OF PALATKA**  
October 11, 2012

**CALL TO ORDER:**

- a. Invocation – The Reverend Dennis Childers, Chaplain; Hospice of the Nature Coast
- b. Pledge of Allegiance
- c. Roll Call

**APPROVAL OF MINUTES – 9/13/12 & 9/27/12 Regular Meetings**

**1. PUBLIC RECOGNITION/PRESENTATIONS:**

- a. **PROCLAMATION** – Fire Prevention Week – October 7 - 12, 2012 – Fire Marshal Lynady
- b. **PROCLAMATION** – Breast Cancer Awareness Month – October, 2012 – Dr. Anand Kuruvilla
- c. **PROCLAMATION** – Domestic Violence Awareness Month – October, 2012 – Angie Pye, Executive Director, Lee Conlee House Domestic Violence Shelter

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

**3. CONSENT AGENDA:**

- \*a. **Adopt Resolution No. 9-34** of the City of Palatka, Florida authorizing the City Manager and Clerk to execute and attest SE Cline Construction, Inc. Change Order #4 in an amount not to exceed \$29,186.27 for construction and surveying of the Downtown Parking & Streetscape Project
- \*b. **Adopt Resolution No. 9-35** of the City of Palatka, Florida, authorizing the City Manager and Clerk to execute and attest Ayres Associates Supplemental Agreement in an amount not to exceed \$14,500.00 for Post Design Engineering Services for the Wastewater Treatment Plant Reuse System Improvement Project to install a tertiary filtration system and new chlorine contact chamber
- \*c. **Adopt Resolution No. 9-36** of the City of Palatka, Florida awarding a bid to Armstrong Contracting Services, Inc. in the amount of \$62,900.00 for the Price Martin Community Center ADA & Restroom Renovations Project and Authorizing the City Manager and Clerk to execute and attest the Contract Agreement;
- \*d. **Adopt Resolution No. 9-37** of the City of Palatka, Florida, authorizing the expenditure of Better Place Funds in an amount not to exceed \$43,856.17 for payment to FP&L for the conversion of overhead electric to underground transmission lines for the Palatka Downtown Parking & Streetscape Project, and authorizing the City Manager to execute any contract and other documents as may be required to in support of this action;
- \*e. **Adopt Resolution No. 9-38** of the City of Palatka, Florida, authorizing the Mayor and City Clerk to execute and attest a Sovereignty Submerged Land Fee Waived Lease with the Florida Dept. of Environmental Protection for a 24-slip public docking facility and fishing pier in the northern section of the City's Riverfront Park
- \*f. **Adopt Resolution No. 9-39** of the City of Palatka, Florida authorizing the City Manager and Clerk to execute and attest all documents necessary for the acceptance and administration of a National Endowment for the Arts Our Town grant for the Planning, Design and Installation of Public Art, and designating matching grant funds for the Project;
- \*g. **Adopt Resolution No. 9-40** of the City of Palatka, Florida, Requesting a Waiver in Permit Fees from St. Johns River Water Management District for FY 2012-13

**AGENDA - CITY OF PALATKA**  
**October 11, 2012**  
**Page 2**

4. **ACCEPT CRA RECOMMENDATIONS** for TIF Expenditures/CRA Business as follows:
  - \*a. **Resolution No. 9-41** of the City of Palatka amending the FY 2012-13 CRA Budget to allocate \$40,000 to the North TIFF Home Improvement Program, \$25,000 for North TIFF General Capital Improvements, re-allocate \$65,000 from South TIFF Home Improvement Program to the South TIFF Commercial Rehabilitation Grant Program, \$14,595.27 to North TIFF Contingency, and to adjust several other line items in order to reconcile the FY2012-13 budget with the end of the FY2011-12;
  - b. **Direct staff to draw up a resolution** amending the CRA meeting time to 5:00 p.m. from 4:00 p.m. for consideration at the October 25 meeting
- \* 5. **ORDINANCE** setting forth Police Gun Range Fee Schedule and Rules – 1<sup>st</sup> Reading
- \* 6. **ORDINANCE** establishing administrative fees and responsibilities for towing of vehicles used in crimes, criminal code violations and other non-criminal violations – 1<sup>st</sup> reading
- \* 7. **ORDINANCE No. 12-43** amending Palatka Municipal Code Section 94-261 to allow an exception to parking lot paving requirements for existing uses – 2<sup>nd</sup> Reading, Adopt
- \* 8. **ORDINANCE No. 12-44** amending Palatka Municipal Code Section 94-2 to amend regulations surrounding home occupation uses in residential areas – 2<sup>nd</sup> Reading, Adopt
9. **ADMINISTRATIVE REPORTS**
10. **COMMISSIONER COMMENTS**
11. **ADJOURN**

\*Attachment \*\*Separate Cover

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

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

**Upcoming Events:**

October 31 – Halloween Trick or Treat (6 – 8 pm)  
Nov. 6 – General Election  
Nov. 12 – City Offices closed to observe Veteran's Day  
Nov. 15 & 16 – FLC Legislative Conference - Orlando  
Nov. 22 & 23 – City offices closed to observe Thanksgiving Holiday  
Dec. 24 & 25 – City offices closed to observe Christmas Holiday  
Jan. 1, 2013 – City offices closed to observe New Years Day Holiday

**Board Openings:**

Palatka Housing Auth. Board 1 Vacancy  
Code Enforcement Board: 2 Vacancies (Arch. & Sub Contr.)

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire. Home fires killed more than 2,600 people in the United States in 2010, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 369,000 home fires; and

**WHEREAS**, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire. Only one-third of Americans have both developed and practiced a home fire escape plan. Almost three-quarters of Americans do have an escape plan; however, less than half have actually practiced it; and

**WHEREAS**, one-third of Americans households who made one and estimate they thought they would have at least 6 minutes before a fire in their home would become life threatening. The time available is often less. Working smoke alarms cut the risk of dying in reported home fires in half; and

**WHEREAS**, the City of Palatka and our Palatka Firefighters are committed to ensuring the safety and security of all those living in and visiting our City. Our Palatka Fire Department Firefighters are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and proper education; and

**WHEREAS**, Palatka's residents are responsive to public education measures and are able to take personal responsibility to increase their safety from fire, especially in their homes. Residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire. Working smoke alarms cut the chance of dying in a reported fire in half and automatic fire sprinkler systems cut the risk of dying in a home fire by about 80%; and

**WHEREAS**, the 2012 Fire Prevention Week theme, "**Have Two Ways Out!**" effectively serves to remind us to develop and practice a home fire escape plans during Fire Prevention Week and year-round.

**NOW, THEREFORE, I**, Vernon Myers, Mayor of the City of Palatka, together with the members of the Palatka City Commission do hereby proclaim the week of October 7 - 12, 2012 as

### **FIRE PREVENTION WEEK**

throughout this city, and I urge all the people of Palatka to practice their home fire escape plan during Fire Prevention Week 2012, and to support the many public safety activities and efforts of the City of Palatka Fire Department.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Palatka to be affixed this 11<sup>th</sup> day of October, in the Year of Our Lord Two Thousand and Twelve.

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

**PALATKA CITY COMMISSION**

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**By: Vernon Myers, MAYOR**

**WHEREAS**, this month, pink ribbons will be displayed around our country, adorning jackets and public spaces alike. A sign of solidarity, these ribbons remind us of our commitment to preventing and treating breast cancer, and to supporting those courageously battling this disease. Countless Americans will participate in events to raise awareness alongside survivors and their families, working together to support research that will save lives; and

**WHEREAS**, we have come far in recent decades in the prevention, early detection, and treatment of breast cancer. Still, this year, hundreds of thousands of women will be diagnosed with breast cancer, and too many will be lost. African American women bear a particularly large burden, experiencing higher death rates from breast cancer than other racial or ethnic groups in the United States. Too many men also develop and fall victim to this cancer; and

**WHEREAS**, it is important to understand the risks and precautions associated with breast cancer. Some risk factors, like obesity, are avoidable. Other factors, like family history, are not avoidable, but knowledge of this can help inform medical decisions. Taking protective steps like getting regular check-ups, maintaining a healthy body weight and balanced diet, and exercising may help lower the chances of developing breast cancer; and

**WHEREAS**, screening and early detection are essential to fighting this disease, yet only about two-thirds of women over 40 have had a mammogram in the last 2 years. Thanks to the Affordable Care Act, all women joining new health-care plans can receive recommended preventive services, including annual mammograms for women over 40, with no out-of-pocket costs. This new benefit would also ensure that women in new insurance plans who are at high risk for breast cancer are covered when they speak with their clinicians about ways to prevent or delay the development of cancer. The Affordable Care Act also established a committee tasked with advancing awareness and prevention of breast cancer among young women; and

**WHEREAS**, we join together in honoring the women and men lost to breast cancer. In their memory, we recommit to supporting the hard-working researchers, health-care providers, advocates, and organizations dedicated to treating and curing this devastating disease. We embrace our mother, daughters, sisters, and loved ones currently battling breast cancer, along with their friends and families, and we resolve to one day defeat it.

**NOW, THEREFORE, I**, Vernon Myers, Mayor of the City of Palatka, Florida, together with the members of the Palatka City Commission, hereby endorse, declare and designate the Month of October, 2012 as

**NATIONAL BREAST CANCER AWARENESS MONTH**

And October 19, 2012 as

**NATIONAL MAMMOGRAPHY DAY**

in the City of Palatka, and hereby encourage the citizens of Palatka, private businesses, nonprofit organizations, and all other interested groups to join in activities that will increase awareness of what we can do to prevent and control breast cancer.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Seal of the City of Palatka, Florida on this 11<sup>th</sup> day of October, in the Year of Our Lord Two Thousand Twelve.

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

**PALATKA CITY COMMISSION**

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**By: Vernon Myers, Mayor**

**WHEREAS**, domestic violence is a crime that impacts all citizens of Putnam County, and its impact is wide-ranging, taking a dramatic toll on the criminal justice system, law enforcement, the health care community, and society as a whole; and

**WHEREAS**, each year in Putnam County an estimated 1 in 4 women and 1 in 9 men are victims of domestic violence, which translates to 13,000 individuals affected in our county based on 2009 data; and

**WHEREAS**, it is vital for our community to support the victims of domestic violence and assist with their grave financial, physical and psychological losses; to impose legal sanctions against perpetrators of personal violence; and to help the batterers unlearn their abusive behavior; and

**WHEREAS**, Lee Conlee House is the only certified domestic violence center in Putnam County providing 24-hour hotline, shelter and other needed services and counseling to victims and their families, and has been awarded certification through Florida's Department of Children and Families; and

**WHEREAS**, the Palatka City Commission endorses and supports all programs sponsored by the Lee Conlee House in its mission to provide shelter and support services to victims of domestic violence and their families, thereby assisting in the elimination of domestic violence in our community.

**NOW, THEREFORE**, I, Vernon Myers, Mayor of the City of Palatka, Florida, together with the member of the Palatka City Commission, do hereby proclaim that the month of October, 2012 is hereby designated as

**DOMESTIC VIOLENCE AWARENESS MONTH**

in the City of Palatka, and urge all citizens to participate in planned activities benefitting the Lee Conlee House in its mission to provide shelter and support services to victims of domestic violence and their families, and support its goal of creating a community with zero tolerance of domestic violence.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Seal of the City of Palatka to be affixed this 11<sup>th</sup> day of October, in the Year of Our Lord Two Thousand Twelve.

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

**PALATKA CITY COMMISSION**

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**By: Vernon Myers, MAYOR**

*Agenda  
Item*

*3a*



AGENDA ITEM

SUBJECT: S.E. Cline Change Order #4 for CDBG C02 Downtown Parking & Streetscaping

DEPARTMENT: City Hall

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

SUMMARY: The CDBG C02 Downtown Parking & Streetscape project has been substantially complete since July. Attached you will find change order #2 in the amount of \$29,186.27. This is to account for additional costs associated with phase II of this project. City staff and the contractor took measures in phase I to value engineer and reduce the project cost to account for expected overruns associated with the milling and resurfacing of the existing roads and parking lots in phase II. The overruns are primarily associated with additional asphalt that was needed to create a uniform roadway surface and to ensure positive drainage. This final change order will allow staff to close out the project.

RECOMMENDED ACTION: Adopt resolution 9-34 approving Change Order #4 with S.E. Cline Construction in the amount of \$29,186.27, for a total contract amount of \$1,041,113.05.

DEPARTMENT HEAD

Submitted: Requested Agenda: Jonathan Griffith - Consent Date: 9-27-12 Date: 10-11-12

FINANCE DEPARTMENT Budgeted [x] Yes [ ] No [ ] N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date: \_\_\_\_\_

CITY MANAGER Approved Agenda Item For: [Signature] Date: 9/27/12

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. 9 - 34

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AUTHORIZING THE CITY MANAGER AND CITY CLERK TO  
EXECUTE AND ATTEST S.E. CLINE CONSTRUCTION, INC.  
CHANGE ORDER NO. 4 IN AN AMOUNT NOT TO EXCEED  
\$29,186.27 FOR CONSTRUCTION AND SURVEYING OF THE  
DOWNTOWN PARKING AND STREETScape PROJECT**

**WHEREAS**, on 5/26/2011 the Palatka City Commission (the **City**) awarded the Bid in the amount of \$1,026,707.89 for Construction and Surveying for the Downtown Parking and Streetscape Project, (the **Project**), and

**WHEREAS**, on 3/8/2012 2011 the Palatka City Commission (the **City**) authorized Change Order #2, in the amount of -\$14,781.24, for a new total contract amount of \$1,011,926.72 for this **Project**; and

**WHEREAS**, the milling and resurfacing of the existing roads and parking lots required additional asphalt and milling to create a uniform roadway surface and to ensure positive drainage, resulted in cost overruns for this **Project**; and

**WHEREAS**, the **City** deems it reasonable and necessary to authorize Change Order No. 4 for the construction and surveying for this **Project**.

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

1. That the City Manager and City Clerk are hereby authorized to execute and attest Change order No. 4 in an amount not to exceed \$29,186.27, for a new total contract amount of \$1,041,113.05 for construction and surveying services for the Downtown Parking and Streetscape Project.
2. That the revenues of the City of Palatka for the Fiscal Year 2011-2012 General Fund Budget is amended as follows:

<b>REVENUES:</b>		<b>Last</b>	<b>Recommended</b>	<b>As</b>
<u>Revenue Number</u>	<u>Description</u>	<u>Approved</u>	<u>Amendments</u>	<u>Amended</u>
001-00-331-5- 2000	Downtown Parking/Streetscaping	\$ -	\$29,186.27	\$29,186.27
<b>TOTAL REVENUES AMENDED:</b>		<b>\$ -</b>	<b>\$29,186.27</b>	<b>\$29,186.27</b>

3. That the expenditures of the City of Palatka for the Fiscal Year 2011-2012 General Fund is amended as follows:

EXPENDITURES:		Last	Recommended	As
<u>Expenditure</u>				
<u>Number</u>	<u>Description</u>	<u>Approved</u>	<u>Amendments</u>	<u>Amended</u>
001-18-519-8-8910	Downtown Parking/Streetscaping	\$ -	\$29,186.27	\$29,186.27
<b>TOTAL EXPENDITURES AMENDED:</b>		<b>\$ -</b>	<b>\$29,186.27</b>	<b>\$29,186.27</b>

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 11<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

\_\_\_\_\_  
**By: Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM  
AND CORRECTNESS:**

\_\_\_\_\_  
**CITY ATTORNEY**



S.E. Cline Construction, Inc.

P.O. Box 354425

18 Utility Drive

Palm Coast, Florida 32135

Phone: 386-446-6426 Fax: 386-446-6481

REQUEST FOR CHANGE ORDER

DATE: 9/14/12

CHANGE ORDER: # 4

GENERAL CONTRACTOR: S.E. Cline Construction, Inc.

OWNER: City of Palatka

Revision to the original proposal and Scope of Work:

- 1. Asphalt tonnage overage on 2<sup>nd</sup> St and intersection of St. Johns to level out areas and create positive drainage.  
183.27 Tons @ \$115.00/Ton = \$21,076.05
- 2. Cut and patch parking lot A.  
85 SY @ \$22.50/SY = \$1,912.50
- 3. Install additional asphalt parking and base behind Subway.  
178 SY @ \$22.50/SY = \$4,005.00
- 4. Additional survey for 2<sup>nd</sup> St.  
1 LS \$2,192.72

1.	Total price under the original Construction Agreement:	\$1,026,707.96
2.	Previous Change Orders:	<\$14,781.18>
3.	This Change Order:	\$29,186.27
4.	Total price under the new Construction Agreement:	\$1,041,113.05

All other terms and conditions of the Construction Agreement referred to above shall remain unchanged.

