

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



ELWIN C. "WOODY" BOYNTON, JR.
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 13, 2011

CALL TO ORDER:

- a. Invocation – The Reverend Ben Tippett, Founding Pastor, Victory Christian Fellowship
- b. Pledge of Allegiance
- c. Roll Call

APPROVAL OF MINUTES – 9/22/11

1. PUBLIC RECOGNITION/PRESENTATIONS:

- a. **INTRODUCTION of Charles Rudd, New Main Street Manager – City Manager Boynton**
- b. **PROCLAMATION – Fire Prevention Week – October 9 – 15, 2011 – Fire Marshal Lynady**
- c. **PROCLAMATION – Breast Cancer Awareness Month – October, 2011 – Dr. Anand Kuruvilla**
- d. **PROCLAMATION – Domestic Violence Awareness Month – October, 2011 – Cara Taylor Swift and JoAnn O'Neil**
 - *1. **Adoption of City of Palatka Employees' Domestic Violence Leave Policy**

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

3. CONSENT AGENDA:

- *a. **Award bid in the amount of \$743,500.00 to Brandes Design, Inc. for WWTP Aeration System Improvements and authorize execution of contract for same, per recommendation of project engineer**
- *b. **Award contract for Police False Alarm Program Management to ATB Services, LLC and authorize execution of Agreement for Services, per results of RFQ and recommendation of Police Chief**
- *c. **Authorize acceptance and execution of the Edward Byrne Memorial Justice Assistance Grant Contract #2012-JAGC-PUTN-1-C4-027 in the amount of \$21,364.00, per Police Chief's Recommendation**
- *d. **Authorize execution of Contract Modification #1 to FEMA HMPG Grant #DR-1785-043-R to extend the expiration date to November 22, 2011 and modify the budget and scope of work for the Oak Street/St. Johns Avenue Drainage Improvements, per City Manager's Recommendation**
- *e. **Authorize execution of Halifax Paving, Inc. Contract Change Order #1 in the amount of \$64,000.00, increasing the total contract amount to \$3,234,127.49, for Runway 9/27 Paving & Drainage Improvements Project (FIN #430484-1-94-11) to add public restroom and equipment storage facilities, per City Manager's and Airport Engineers' recommendation**
- *f. **Authorize City Manager to execute a Memorandum of Agreement with the Alachua County Sheriff's Dept. concerning the purchase and maintenance of mobile radios under Florida Emergency Mgmt Grant #12-DS-8D-03-11-001-162, per City Manager's recommendation**
- *g. **Appoint Commissioner Phil Leary as City of Palatka Commission Representative to the Putnam County Waterways Committee effective immediately, per request of Waterways Committee Chairman**
- *h. **Grant permission to exceed allowable noise levels established by Chapter 30 of the Palatka Code of Ordinances for "4th Saturday Cruise-In and Blues-In Block Party" from 5:00 p.m. to 10:00 p.m. on Saturday, October 22, 2011 – Billy Ennis, Applicant – per Special Events Coordinator's Recommendation**

AGENDA - CITY OF PALATKA
October 13, 2011
Page 2

3. **CONSENT AGENDA (Continued):**
- *i. **Issue Class A Special Event Permit #11-35 for St. Johns River Blues Festival, November 11 – 13, 2011 and grant permission to exceed allowable noise levels** established by Chapter 30, Palatka Code of Ordinances for the following dates and times:
 - Friday, November 11, 2011 5:00 p.m. – 8:00 p.m.
 - Saturday, November 12, 2011 10:00 a.m. – 10:00 p.m.
 - Sunday, November 13, 2011 1:00 p.m. – 8:00 p.m.per recommendation of Special Events Coordinator and City Manager – Billy Ennis, Applicant
 - *j. **Grant permission to exceed allowable noise levels established by Chapter 30, Palatka Code of Ordinances to John Lyon, owner, Steamboat Willies**, from 10:00 p.m. until 1:00 a.m. on Friday, October 14 and Friday, October 28, 2011
- ** 4. **COMMUNITY REDEVELOPMENT AGENCY BUSINESS – Accept CRA Recommendations as follows (CRA meeting held 10/13/11)**
- a. **CENTRAL BUSINESS DISTRICT:**
 - 1. **APPROPRIATE** CBD TIF funds in an amount not to exceed \$10,834.00 for the local expansion of Small Business Development Center & full-time Certified Business Analyst – Dana Jones, President, Putnam County Chamber of Commerce
 - 2. **APPROPRIATE** \$26,625.00 of CBD TIF funds to the 2011 Building Improvement Grant Program (total of \$116,625 to fund grants) – Kerry Rowell, Palatka Main Street
 - 3. **CONCUR** on Palatka Main Street recommendation of Building Improvement Grant Awards:
 - a. E.W. Lawson & Sons Funeral Home - \$30,000
 - b. Quality Inn/Beef “O” Brady’s - \$30,000
 - c. Ralph’s House of Flowers - \$26,625
 - d. Alex and Jeannie Sharp/Palatka Coffee Shop - \$30,000
 - b. **APPROPRIATE up to \$500 from SHD TIF funds and up to \$500.00 from NHD TIF Funds** for Holiday Tour of Historic Homes Guide Booklet Publication – Roberta Correa and Conraad Van Rensburg, Respective Presidents, Palatka South and North Historic Districts
 - c. **FORWARD** Draft Resolution extending the Community Redevelopment Plan until December 27, 2043 to Building & Zoning and State Agencies for comments, and agenda for CRA consideration on December 8, 2011 (*See Agenda Item #7 below*)
- * 5. **PUBLIC HEARING:** USDA Grant Application for Price-Martin Center Restroom ADA Compliance/Handicapped Accessibility Improvements – Robert Taylor, Architect
- a. **RESOLUTION** Authorizing execution and submittal of all Grant Agreement Documents to obtain a grant not to exceed \$32,000.00 from the US Dept. of Agriculture for Price-Martin Center Restroom ADA Compliance Improvements - Adopt
- * 6. **RESOLUTION** requesting a waiver in permit fees from St. Johns River Water Management District - Adopt
- * 7. **PUBLIC HEARING/ORDINANCE** amending the City of Palatka Comprehensive Plan to allow for the extension of the Community Redevelopment Area Plan – *Authorize transmittal of draft ordinance to state agencies for review* – Lara Diettrich, Consultant
- * 8. **ORDINANCE** amending Chapter 46 of the Code of Ordinances to delete Section 46-6 to remove firearms regulations - 1st Reading
- * 9. **ORDINANCE** amending Chapter 50 of the Code of Ordinances to delete Section 50-49 to remove local firearms regulations – 1st Reading