CONTRACTOR

S.E. Cline Construction, Inc.

OWNER

By: \_\_\_\_\_

By: \_\_\_\_\_

*Agenda  
Item*

*3b*



CITY COMMISSION AGENDA ITEM

SUBJECT: A resolution of the City of Palatka, Florida, authorizing the City Manager and Clerk to execute and attest Ayres Associates Supplemental Agreement for a lump sum fee of \$14,500 for Post Design Engineering Services for the WWTP Reuse System Improvement Project to install a tertiary filtration system and new chlorine contact chamber - Adopt

DEPARTMENT: WWTP

ATTACHMENTS: \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion
\_\_\_X\_\_\_ Support Documents \_\_\_X\_\_\_ Other Contract w/invoice

SUMMARY: This is a supplemental contract for the reuse system expansion project to install a new tertiary filtration system, new chlorine contact chamber, and includes weekly site visits and inspections. The original contract was scheduled for final completion within 360 days, but two extension have been added through previous change orders. The total lump sum fee for this supplemental contract is \$14,500.00.

RECOMMENDED ACTION: Adopt Resolution No. 9-35 authorizing the execution of Ayres Associates' supplemental contract agreement in the amount of \$14,500.00 for Reuse System Expansion Post Design Engineering Services for the installation of a tertiary filtration system and new chlorine contact chamber.

DEPARTMENT HEAD Submitted: P. DALLW Date: 9/11/12
Requested Agenda CONSENT Date: 10-11-12
FINANCE DEPARTMENT Budgeted X Yes \_\_\_ No \_\_\_ N/A Date: 10/4/12
CITY ATTORNEY Approved as to Form and Correctness Date:
CITY MANAGER Approved Agenda Item For: [Signature] Date: 10/2/12

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. 9 - 35

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AUTHORIZING THE CITY MANAGER AND CITY CLERK TO  
EXECUTE AND ATTEST AYRES ASSOCIATES'  
SUPPLEMENTAL AGREEMENT FOR A LUMP SUM FEE OF  
\$14,500.00 FOR POST DESIGN ENGINEERING SERVICES FOR  
THE WASTEWATER TREATMENT PLANT REUSE SYSTEM  
IMPROVEMENTS PROJECT**

**WHEREAS**, on 6/23/2011 the Palatka City Commission (the **City**) entered into a contract with Ayres & Associates, Inc. for the post design engineering services for the Reuse System Expansion/Extension Phase IV, (the **Project**), and

**WHEREAS**, Ayres & Associates, Inc., has proposed a Supplemental Agreement for additional post design engineering services for this **Project** in an amount not to exceed \$14,500.00 to install a tertiary filtration system and new chlorine contact chamber inclusive of inspection and site visits; and

**WHEREAS**, the **City** deems it reasonable and necessary to enter into said Supplemental Agreement with Ayres & Associates, Inc. for post design engineering services for said **Project**.

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

1. That the City Manager and City Clerk are hereby authorized to execute and attest the Ayres Associates, Inc. Supplemental Agreement in the amount of \$14,500.00 for post design engineering services for the Reuse System Expansion/Extension Phase IV project WWTP Improvements;
2. That the City of Palatka Fiscal Year 2011-2012 Budget will be amended to include these costs during the final budget amendments which will be prepared by the Finance Director and presented to the City Commission for adoption before November 30, 2012.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 11<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

\_\_\_\_\_  
**By: Its MAYOR**

**ATTEST:**



September 10, 2012

Mr. Vernon Myers  
Mayor  
City of Palatka, Florida  
201 N. 2nd Street  
Palatka, Florida 32177

Re: Wastewater Treatment Plant Improvements / Reuse System Expansion  
Supplemental Request for Post Design Engineering Services

Dear Mr. Myers:

Ayres Associates (Ayres) is pleased to present our scope of services and fee proposal for the post design services for the referenced project.

### **PROJECT DESCRIPTION**

This project consists of increasing the reuse treatment capacity of the existing 0.854 MGD to 3.5 MGD. The project improvements include installation of a new tertiary filtration system consisting of two (2) new disc filters and replumbing one (1) existing disc filter, concrete foundation, and appurtenances. New Chlorine Contact Chamber with a pump chamber consisting of two (2) chlorine contact units, concrete structure, three (3) vertical turbine reuse pumps, motors, variable speed drives, valves, piping and all appurtenances. Site work, yard piping, electrical, instrumentation and flow metering equipment. The original contract was scheduled for final completion within 360 days. There have been two time extensions due to additional items added to the contract.

### **SCOPE OF SERVICES**

The following provides a list of tasks to be that will be performed in addition to that currently under contract.

1. Weekly site visits throughout construction by the Engineer of Record. Change Order #3 extended the Contract by an additional 30 days. Change Order #4 extended the Contract by an additional 45 days.
2. Provide part time (once/week or 42 days) construction engineering inspection for two contract extensions represented in Change Order #3 and Change Order #4.
3. Review contractor shop drawings for the added chlorination system (previously approved in Change Order #4). This system was added to the contract.

**PROJECT SCHEDULE**

The two time extensions were added to the contract in Change Order #3 and #4.

**ADDITIONAL SERVICES**

There are no additional services anticipated. Should additional services be requested or required, mutually agreed scope, terms, and conditions will be established prior to any work being initiated.

**FEE**

The total lump sum amount to complete the work as presented herein is \$14,500.00.

**Acceptance**

If this proposal is acceptable to you, a signature on the enclosed copy of this letter and initials on the contract terms and conditions will serve as our authorization to proceed.

Proposed by Consultant:

Ayres Associates Inc



Daryl R. Myers, PE  
Project Manager

David K. Kemp, PE  
Vice President

Accepted by Owner:

City of Palatka, Florida  
Owner's Name

\_\_\_\_\_  
Signature

Vernon Myers  
Name

Mayor  
Title

\_\_\_\_\_  
Date

**City of Palatka, Florida**  
**Wastewater Treatment Plant Improvements**  
**Reuse System Expansion**  
**Post Design Engineering Services Supplement**

WORK BREAKDOWN SUMMARY	LABOR CATEGORIES / HRLY BILLING RATES						TOTAL
	PR	PM	ENG PE	Fld Insp	CADD	Clerical	
	\$165.00	\$135.00	\$115.00	\$ 85.00	\$ 75.00	\$ 45.00	
<b>1.1 Limited Construction Administration Services</b>							
Shop Drawnig Review	0	0	20	0	0	0	\$2,300.00
Weekly Site Visits by EOR (10 Weeks @ 4 hours)	0	40	0	0	0	0	\$5,400.00
Construction Inspection (1X/Wk or 10 days)	0	0	0	80	0	0	\$6,800.00
<b>Subtotal</b>	<b>0</b>	<b>40</b>	<b>20</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>\$14,500.00</b>
<b>Reimbursable Costs</b>							
Reimbursables (Mileage, Shipping, Printing, Copying)							<b>\$0.00</b>
<b>TOTAL - POST DESIGN &amp; REIMBURSABLE COSTS</b>							<b>\$14,500.00</b>

# *Agenda Item*

*3c*



AGENDA ITEM

SUBJECT: Award of Bid - Price Martin Community Center ADA & Restroom Renovations

DEPARTMENT: City Hall

ATTACHMENTS:  Ordinance  Resolution  Motion  
 Support Documents  Other

SUMMARY:

For some time now the City has been pursuing ADA & restroom renovations for the Price Martin Community Center. Bids were received and opened on September 4, 2012 at 2:30 PM. The apparent lowest and best bid was from Armstrong Contracting Services, Inc., in the amount of \$62,900.00. The United States Department of Agriculture (USDA) and the architect have certified this recommendation of award.

This project is partially funded with \$32,000.00 in USDA Community Facilities Grant funds. If you choose to move forward with this project, the City will support its' \$30,900.00 share of the project cost with Better Place Funds.

RECOMMENDED ACTION:

Adopt resolution No. 936 awarding the Bid to Armstrong Contracting Services, Inc., in the amount of \$62,900.00, authorizing the City Manager and City Clerk to execute and attest the attached contract and amending the FY 2012-2013 budget.

DEPARTMENT HEAD

Submitted: \_\_\_\_\_ Date: 9-27-12  
Requested Agenda: Jonathan Griffith *consent* Date: 10-11-12

FINANCE DEPARTMENT Budgeted  Yes  No  N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date: \_\_\_\_\_

CITY MANAGER Approved Agenda Item For: *[Signature]* Date: 9/27/12

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

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

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RESOLUTION No. 9 - 3Ce

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AWARDING A BID TO ARMSTRONG CONTRACTING SERVICES,  
Inc. IN THE AMOUNT OF \$62,900 FOR THE PRICE MARTIN  
COMMUNITY CENTER ADA & RESTROOM RENOVATIONS  
PROJECT AUTHORIZING THE CITY MANAGER AND CITY  
CLERK TO EXECUTE AND ATTEST THE CONTRACT  
AGREEMENT**

**WHEREAS**, on 8/2/12 the City of Palatka (the **City**) advertised a request for bids for ADA and Restroom Renovations to the Price Martin Community Center, (the **Project**), and

**WHEREAS**, on 9/4/12 the **City** received and opened bids on September 4, 2012 at 2:30 PM and the apparent lowest and best bid was from Armstrong Contracting Services, Inc., in the amount of \$62,900; and

**WHEREAS**, the **City** deems it reasonable and necessary to enter into a construction agreement with Armstrong Services, Inc. for said **Project**.

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

1. That the Palatka City Commission awards the Price Martin Restroom Renovation Bid to Armstrong Contracting Services, Inc.
2. That the revenues of the City of Palatka for the Fiscal Year 2012-2013 General Fund Budget is amended as follows:

<b>REVENUES:</b>		<b>Last</b>	<b>Recommended</b>	<b>As</b>
<u>Revenue Number</u>	<u>Description</u>	<u>Approved</u>	<u>Amendments</u>	<u>Amended</u>
001-00-331-2-5502	USDA Price Martin Restrooms	\$ -	\$ 32,000.00	\$32,000.00
<b>TOTAL REVENUES AMENDED:</b>		<b>\$ -</b>	<b>\$ 32,000.00</b>	<b>\$32,000.00</b>

3. That the expenditures of the City of Palatka for the Fiscal Year 2012-2013 General Fund is amended as follows:

<b>EXPENDITURES:</b>		<b>Last</b>	<b>Recommended</b>	<b>As</b>
<u>Expenditure Number</u>	<u>Description</u>	<u>Approved</u>	<u>Amendments</u>	<u>Amended</u>
001-83-581-9-9907	Better Place Reserve Price Martin Restroom	\$ 288,428.00	\$ -37,690.00	\$ 250,738.00
001-18-519-8-8920	USDA Grant	\$ -	\$ 69,690.00	\$ 69,690.00

TOTAL EXPENDITURES AMENDED: \$ - \$ 32,000.00 \$ 32,000.00

4. That the City Manager and City Clerk are hereby authorized to execute and attest the Armstrong Services, Inc. Construction Agreement in an amount not to exceed \$62,900 for ADA and Restroom Renovations to the Price Martin Community Center.
5. That the City Manager is hereby authorized to sign all contract and other documents as may be required in support of the **Project**, after review and approval by the City Attorney.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 11<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

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**By: Its MAYOR**

**ATTEST:**

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**CITY CLERK**

**APPROVED AS TO FORM  
AND CORRECTNESS:**

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**CITY ATTORNEY**

Robert E. Taylor, A. I. A. Architect, P. A.

710 St. Johns Ave. P.O. Box 267  
Palatka, Florida 32178-0267  
(386) 325-7341 Fax: (386) 325-0608  
E-mail: [taylor\\_ret-tbd.com](mailto:taylor_ret-tbd.com)

**Date:** 20 September 2012

**Job No.:** 1122

**Attention:** Mr. Michael Czymbor  
**To:** City of Palatka  
201 N. Second Street  
Palatka, Florida 32177

**Subject:** Price Martin Restroom Renovations  
USDA Grant  
2200 North Eleventh Street  
Palatka, Florida 32177

**Information:**  Mailed  Hand-Delivered  Faxed  E-mail to Follow

<u>Copies</u>	<u>Date</u>	<u>Description</u>
5	20 Sep 12	Item III Notice of Award
5	20 Sep 12	Item IV Contract between City of Palatka and Armstrong Contracting Services, Inc (3 pages).
5		Signed & Sealed Drawings (6 sheets each)
5		Signed & Sealed Project Manual (77 pages each)

**For:** Your Approval  Your Use  As Requested  For Review and Comment

*If enclosures are not delivered as indicated, please call us immediately.*

**Remarks:**

The enclosed Notice of Award, Contract, Drawings, and Project Manual are for submission to the USDA as requested in their letter dated 20 September 2012.

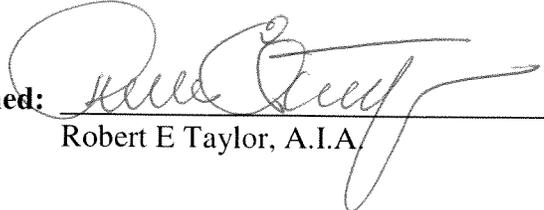
Once you receive the Contract back, signed by USDA please forward a copy for our files.

If you have any questions, please call.

Thank you

cc:

**Signed:**

  
Robert E Taylor, A.I.A.

ITEM III

NOTICE OF AWARD

Description of work: Construction of Handicap Restroom Improvements  
\_\_\_\_\_ for the Price-Martin Community Center,  
220 North Eleventh Street, Palatka, Florida  
 To: Armstrong Contracting Service, Inc.  
455 East End Road, San Mateo, FL 32187

The Owner has considered the Proposal submitted by you for the above described work in response to its Notice and Instructions to Bidders dated 02 August 2012.

It is to the best interest of said Owner to accept your Proposal in the amount of  
Sixty-two Thousand Nine Hundred and no/100 Dollars  
 (\$ 62,900.00 ); you are hereby notified that your Proposal has been accepted for items  
All items in Base Bid of the Contract Documents and Addendum No. 1 dated 28 August 2012  
 \_\_\_\_\_  
 \_\_\_\_\_

You are required by the Notice and Instruction to Bidders to execute the contract within ten days from the date of the delivery of this Notice to you.

Dated this 20th \_\_\_\_\_ day of September 20 12

\_\_\_\_\_  
Owner

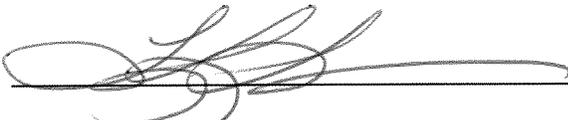
ACCEPTANCE OF NOTICE

By Mr. Michael Czymbor

Receipt of the above Notice of  
 Award is hereby acknowledged this  
20th \_\_\_\_\_ day

Title City Manager

of September \_\_\_\_\_, 20 12 \_\_\_\_\_.



\_\_\_\_\_

By Mr. Terry Turner

Title President

ITEM IV  
C O N T R A C T

THIS AGREEMENT, made this 20th day of September, 2012,

by and between City of Palatka,

hereinafter referred to as the OWNER, and Armstrong Contracting Services, Inc.,  
hereinafter referred to as the

CONTRACTOR:

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed that:

1. The CONTRACTOR will furnish all of the materials and supplies, equipment, and labor and other services necessary in conformance with these contract documents for the construction and completion of the project described in general as follows:

Price-Martin Community Center

Handicap Restroom Improvements

220 North Eleventh Street

Palatka, Florida

2. COMPLETION OF WORK. The Contractor shall commence the work covered by this contract within ten (10) calendar days after the date of receipt of the Notice to Proceed and shall complete the same within own hundred (100) calendar days unless the period for completion is extended as provided for in the General Conditions.

(Guide 17) (Page 7)  
(Revision 1)

3. CONTRACT SUM. The Owner shall pay the Contractor for the performance of said work, subject to additions or deductions provided herein Sixty-two Thousand Nine Hundred and no/100 dollars (\$ 62,900.00 ) in conformity with the bid schedule in Item II.
4. The Contract Documents include the following:
- (a) Notice and Instructions to Bidders - Item I
  - (b) Bidder's Proposal - Item II
  - (c) Notice of Award - Item III
  - (d) Contract - Item IV
  - (e) General Conditions - Item V
  - (f) Rural Development Supplemental General Conditions.
  - (g) Plans prepared by Robert E Taylor, A.I.A., Architect, P.A. numbered 16 through 18, and dated 02 August, 2012.
  - (h) Specifications prepared or issued by Robert E Taylor, A.I.A., Architect, P.A. dated 02 August, 2012.
  - (i) Addendum prepared by Robert E Taylor, A.I.A., Architect, P.A. consisting of 5 pages, dated 28 August, 2012.
5. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions and in such amounts as required by the Contract Documents.
6. This contract shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

(1-15-79) SPECIAL PN

(Guide 17) (Page 8)  
(Revision 1)

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Contract in duplicate, on the date first above written.