AGENDA - CITY OF PALATKA

October 13, 2011

Page 3

- * 10. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow ground signs for churches and child care facilities in residential areas - 1st Reading
- * 11. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow ground signs in the Downtown Riverfront and Business Districts - 1st Reading
- * 12. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow Farmer's Markets as conditional uses in the Downtown Riverfront and Business Districts - 1st Reading
- * 13. **ORDINANCE** amending Section 94-3 of the Zoning Code of Ordinances to amend newspaper and mail notice requirements for conditional uses - 1st Reading
- * 14. **ORDINANCE** amending Section 94-71 of the Zoning Code of Ordinances to provide variance criteria - 1st Reading
- * 15. **ORDINANCE** amending Chapter 10 of the Code of Ordinances to shift responsibility of reviewing alcoholic beverage licenses to the Planning Director – 2nd Reading, Adopt
- * 16. **ORDINANCE** amending Chapter 78 of the Code of Ordinances to shift responsibility of issuing Business Tax Receipts to the Building & Zoning Department – 2nd Reading, Adopt
- * 17. **ORDINANCE** amending Chapter 94 of the Code of Ordinances to shift responsibility of administering buffering and screening requirements to the Planning Director – 2nd Reading, Adopt
- * 18. **ORDINANCE** amending Chapter 94 of the Code of Ordinances to set forth requirements for the preparation of landscape plans for new construction – 2nd Reading, Adopt
- 19. **ADMINISTRATIVE REPORTS**
- 20. **COMMISSIONER COMMENTS**
- 21. **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, 2011 – Halloween Trick Or Treat
Nov. 11 – City Offices closed to observe Veterans' Day
Nov. 17 & 18, 2011 – Legislative Conference, Orlando
Nov. 24 & 25, 2011 – City offices closed to observe Thanksgiving
Dec. 23 & 26, 2011 – City offices closed to observe Christmas
Dec. 30, 2011 – City offices closed to observe New Year's Eve

Board Openings:

Code Enforcement Board:	2 Vacancies (Sub-Contr. & Alt.)
Tree Committee	1 Vacancy
Historic Preservation Board:	1 alternate
Fire Pension Board	1 Vacancy ("5 th member")
Putnam Co. Library Board:	1 Member (at large)

Agenda Item

1 b

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 2,500 people in the United States in 2009, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 360,000 home fires; and

WHEREAS, cooking equipment is the leading cause of home structure fires and associated injuries, and the third leading cause of home fire deaths. Heating and electrical equipment and smoking materials are among the leading causes of all reported home fires. Home candle fires are reported to a US fire department every 30 minutes, on average and the risk of dying in a home structure fire caused by smoking materials rises with age; 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 2011 Fire Prevention Week theme, "It's Fire Prevention Week. Protect your Family from Fire!" effectively serves to remind us all of the simple actions we can take to keep our homes and families safe from fire 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 9 - 15, 2011 as

FIRE PREVENTION WEEK

throughout this city, and I urge all the people of Palatka to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2011, 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 13th day of October, in the Year of Our Lord Two Thousand and Eleven.

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

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR

Agenda
Item

1c

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, 2011 as

NATIONAL BREAST CANCER AWARENESS MONTH

And October 21, 2011 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 13th day of October, in the Year of Our Lord Two Thousand Eleven.

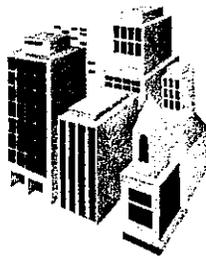
Commissioners:
Mary Lawson Brown
Allegra Kitchens
Phil Leary
James Norwood, Jr.

PALATKA CITY COMMISSION

By: Vernon Myers, Mayor

Agenda Item

1 d



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

Memorandum

To: City Commission and Staff
From: Betsy J. Driggers, City Clerk
Date: 10/6/2011
Re: Domestic Violence Leave Policy

Attached you will find a draft policy entitled "Domestic Violence Leave" which Staff proposes for adoption. The Palatka Safety Committee has vetted and concurs on the addition of this policy into the City of Palatka's Palatka Personnel Rules & Regulations Manual.

This policy tracks Florida Statute TITLE XLIII, Domestic Relations, Chapter 741, entitled Marriage, Domestic Violence, and specifically FS 741.313 (2) (a-b). Adoption of this Statute into the Personnel Rules & Regulations calls attention to this issue and informs our employees that this is available to them, should the need arise.

Both Putnam County and Alachua County have adopted this same policy into their respective Personnel Policies as a way of encouraging zero tolerance of domestic violence in their communities. Please adopt this policy for insertion into the City of Palatka Personnel Rules & Regulations handbook, effective October 13, 2011.

CITY OF PALATKA PERSONNEL RULES & REGULATIONS

Domestic Violence Leave

Overview

This policy describes leave for victims of domestic or sexual violence.

Provisions

1. Granting of Domestic Leave –

An employee who has been victimized by domestic or sexual violence is eligible to receive up to three days of unpaid leave in a 12 month period, provided the following conditions are met:

- a. The employee has been employed by the City in a permanent position for the past three months.
- b. The employee has provided documentation showing that (s)he is a victim of domestic or sexual violence. Forms of documentation may include a restraining order, police report, or a letter from a physician or mental health provider (or certified domestic violence center).
- c. This leave is intended to be used to seek an injunction for protection against domestic, repeat, dating or sexual violence; obtain medical care or mental health counseling; obtain services from a victim services organization; make the employee's home secure from the perpetrator of the violence; seek legal assistance in addressing issues arising from the act of violence or other reasons provided in F.S. 741.313

2. Leave Entitlement:

Employees meeting the conditions in paragraph number one above may request to utilize accrued vacation or sick leave for this purpose. The employee may request leave without pay if all accrued sick leave has been exhausted.

3. Confidentiality of Records:

All documentation supporting the request for Domestic Violence Leave will be maintained in the Human Resources Department's confidential files.

WHEREAS, domestic violence is a crime that impacts all citizens of Putnam County; and

WHEREAS, the impact of domestic violence 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 urges all citizens to actively participate in and support 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, do hereby proclaim that the month of October, 2011 is hereby designated as

DOMESTIC VIOLENCE AWARENESS MONTH

in the City of Palatka, and endorses the addition of a Domestic Violence Leave Policy to the City of Palatka Employee Handbook and encourages all local businesses to take similar steps in 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 13th day of October, in the Year of Our Lord Two Thousand Eleven.