OWNER:

\_\_\_\_\_

By \_\_\_\_\_

Type Name Mr. Michael Czymbor

Title City Manager

(SEAL)

ATTEST:

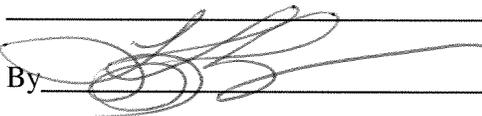
\_\_\_\_\_

Type Name \_\_\_\_\_

Title \_\_\_\_\_

CONTRACTOR:

\_\_\_\_\_

By  \_\_\_\_\_

Type Name Mr. Terry Turner

Title President

Employer Identification

Number 59-3186520

Approved as lender or insurer of fund to defray the costs of this contract, and without liability for any payments thereunder, the Farmers Home Administration hereby concurs in the award of this contract to

\_\_\_\_\_

U. S. Department of Agriculture  
Rural Development

By \_\_\_\_\_ Title \_\_\_\_\_

This contract shall not be effective unless and until approved by the State Director of Rural Development, U. S. Department of Agriculture, or a delegated representative.



AGENDA ITEM

SUBJECT: FP&L Overhead to Underground Power Conversion

DEPARTMENT: City Hall

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

SUMMARY: Please see attached a final quote from FP&L, in the amount of \$43,856.17, to convert their overhead lines to underground within the CDBG C02 Downtown Parking and Streetscape project boundary.

RECOMMENDED ACTION: Adopt Resolution No. 9-37 authorizing the use of Better Place funds in an amount not to exceed \$43,856.17 for the conversion of FPL overhead transmission lines to underground.

DEPARTMENT HEAD

Submitted: Requested Agenda: Jonathan Griffith - consent Date: 9-27-12 Date: 10-11-12

FINANCE DEPARTMENT Budgeted [ ] Yes [x] No [ ] N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: [Signature] Date: 9/27/12

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

Other

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

RESOLUTION No. 9 - 37

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE EXPENDITURE OF BETTER PLACE FUNDS IN AN AMOUNT NOT TO EXCEED \$43,856.17 FOR PAYMENT TO FLORIDA POWER AND LIGHT FOR THE CONVERSION OF OVERHEAD ELECTRIC TO UNDERGROUND TRANSMISSION LINES FOR THE PALATKA DOWNTOWN PARKING AND STREETScape PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY CONTRACT AND OTHER DOCUMENTS AS MAY BE REQUIRED TO IN SUPPORT OF THIS ACTION**

**WHEREAS**, on 9/8/11 the Palatka City Commission (the **City**) authorized the execution of an agreement with Florida Power and Light to convert overhead electric transmission lines to underground for the Downtown Parking and Streetscape Project, (the **Project**), and

**WHEREAS**, Florida Power and Light has proposed to convert the overhead lines to underground for the **Project** in an amount not to exceed \$43,586.17; and

**WHEREAS**, the **City** deems it reasonable and necessary to convert the overhead electrical lines to underground transmission lines.

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

1. Hereby authorize the use of Better Place funds, in an amount not to exceed \$43,856.17, for the conversion of overhead electrical lines to underground transmission lines for the Downtown Parking and Streetscape Project.
2. That the City Manager is hereby authorized to sign all contracts and other documents as may be required in support of the **Project**, after review and approval by the City Attorney.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 11<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

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By: **Its MAYOR**

**ATTEST:**

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**CITY CLERK**



PAYMENT COUPON

/4115006500916800011054180002546420004385617

4,1,1500,650091,6800011054,1800025464,2,0004385617

Please mail this portion with your check

1800025464 1 of 1

CITY OF PALATKA  
201 N 2ND ST  
PALATKA FL 32177

Cust. No.:6800011054 Inv. No.:1800025464	
Payment Due Upon Receipt	Amount Due This Invoice \$ 43,856.17
Reference# D00004004129	

Make check payable to FPL in USD and mail payments to address below

FPL  
General Mail Facility  
Miami FL 33188-0001

Florida Power & Light Company

Invoice

Customer Name and Address

CITY OF PALATKA  
201 N 2ND ST  
PALATKA FL 32177

Federal Tax Id.#: 59-0247775

Customer Number: 6800011054

Invoice Number: 1800025464

Invoice Date: 09/17/2012

4,1,1500,650091,6800011054,1800025464,2,0004385617

Please retain this portion for your records

CURRENT CHARGES AND CREDITS

Customer No: 6800011054 Invoice No: 1800025464

Description	Amount
0 S 3RD ST/LUMP SUM Reference# D00004004129	43,856.17
<b>For Inquiries Contact:</b> TAMMY L. PENTON/ 904-824-7640	<b>Total Amount Due \$43,856.17</b> Payment Due Upon Receipt

*Agenda  
Item*

*3e*



AGENDA ITEM

SUBJECT: Authorize Riverfront Park Floating Docks Submerged Land Lease

DEPARTMENT: City Hall

ATTACHMENTS:  Ordinance  Resolution  Motion  
 Support Documents  Other

SUMMARY:

Please see attached the submerged land lease for the two floating docks to the north of the amphitheater. As you are all aware, these docks were originally installed for the 2011 BASS "Citrus Slam" Fishing Tournament. At the time, staff had them installed and permitted as temporary structures. Following the first tournament and upon news of BASS returning for 2012, it was necessary to permit the structures permanently or be fined. It is important to note, that one of the floating docks is County owned and will be moved once they have completed engineering and permitting for the location. The submerged area for the County owned dock was included with this application, because it offers the City the most flexibility in the future. The added costs to include the entire area in the application were minimal.

RECOMMENDED ACTION:

Adopt resolution No. 9-~~38~~<sup>39</sup> authorizing the Mayor and City Clerk to execute and attest a Sovereignty Submerged Lands Fee Waived Lease with FDEP for BOT# 540348592.

DEPARTMENT HEAD

Submitted: \_\_\_\_\_ Date: 9-27-12  
Requested Agenda: Jonathan Griffith - *consent* Date: 10-11-12

FINANCE DEPARTMENT Budgeted  Yes  No  N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date: \_\_\_\_\_

CITY MANAGER Approved Agenda Item For:  Date: 9/27/12

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

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

H:\City Commission\Agenda Requests\Riverfront Park FDEP Submerged Land Lease 10-11-12.doc

RESOLUTION NO. 9-38

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A SOVEREIGNTY SUBMERGED LAND FEE WAIVED LEASE WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A 24 SLIP PUBLIC DOCKING FACILITY AND FISHING PIER IN THE NORTHERN SECTION OF THE CITY'S RIVERFRONT PARK**

**WHEREAS**, the City of Palatka and the Florida Department of Environmental Protection have reached an agreement for the lease of a parcel of sovereignty submerged land in Section 42, Township 10 South, Range 27 East, in St. Johns River, Putnam County, containing 24,266 square feet, more or less; and

**WHEREAS**, the Florida Department of Environmental protection has proposed a Lease Agreement for a period of 5 years from August 20, 2012 for the above project identified as BOT File # 540348592; and

**WHEREAS**, it is in the best interest of the City of Palatka to go forward with the sovereignty submerged land fee waived lease for the continued use of the above described area.

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

1. That the Mayor and City Clerk are hereby authorized to execute and attest the sovereignty submerged land fee waived lease agreement on behalf of the City of Palatka, BOT File # 540348592.
2. That the City Manager is hereby authorized to sign all contracts and other documents as may be required to put the lease into effect, after review and approval by the City Attorney.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 11<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

This Instrument Prepared By:  
Celeda Wallace  
Recurring Revenue Section  
Bureau of Public Land Administration  
3900 Commonwealth Boulevard  
Mail Station No. 125  
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
OF THE STATE OF FLORIDA

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SOVEREIGNTY SUBMERGED LANDS FEE WAIVED LEASE

BOT FILE NO. 540348592  
PA NO. \_\_\_\_\_

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to City of Palatka, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section 42,  
Township 10 South, Range 27 East, in St Johns River,  
Putnam County, containing 24,266 square feet, more or less,  
as is more particularly described and shown on Attachment A,  
dated May 7, 2012.

TO HAVE THE USE OF the hereinabove described premises for a period of 5 years from August 20, 2012, the effective date of this lease. The terms and conditions on and for which this lease is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate a 24-slip public docking facility and fishing pier to be used exclusively for along-side mooring of recreational vessels, fishing and passive recreational activities in conjunction with occasional special events at Palatka Riverfront Park, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction, and without liveaboards as defined in paragraph 25 as shown and conditioned in Attachment A. All of the foregoing subject to the remaining conditions of this lease.

2. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not (i) change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.); (ii) change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit; or (iii) change the type of use of the riparian uplands or as permitted by the Lessee's interest in the riparian upland property that is more particularly described in Attachment B without first obtaining a regulatory permit/modified permit, if applicable, the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease. If at any time during the lease term this lease no longer satisfies the requirements of subparagraph 18-21.011(1)(b)7., Florida Administrative Code, for a fee waived lease, the Lessee shall be required to pay an annual lease fee in accordance with Rule 18-21.011, Florida Administrative Code, and if applicable, remove any structures which may no longer qualify for authorization under this lease.

3. EXAMINATION OF LESSEE'S RECORDS: The Lessor is hereby specifically authorized and empowered to examine, for the term of this lease including any renewals, plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

4. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i) gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the term of this lease and any renewals plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

5. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

6. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease, the Lessee shall maintain the interest in the riparian upland property that is more particularly described in Attachment B and by reference made a part hereof together with the riparian rights appurtenant thereto, and if such interest is terminated, the lease may be terminated at the option of the Lessor. Prior to sale and/or termination of the Lessee's interest in the riparian upland property, the Lessee shall inform any potential buyer or transferee of the Lessee's interest in the riparian upland property and the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

7. ASSIGNMENT OF LEASE: This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

8. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

9. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein set forth, and the Lessee fails or refuses to comply with any of said provisions or conditions within twenty (20) days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to the Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

City of Palatka  
Attn: Jonathan C. Griffith  
201 North 2<sup>nd</sup> Street  
Palatka, Florida 32177

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

10. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

11. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

12. MAINTENANCE OF FACILITY/RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. No dock or pier shall be constructed in any manner that would cause harm to wildlife. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

13. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

14. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

15. PERMISSION GRANTED: Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

16. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that Lessee is in full compliance with the terms of this lease, the Lessee may apply in writing for a renewal. Such application for renewal must be received by Lessor no sooner than 120 days and no later than 30 days prior to the expiration date of the original or current term hereof. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. If the Lessee fails to timely apply for a renewal, or in the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the Lessee's interest in the riparian upland property more particularly described in Attachment B, which shall run with the title to the Lessee's interest in said riparian upland property and shall be binding upon Lessee and Lessee's successors in title or successors in interest.

17. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 9 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

18. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Subject to the noticing provisions of Paragraph 17 of this lease, any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the Lessee's interest in the riparian upland property that is more particularly described in Attachment B. This lien on the Lessee's interest in the riparian upland property shall be enforceable in summary proceedings as provided by law.

19. RECORDATION OF LEASE: The Lessee, at its own expense, shall record this fully executed lease in its entirety in the public records of the county within which the lease site is located within fourteen (14) days after receipt, and shall provide to the Lessor within ten (10) days following the recordation a copy of the recorded lease in its entirety which contains the O.R. Book and pages at which the lease is recorded.

20. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.

21. AMENDMENTS/MODIFICATIONS: This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

22. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

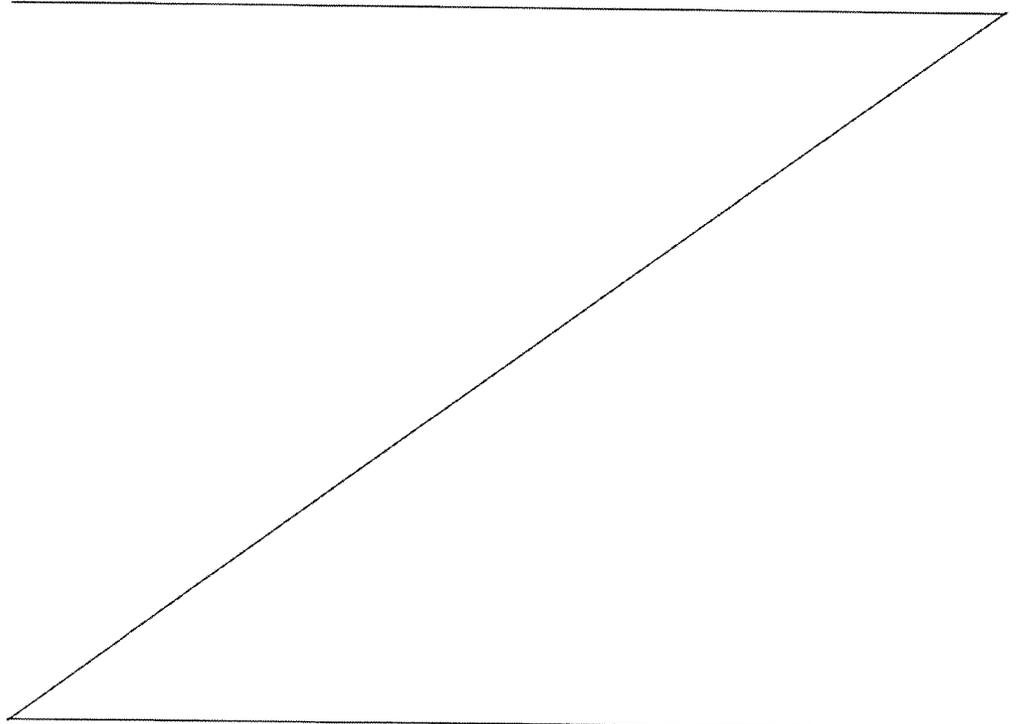
23. USACE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Lessee shall obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require consideration by and the prior written approval of the Lessor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

24. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

25. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

26. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

27. SUBMITTING ANNUAL CERTIFIED FINANCIAL RECORDS: Within 30 days after each anniversary of the effective date of this lease, the Lessee shall submit annual certified financial records of income and expenses to the State of Florida Department of Environmental Protection, Division of State Lands, Bureau of Public Land Administration, 3900 Commonwealth Blvd, MS 130, Tallahassee, FL 32399. "Income" is defined in subsection 18-21.003(31), Florida Administrative Code. The submitted financial records shall be certified by a certified public accountant.



WITNESSES:

BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND OF THE STATE  
OF FLORIDA

\_\_\_\_\_  
Original Signature

(SEAL)

\_\_\_\_\_  
Print/Type Name of Witness

BY: \_\_\_\_\_

Jeffery M. Gentry, Operations and Management Consultant  
Manager, Bureau of Public Land Administration,  
Division of State Lands, State of Florida Department of  
Environmental Protection, as agent for and on behalf of the Board  
of Trustees of the Internal Improvement Trust Fund of the State  
of Florida

\_\_\_\_\_  
Original Signature

\_\_\_\_\_  
Print/Type Name of Witness

"LESSOR"

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
Jeffery M. Gentry Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State  
Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the  
Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
DEP Attorney

\_\_\_\_\_  
Printed, Typed or Stamped Name

My Commission Expires:

\_\_\_\_\_  
Commission/Serial No.

WITNESSES:

\_\_\_\_\_  
City of Palatka, a municipal corporation existing  
under the laws of the State of Florida (SEAL)

\_\_\_\_\_  
Original Signature

BY: \_\_\_\_\_

Original Signature of Executing Authority

\_\_\_\_\_  
Typed/Printed Name of Witness

Vernon Myers  
Typed/Printed Name of Executing Authority

\_\_\_\_\_  
Original Signature

Mayor  
Title of Executing Authority

\_\_\_\_\_  
Typed/Printed Name of Witness

"LESSEE"

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
Vernon Myers as Mayor, for and on behalf of City of Palatka, a municipal corporation existing under the laws of the State of  
Florida. He is personally known to me or who has produced \_\_\_\_\_, as  
identification.