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

PALATKA CITY COMMISSION

By: Vernon Myers, MAYOR



PUTNAM COUNTY
Board of County Commissioners

Policy Number: 7.09	HR Approval	Date:
Title: Domestic Violence Leave	Admin Approval	Date:
Revision Date:		

Overview

This policy describes leave for victims of domestic or sexual violence.

Provisions

1. Granting of Domestic Leave-

An employee who has been victimized by domestic or sexual violence is eligible to receive up to three days of unpaid leave in a 12 month period, provided the following conditions are met:

- a. The employee has been employed by the County in a permanent position for the past three months.
- b. The employee has provided documentation showing that (s)he is a victim of domestic or sexual violence. Forms of documentation may include a restraining order, police report, or a letter from a physician or mental health provider (or certified domestic violence center).
- c. This leave is intended to be used to seek an injunction for protection against domestic, repeat, dating or sexual violence; obtain medical care or mental health counseling; obtain services from a victim services organization; make the employee's home secure from the perpetrator of the violence; seek legal assistance in addressing issues arising from the act of violence or other reasons provided in F.S. 741.313

2. Leave Entitlement:

Employees meeting the conditions in paragraph number one above may request to utilize accrued vacation or sick leave for this purpose. The employee may request leave without pay if all accrued sick leave has been exhausted.

3. Confidentiality of Records:

All documentation supporting the request for Domestic Violence Leave will be maintained in the Human Resources Department's confidential files.

Florida Statute 741.313 Unlawful action against employees seeking protection.—

(1) As used in this section, the term:

(a) "Domestic violence" means domestic violence, as defined in s. 741.28, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

(b) "Employee" has the same meaning as in s. 440.02(15).

(c) "Employer" has the same meaning as in s. 440.02(16).

(d) "Family or household member" has the same meaning as in s. 741.28.

(e) "Sexual violence" means sexual violence, as defined in s. 784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

(f) "Victim" means an individual who has been subjected to domestic violence or sexual violence.

(2)(a) An employer shall permit an employee to request and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. This leave may be with or without pay, at the discretion of the employer.

(b) This section applies if an employee uses the leave from work to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

(3) This section applies to an employer who employs 50 or more employees and to an employee who has been employed by the employer for 3 or more months.

(4)(a) Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to his or her employer appropriate advance notice of the leave as required by the employer's policy along with sufficient documentation of the act of domestic violence or sexual violence as required by the employer.

(b) An employee seeking leave under this section must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave, if applicable, that is available to the employee, unless the employer waives this requirement.

(c)1. A private employer must keep all information relating to the employee's leave under this section confidential.

2. An agency, as defined in s. 119.011, must keep information relating to the employee's leave under this section confidential and exempt from disclosure to the extent authorized by subsection (7).

(5)(a) An employer may not interfere with, restrain, or deny the exercise of or any attempt by an employee to exercise any right provided under this section.

(b) An employer may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his or her rights under this section.

(c) An employee has no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this section.

This section does not limit the employer's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in work force or termination for cause or for no reason at all, other than exercising his or her rights under this section.

(6) Notwithstanding any other law to the contrary, the sole remedy for any person claiming to be aggrieved by a violation of this section is to bring a civil suit for damages or equitable relief, or both, in circuit court. The person may claim as damages all wages and benefits that would have been due the person up to and including the date of the judgment had the act violating this section not occurred, but the person may not claim wages or benefits for a period of leave granted without pay as provided in paragraph (2)(a). However, this section does not relieve the person from the obligation to mitigate his or her damages.

(7)(a) Personal identifying information that is contained in records documenting an act of domestic violence or sexual violence and that is submitted to an agency, as defined in chapter 119, by an agency employee under the requirements of this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) A written request for leave that is submitted by an agency employee under the requirements of this section and any agency time sheet that reflects such a request are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 1 year after the leave has been taken.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2013, unless reviewed and saved from repeal through reenactment by the Legislature.

History.—s. 1, ch. 2007-107; s. 1, ch. 2007-108; s. 1, ch. 2008-253; s. 1, ch. 2008-254.

Agenda
Item

3a

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0199

City of Palatka
Office of the City Manager

To: Mayor Myers, Commissioners
From: Woody Boynton, City Manager 
Date: October 6, 2011
RE: WWTP Aeration System Improvements

Attached is a recommendation for contract award to Brandes Design-Build, Inc. in the amount of \$743,500.00. This project is funded by a grant received from the Florida Energy and Climate Commission and is within the budget allowance for this portion of the project. We are expecting significant energy and cost savings at the WWTP from this project.

As you may recall, the total grant amount awarded to the City was \$1,240,000. The above project will be funded from this amount. In addition, we recently awarded a contract totaling approximately \$300,000 to upgrade HVAC systems on several City buildings and will in the next month go to bid to upgrade lighting systems throughout City buildings and on St. Johns Avenue. In addition, the City is funding nearly \$2,617,268 of improvements to facilitate energy/reuse upgrades at the City's wastewater treatment plant. Based on this evaluation, our cost share is estimated at 67.9%.

Staff concurs with the Engineer's recommendation and is recommending approval of this Contract award. Should you have any questions, please call.

October 4, 2011

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

Re: City of Palatka
2010 Energy Conservation Project
Wastewater Treatment Plant
Aeration System Improvements
Ayres Associates Project No. 67-0190.00

Subject: Recommendation for Contract Award

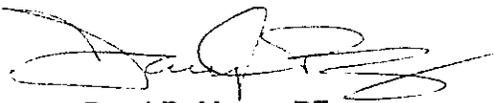
Dear Mr. Boynton:

Ayres Associates has reviewed the bids for the referenced project. There were a total of six bidders on this project. We recommend award of this contract to Brandes Design-Build, Inc for the Base Bid amount of \$743,500.00 as they were the lowest responsive bidder. As part of our review process Ayres Associates contacted the references for the lowest responsive bidder to verify that their demonstrated ability would be acceptable to the City of Palatka.

Please feel free to contact me should you have any questions regarding review of the bids.

Sincerely,

Ayres Associates Inc



Daryl R. Myers, PE
Project Leader I

Enclosure

cc: File



Palatka ON THE ST. JOHNS

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- [City Commission](#)
- [Community](#)
- [CRA](#)
- [Departments](#)
- [DOWNTOWN](#)
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Aeration System Improvements

INVITATION TO BID

Notice is hereby given that the City of Palatka, Florida, will receive sealed bids at the office of the City Clerk, City Hall, City of Palatka, 201 North 2nd Street, Palatka, FL 32177 until 3:00 p.m. (local time) on September 1, 2011 for the following:

2010 Energy Conservation Project

Wastewater Treatment Plant

Aeration System Improvements

All work for the Project shall be constructed in accordance with the Drawings and Specifications prepared by Ayres Associates Inc and the proposed improvements will be awarded and constructed, if award is made, under one Contract. Bids shall be submitted for furnishing, delivering, and installing all materials, equipment and services, including labor, for the Work, which generally involves:

Replacement of the aeration system at the City of Palatka Wastewater Treatment Plant. This will include installation of new blowers, building, piping, valves, and diffused air equipment within the existing aeration basins.

Site work, yard piping, electrical, instrumentation and flow metering equipment.

All bids must be submitted in triplicate. Any Bids received after the specified time and date will not be considered. Each bid must be submitted in a sealed envelope clearly bearing on the outside the name of the bidder, his/her address, and the title "Bid for the Construction of Wastewater Treatment Plant Improvements". If forwarded by mail, the sealed envelope containing the bid must be enclosed in another envelope addressed as specified in the bid form.

The sealed bids will be publicly opened and read aloud promptly at 3:15 p.m., September 1, 2011, in the

City of Palatka, City Hall, located at 201 North 2nd Street, Palatka, Florida 32177.

Bidding documents (Project Manual and Drawings) may be examined at the following locations:

Ayres Associates Inc	or	City of Palatka – City Hall
5220 Shad Road, Suite 200-3		201 North 2 nd Street
Jacksonville, Florida 32257		Palatka, Florida 32177
904.260.6288		386.329.0100

Copies of the documents will be available on a CD in portable document format (PDF) on or after August 4, 2011 and may be obtained at Engineer's office. There is a \$40.00 fee by check or money order for each set of Bidding Documents obtained, which is non-refundable. Paper copies will be made available upon request and will be \$100.00 per set. Checks shall be payable to Ayres Associates Inc. **PAYMENT MUST BE RECEIVED BEFORE DOCUMENTS WILL BE SHIPPED.**

Each Bidder must deposit with their Bid security in the form of a certified check or bid bond in the amount of 5 percent of the Bid. Checks or bonds shall be payable to the City of Palatka.

The City of Palatka is an Equal Opportunity Employer. All decisions on hiring, promotion and training shall be made without regard to race, sex, age, national origin, religion or disability (except when disability is a bona fide occupational disqualification). The City of Palatka is committed to providing a workplace free of harassment on the basis of race, sex, age, national origin, religion or disability.

Bidders are hereby informed that this project is funded by a Florida Energy and Climate Commission Grant Agreement No. ARS027 which requires the successful Bidder to conform to and comply with certain standards which are included or referenced with the Project Manual.

The Owner reserves the right to waive any informalities in any Bid, to reject any or all bids, and/or to accept the Bid or any portion thereof that, in its judgment, will be in the best interest of the Owner.

News

- [Invitation to Bid – 2010 ENERGY CONSERVATION PROJECT](#)
- [Invitation to Bid-Aeration System Improvements](#)
- [RFP False Alarm Program Management](#)
- [Important Information About Your Drinking Water](#)
- [Fair Housing Notice](#)
- [2010 City of Palatka Water Quality Report](#)
- [Main Street Manager Job Opening](#)
- [Smoke Health Advisory](#)
- [Advertisement for Bids – Palatka Municipal Airport](#)
- [Pre-Budget Workshop](#)

Riverfront Master Plan

City of Palatka
Bid Opening

Date 9-30-11

Job Title 2010 Energy Conservation Project WWT

Opened by: Karen Venables

Dept./Engineer Ayers

Read by: Betsy Diggers

Bidder name	Acknowledge Addendums?	Base Bid Amount	Alternate #1	Alternate #2
1. Beach Construction	5	\$ 872,000	\$ 181,000	\$ 30,000
2. Brandes Design-Build, Inc Clearwater, FL	5	\$ 743,500	\$ 106,500	\$ 30,000
3. Brian Ehlers Construction Co., Inc. Ocala, FL	5	\$ 897,500	\$ 84,500	\$ 22,000
4. Masci Corporation Port Orange, FL	5	\$ 837,695	\$ 147,965	\$ 30,000
5. McMa Han Construction Co., Inc. DeLand, FL	5	\$ 786,000	\$ 124,000	\$ 30,000
6. Sawcross, Inc. Jacksonville, FL	5	\$ 949,000	\$ 140,700	\$ 31,000
7.		\$	\$	\$

Witnesses:

ORIGINAL

Company Name: Brandes Design-Build, Inc

SECTION 00 41 15

BID FORM

PROJECT IDENTIFICATION: 2010 ENERGY CONSERVATION PROJECT
WASTEWATER TREATMENT PLANT
AERATION SYSTEM IMPROVEMENTS

BID DEADLINE: SEPTEMBER 30, 2011 at 3:00 p.m.

THIS BID IS SUBMITTED TO: City of Palatka
201 North 2nd Street
Palatka, Florida 32177

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.
- 2.01 Bidder accepts all of the terms and conditions of the Advertisement or Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. The Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.
- 3.01 In submitting this Bid, Bidder represents, as set forth in the Agreement, that:
 - A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of all which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>1</u>	<u>8-24-2011</u>
<u>2</u>	<u>9-9-2011</u>
<u>3</u>	<u>9-15-2011</u>
<u>4</u>	<u>9-27-2011</u>
<u>5</u>	<u>9-27-2011</u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress and performance of the Work.
- D. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the Site which may affect costs, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents to be employed by Bidder, and safety precautions and programs incident thereto.
- E. Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.

- F. Bidder is aware of the general nature of the work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
 - G. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports and drawings identified in the Bidding Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Bidding Documents.
 - H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
 - I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
 - J. Bidder hereby acknowledges that the work in this Project will be funded by a Florida Energy and Climate Commission Grant (Agreement No. ARS027). There are procedures and requirements contained within the grant which will apply to this Contractor and he has familiarized himself with the Grant requirements and included with his bid, means, materials, methods, personnel and procedures are required to conform to those requirements.
- 4.01 Bidder further represents that this Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any individual or entity to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.
- 5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

BASE BID					
Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	Mobilization	1	LS	33,000	33,000
2	Aeration System Building	1	LS	120,000	120,000
3	Blowers	1	LS	250,000	250,000
4	Stainless Steel Piping	1	LS	60,000	60,000
5	Aeration System Equipment	1	LS	150,000	150,000
6	Valves	5	EA	4,000	20,000
7	Supports & Appurtenances	1	LS	10,000	10,000
8	Electrical	1	LS	100,000	100,000
9	Controls	1	LS	500	500

TOTAL BASE BID AMOUNT (ITEMS 1-9)