My Commission Expires:

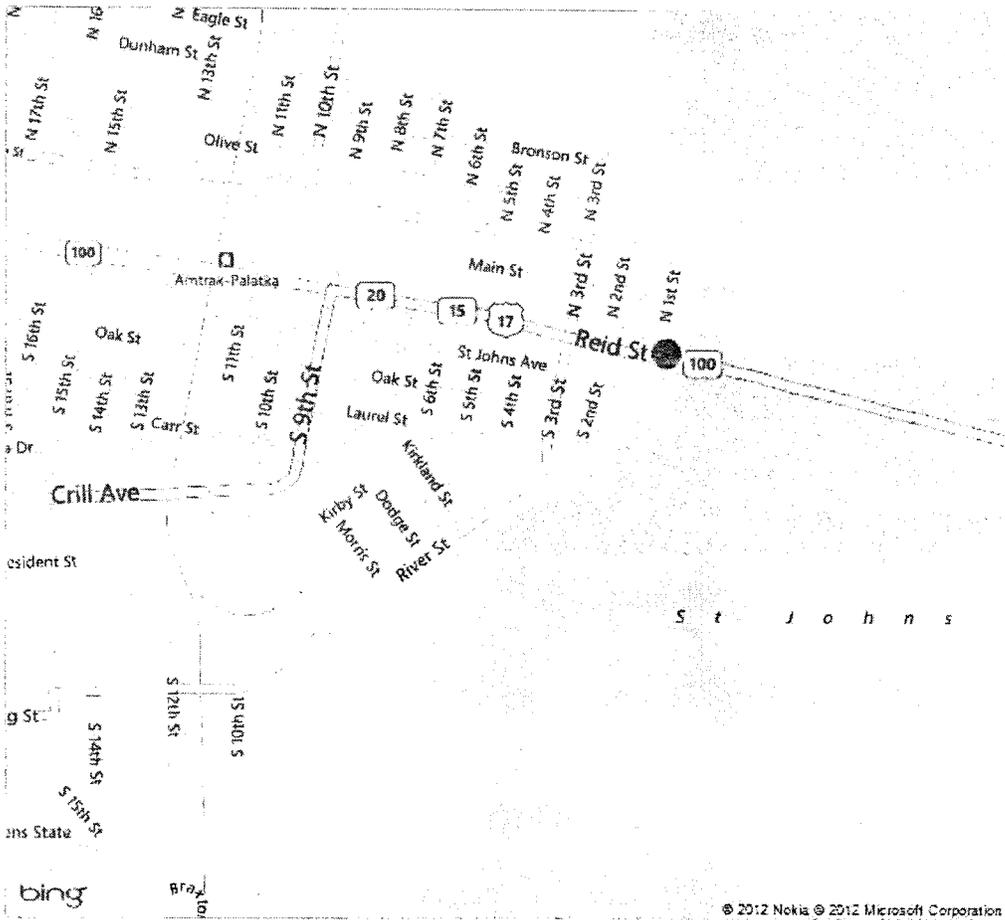
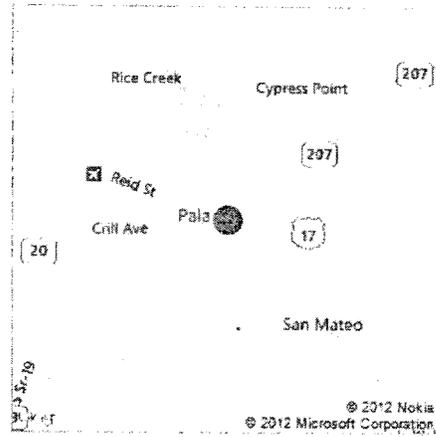
\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
Commission/Serial No.

\_\_\_\_\_  
Printed, Typed or Stamped Name

101 N 1st St, Palatka, FL 32177



## MAP SHOWING BOUNDARY SURVEY OF

Any and all sovereignty lands lying within the following described boundaries:

A part of the St. Johns River adjacent to Section 42, Township 10 South, Range 27 East, Putnam County, Florida, being more particularly described as follows:

For a Point of Reference commence at the point of intersection of the easterly right of way line of North 1st Street, a varying width right of way, and the northerly right of way line of Lemon Street, a 26.75 feet wide right of way; thence S 74°51'36" E, along said northerly right of way line of Lemon Street, a distance of 129.46 feet; thence S 43°13'33" E, a distance of 32.50 feet to the face of a bulkhead also being the safe upland line of the St. Johns River and the Point of Beginning; thence continue S 43°13'33" E, a distance of 155.67 feet; thence N 51°11'25" E, a distance of 116.62 feet; thence N 45°34'50" W, a distance of 80.82 feet; thence N 20°00'58" E, a distance of 85.16 feet; thence N 72°12'35" E, a distance of 6.52 feet; thence N 19°00'41" E, a distance of 10.23 feet; thence N 31°00'40" W, a distance of 6.40 feet; thence N 20°00'58" E, a distance of 49.21 feet; thence N 73°15'10" W, a distance of 53.64 feet to said face of a bulkhead also being said safe upland line of the St. Johns River; thence S 18°40'55" W, along said face of a bulkhead also being said safe upland line of the St. Johns River, a distance of 49.26 feet; thence S 25°36'10" W, along said face of a bulkhead also being said safe upland line of the St. Johns River, a distance of 42.68 feet; thence S 35°05'02" W, along said face of a bulkhead also being said safe upland line of the St. Johns River, a distance of 40.60 feet; thence S 39°45'39" W, along said face of a bulkhead also being said safe upland line of the St. Johns River, a distance of 12.37 feet; thence S 43°15'32" W, along said face of a bulkhead also being said safe upland line of the St. Johns River, a distance of 24.28 feet; thence S 55°49'21" W, along said face of a bulkhead also being said safe upland line of the St. Johns River, a distance of 22.74 feet; thence along the arc of a curve concave northwesterly and having a radius of 157.17 feet, along said face of a bulkhead also being said safe upland line of the St. Johns River, a chord bearing of S 63°28'34" W, and a chord distance of 37.59 feet to the point of compound curvature of a curve concave northerly and having a radius of 8.83 feet; thence along the arc of said curve, along said face of a bulkhead also being said safe upland line of the St. Johns River, a chord bearing of N 89°31'54" W and a chord distance of 6.08 feet to the Point of Beginning.

Containing 24266 square feet more or less or 0.56 acres more or less.



Descriptions as furnished:

Official Records Book 156, page 262

All of Water Lot 1, of the City of Palatka, according to copy of Dick's Map of the City of Palatka, filed of record in the Office of the Clerk of the Circuit Court, Putnam County, Florida.

SUBJECT, however, to any existing encroachments and easements whether of record or not, located on the property herein described.

Official Records Book 272, page 492

All of that certain waterfront lot bounded (1) on the east by the low water mark on the westerly bank of St. Johns River, (2) on the South by the northerly boundary of Laurel Street, (3) on the west by the easterly boundary of First Street, and (4) on the north by the southerly boundary of Water Lot No. 1, being all or part of property acquired by deeds recorded in the public records of Putnam County, Florida, in Deed Book 43, page 642; Deed Book 43, page 399; and Deed Book 30, page 716.

This conveyance is made subject to all easements and restrictions of record which may affect the above described property.

Official Records Book 372, page 390

Being in the City of Palatka, particularly described as, That part of Water Lot 2 of said City, according to copy of Dick's map on file in the office of the Clerk of the Circuit Court, Putnam County, Florida, on which what is known as the "Griffin Building" actually standing and in addition thereto a portion of said Water Lot 2 extending 16 feet directly to the rear, and East of said Building for its exact and entire width, said strip of land herein described being 40 feet 2 inches in width in a Northerly and Southerly direction and 86 feet in depth in an Easterly and Westerly direction and being in the form of a parallelogram with its West line identical with the front of said Building on Water Street and extending Easterly along lines identical with the Northerly and Southerly lines of said Building, and extension thereof, and having its Easterly line parallel to and 86 feet distant from said Westerly line.

Subject to conditions, restrictions and limitations of record, to zoning rules and regulations, easements of record and to taxes for the year 1979 and subsequent years.

Official Records Book 540, page 1711

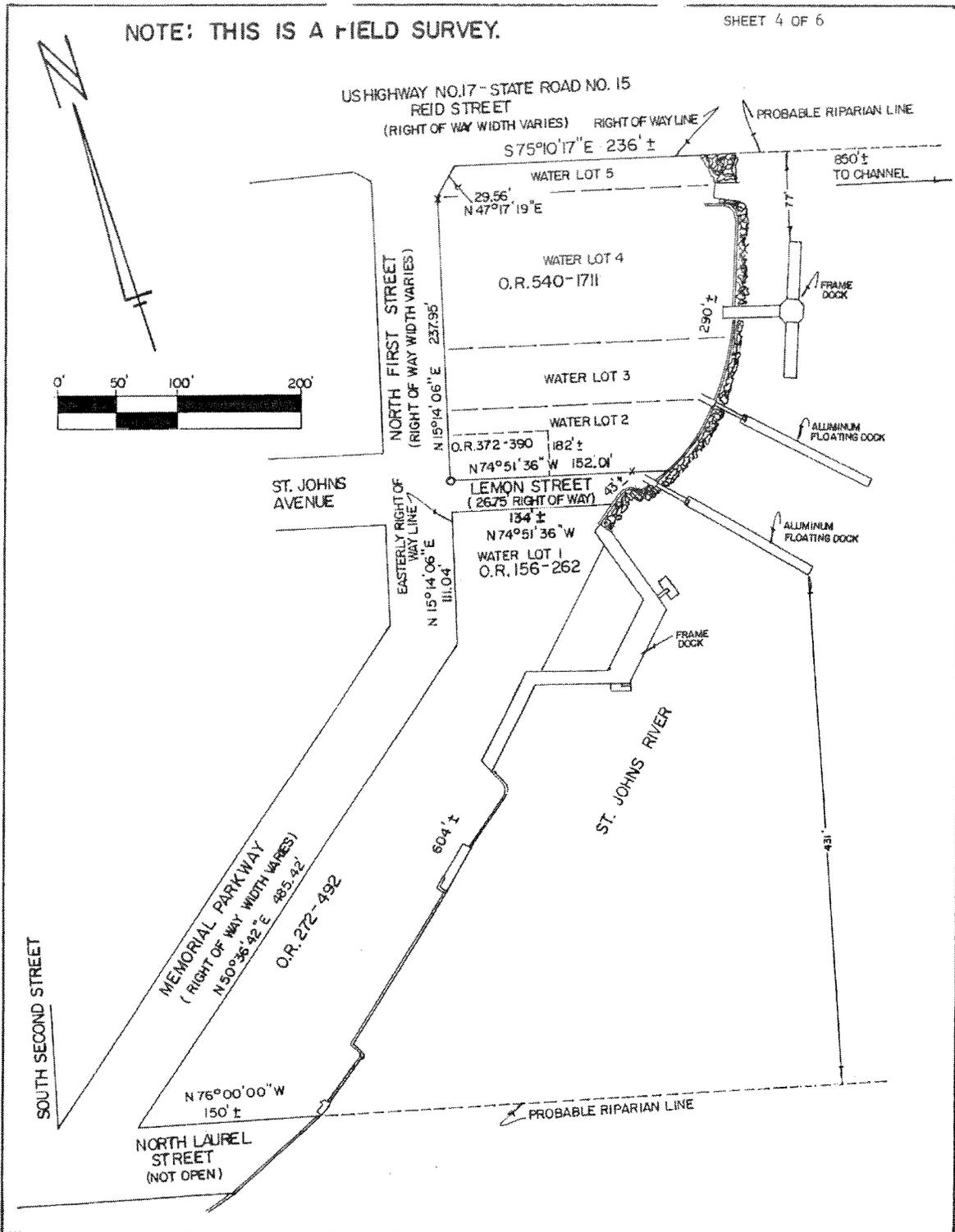
A parcel of land, lying and being a part of Water Lots 2, 3, 4 and 5 according to Dick's Map of the City of Palatka, being a part of those lands described in Deed Book 139, page 356, Deed Book 139, page 357, O.R. Book 77, page 28, O.R. Book 82, page 478, O.R. Book 82, page 482 and O.R. Book 82, page 484 of the public records of Putnam County, Florida and being more particularly described as follows:

All of Water Lot 4 and that part of Water Lot 5 which lies Southerly of the right-of-way line of State Road No. 15-100, as said right of way line is described in deed recorded in O.R. Book 58, page 181 and final judgment recorded in Minutes Circuit Court Book 16, page 297 of the public records of Putnam County, Florida. Also, that part of said Water Lots 2 and 3, being more particularly described as follows, to-wit: Beginning at the Northwest corner of that property formerly known as the "Griffin Building", now owned by the City of Palatka, and thence (1) run Northerly, along the Easterly right-of-way line of Water Street (now First Street), a distance of 77 feet and 6 inches, more or less, to the Northwesterly corner of said Water Lot 3; (2) thence run Easterly, along the Northerly line of said Water Lot 3, a distance of 209 feet, more or less, to the waters of the St. Johns River, being the Northeastly corner of said Water Lot 3, return to the Point of Beginning and (3) thence run Easterly, along the Northerly line of said property formerly known as the "Griffin Building" property, a distance of 86 feet to the Northeastly corner of said lands; (4) thence run Southerly, along the Easterly line of said "Griffin Building" property, being parallel with the Easterly line of said First Street, a distance of 40 feet and 2 inches to a point in an Easterly protraction of the Southerly line of the outer face of said Griffin Building, said point being the Southwesterly corner of the lands described in O.R. Book 77, page 28; (5) thence run Easterly and along the course of said protracted line of the Southerly face of said Griffin Building, being along the Southerly line of said lands described in Deed Book 77, page 28, a distance of 67 1/2 feet, more or less, to the waters of the St. Johns River; (6) thence run Northerly, along the waters of the St. Johns River, a distance of 142 feet, more or less, to the Easterly end of call (2) and to close.

SUBJECT TO Conditions, Restrictions, and Easements of record, if any.

NOTE: THIS IS A FIELD SURVEY.

SHEET 4 OF 6



FB 143-46

I2049

F III-10

VICINITY MAP  
NOT TO SCALE



This survey is Certified to the Board of Trustees of  
the Internal Improvement Trust Fund of the State of  
Florida and to the City of Palatka

## NOTE:

ELEVATIONS SHOWN THUS (00.0) ARE REFERENCED TO NAVD 1988  
REFERENCED BENCHMARK IS USC&G NO. 5 1934  
ELEVATION 15.04' NAVD 1988

STATE PLANE COORDINATES, FLORIDA EAST ZONE,  
REFERENCED TO NORTH AMERICAN DATUM 1927 AS  
SCALED FROM UNITED STATES DEPARTMENT OF  
THE INTERIOR GEOLOGICAL SURVEY QUADRANGLE  
SHEET, PALATKA, FLORIDA - PUTNAM CO. OF THE  
POINT OF BEGINNING ARE

Northing	1931580 FEET
Easting	300340 FEET

SAFE UPLAND LINE ELEVATION FOR THIS SITE IS 1.1 FEET  
NAVD 1988 PER LAMAR EVERS, PSM, FLORIDA DEPARTMENT OF  
ENRIRONMENTAL PROTECTION AS STATED IN E-MAIL DATED  
MAY 7, 2012.

## NOTE:

O = 5/8" REBAR SET WALLACE 3166

X = "X" CUT IN CONCRETE SET

R = RADIUS CH = CHORD

VARIOUS IMPROVEMENTS NOT LOCATED

NO UNDERGROUND IMPROVEMENTS LOCATED

BEARING DATUM REFERENCED TO A BEARING OF  
N 15° 14' 06" E ALONG THE EASTERLY RIGHT OF WAY  
LINE OF NORTH FIRST STREET

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED LAND SURVEYOR

THE SURVEY DEPICTED HERE IS NOT COVERED  
BY PROFESSIONAL LIABILITY INSURANCE

May 7, 2012

I certify that I have surveyed the above captioned  
parcel of land and that this survey meets the  
minimum technical standards set forth by the  
Florida Board of Professional Land Surveyors.