\$ 743,500
(Figures)

Seven hundred forty three thousand five hundred dollars & 200 cents
(Use Words)

ALTERNATE BID "A"					
Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	Return Activated Sludge Pumps	2	EA	22,000	44,000
2	Process Return Pumps	2	EA	15,000	30,000
3	Weather Station Complete	1	LS	6,500	6,500
4	Control Building AC Units	2	EA	13,000	26,000

TOTAL ALTERNATE BID "A" AMOUNT (ITEMS 1-4) \$ 106,500
 (Figures)
One hundred six thousand five hundred dollars & zero cents
 (Use Words)

ALTERNATE BID "B"					
Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	Deduct for Sch 40 PVC for All In Basin Piping	1	LS	30,000	30,000

TOTAL ALTERNATE BID "B" AMOUNT (ITEM 1) \$ 30,000
 (Figures)
Thirty thousand dollars & zero cents
 (Use Words)

At the option of the Owner, if Alternate Bid "A" and "B" are below the overall project budget, Owner may award the contract either entirely on the Base Bid or the Base Bid and any combination of Alternate Bid "A" and Alternate "B" added/deducted to/from the project. Owner also reserves the right to award the project based on selected work items of the Base Bid or Alternate Bid.

All specific cash allowances are included in the price(s) set forth above and have been computed in accordance with paragraph 11.02 of the General Conditions.

Unit prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment of all Unit Price Bid Items will be based on actual quantities provided, determined as provided in the Contract Documents.

6.01 Bidder agrees that the Work will be substantially complete within 150 calendar days after the date when the Contract Times commence to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraph 14.07.B of the General Conditions within 165 calendar days after the date when the Contract Times commence to run.

6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified above, which shall be stated in the Agreement.

7.01 The following documents are attached to and made a condition of this Bid:

- A. Bid Security in the form of a certified check of Bid Bond
- B. Tabulation of Subcontractors & Suppliers
- C. Bidder's Qualification Statement
- D. Noncollusion Affidavit

Company Name: Brandes Design-Build, Inc.

- E. Drug-Free Workplace Certificate
- F. Public Entity Crimes Statement
- G. Statement of Disputes, Litigation & Surety Completion
- H. Florida Trench Safety Act Certification
- I. Certification Regarding Debarments, Suspension, & Termination
- J. Disclosure of Lobbying Activities
- K. American Recovery and Reinvestment Act 2009 – Buy American Certification

8.01 The terms used in this Bid with initial capital letters have the meanings indicated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

SUBMITTED on September 30, 2011.

State Contractor License No. CGC 062733

SCHEDULE OF MANUFACTURERS/SUPPLIERS

The Contract Documents are based upon the equipment or products available from the manufacturers/suppliers denoted as "A", "B", etc. However, the Bidder must indicate in his Bid which Base Bid manufacturer/supplier he intends to use for each item of equipment listed by circling one (1) of the listed manufacturers/suppliers. Should the Bidder fail to circle a named supplier, he hereby agrees to provide the item listed as "A". After receipt of bids, the Bidder may not substitute for any manufacturer or supplier circled.

If Bidder desires to propose one (1) or more substitution or "or equal" manufacturers/suppliers, he may write in the name of such substitution or "or equal" in the spaces provided on the pages following the lists, but he must, nevertheless, also circle one of the listed manufacturers/suppliers. All substitutions or "or equal" items must be identified at the time of Bid (see Paragraph 6.05 of the General Conditions as amended by the Supplementary Conditions). Substitutions or "or equal" items will not be considered when determining the Apparent Low Bidder. Substitutions or "or equal" items will not be evaluated or considered until after the "Effective Date" of the Agreement. The Bidder shall base his Bid on providing one of the listed manufacturers and shall assume for bidding purposes that all substitutions or "or equal" items will not be accepted.

If the proposed substitution or "or equal" manufacturer/supplier is determined "not equivalent" by the Engineer, the Bidder must use the circled manufacturer/supplier. If the Bidder fails to indicate which listed manufacturer/supplier he intends to use or if a substitution or "or equal" is rejected, he must use the supplier listed as "A". Also if the Bidder circles more than one listed manufacturer/supplier, he must use the first manufacturer/supplier circled (unless a substitution or "or equal" is approved).

Each proposed substitution or "or equal" will be evaluated in accordance with Paragraph 6.05 of the General Conditions following the Effective Date of the Agreement.

SCHEDULE OF BASE BID MANUFACTURERS/SUPPLIERS

Item No.	Equipment Item or Material	Specification Section No.		Base Bid Manufacturer/Supplier
3	High Efficiency Blower System	11 95 25	A	Aerezen
			B	Neuros
			C	HSI
			D	Universal Blower Pac
5	Fine Bubble Tube Diffusers	11 96 10	A	Ashbrook
			B	OTT
			C	Sanitaire
1A	Return Activated Sludge Pumps	11 94 10	A	All Prime
			B	WEMCO
2A	Process Return Pumps	11 94 15	A	All Prime
			B	WEMCO

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____
(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ Fax No.: _____

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner – attach evidence of authority to sign)

Name (typed or printed): _____

Business address: _____

Phone No.: _____ Fax No.: _____

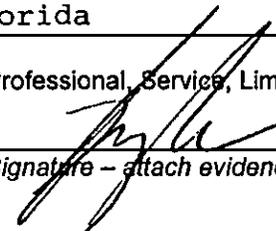
Company Name: Brandes Design-Build, Inc

A Corporation

Corporation Name: Brandes Design-Build, Inc. (SEAL)

State of Incorporation: Florida

Type (General Business, Professional, Service, Limited Liability): General Business

By: 
(Signature - attach evidence of authority to sign)

Name (typed or printed): Kevin M. Klaus

Title: President (CORPORATE SEAL)

Attest 
(Signature of Corporate Secretary)

Business address: 2151 NE Coachman Road
Clearwater, FL 33765

Phone No.: (727) 445-7544 Fax No.: (727) 445-7534

Date of Qualification to do business is October 2000

A Joint Venture

Joint Venturer Name: _____

By: _____

(Signature of joint venture partner – attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Business address: _____

Phone No.: _____

Fax No.: _____

Joint Venturer Name: _____

By: _____

(Signature – attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Business address: _____

Phone No.: _____

Fax No.: _____

Phone and FAX Number, and Address for receipt of official communications:

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in a manner indicated above.)

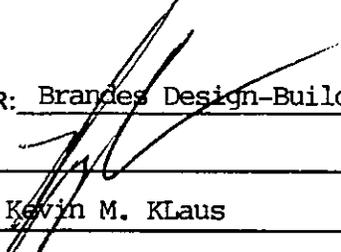
SECTION 00 43 35

TABULATION OF SUBCONTRACTORS & SUPPLIERS

The undersigned states that the following is a full and complete list of the proposed subcontractors and suppliers on this Project and the class of work to be performed by each, and that such list will not be added to nor altered without written consent to the Owner through the Engineer.

<u>SUBCONTRACTOR OR SUPPLIER AND ADDRESS</u>	<u>CLASS OF WORK OR MATERIAL</u>
1. <u>Rocha controls</u> <u>Tampa FL</u>	<u>weather station</u>
2. <u>Southern Industrial Electric</u> <u>Clearwater FL</u>	<u>Electrical</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

BIDDER: Brandes Design-Build, Inc.

By: 

Name: Kevin M. Klaus

Title: President

Date: 9/30/3011

SECTION 00 45 13

STATEMENT OF BIDDER'S QUALIFICATIONS

To: City of Palatka Project: 2010 Energy Conservation WWTP Aeration
Date: September 30, 2011 System Improvements

The following experience record, as of date shown, shall be submitted to the Owner with the Bid Form. All questions shall be answered fully. Bidders who have qualified to bid on other projects for this Owner within the last 12 months need not resubmit this form unless specifically requested by the Owner. The contents of this form will be considered confidential to the extent allowed by applicable laws and regulations.

Name of Bidder: Brandes Design-Build, Inc.

Business Address: 2151 NE Coachman Rd., Clearwater, FL 33765
Clearwater Street Florida 33765
City State Zip Code

1. Number of years in business as a Contractor under the present: 11 years
Business Name Brandes Design-Build, Inc.
As Principal Contractor Yes As a Sub-Contractor _____
2. Class of work you are equipped to perform: All phases of WWTP construction
3. Class of work you usually sublet: Instrumentation
4. Have any members of your concern ever operated under any other business name?
NO. If so, give details: _____
5. Have you ever failed to qualify as a responsible bidder? NO If so, give details:

6. Have you ever refused to enter into a contract after the award is made to you?
NO. If so, give details: _____
7. Have you ever failed to complete any work? NO. If so, give details:

8. Has any surety or financial institution ever experienced loss on your concern?
NO. If so, give details: _____

9. Give name and address of Owner, similar type of work, and the contract amount of at least three projects completed in the last five years:

Name:	(1) <u>Town of Zolfo Springs</u>	(2) <u>County of Manatee</u>	(3) <u>City of Ocala</u>
Address:	<u>3210 US Hwy 19 South</u> <u>Zolfo Springs, FL</u>	<u>1026 26th Avenue</u> <u>Bradenton, FL 34208</u>	<u>2100 N.E. 30th Ave</u> <u>Ocala, FL 34470</u>
Type of Work:	<u>WWTP</u>	<u>WWTP</u>	<u>WWTP</u>
Contract Amt:	<u>\$ 2,169,000.00</u>	<u>\$ 1,903,674.00</u>	<u>\$ 1,939,010.00</u>

10. Give name and address of Owner, type of work, and contract amount of projects now in process of construction:

	<u>Name</u>	<u>Address</u>	<u>Type of Work</u>	<u>Contract Amount</u>
A.	<u>Zolfo Springs</u>	<u>Zolfo Springs, FL</u>	<u>WWTP</u>	<u>\$ 2,324,000.00</u>
B.	<u>City of Eustis (Bates Ave)</u>	<u>Eustis, FL</u>	<u>WWTP</u>	<u>\$ 2,847,000.00</u>
C.	<u>St. Pete Aeration</u>	<u>St. Petersburg, FL</u>	<u>WWTP</u>	<u>\$ 4,521,000.00</u>
D.	<u>St. Pete GBT</u>	<u>St. Petersburg, FL</u>	<u>WWTP</u>	<u>\$ 981,000.00</u>
E.	<u>Mitchell Rd WTP</u>	<u>New Port Richey, FL</u>	<u>WTP</u>	<u>\$ 2,639,000.00</u>

11. Indicate your experience in the construction of work similar to this project (if not demonstrated by Questions 9 and 10, above):

12. Give construction experience of principal individuals of your organization:

	<u>Name</u>	<u>Position</u>	<u>Years of Experience</u>	<u>Size and Type of Work</u>
A.	<u>Kevin Klaus</u>	<u>President</u>	<u>32</u>	<u>1-20 million</u>
B.	<u>Robert Smith</u>	<u>Vice President</u>	<u>35</u>	<u>1-20 million</u>
C.	<u>Phil Sandlin</u>	<u>Superintendent</u>	<u>40</u>	<u>1-20 million</u>
D.	<u>Pat Tooley</u>	<u>Superintendent</u>	<u>20</u>	<u>1-5 million</u>
E.	<u>Bryan Barellos</u>	<u>Project Mgr</u>	<u>6</u>	<u>1-5 million</u>

13. Are there any judgments, suits, or claims pending against you? NO If so, give details:

14. Does your organization operate as a corporation, partnership, or individual? Corporation

CONTRACTOR QUALIFICATIONS

Project List

Manatee North Regional Wastewater Treatment Plant – Aerobic Digester #3

\$1,903,674.00

Complete: 1/2009

Owner

County of Manatee
1026 26th Avenue
Bradenton, FL 34208
(941) 708-7450

Engineer

PBS&J
2803 Fruitville Road
Suite 130
Sarasota, FL 34237

City of Ocala

Water Reclamation Facility No.2 Secondary Clarifier

\$1,939,040.00

Completed: 5/2009

Owner

City of Ocala
City Council
2100 N.E. 30th Ave
Ocala, FL 24470

Engineer

City of Ocala Engineering Dept.
405 S. E. Osceola Avenue
P.O. Box 1270
Ocala, FL 34471
(352) 629-8521

Page 2

**Town of Zolfo Springs
Public Works Improvement Projects Part B
Wastewater Treatment Plant Expansion**

\$2,699,200.00

Completed: 12/2008

Owner

Town of Zolfo Springs
3210 US HWY 19 South
Zolfo Springs FL

Engineer

Mittauer & Associates, Inc.
Jason Shepler, P.E.
580-1 Wells Road
Orange Park, FL 32073
(904) 278-0030
Fax (904) 278-0840

Central Pasco Water System Improvements

Boyette WTP

\$7,868,000.00

Completed: 2/2011 in Start Up 1/2011

Owner

Pasco County BOCC
Purchasing Dept.
8919 Government Drive
New Port Richey, FL 34654-5598
(727) 815-8194

Engineer

C&D Engineering
Kurt Heath, P.E.
3810 Northdale Blvd
Suite 170
Tampa, FL 33624
(813) 269-9777
Fax (813) 880-8882

**Town of Lady Lake
Wastewater Treatment Facility – Phase IIA**

\$4,467,000.00

Completed: 12/2008

Owner

Town of Lady Lake
409 Fennel Blvd.
Lady Lake, FL 32159
(352- 751-1500

Engineer

Neel-Schaffer
Stanley J. Keely, P.E.
2600 Lake Lucien
Suite 117
Maitland, FL 32751-7235
(407) 647-6623
Fax (407) 539-0575

VanDyke Reclaimed Water Storage Tank

5 mgd reuse protected concrete tank, new off/unit pumps, misc. piping, electrical.