*H. Earl Wallace, II*

H. Earl Wallace, II  
Registered Land Surveyor No. 3166 State of Florida  
224 N. 6th Street  
Palatka, Florida 32177

PK0540 PG1711

11-9-89  
11-25-89  
11-1-90  
AC  
Cot-Mon

**This Warranty Deed** Made the 5th day of March A. D. 19 89 by  
Michael J. Held and Robert T. Held, Jr., as Trustees of Bodee Investment  
Trust, conveying individually owned, non-homestead real property

hereinafter called the grantor, to City of Palatka, a municipal corporation existing under  
the laws of the State of Florida

whose postoffice address is 201 N. Second Street, Palatka, Florida 32077

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and  
the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00----- and other  
valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, re-  
mises, releases, conveys and confirms unto the grantee, all that certain land situate in **Putnam**  
County, Florida, viz:

A parcel of land, lying and being a part of Water Lots 2, 3, 4 and 5 according  
to Dick's Map of the City of Palatka, being a part of those lands described in  
Deed Book 139, page 356, Deed Book 139, page 357, O.R. Book 77, page 28,  
O.R. Book 82, page 478, O.R. Book 82, page 482 and O.R. Book 82, page 484  
of the public records of Putnam County, Florida and being more particularly de-  
scribed as follows:

All of Water Lot 4 and that part of Water Lot 5 which lies Southerly of the  
right-of-way line of State Road No. 15-100, as said right of way line is described  
in deed recorded in O.R. Book 58, page 181 and final judgment recorded in  
Minutes Circuit Court Book 16, page 297 of the public records of Putnam County,  
Florida. Also, that part of said Water Lots 2 and 3, being more particularly  
described as follows, to-wit: Beginning at the Northwest corner of that property  
formerly known as the "Griffin Building", now owned by the City of Palatka,  
and thence (1) run Northerly, along the Easterly right-of-way line of Water  
Street (now First Street), a distance of 77 feet and 6 inches, more or less, to  
the Northwesterly corner of said Water Lot 3; (2) thence run Easterly, along  
the Northerly line of said Water Lot 3, a distance of 209 feet, more or less, to  
the waters of the St. Johns River, being the Northeasterly corner of said Water  
Lot 3, return to the Point of Beginning and (3) thence run Easterly, along the  
Northerly line of said property formerly known as the "Griffin Building" property,  
a distance of 86 feet to the Northeasterly corner of said lands; (4) thence run  
Southerly, along the Easterly line of said "Griffin Building" property, being  
parallel with the Easterly line of said First Street, a distance of 40 feet and 2  
inches to a point in an Easterly protraction of the Southerly line of the outer  
face of said Griffin Building, said point being the Southwesterly corner of the  
lands described in O.R. Book 77, page 28; (5) thence run Easterly and along  
the course of said protracted line of the Southerly face of said Griffin Building,  
being along the Southerly line of said lands described in Deed Book 77, page 28,  
a distance of 67 1/2 feet, more or less, to the waters of the St. Johns River;  
(6) thence run Northerly, along the waters of the St. Johns River, a distance  
of 142 feet, more or less, to the Easterly end of call (2) and to close.

SUBJECT TO Conditions, Restrictions, and Easements of record, if any.

Grantors certify that they are conveying individually onwed, non-homestead real  
property.

SUBJECT HOWEVER to the right of reversion to the Grantors or their assigns,  
if the above described property ceases to be used for public purposes within  
the next 50 years from the date hereof.

Parcel No. 42-10-27-6850-0000-0030

Documentary Tax \$ 1.850.20  
Certificate # 61-00000000-01  
EDWARD L. BROOKS, Clerk of Circuit Court  
By Retta Rhodes

RECORDED  
SERIALIZED  
11/8/89

EX0540 PG1712

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in any-wise appertaining. OFFICIAL RECORDS

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1988.

FILED AND RECORDED IN PUBLIC RECORDS OF FERNAND COUNTY FLA.

119139

1989 MAR 15 10:01

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Signatures of Marcia Oberman, Rosalind B. Lucy, Michael J. Held, and Robert T. Held, Jr. with L.S. notary seals.

STATE OF Florida COUNTY OF Broward

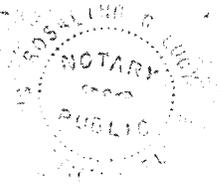
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Michael J. Held and Robert T. Held, Jr., as Trustees of Bodee Investment Trust, conveying individually owned, non-homestead real property to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6th day of March A. D. 19 89.



Signature of Rosalind B. Lucy

NOTARY PUBLIC STATE OF FLORIDA MY COMMISSION EXP. JAN. 18, 1992 BONDED THRU GENERAL INS. UND.



# *Agenda Item*

*3<sub>f</sub>*

CITY of *Palatka*  
FLORIDA



AGENDA ITEM

---

SUBJECT: Accept National Endowment for the Arts Our Town Grant Award

DEPARTMENT: City Hall

ATTACHMENTS:     Ordinance                       Resolution                       Motion  
                          Support Documents                       Other

---

SUMMARY: Earlier this year the City of Palatka submitted a grant application to the National Endowment for the Arts Our Town Program. The City partnered with Art's Council, Art's League, Create and Palatka Main Street to apply for this grant. As you can see this grant has three parts:

1. initiate a new annual event entitled river reflections, an interactive light projection over the St. Johns River;
2. plan waterfront sculpture garden and install first phase of art;
3. and complete selection of waterfront design elements and plan dissemination throughout the City.

Of the three parts, the CRA's financial contribution is committed solely for the selection and installation of art. All other parts are grant funded or in-kind contributions.

---

RECOMMENDED ACTION: Adopt resolution 9-39 accepting the NEA Our Town Grant Award and authorizing the City Manager to execute any/and all documents necessary for the acceptance and administration of the grant.

---

DEPARTMENT HEAD

Submitted: \_\_\_\_\_ Date: 9-27-12  
Requested Agenda: Jonathan Griffith *-consent* Date: 10-11-12

FINANCE DEPARTMENT Budgeted Yes  No  N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date: \_\_\_\_\_

CITY MANAGER Approved Agenda Item For: *[Signature]* Date: 10/21/12

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. 9-39

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA AUTHORIZING THE CITY MANAGER AND CLERK TO EXECUTE AND ATTEST ALL DOCUMENTS NECESSARY FOR THE ACCEPTANCE AND ADMINISTRATION OF A NATIONAL ENDOWMENT FOR THE ARTS OUR TOWN GRANT FOR THE PLANNING, DESIGN AND INSTALLATION OF PUBLIC ART, AND DESIGNATING MATCHING GRANT FUNDS FOR THE PROJECT**

**WHEREAS**, on March 1, 2012 the City of Palatka made application for a National Endowment for the Arts Our Town Grant for the purpose of the planning, design and installation of public art; and

**WHEREAS**, the National Endowment for the Arts have granted funds, in the amount of \$25,000 to support the integration of public art and design into Palatka's riverfront master plan; and

**WHEREAS**, on September 13, 2012 the City of Palatka Community Redevelopment Agency has pledged matching funds, in the amount of \$20,000 Cash and \$10,000 in-kind, to support the integration of public art and design into Palatka's riverfront master plan; and

**WHEREAS**, the total project cost for the above project is \$55,000, with the National Endowment for the Arts funding up to \$25,000 in eligible costs, and the City of Palatka Community Redevelopment Agency funding the remaining \$30,000 of which, \$20,000 is Cash match included in the FY 2012-2013 Budget and \$10,000 is in-kind staff hourly contribution; and

**WHEREAS**, it is in the best interest of the City of Palatka to accept the grant award.

**NOW THEREFORE**, be it resolved as follows:

1. That the City of Palatka City Commission confirms and approves the City of Palatka grant application to National Endowment for the Arts for the aforementioned grant funds for the planning, design and installation of public art; and
2. That the City of Palatka City Commission accepts the grant award in the amount of \$25,000; and
3. That the City Manager and City Clerk are hereby authorized to execute and attest all contracts and other documents as may be required in support of the PROJECT, after review and approval by the City Attorney.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 11<sup>TH</sup> day of October, 2012.

CITY OF PALATKA

BY: \_\_\_\_\_  
Its MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
CITY ATTORNEY



**ART WORKS.**  
arts.gov

SEP - 5 2012

Mr. Vernon Myers  
Authorizing Official  
City of Palatka, Florida  
201 N. Second Street  
Palatka, FL 32177-3735

Dear Mr. Myers:

On behalf of the National Endowment for the Arts, it is a pleasure to inform you that your organization has been awarded a grant.

<u>Grantee:</u>	City of Palatka, Florida		
<u>Grant #:</u>	12-4292-7107	<u>CFDA#:</u>	45.024
<u>Grant Amount:</u>	\$25,000	<u>Outcome:</u>	Livability
<u>Period of Support:</u>	September 1, 2012 to February 28, 2014		
<u>Discipline/Program:</u>	Design - Our Town		
<u>Grant Project:</u>	To support the integration of public art and design into Palatka's new riverfront plan, as described in your application (A12-941887) and the enclosed project budget.		

Award materials are available online at [www.arts.gov/manageaward](http://www.arts.gov/manageaward). The *General Terms & Conditions* provide detailed information concerning the Endowment's regulations and procedures, the administrative requirements that apply to your grant, and your responsibilities as a grantee. Instructions for requesting grant funds and reporting on your project are also online. General information about this award can be found at [www.arts.gov/mygrant](http://www.arts.gov/mygrant).

If you have any questions regarding the administrative requirements of this grant, our Grants & Contracts Office staff will be happy to assist you. They may be reached at (202) 682-5403.

Congratulations on your grant award!

Sincerely,

Rocco Landesman  
Chairman

Enclosures

NATIONAL ENDOWMENT FOR THE ARTS

PROJECT BUDGET

Grantee: City of Palatka, Florida

Grant #: 12-4292-7107

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**Important Information:**

This budget is derived from your application, revised budget, and/or other communication as noted below. Expenditures on your project should be in general agreement with this budget. Deviation without prior NEA approval will be limited to the standards outlined in the *General Terms & Conditions* and the provisions of circulars A-110 or A-102, whichever is applicable. It is understood that costs included below may be estimates and that actuals will be reported on all payments requests and financial reports.

All costs must be incurred within the project period specified in your award letter. Unallowable project costs cannot be supported by either federal or non-federal funds. This budget cannot include overlapping project costs with any other Federal grant (direct or indirect). Proper documentation must be maintained for any In-Kind contributions claimed. Unless otherwise indicated in your award letter, this grant must be matched dollar for dollar.

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**INCOME**

Cash: \$	<u>20,000</u>		
In-Kind: \$	<u>10,000</u>		
		Total Contributions: \$	<u>30,000</u>
NEA Grant: \$	<u>25,000</u>		
		Total NEA Grant: \$	<u>25,000</u>
		<b>TOTAL PROJECT INCOME: \$</b>	<b><u>55,000</u></b>

**EXPENSES**

**Direct Costs:**

Salaries and Wages: \$	<u>3,500</u>		
Fringe Benefits: \$	<u>0</u>		
Travel: \$	<u>1,000</u>		
Other: \$	<u>50,500</u>		
		Total Direct Costs: \$	<u>55,000</u>

**Indirect Costs:** \$ 0

**TOTAL PROJECT EXPENSES: \$ 55,000**

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Revised Budget/Application Update Date: 07/20/2012

**Notes:**

Commission & Installation of Art/Sculpture corrected to \$24,500 and IN- KIND items added to OTHER per 8/17/12 telecon, J. Griffith to J. Hand.

# *Agenda Item*

*3g*



CITY COMMISSION AGENDA ITEM

SUBJECT: Resolution No. 9 - 40 : A Resolution of the City of Palatka, Florida, requesting a waiver in permit fees from St. Johns River Water Management District

DEPARTMENT: Admin/Clerk

ATTACHMENTS:  Ordinance  Resolution  Motion  
 Support Documents  Other

SUMMARY: This resolution requests a waiver of permit fees from SJRWMD for F/Y 2012-13. SJRWMD Rules, Section 401C-1603(14), related to license and permit fees, indicates that the City is eligible for a reduction in the SJRWMD fee schedule. This resolution follows their form 40C-1.603(13). The commission has adopted a similar resolution annually.

This waiver, if granted, will enable the City to submit a permit fee of \$100.00 versus a permit fee of \$1,500.00 per permit application for ongoing work throughout the City.

RECOMMENDED ACTION: Adopt Resolution No. 9-40 requesting a waiver in permit fees from St. Johns River Water Management.

DEPARTMENT HEAD	Submitted: <u>B. Duggan</u>	Date: <u>9-27-12</u>
	Requested Agenda <u>Consent</u>	Date: <u>10-11-12</u>
FINANCE DEPARTMENT	Budgeted <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Date: <u>10/4/12</u>
CITY ATTORNEY	Approved as to Form and Correctness	Date:
CITY MANAGER	Approved Agenda Item For: <u>(Signature)</u>	Date: <u>10/11/12</u>

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. 9-40

Entitled

**A RESOLUTION OF THE CITY OF PALATKA,  
FLORIDA, REQUESTING A WAIVER IN PERMIT FEES  
FROM ST. JOHNS RIVER WATER MANAGEMENT  
DISTRICT.**

**WHEREAS**, the 1994 Legislature enacted Chapter 94-278, Laws of Florida, allowing reduction of permit processing fees for municipalities with a population of 25,000 or less, counties with a population of 50,000 or less, or any county or municipality not included within a metropolitan statistical area upon certification by that county or city that the cost of the permit processing fee is a fiscal hardship; and

**WHEREAS**, the City of Palatka has a population of less than 25,000; and

**WHEREAS**, the City of Palatka certifies that it is not included within a metropolitan statistical area; and

**WHEREAS**, the City of Palatka certifies that it qualifies for permit processing fee reductions for Fiscal Year October 1, 2012 through September 30, 2013, due to the following:

1. Ad valorem operating millage rate for the current fiscal year is greater than 8 mills.

**WHEREAS**, this factor is supported by the attached resolutions adopting the millage and budget for fiscal year 2012-13.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Palatka Commissioners, do hereby request that the St. Johns River Water Management District reduce the processing fee for public purpose projects for the 2012-13 fiscal year.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida, this 11<sup>th</sup> day of October, 2012.

CITY OF PALATKA

BY: \_\_\_\_\_  
Its MAYOR

ORDINANCE NO. 12 - 38

entitled

**AN ORDINANCE LEVYING TAXES FOR THE YEAR 2012 TO RAISE THE NECESSARY REVENUE TO DEFRAY THE EXPENSES OF THE CITY OF PALATKA FOR THE FISCAL YEAR 2012 - 2013.**

**WHEREAS**, by general law of the State of Florida, all ad valorem taxes are assessed and collected by the County; and whereas, the Property Appraiser of Putnam County, Florida, has submitted the Tax Roll for the year 2012; and

**WHEREAS**, it is necessary that the City Commission of the City of Palatka certify the millage levy for the City of Palatka for the year 2012 to the Tax Collector of Putnam County, Florida, and the Board of County Commissioners of Putnam County, Florida.

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

**Section 1.** That the City of Palatka does hereby levy for municipal purposes on all the Real and Personal property within the limits of the City, except homestead and other property exempt under the Constitution and laws of the State of Florida and the Ordinances of the City of Palatka, for the tax year 2012 to raise the necessary revenue to defray the expenses of the City, for the General Fund for the operating expenses of the City, nine point one seven four nine (9.1749) mills on the dollar of valuation on the assessment roll of property within the City of Palatka. This represents a zero percent (0%) increase over the rolled back millage.

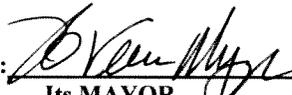
**Section 2.** Said millage rates are hereby certified to the Property Appraiser of Putnam County, Florida, and to the Board of County Commissioners of Putnam County, Florida, and a certified copy of this ordinance shall be delivered by the City Clerk to said Property Appraiser and Board of County Commissioners.

**Section 3.** If any of the provisions of this ordinance, or the application thereof, shall be held to be invalid, such invalidity shall not effect other provisions of this ordinance which may be given effect without the invalid provisions, and to such end the provisions of this ordinance are declared to be severable.

**Section 4.** This ordinance shall take effect immediately upon its final passage, and a copy hereof shall be published one time in a newspaper of general circulation within the City of Palatka within ten (10) days after final passage hereof.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of September, 2012.

**CITY OF PALATKA, FLORIDA**

By:   
Its MAYOR

**ATTEST:**

  
CITY CLERK

ORDINANCE NO. 12- 39

entitled

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, MAKING AN APPROPRIATION OF MONIES FOR THE OPERATING EXPENSES OF THE CITY OF PALATKA FOR GENERAL ADMINISTRATION OF THE SEVERAL GOVERNMENTAL DEPARTMENTS OF THE CITY, AND FOR CONTRIBUTING TO THE SEVERAL SINKING FUNDS OF THE CITY TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY, AND FOR PALATKA GAS AUTHORITY, FOR AND DURING THE FISCAL YEAR A.D. 2012-13.**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA:**

**Section 1.** That the sum of Ten Million, Seven Hundred Thirty-Four Thousand, Nine Hundred Eighty-Four and 00/100 Dollars (\$10,734,984.00) is hereby appropriated to the GENERAL FUND of the City of Palatka for the general operation and administration of the several governmental departments of the City for and during the fiscal year 2012-13, a detailed breakdown and accounting of which is set forth in the itemized Budget of the City as adopted by the City Commission and which is on file in the office of the City Clerk.

**Section 2.** That the sum of Four Million, Six Hundred Forty-Seven Thousand, Two Hundred Eighty-One and 00/100 Dollars (\$4,647,281.00) is hereby appropriated to the UTILITY FUND of the City of Palatka for the general operation and maintenance of the several utility departments of the City, for and during the fiscal year A.D. 2012-13, a detailed breakdown and accounting of which is set forth of the itemized budget of the City as adopted by the City Commission and which is on file in the office of the City Clerk.

**Section 3.** That the sum of Four Hundred Seventy-Four Thousand, Ninety-Six and 00/100 Dollars (\$474,096.00) is hereby appropriated to the Florida Municipal Loan Council Revenue Bonds Series 2010A Sinking Fund of the City of Palatka to be paid into said Fund during the fiscal year A.D. 2012-13, from the operating revenues of the Municipal Water & Sewer Work Systems to meet and pay the principal and interest on the Florida Municipal Loan Council Revenue Bonds Series 2010A.

**Section 4.** That the sum of Fifty Three Thousand, Eight Hundred Twenty Two and 00/100 Dollars (\$53,822.00) is hereby appropriated to the Clean Water State Revolving Fund of the City of Palatka to be paid into said Fund during fiscal year A. D. 2012-13, from the operating revenues of the Municipal Water & Sewer Work Systems to meet and pay the principle and interest of the Clean Water State Revolving Fund Construction Loan, maturing in the fiscal year A. D. 2019-20.

**Section 5.** That the sum of Two Hundred Eighty-Four Thousand, Nine Hundred Fifty-Three and 00/100 Dollars (\$284,953.00) is hereby appropriated to the Drinking Water State Revolving Fund of the City of Palatka to be paid into said Fund during fiscal year A. D. 2012-13, from the operating revenues of the Municipal Water & Sewer Work Systems to meet and pay the principle and interest of the Drinking Water State Revolving Fund Construction Loan, maturing in the fiscal year A. D. 2028-29.

**Section 6.** That the sum of One Million, Seven Thousand, Three Hundred Eighty-Three and 00/100 Dollars (\$1,007,383.00) is hereby appropriated to the Golf Course Fund of the City of Palatka for the general operation and maintenance of the Golf Course of the City, for and during the fiscal year A.D. 2012-13, a detailed breakdown and accounting of which is set forth in the itemized budget of the City as adopted by the City Commission and which is on file in the office of the City Clerk.

**Section 7.** That the sum of One Hundred Eighty-One Thousand, Eight Hundred Ninety and 00/100 Dollars (\$181,890.00) is hereby appropriated to the Taxable Golf Course Revenue Note Sinking Fund of the City of Palatka to be paid into said fund

during the fiscal year A. D. 2012-13, from net revenues from the Golf Course and non-ad valorem revenues, to meet and pay the principal and interest on the Taxable Golf Course Revenue Note, issue of 2008, maturing in the year 2022-23.

**Section 8.** That the sum of One Million, Six Hundred Seventy-Three Thousand, One Hundred Thirty-Nine and 00/100 Dollars (\$1,673,139.00) is hereby appropriated to the Sanitation Fund of the City of Palatka for the general operation and maintenance of the Sanitation Department for and during fiscal year 2012-13, a detailed breakdown and accounting of which is set forth in the itemized budget of the City as adopted by the City Commission and which is on file in the office of the City Clerk.

**Section 9.** That the sum of Two Million, Nine Hundred Eighty-Five Thousand, Twelve and 00/100 Dollars (\$2,985,012.00) is hereby appropriated to the Kay Larkin Municipal Airport Fund of the City of Palatka for the general operation and maintenance of the Kay Larkin Municipal Airport Department for and during fiscal year 2012-13, a detailed breakdown and accounting of which is set forth in the itemized budget of the City as adopted by the City Commission and which is on file in the office of the City Clerk.

**Section 10.** That the sum of Two Hundred Ten Thousand, Three Hundred Eighty-One and 00/100 Dollars (\$210,381.00) is hereby appropriated to the Airport Revenue Notes Sinking Fund of the City of Palatka to be paid into said Fund during the fiscal year A.D. 2012-13, from net revenues from the Kay Larkin Airport and non-ad valorem revenues, to meet and pay the principal and interest on the Airport Revenue Notes.

**Section 11.** That the sum of Two Million, Four Hundred Twenty Thousand, Nine Hundred Eighty and 00/100 Dollars (\$2,420,980.00) is hereby appropriated to the Palatka Gas Authority operation fund from monies collected by the Palatka Gas Authority operation fund from monies collected by the Palatka Gas Authority for the sale of Natural Gas during the fiscal year 2011-12.

**Section 12.** That the appropriations to the General Fund in Section One (1) hereof shall be paid into said funds from monies accruing to the City from ad valorem taxes levied for the year 2013 by the City for such purposes, and any and all other monies accruing to the City during the fiscal year 2012-13 not appropriated, earmarked or accruing on account of a tax levied for another specific purpose, shall accrue and be paid to the General Fund of the City and subject to expenditure for municipal purposes not inconsistent with the law and the provisions of this Ordinance; that the appropriation to the Utility Fund in Section Two (2) hereof shall be paid into said fund from monies collected by the City from the utility revenues during the fiscal year 2012-13, and shall be paid to the Utility Fund of the City and shall be subject to expenditure for municipal purposes in connection with the operation and maintenance of the utilities of the City not inconsistent with the law and the provisions of this Ordinance; that the appropriation for the Florida Municipal Loan Council Revenue Bonds Series 2010A Sinking Fund in Section Three (3) hereof shall be paid into said Fund from monies collected by the City from the utility revenues during fiscal year 2012-13 under the terms, conditions and provisions set forth in said Section Three (3) hereof; that the appropriation for the Clean Water State Revolving Fund in Section Four (4) hereof shall be paid into said Fund from monies collected by the City from the utility revenues during fiscal year 2012-13 under the terms, conditions and provisions set forth in said Section Four (4) hereof; that the appropriation for the Drinking Water State Revolving Fund in Section Five (5) hereof shall be paid into said Fund from monies collected by the City from the utility revenues during fiscal year 2012-13 under the terms, conditions and provisions set forth in said Section Five (5) hereof; that the appropriation to the Golf Course Fund in Section Six (6) hereof shall be paid into said fund from monies collected by the City from the Golf Course revenues during the fiscal year 2012-13, and shall be paid to the Golf Course Fund of the City and shall be subject to expenditure for municipal purposes in connection with the operation and maintenance of the Golf Course of the City not inconsistent with the law and provisions of this Ordinance; that the appropriation to the Taxable Golf Course Revenue Note of 2008 Sinking Fund in Section Seven (7) hereof shall be paid into said fund from the monies accruing to the City from the operation of the Municipal Golf Course and certain franchise revenues during the fiscal year 2012-13; that the appropriation to the Sanitation Fund in Section Eight (8) hereof shall be paid into said fund from monies collected by the City from Sanitation revenues collected during the fiscal year 2012-13 and shall be subject to expenditure for municipal purposes in connection with the operation and maintenance of the Sanitation Department of this City not inconsistent with the law and provisions of this Ordinance; that the appropriation to the Kay Larkin Municipal Airport Fund in Section Nine (9) hereof shall be paid into the said fund from monies collected by the City from Kay Larkin Municipal Airport revenues

collected during the fiscal year 2012-13 and shall be subject to expenditures for municipal purposes in connection with the operation and maintenance of the Kay Larkin Municipal Airport Department of this City not inconsistent with the law and provisions of this Ordinance; that the appropriation for the Airport Revenues Note Sinking Fund in Section Ten (10) hereof shall be paid into said funds during the fiscal year A. D. 2012-13 at monthly intervals from the monies accruing to the City from the sources and under the terms, conditions and provisions set forth in said Section Ten (10) hereof; that the appropriation for Palatka Gas Authority in Section Eleven (11) hereof shall be paid into said fund from monies accruing to said Palatka Gas Authority from funds collected by said Authority from sale of natural gas.

**Section 13.** That the sum of Seven Hundred Ten Thousand, Eight Hundred Sixty-Four and 00/100 Dollars (\$710,864.00) of "Better Place" Funds collected by the City of Palatka from the "Discretionary Sales Surtax" shall be paid into an account for purposes set aside by the City Commission.

**Section 14.** That the sum of Three Hundred Eighty-Three Thousand, Six Hundred Ten and 00/100 Dollars (\$383,610.00) of "Tax Increment" funds shall be paid into a "Redevelopment Trust Fund" for purposes set aside by the Downtown Redevelopment Agency.

**Section 15.** This Ordinance shall take effect immediately upon its final passage.

**PASSED AND ADOPTED this 27<sup>th</sup> day of September, 2012.**

**CITY OF PALATKA, FLORIDA**

  
By: ITS MAYOR

**ATTEST:**

  
CITY CLERK

# Agenda Item

4a



AGENDA ITEM

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SUBJECT: Community Redevelopment Agency Fund FY 2012-13 Budget Amendments

DEPARTMENT:

ATTACHMENTS:  Ordinance  Resolution  Motion  
 Support Documents  Other

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SUMMARY:

Please see attached a revised budget for FY 2012-13. This revised budget includes amendments to several line items that take into account expenditures that occurred near the end of the FY2011-12. This revised budget also includes amendments to line items to account for certain projects that were allocated previously but were not expended in FY2011-12. Also included in the revised budget are requested allocations from the North and South Historic District.

The South TIFF district committee is requesting a reallocation of \$65,000 from the Home Improvement Program to the Commercial Rehabilitation Grant Program.

The North TIFF district committee is requesting the following budget amendments:

- \$40,000 Home Improvement Program
- \$25,000 General Capital Improvements
- \$14,595.37 Contingency

The following budget amendments to the Downtown Redevelopment TIF District are being proposed:

- Increase Downtown Redevelopment Balance Forward by \$17,130
- Decrease Recruitment budget by \$19,000
- Add Façade Grant budget of \$3,844
- Add Wayfinding budget of \$21,711
- Add Annie Oakley Mural budget of \$6,100
- Add 1909 Palatka Union Depot Mural budget of \$3,150
- Increase Contingency/Reserve budget by \$1,325

The following budget amendments to the South Historic TIF District are being proposed:

- Decrease South Historic Balance Forward by \$5,000
- Decrease Hammock Hall Improvements budget by \$5,000

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RECOMMENDED ACTION: Staff recommends adoption of the proposed budget amendments.

*Resolution No 9-41 att*

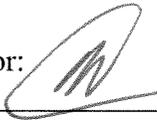
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DEPARTMENT HEAD

Submitted: Matt Reynolds Date: 10-2-12  
Requested Agenda: Matt Reynolds - *Regular* Date: 10-11-12

FINANCE DEPARTMENT Budgeted  Yes  No  N/A Date: 10-2-12

CITY ATTORNEY Approved as to Form and Correctness Date: \_\_\_\_\_

CITY MANAGER Approved Agenda Item For:  Date: 10/2/12

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

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

**RESOLUTION No. 9 -**

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,  
AMENDING THE COMMUNITY REDEVELOPMENT AGENCY FY  
2012-2103 BUDGET**

**WHEREAS**, on 10/11/12 the City of Palatka Community Redevelopment Agency amended the FY 2012-2013 budget; and

**WHEREAS**, the City of Palatka deems it reasonable and necessary to amend the FY 2012-2013 budget.

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

1. That the revenues of the City of Palatka Community Redevelopment Agency for the Fiscal Year 2012-2013 Budget are amended as follows:

<b>REVENUES:</b>		<b>Last</b>	<b>Recommended</b>	<b>As</b>
<i>Revenue Number</i>	<i>Description</i>	<b>Approved</b>	<b>Amendments</b>	<b>Amended</b>
030-00-311-0-3010	DOWNTOWN REDEVELOPMENT BALANCE FORWARD	\$ 241,639	\$ 17,130	\$ 258,769
030-00-311-0-3020	SOUTH HISTORIC BALANCE FORWARD	\$ 186,578	\$ (5,000)	\$ 181,578
<b>TOTAL REVENUES AMENDED:</b>		<b>\$ 428,217</b>	<b>\$ 12,130</b>	<b>\$ 440,347</b>

2. That the expenditures of the City of Palatka Community Redevelopment Agency for the Fiscal Year 2012-2013 Budget are amended as follows:

<b>EXPENDITURES:</b>		<b>Last</b>	<b>Recommended</b>	<b>As</b>
<i>Expenditure Number</i>	<i>Description</i>	<b>Approved</b>	<b>Amendments</b>	<b>Amended</b>
030-30-580-6-6314	Recruitment	\$ 36,000	\$ (19,000)	\$ 17,000
030-30-580-6-6315	Façade Grant	\$ -	\$ 3,844	\$ 3,844
030-30-580-6-6316	Wayfinding	\$ -	\$ 21,711	\$ 21,711
030-30-580-6-6317	Annie Oakley Mural	\$ -	\$ 6,100	\$ 6,100
030-30-580-6-6318	1909 Palatka Union Depot Mural	\$ -	\$ 3,150	\$ 3,150
030-30-580-9-9901	CONTINGENCY/RESERVE-DOWNTOWN	\$ -	\$ 1,325	\$ 1,325
030-31-580-6-6331	Home Improvement Program	\$ 120,393	\$ (65,000)	\$ 55,393
030-31-580-6-6332	Hammock Hall Improvements	\$ 5,000	\$ (5,000)	\$ -
030-31-580-6-6334	Commercial Rehabilitation Grant	\$ -	\$ 65,000	\$ 65,000
030-32-580-6-6321	Home Improvement Program	\$ -	\$ 40,000	\$ 40,000
030-32-580-6-6322	General Capital Improvements	\$ -	\$ 25,000	\$ 25,000
030-30-580-9-9903	CONTINGENCY/RESERVE-NORTH HISTORIC	\$ 79,596	\$ (65,000)	\$ 14,596
<b>TOTAL EXPENDITURES AMENDED:</b>		<b>\$ 240,989</b>	<b>\$ 12,130</b>	<b>\$ 253,119</b>

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida this 11<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

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**By: Its MAYOR**

**ATTEST:**

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**CITY CLERK**

**APPROVED AS TO FORM  
AND CORRECTNESS:**

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**CITY ATTORNEY**

**Tax Increment Report**  
**(FY2012-13)**

**Revenues      Expenditure      Balance**

**Downtown Redevelopment**

Beginning Balance	\$209,451.38	
Small Business Development Center	\$4,062.50	
Façade Grant Balance Forward	\$3,844.20	
Recruitment Balance Forward	\$17,000.00	
<b>Mural Lighting Balance Forward</b>	<b>\$2,700.00</b>	
Wayfinding Balance Forward	\$21,711.00	

**FY 2013 REVENUE**

Downtown Redevelopment-County share	\$125,457.56	\$384,226.64
Downtown Redevelopment-City Share	\$134,210.99	\$518,437.63

**FY 2013 EXPENDITURES**

**Allocated from prior year**

Small Business Development Center	\$4,062.50	\$514,375.13
Recruitment	\$17,000.00	\$497,375.13
Mural Lighting	\$2,700.00	\$494,675.13
Façade Grant	\$3,844.20	\$490,830.93
Wayfinding Balance Forward	\$21,711.00	\$469,119.93

**Requested**

Transfer to Better Place (Frank George Repayment)	\$300,000.00	\$169,119.93
Transfer to General Fund for Mainstreet Manager Salary	\$59,475.51	\$109,644.42
Transfer to General Fund for Fireworks	\$15,000.00	\$94,644.42
Downtown Christmas Lighting	\$10,000.00	\$84,644.42
Quarterly Events Calendar Posters	\$400.00	\$84,244.42
Quarterly Events Calendar table tents	\$800.00	\$83,444.42
Advertising for parades, retail events, etc	\$4,000.00	\$79,444.42
12 Third Friday Downtown Street Parties	\$18,000.00	\$61,444.42
12 Dancin' in the Streets Downtown Cruise-ins	\$12,000.00	\$49,444.42
12 Second Saturday Downtown Truck & Jeep Rallies	\$12,000.00	\$37,444.42
FRA Membership Dues	\$870.00	\$36,574.42
University of Florida Master Planning	\$6,000.00	\$30,574.42
NEA Grant Match - Art in public Spaces	\$20,000.00	\$10,574.42
Annie Oakley Mural (Atomic Tees Bldg)	\$6,100.00	\$4,474.42
1909 Palatka Union Depot Opening Mural (Welcome Center)	\$3,150.00	\$1,324.42
Contingency	\$1,324.42	\$0.00

**FY 2013 Balance**

**\$0.00**





*Agenda  
Item*

5



CITY COMMISSION AGENDA ITEM

SUBJECT: Police Gun Range Fee Schedule and Rules

DEPARTMENT: Police Department

ATTACHMENTS:  Ordinance  Resolution  Motion  
 Support Documents  Other

SUMMARY: Please see attached memo

RECOMMENDED ACTION: Request the commission approve new ordinance allowing for the establishment of fees for the use of the gun range.