\$2,959,000.00

Completed: 3/2006

Owner

Hillsborough County BOCC
PO Box 1110
Tampa, FL 33601
(813) 272-5977 Fax (813) 272-6254

Engineer

Hillsborough County Engineering Dept.
Kelly Kiner
Tampa, FL 33606
(813) 258-0703 Fax (813) 254-6860

The undersigned hereby declares and certifies that the foregoing is a true statement of the experience and condition of the organization, therein first given and that any agency or individual herein named authorized to supply any information as may be deemed necessary to verify this statement.

Signed _____

Title President

Subscribed and sworn to before me this

30th

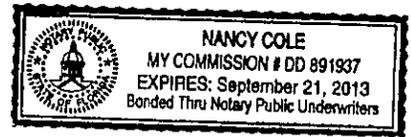
day of September, 2011

Nancy Cole Notary

Public

Pinellas County,

My Commission expires 9/21/2013



SECTION 00 45 19

NONCOLLUSION AFFIDAVIT

TO: The City of Palatka, herein called the "Owner."

Pursuant to bidding requirements for the work titled "2010 Energy Conservation Project WWTP Aeration System Improvements,"

the enclosed contract documents shall be provided to the Owner.

State of Florida

County of Pinellas

Kevin Klaus, being first duly sworn, deposes, and says that:

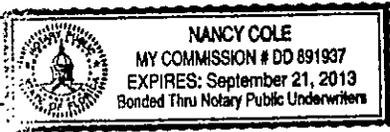
- A. He is President (officer's title) of Brandes Design-Build, Inc. (company name), the Bidder that has submitted the attached bid;
- B. He is fully informed respecting the preparation and contents of the attached bid and of all pertinent circumstances respecting such bid;
- C. Such bid is genuine and is not a collusive or sham bid;
- D. Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm, or person to submit a collusive or sham bid in connection with the contract for which the attached bid has been submitted or to refrain from bidding in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached bid or of any other Bidder, or to fix any overhead, profit, or cost element of the bid price or the bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the _____ or any person interested in the proposed contract; and
- E. The price or prices quoted in the attached bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed) Kevin Klaus

Subscribed and sworn to before me this 30th day of September, 2011.

Nancy Cole
Notary Public

9/21/2013
My commission expires



SECTION 00 45 30

SWORN STATEMENT UNDER SECTION 287.133(3)(a),
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

(To be signed in the presence of a notary public or other
officer authorized to administer oaths.)

STATE OF Florida

COUNTY OF Pinellas

Before me, the undersigned authority, personally appeared Kevin Klaus, who
being by me first duly sworn, made the following statement:

1. The business address of Brandes Design-Build, Inc.
is 2151 NE Coachman Rd., Clearwater, FL 33765 (firm name of Bidder/Contractor)

2. My relationship to Brandes Design-Build, Inc.
(firm name of Bidder/Contractor)
is President
(relationship such as sole proprietor, partner, president, vice president)

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

4. I understand that "convicted" or "conviction" is defined by the statute to mean a finding of guilt or a conviction of a public entity crime, with or without adjudication or guilt, in any federal or state trial of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

5. I understand that "affiliate" is defined by the statute to mean (1) a predecessor or successor of a person or a corporation convicted of a public entity crime; or (2) an entity under control of any natural person with is active in management of the entity and who has been convicted of a public entity crime; (3) those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate; or (4) a person or corporation who knowingly entered into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months.

6. Neither the Bidder/Contractor nor any officer, director, executive, partner, shareholder, employee, member or agent who is active in the management of the Bidder/Contractor, nor any affiliate of the Bidder/Contractor, has been convicted of a public entity crime subsequent to July 1, 1989.

(Draw a line through Paragraph 6 if Paragraph 7 below applies)

SECTION 00 45 20

DRUG FREE WORKPLACE CERTIFICATE

I, the undersigned, in accordance with Florida Statute 287.087, hereby certify that _____

Brandes Design-Build, Inc. (print or type name of firm)

- Publishes a written statement notifying that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace named above, and specifying actions that will be taken against violations of such prohibition.
- Informs employees about the dangers of drug abuse in the workplace, the firm's policy of maintaining a drug free working environment, and available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug use violations.
- Gives each employee engaged in providing commodities or contractual services that are under bid or proposal, a copy of the statement specified above.
- Notifies the employees that as a condition of working on the commodities or contractual services that are under bid or proposal, the employee will abide by the terms of the statement and will notify the employer of any conviction of, plea of guilty or nolo contendere to, any violation of Chapter 1893, or any controlled substance law of the State of Florida or the United States, for a violation occurring in the work place, no later that five (5) days after such conviction, and requires employees to sign copies of such written statement to acknowledge their receipt.
- Imposes a sanction on, or requires the satisfactory participation in, a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
- Makes a good faith effort to continue to maintain a drug free work place through the implementation of a drug free work place program.

"As a person authorized to sign a statement, I certify that the above named business, firm, or corporation complies fully with the requirements set forth herein."

[Signature]
 Authorized Signature Kevin Klaus
9/30/2011
 Date Signed

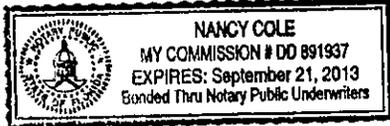
State of: Florida
 County of: Pinellas

Sworn to and subscribed before me this 30 day of September, 2011.