DEPARTMENT HEAD Submitted: Chief Gary Getchell Date: 9/20/12  
Requested Agenda Regular Date: 10/11/12

FINANCE DEPARTMENT Budgeted  Yes  No  N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: [Signature] Date: 9/27/12

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



**MEMORANDUM**

**TO:** CITY COMMISSIONERS

**FROM:** GARY GETCHELL, CHIEF OF POLICE 

**SUBJECT:** POLICE GUN RANGE FEE SCHEDULE AND RULES ORDINANCE

**DATE:** SEPTEMBER 17, 2012

**CC** CITY MGR. MICHAEL CZYMBOR , CITY CLERK BETSY DRIGGERS, CITY ATTORNEY DON HOLMES, FILE

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**Background**

The gun range, located on Moody Road, has been a part of the Palatka Police Department for approximately fifty years. It is primarily used for the training of officers; however, the Police Department has also allowed civilians access as part of the handgun safety course given by our firearms instructors.

Over the years many other agencies have utilized the range as well, such as the Putnam County Sheriff's Office, Interlachen Police Department, Jacksonville Beach Police Department, Crescent City Police Department and many others. This has contributed to the degradation of the range and with limited funding; it has been difficult to repair. With the exception of the handgun safety course sponsored by this department, no fees have ever been collected for the use of the gun range.

**Discussion**

As part of the revitalization plan for the gun range, different variations of fees for use were reviewed. It was found that several law enforcement agencies across the State of Florida are charging fees to outside agencies that use their shooting range for training. These fees are then used for maintenance purposes to keep the range in good physical condition.

**Recommendations**

It is recommended the City adopt the proposed ordinance which establishes fees for the use of the gun range and allows for these fees to be utilized for maintenance expenses.

**ORDINANCE No.**  
**entitled**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA,  
ESTABLISHING FEES FOR THE USE OF THE POLICE  
GUN RANGE TO INCLUDE RULES OF OPERATION,  
LIABILITY WAIVER, SCHEDULING, PAYMENT, USE OF  
MONIES GENERATED; PROVIDING FOR SEVERABILITY  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to establish a fee structure for use of the City of Palatka Police Department's firearms range; and

**WHEREAS**, both citizens and other law enforcement agencies have used the existing facility in the past; and

**WHEREAS**, increased demands for use has necessitated the city set rules of operation; and

**WHEREAS**, the rising costs of maintaining a facility in which to train law enforcement officers and provide a safe environment to instruct citizens in the proper use of handguns has necessitated the implementation of a fee as well as a provision to allow the monies collected to be used for maintenance and enhancement to the property;

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

That the Municipal Code of the City of Palatka, Florida, is amended to include the following provisions of this Ordinance:

**Section 1. Recitals:** The above listed "Whereas" clauses are hereby retified and confirmed as being true and correct and are hereby rendered a specific part of the Ordinance upon adotion and shall serve as its legislative history.

**Section 2. Title.** The Title of this Article shall be **POLICE GUN RANGE FEE SCHEDULE AND RULES**

**Section 3. Purpose of article.** The purpose of this article is to set forth regulations governing the use of the gun range to include rules of operation, liability waiver, scheduling, payment and use of monies. This article also provides for the establishment of fees associated with the use of the gun range.

**Section 4. Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Not for Profit Organization* shall mean an organization incorporated under state laws and approved by both the state's Secretary of State and its taxing authority as operating for educational, charitable, social, religious, civic or humanitarian purposes. A nonprofit corporation is formed by incorporators, has a board of directors and officers, but no shareholders. These incorporators, directors and officers may not receive a distribution of (any money from) profits, but officers and management may be paid reasonable salaries for services to the corporation.

*For Profit Organization* shall mean an organization or business that's primary goal is making money.

*Law Enforcement Agency* shall mean any local, state or federal agency who has arrest powers under Municipal (not including the Palatka Police Department), County, State, or Federal Law to include but not limited to any Police Department, Sheriff's Office, Port Authority, State Probation Office, County Probation Office, CSX Police, State Fire Marshal's Office, Agents with the U.S. Drug Enforcement Agency, Agents with the U.S. Alcohol Tobacco and Firearms Agency, agents with the Department of Homeland Security, The Florida Highway Patrol and The Florida Department of Law Enforcement.

*Correctional Facilities* shall mean any local, state or federal correctional institution to include but not limited to county jails, The Florida Department of Corrections and any prison within the United States Federal Prison system.

*U.S. Military* shall mean any and all branches of the United States Military to include but not limited to the Air Force, Army, Marines, Navy and Coast Guard.

*Security Agency* shall mean any security agency who employs security guards with a "G" license and requires them to qualify with firearms on an annual basis.

*Citizen* shall mean a resident of the United States with rights and freedoms of man or woman.

**Section 5. Range Fee Schedule for Law Enforcement / Correctional Facilities / Security Company / U.S. Military.** The use of the range will be outlined within a memorandum of understanding to include one of the two options listed below:

1. Any law enforcement agency, correctional facility, security company, or U.S. Military branch that uses the facility 6 times or less per fiscal calendar (October to September) year will be billed based on full or half day rentals with a minimum of a half day rental fee. A certified firearms instructor is required to run the range.
  - Half day - \$100.00, and actual cost (salary and benefits) of firearms instructor
  - Full day - \$250.00, and actual cost of firearms instructor

2. Any law enforcement agency, correctional facility, security company, or U.S. Military branch that uses the facility 7 times or more per fiscal calendar (October to September) year will be billed an annual fee of \$200.00 per person.

**Section 6. Range Fee Schedule for Non-profit / Profit Organizations and Security**

**Companies.** The use of the range will be outlined within a memorandum of understanding to include one of the two options listed below:

1. Any Non-profit / profit organizations or security company that uses the facility 6 times or less per fiscal calendar (October to September) year will be billed based on full or half day rentals with a minimum of a half day rental fee. The rental fee does not include the cost of a Police Department range officer which is required.
  - Half day - \$100.00
  - Full day - \$175.00
2. Any Non-profit / profit organizations or security company that uses the facility 7 times or more per fiscal calendar (October to September) year will be billed an annual fee of \$175.00 per person. The annual fee does not include the cost of a Police Department range officer for each use which is required.

**Section 7. Range Fee Schedule for Citizens.** Citizens who uses the gun range will be charged an annual fee of \$250.00 per fiscal calendar (October to September) year.

**Section 8. Payment.** Payment for use of the range will be made according to the option selected for use as outlined within the memorandum of understanding. If the range is used 6 or less times in a fiscal year, the law enforcement agency, correctional facility, security company, not for profit / for profit organization or military unit using the range will be billed after each use.

If the range is used 7 or more times in a fiscal year, the law enforcement agency, correctional facility, security company or military unit using the range will be billed by annually for use (1/2 paid in October of the fiscal year and 1/2 paid in March of the fiscal year). Not for profit / for profit organizations will be billed in full in October of each fiscal year for use of the range.

Citizens who use the range will be billed an annual fee which is to be paid in full in October of each year.

**Section 9. Use of monies generated at range.** The revenue generated by the use of the range will be deposited into a range account for maintenance of the property and enhancement of property and equipment.

**Section 10. Administration of article.** The procedures involved in the implementation of this article shall be coordinated by the city manager and the chief of police. Any changes to such procedures shall be accomplished by resolution of the city commission.

**Section 11. Severability.** Should any word, phrase, sentence, subsection or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed and all other words, phrases, sentences, subsections, or sections shall remain in effect.

**Section 12. Effective Date.** This ordinance shall take effect upon its passage as provided by law.

**Section 13. Codification.** 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.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida, on this 25<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

By: \_\_\_\_\_  
Its **MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM  
AND CORRECTNESS:**

\_\_\_\_\_  
**CITY ATTORNEY**

# *Agenda Item*

6



CITY COMMISSION AGENDA ITEM

SUBJECT: Ordinance for towing of vehicles used in crimes, criminal code violations and certain non-criminal violations

DEPARTMENT: Police

ATTACHMENTS:  Ordinance  Resolution  Motion  Support Documents  Other

SUMMARY:

RECOMMENDED ACTION: Request the commission approve new ordinance which provided for the establishment of administrative fees for the processing and towing of vehicles used in crimes, criminal code violations and certain non-criminal violations

DEPARTMENT HEAD Submitted: Gary Getchell, Chief of Police Date: 9/20/12 Requested Agenda Regular Date: 10/11/12

FINANCE DEPARTMENT Budgeted  Yes  No  N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: M Date: 9/27/12

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



**MEMORANDUM**

**TO:** CITY COMMISSIONERS

**FROM:** GARY GETCHELL, CHIEF OF POLICE 

**SUBJECT:** ORDINANCE FOR TOWING OF VEHICLES USED IN CRIMES, CRIMINAL CODE VIOLATIONS AND CERTAIN NON-CRIMINAL VIOLATIONS

**DATE:** SEPTEMBER 18, 2012

**CC** CITY MGR. MICHAEL CZYMBOR , CITY CLERK BETSY DRIGGERS, CITY ATTORNEY DON HOLMES, FILE

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**Background**

Several law enforcement agencies across the state have adopted ordinances charging administrative civil penalties to persons who have used their vehicles to commit certain crimes. The crimes include prostitution, drugs, driving with a suspended license (with knowledge) and leaving the scene of a crash. The cities who have adopted such ordinances have done so as a means to deter crime as well as recoup the cost of processing such crimes. The administrative fines/fees vary from \$100 up to \$1,000.

**Discussion**

Two variations of this ordinance were reviewed. One, a vehicle impound ordinance, which incorporates an administrative fine for violations of the ordinance. It includes due process, strict time lines and is manpower intensive and could require court filing fees. This version however, could adopt a higher fine.

The second variation incorporates an administrative fee for the processing of towed vehicles used in crimes, ordinance violations and vehicles removed from the roadway for public safety. This does not include vehicles towed in traffic crashes. The administrative fee does not contain a due process clause, has fewer steps and time constraints and is less manpower intensive.

**Recommendations**

It is recommended the City adopt an administrative tow processing fee.

**ORDINANCE No. 12 -  
entitled**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA  
ESTABLISHING ADMINISTRATIVE FEES FOR THE  
PROCESSING AND TOWING OF VEHICLES USED IN  
CRIMES, CRIMINAL CODE VIOLATIONS AND CERTAIN  
NON-CRIMINAL VIOLATIONS; PROVIDING FOR  
SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to establish a fee for processing and towing of vehicles used in crimes, criminal code violations and certain non-criminal violations; and

**WHEREAS**, use of vehicles in the commission of crimes is detrimental to the safety, health and welfare of the City's residents; and,

**WHEREAS**, use of vehicles in the commission of non-criminal infractions and code violations is detrimental to the safety, health and welfare of the City's residents.

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

**That the Municipal Code of the City of Palatka, Florida, is amended to include the following provisions of this Ordinance:**

**Section 1: Recitals:** The above listed "Wherease" clauses are hereby retified and confirmed as being true and correct and are hereby rendered a specific part of the Ordinance upon adotion and shall serve as its legislative history.

**Section 2: Title –** This ordinance shall be knows as the Vehicle Tow Ordinance.

**Section 3: Purpose of article.** The purpose of this article is to establish an administrative fee for the processing and towing of vehicles used in crimes, criminal code violations and certain non-criminal violations.

**Section. 4: Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Business days* shall mean any day, Monday through Friday, which is not designated as an official city holiday.

*Owner* shall mean the person or persons to whom a particular motor vehicle is registered or titled prior to processing and towing including persons or entities in the business of leasing or renting vehicles.

*Police officer* shall mean any person who is elected, appointed, or employed by the city; who is vested with authority to bear arms, and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal criminal, traffic or highway laws of the state, county or city. This definition includes all certified supervisory and command personnel of the police department, but does not include support personnel employed by the city police department.

*Code Enforcement Officer* shall mean any person who is elected, appointed, or employed by the city who is vested with the authority to enforce the City code of ordinances and building code regulations.

*Lien holder* shall mean a bona fide lien holder whose security interest in the vehicle has been perfected in the manner prescribed by law prior to the processing and towing of the vehicle.

*Vehicle* shall mean any device capable of being moved upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway.

*Processing* shall mean the conducting of an inventory, photographing, arranging for tow and safe storage, administrative report filing, receipt of payment, and authorization of vehicle release.

**Section 5. Processing and towing of motor vehicles used in crimes, criminal code violations and certain non-criminal violatons.** A motor vehicle shall be subject to the administrative processing fee whenever a police officer or code enforcement officer has probable cause to believe that the vehicle:

- (a) Was used, intended or attempted to be used to facilitate the commission of any felony or misdemeanor violation in Florida State Statutes while within the City of Palatka.
- (b) Was used, intended or attempted to be used to facilitate the commission of a violation of any Palatka City Code of Ordinance deemed to be an arrest-able offence.
- (c) The operator of any vehicle is taken into custody by the police department and such motor vehicle would thereby be left unattended.
- (d) The vehicle, the continued presence of which, because of the physical location or the condition of the motor vehicle poses a danger to public safety or to the motor vehicle.

(e) The removal of junked vehicles or property from public and private property as identified in City Ordinance 30-65 and 30-66.

**Section 6. Administrative Fee.** Owners or lien holders of vehicles processed and towed under this ordinance will be subject to an administrative fee of \$150.00 plus all towing and storage fees.

**Section 7. Police Officer Responsibilities.** Upon processing and towing of a vehicle, the police officer or other officer or agent of the city police department shall:

- (a) Arrange for the towing of the vehicle and conduct an inventory.
- (b) Provide written notice to any present owner, or person in control of the vehicle, of the fact the vehicle is being processed and towed, the procedures for retrieval of the vehicle and payment of the administrative fee identified in section – 3.
- (c) Provide notice of processing and removal by tow by hand delivery or certified mail to all other owner(s) and lien holder(s) of the vehicle at address(es) set forth in the vehicle registration within 3 business days of the date of the towing of the vehicle. The notice shall include the facts associated with the processing and towing of the vehicle and the procedures for retrieval of the vehicle and payment of the administrative fee identified in section – 3.

**Section 8. Vehicle Owner and Lien Holder Responsibilities.** The owner or lien holder of any vehicle which has been towed under the provisions of this article shall have the right to redeem the vehicle upon the payment of any and all fees due. The fee can be paid by either money order or certified check. This does not include any fees associated to the towing and storage of the vehicle by the tow provider. The fee will be made according to the payment arrangements established by the City Manager, Chief of Police or their designee.

**Section 9. Wrecker / Tow Service Fees.** If an owner or lien holder refuses to pay the administrative fee as identified in Section - 3, and all other fees associated to the towing of the vehicle; and the vehicle has been in storage for 35 days beyond the date of receipt of towing notification; the City may release the vehicle to the wrecker / tow service for proper disposal or sale according to State Statutes. When the City releases a vehicle to the wrecker service for disposal or sale, the wrecker / tow service will pay the City \$150.00 or 25% of the proceeds it obtained for the vehicle whichever is less.

**Section 10. Administration of article.** The procedures involved in the implementation of this article shall be coordinated by the city manager and the chief of police. Any changes to such procedures shall be accomplished by resolution of the city commission.

**Section 12. Severability.** Should any word, phrase, sentence, subsection or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed and all other words, phrases, sentences, subsections, or sections shall remain in effect.

**Section 13. Effective date.** This ordinance shall take effect upon its passage as provided by law.

**Section 14. Codification.** 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.

**PASSED AND ADOPTED** by the City Commission of the City of Palatka, Florida, on this 25<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

**By:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
**CITY ATTORNEY**

# *Agenda Item*

7



CITY COMMISSION AGENDA ITEM

SUBJECT: 2<sup>nd</sup> READING / ADOPTION OF ZONING CODE AMENDMENT: EXCEPTION TO PARKING LOT PAVING REQUIREMENT FOR EXISTING USES

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS:  Ordinance  Resolution  Motion  Support Documents  Other

SUMMARY:

Second reading/adoption of ordinance amending zoning code section 94-261(c)(2) (Parking and loading area surfaces) to allow an exception to the requirement that all parking and loading areas be paved. There are a limited number of existing developments in the City that have unpaved surfaces, typically gravel. Such properties were developed prior to City Zoning Code and St. Johns River Water Management District stormwater standards. Given the small size of such properties, the inability to accommodate stormwater retention areas, and the close proximity of other properties, Staff has determined that the strict application of this standard could result in on and off-site flooding impacts, as well as limiting the ability for such properties to be utilized. This ordinance allows for an exception to the paving requirement when a property owner can demonstrate that paving would result in increased flooding impacts, and when mitigative measures such as landscape buffers and tree planting to absorb rainwater, swales, underground storage, and other measures are utilized to minimize flooding. Please note that at the recommendation of the Building Official, ordinance language was amended from the Planning Board recommendation to make an engineer's assessment on flooding optional, at the determination of the Building Official.

Planning Board recommended approval of staff's recommendations.

RECOMMENDED ACTION:

Adopt on 2<sup>nd</sup> reading

DEPARTMENT HEAD Submitted: Thad Crowe Date: 9/26/2012  
Requested Agenda Regular Date: 9/26/2012

FINANCE DEPARTMENT Budgeted  Yes  No  N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: [Signature] Date: 9/27/12

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 2<sup>nd</sup> Street  
Palatka, Florida 32177

ORDINANCE NO. 12 - 43

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMEND ZONING CODE SEC. 94-251 TO ALLOW FOR AN EXCEPTION TO THE REQUIREMENT THAT ALL PARKING AND LOADING AREAS BE PAVED, REQUIRING THAT SUCH EXCEPTIONS DO NOT RESULT IN INCREASED ON AND OFF-SITE FLOODING; 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 August 7, 2012, and two public hearings before the City Commission of the City of Palatka on September 27, 2012, and October 11, 2012; 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.** Zoning Code Section 94 shall be amended as follows.

Section 94-261(c)(1) - Parking and loading area surfaces.

All parking and loading areas shall be surfaced with asphalt, concrete, brick, or other similar material as approved by the building official. Prohibited materials and surfaces for parking and loading areas include, but are not limited to, grass, tree bark, sawdust, pine needles, leaves, gravel, stones, sand, and mulch. Upon request by the property owner for which the paving is required an exception to the

paving requirement may be granted by the building official, on a case by case basis, for a proposed use that occurs on a developed non-residential site that does not require new construction or expansion of existing building footprint and parking area by more than 10%. The property owner shall clearly demonstrate that paving of the parking area would require construction of stormwater retention or detention facilities for which there is not adequate available space within the site to construct. The property owner shall also take actions as a condition of permit approval to limit increased offsite transport of stormwater and sediments while also providing for some level of on-site retention or detention. Site design shall comply with the landscape code and shall include provisions that limit flooding impacts such as perimeter berms, swales, vegetated strips, underground stormwater storage, or other practices. The Building Official may opt to retain a licensed professional civil engineer to ensure that on and off-site flooding is minimized, with such efforts funded by the property owner.

In addition, parking areas in excess of the minimum required spaces and required aisles and areas as established in this code may be surfaced with grass typically used for permanent lawns in the city. Such excess parking (in all zoning districts) must receive approval from the planning board as a conditional use. If approved, all such parking areas must be maintained in a well-graded fashion and if such grass ceases to grow, then paving of such an area in accordance with this section will be required.

**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 11<sup>th</sup> day of October, 2012.

CITY OF PALATKA

BY: \_\_\_\_\_  
Its MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

## Request to Amend Zoning Code Text

Allow Exception to Requirement that Parking and Loading Areas be Paved

Applicant: Building and Zoning Dept.

### STAFF REPORT

**DATE:** July 31, 2012

**TO:** Planning Board Members

**FROM:** Thad Crowe, AICP  
Planning Director

#### APPLICATION REQUEST

To consider administrative request to amend Zoning Code Sec. 94-261 to allow for an exception to the requirement that all parking and loading areas be paved. Public notice included legal advertisement.

#### APPLICATION BACKGROUND

While most properties within the City have paved parking areas, there are some existing nonresidential development that have non-paved parking areas, typically gravel. The Code now requires that when a six month period expires between usage, new businesses must pave such areas to meet the code requirement below. The only non-paved surfaces allowed are excess parking areas (additional parking than what is required by Code).

#### ***Article V – Off-street parking and loading, Sec. 94-261(c)(2) – parking and loading area surfaces***

*All parking and loading areas shall be surfaced with asphalt, concrete, brick, or other similar material as approved by the building official. Prohibited materials and surfaces for parking and loading areas include, but are not limited to, grass, tree bark, sawdust, pine needles, leaves, gravel, stones, sand, and mulch. Parking areas in excess of the minimum required spaces and required aisles and areas as established in this code may be surfaced with grass typically used for permanent lawns in the city. Such excess parking (in all zoning districts) must receive approval from the planning board as a conditional use. If approved, all such parking areas must be maintained in a well-graded fashion and if such grass ceases to grow, then paving of such an area in accordance with this section will be required.*

This code requirement has proved to be problematic for at least one business trying to reopen within a developed site, as the impact of paving what is now a low spot would send a higher level of stormwater to on adjoining properties, city streets, and a state road. Staff is proposing to provide some limited relief from this standard by allowing the continued use of gravel parking areas with an engineer's certification that this would forestall potential flooding impacts on the surrounding area. In exchange for this exception the amendment would require public benefits that the Landscape Code be met (currently not required in this situation) and that some on-site stormwater detention be provided in the form of swales or other facilities. The intent of the amendment, applicable only to existing concerns and not to new development, is to provide some relief from this bright-line standard.

**PROJECT ANALYSIS**

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

The planning board shall consider and study:

a. The need and justification for the change.

**Staff comments:** the following justifications are applicable.

- The amendment would provide an incentive for re-use of existing properties and would help small businesses.
- The amendment would relieve flooding impacts to adjacent properties and public streets.
- The amendment would require landscaping upgrades to improve site aesthetics.

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.

The following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment.

**FUTURE LAND USE ELEMENT**

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

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

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

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

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

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

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

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

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

**PUBLIC FACILITIES ELEMENT****Policy D.2.2.6**

*The level of stormwater run-off shall be reviewed as part of the requirements of the Land Development Regulations and the level of stormwater run-off from a parcel during and after construction shall not exceed the level of run-off from the site experienced prior to construction.*

**Staff Comments:** This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed above, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, practicing innovative development planning, and reducing stormwater runoff.

**STAFF RECOMMENDATION**

Staff recommends the following revisions to the off-street parking and loading standards pertaining to required paving, with new language shown in underlined text.

*All parking and loading areas shall be surfaced with asphalt, concrete, brick, or other similar material as approved by the building official. Prohibited materials and surfaces for parking and loading areas include, but are not limited to, grass, tree bark, sawdust, pine needles, leaves, gravel, stones, sand, and mulch. An exception to the paving requirement may be granted by the building official, on a case by case basis, for a proposed use that occurs on a developed non-residential site that does not require new construction or expansion of existing building footprint and parking area by more than 10%. Certification by a State of Florida licensed engineer is required demonstrating that paving of the parking area would, in order to meet state stormwater requirements and/or prevent offsite flooding impacts, require construction of stormwater retention or detention facilities for which there is not adequate available space within the site to construct. The engineer shall also evaluate existing site drainage patterns and characteristics and provide recommendations to minimize the potential for increased offsite transport of sediments and discharge rate or volume and to maintain adequate flood protection of site improvements. Site design shall demonstrate compliance with the landscape code and shall include provisions to meet engineer recommendations such as perimeter berms, swales, vegetated strips or other best management practices. Signed and sealed plans, prepared by a licensed engineer, shall be submitted to depict these measures.*

*In addition, parking areas in excess of the minimum required spaces and required aisles and areas as established in this code may be surfaced with grass typically used for permanent lawns in the city. Such excess parking (in all zoning districts) must receive approval from the planning board as a conditional use. If approved, all such parking areas must be maintained in a well-graded fashion and if such grass ceases to grow, then paving of such an area in accordance with this section will be required.*

# *Agenda Item*

8



CITY COMMISSION AGENDA ITEM

SUBJECT: 2<sup>ND</sup> READING / ADOPTION OF ZONING CODE AMENDMENT: ALLOWANCE OF HOME OCCUPATION USES IN ACCESSORY STRUCTURES AND ELIMINATION OF CERTAIN PROHIBITED HOME OCCUPATION USES IN RESIDENTIAL ZONING DISTRICTS

DEPARTMENT: BUILDING AND ZONING

ATTACHMENTS:  Ordinance  Resolution  Motion  Support Documents  Other

SUMMARY:

Second reading/adoption of ordinance amending Zoning Code section 94-2 (Definitions) to allow home occupations to operate in accessory structures in residential zoning districts, and to amend the list of prohibited home occupations so as to allow one-chair beauty shops and barbershops, single-student band instrument or dance instruction, single-student swimming instruction, and single-client massage therapy. Staff is of the opinion that prohibiting such uses is contrary to small business development, allowing such limited uses will not negatively impact neighborhoods, and additional review of such uses will be required on a case-by-case basis through the conditional use permit process.

Planning Board recommended approval of staff's recommendations.

RECOMMENDED ACTION:

Adopt on 2<sup>nd</sup> reading - as amended on 1<sup>st</sup> reading on 9/27/12

DEPARTMENT HEAD Submitted: Thad Crowe Date: 9/26/2012 Requested Agenda Regular Date: 9/26/2012

FINANCE DEPARTMENT Budgeted Yes No X N/A Date: 10/4/12

CITY ATTORNEY Approved as to Form and Correctness Date:

CITY MANAGER Approved Agenda Item For: [Signature] Date: 9/27/12

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 2<sup>nd</sup> Street  
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**ORDINANCE NO. 12 - 44**

**AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING SECTION 94-2 (DEFINITIONS), ELIMINATING THE PROHIBITION ON HOME OCCUPATIONS OPERATING IN ACCESSORY BUILDINGS, AND ELIMINATING CERTAIN USES FROM LIST OF PROHIBITED HOME OCCUPATION USES, THEREBY ALLOWING SUCH USES BY CONDITIONAL USE PERMIT; 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 September 4, 2012, and two public hearings before the City Commission of the City of Palatka on September 27, 2012, and October 11, 2012; 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.** Zoning Code Section 94 shall be amended as follows.

Home occupation means an occupation conducted entirely in a dwelling unit, provided that:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of

the conduct of such home occupation, other than one sign, not exceeding one square foot in area, nonilluminated, mounted flat against the wall of the principal building at a position not more than two feet distant from the main entrance to the residence.

- (4) No home occupation shall occupy more than 20 percent of the first-floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two years after the date of completion thereof, as shown by the records of the city building department.
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- (7) The following shall not be allowed as home occupations: beauty shops and barbershops with more than one chair; musical instrument, dance, and swimming instruction for more than one student at a time; studios for group instruction; public dining facilities or tearooms; antique or gift shops; massage therapy for more than one client at a time; photographic studios; fortunetelling or similar activities; outdoor repair; food processing; retail sales; nursery schools; medical or dental laboratories; or kindergartens.
- (8) Fabrication of articles such as are commonly classified under the terms of arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.

(9) A home occupation shall be subject to all applicable city occupational license and other business taxes.

**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 11<sup>th</sup> day of October, 2012.

**CITY OF PALATKA**

**BY:** \_\_\_\_\_  
**Its MAYOR**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

## Request to Amend Zoning Code Text

Eliminate specific uses from list of uses prohibited as home occupations

Applicant: Building and Zoning Dept.

### STAFF REPORT

**DATE:** August 28, 2012

**TO:** Planning Board Members

**FROM:** Thad Crowe, AICP  
Planning Director

#### APPLICATION REQUEST

To consider administrative request to amend Zoning Code Sec. 94-2 to eliminate certain uses from list of prohibited home occupation uses, therefore allowing such uses as home occupations. Public notice included legal advertisement.

#### APPLICATION BACKGROUND

The following standards for home occupation are found in the definitions section of the Zoning Code.

*Home occupation means an occupation conducted entirely in a dwelling unit, provided that:*

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.*
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.*
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding one square foot in area, nonilluminated, mounted flat against the wall of the principal building at a position not more than two feet distant from the main entrance to the residence.*
- (4) No home occupation shall be conducted in any accessory building.*
- (5) No home occupation shall occupy more than 20 percent of the first-floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two years after the date of completion thereof, as shown by the records of the city building department.*
- (6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.*
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.*

(8) *The following shall not be considered home occupations: beauty shops, barbershops, band instrument or dance instructors, swimming instructors, studios for group instruction, public dining facilities or tearooms, antique or gift shops, massage parlors, photographic studios, fortunetelling or similar activities, outdoor repair, food processing, retail sales, nursery schools, medical or dental laboratories, or kindergartens.*

(9) *Fabrication of articles such as are commonly classified under the terms of arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.*

(10) *A home occupation shall be subject to all applicable city occupational license and other business taxes.*

Home occupations are allowed in all residential zoning districts as conditional uses, which require approval by the Planning Board. Contradictory language in the Zoning Code now allows beauty salons in the R-2 and R-3 districts as conditional uses despite the prohibition of the use established in the definitions section as shown above.

Staff was contacted by a homeowner who was considering a home occupation to cut and style hair. Number (8) above prohibits this and other uses that staff believe are appropriate for home occupations due to their minimal neighborhood impact. Specifically, staff believes that beauty shops, barbershops, band instrument or dance instructors (including piano and other instrument lessons), swimming instructors, and massage therapy are uses that can be carried out in a home setting without a noticeable increase in traffic, noise, or other impacts. Beauty salons and barber shops are uses that most resemble a standard retail business that could negatively impact neighborhoods, but in a review of 33 comparable Florida municipalities, staff found that 10 municipalities allowed home occupation barbershops and beauty salon in some fashion. Two municipalities (Dunedin and Ocala) allowed barbers and beauticians by right, and the other eight municipalities allowed the use through a public hearing process similar to Palatka's conditional use procedure. Two municipalities (Hometown and Ocala) restricted this use to one chair and Pensacola limited the use to two chairs.

Staff believes that these uses are appropriate home occupations when limited to a single client. Staff also believes also that the prohibition on utilizing accessory buildings for home occupations (Number 4 above) is not necessary. In older parts of the City it is not uncommon for homes to have outbuildings such as garage apartments or cottages that can only be used as non-rental "mother-in-law suites." Allowing home occupation in such accessory buildings can use non-utilized buildings and while allowing for property owner oversight of such activities. Staff does not see the distinction between activities occurring in the principal residence and in an outbuilding.

## **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:

. The need and justification for the change.

**Staff comments:** The amendment would provide opportunities for business development and would help small businesses, while not negatively impacting the quiet residential character of neighborhoods. It is important to note that the other nine criteria listed in the home occupation definition will continue to protect residential neighborhoods from incompatible uses by the stated limitations on signage, traffic, noise, and other impacts as well as requiring the principal residential use to remain dominant.

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.

The following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment.

#### **FUTURE LAND USE ELEMENT**

**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.*

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

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

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

**Staff Comments:** This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed above, the amendment is in line with stated purposes of allowing limited development in areas served by city services and to provide a mix of land uses that promotes convenience and reduces traffic congestion and cost.

#### **STAFF RECOMMENDATION**

Staff recommends the following revisions to the definition of home occupations, with new text indicated by underlining and deleted text indicated by ~~strike through~~.

*Section 94-2 – Definitions and rules of construction*

*(b) Definitions*

*Home occupation means an occupation conducted entirely in a dwelling unit, provided that:*

*(1) through (3) – no change*

~~(4) No home occupation shall be conducted in any accessory building.~~

(5) through (7) – no change

(8) The following shall not be considered home occupations: beauty shops, and barbershops with more than one chair, single-student band instrument or dance instructioners, single-student swimming instructioners, studios for group instruction, public dining facilities or tearooms, antique or gift shops, single-client massage therapy parlors, photographic studios, fortunetelling or similar activities, outdoor repair, food processing, retail sales, nursery schools, medical or dental laboratories, or kindergartens.

(9) through (10) – no change