Personally known or Produced Identification KNOWN
(Specify type of Identification)

Nancy Cole
 Notary Public

My commission expires 9/21/2013

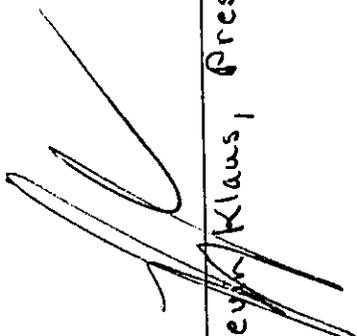


SECTION 00 45 35

**BIDDER'S STATEMENT OF DISPUTES, LITIGATION, ARBITRATION, AND SURETY COMPLETION
LAST THREE (3) YEARS**

<u>PROJECT</u>	<u>NAME AND ADDRESS OF OWNER OR ENGINEER</u>	<u>NAME AND PHONE OF OWNER OR ENGINEER REPRESENTATIVE</u>	<u>DATE OF CONTRACT</u>	<u>AMOUNT</u>	<u>STATUS</u>
----------------	--	---	-----------------------------	---------------	---------------

NONE

(Signed) 
Kevin Klaus, President

SECTION 00 45 55

FLORIDA TRENCH SAFETY ACT CERTIFICATION

Bidder acknowledges that included in the various items of the proposal and in the Total Bid Price are costs for complying with the Florida Trench Safety Act (90-96, Laws of Florida) as modified October 1, 200. The Bidder further identifies the costs to be summarized below:

	<u>Cost</u>
1. Trench Safety Act Compliance	\$ <u>2,000</u>
2. Special Shoring	\$ <u>NA</u>

Identify method of compliance for Item #1: TYPED "B" LAYBACK

Identify or attach a copy of Special Shoring requirements for Item #2: N/A

The undersigned certifies that he/she is the Contractor who will perform the trench excavation for this project, and hereby gives written assurance that Contractor will comply with the applicable trench safety standards specifically set forth in Florida's Trench Safety Act, Laws of Florida, 90-96.

BIDDER: Brandes Design-Build, Inc
By: [Signature]
Name: Kevin Klaus
Title: President

Sworn to and subscribed before me this 30th day of September, 2011.

[Signature]
Notary Public

My Commission Expires: 9/21/2013

SECTION 00 45 60

**CERTIFICATION REGARDING DEBARMENTS, SUSPENSION, INELIGIBILITY AND
VOLUNTARY EXCLUSION-LOWER TIER FEDERALLY FUNDED TRANSACTIONS**

**FLORIDA ENERGY AND CLIMATE COMMISSION
GRANT AGREEMENT NUMBER ARS027**

**STATE OF FLORIDA
GRANT ASSISTANCE
PURSUANT TO
AMERICAN RECOVERY AND REINVESTMENT ACT
UNITED STATES DEPARTMENT OF ENERGY AWARDS**

1. The undersigned hereby certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. The undersigned also certifies that it and its principals:
 - (a) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction: violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - (b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 2.(a) of this Certification: and
 - (c) Have not within a three-year period preceding this certification had one or more public transactions (Federal, State or local) terminated for cause or default.
3. Where the undersigned is unable to certify to any of the statements in this certification, an explanation shall be attached to this certification.

Dated this 30 day of September, 2011

By: _____

Authorized Signature/Contractor

Kevin M. Klaus/President

Typed Name/Title

Brandes Design-Build, Inc.

Recipient's Firm Name

2151 NE Coachman Road, Clearwater, FL 33765

Street Address

Building Suite Number

Clearwater, FL 33765

City/State/Zip Code

(727) 445-7544

Area Code/Telephone Number

SECTION 00 45 80

AMERICAN RECOVERY AND REINVESTMENT ACT 2009
BUY AMERICAN CERTIFICATION

Section 1605 of the American Recover and Reinvestment Act states that:

"None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States."

To meet this requirement, the undersigned hereby certifies that all of the material, equipment and accessories which are to be incorporated into the project identified below to be funded by monies from the American Recovery and Reinvestment Act, has been manufactured from domestic construction material as defined by Section 1605 of the American Recovery and Reinvestment Act.

Project: 2010 Energy Conservation Project
Wastewater Treatment Plant
Aeration System Improvements

Name of the Contractor: Brandes Design-Build, Inc.

Date: 9/30/2011

Signature of Authorized Official: _____

Title: President

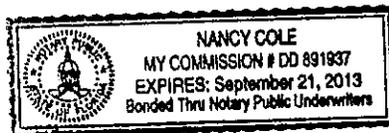
State of Florida, County of Putnam

On this 30 day of September, 2011, personally appeared before me Kevin Klaus who stated that (s)he is the President of Brandes Design-Build, Inc. a corporation, and that the instrument was signed on behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:

Manaf de

Notary Public of Florida

My Commission Expires: 9/21/2013



ADDENDUM #5

City of Palatka

201 North 2nd Street
Palatka, Florida 32177
Tel (386) 329-0100

Wastewater Treatment Plant Improvements

ISSUE DATE: September 27, 2011
ENGINEER: Ayres Associates Inc.
SUBJECT: 2010 Energy Conservation Project
Wastewater Treatment Plant
Aeration System Improvements

INTENT: This addendum is issued prior to the date bids are due to incorporate the following clarifications, additions, omissions, deletions, or changes into the Contract Documents.

Except as hereinafter specified, the work shall be in accordance with the drawings and specifications.

Bidders are to include the work of this addendum in their proposals, and it shall become a part of the Contract Documents when construction is executed.

This addendum shall become part of the contract documents from this point forward. Bidders are reminded that this addendum must be noted on the first sheet of the "Bid Form" when they submit their bid. In an effort to ensure all bidders receive this addendum, please send a signed acknowledgment copy of this addendum with your Bid Form.

ITEM #1

Specification Section 33 35 30 Item A is amended to include an "or equal" valve.

THE BID DEADLINE REMAINS September 30, 2011 @ 3:00 PM

Acknowledgment

Mama Cole 9/28/2011
Signature and Date

Nancy Cole / Office Mgr.
Printed Name / Title

Brandes Design Build, Inc.
Company Name

ADDENDUM #4

City of Palatka

201 North 2nd Street
Palatka, Florida 32177
Tel (386) 329-0100

Wastewater Treatment Plant Improvements

ISSUE DATE: September 27, 2011
ENGINEER: Ayres Associates Inc.
SUBJECT: 2010 Energy Conservation Project
Wastewater Treatment Plant
Aeration System Improvements

INTENT: This addendum is issued prior to the date bids are due to incorporate the following clarifications, additions, omissions, deletions, or changes into the Contract Documents.

Except as hereinafter specified, the work shall be in accordance with the drawings and specifications.

Bidders are to include the work of this addendum in their proposals, and it shall become a part of the Contract Documents when construction is executed.

This addendum shall become part of the contract documents from this point forward. Bidders are reminded that this addendum must be noted on the first sheet of the "Bid Form" when they submit their bid. In an effort to ensure all bidders receive this addendum, please send a signed acknowledgment copy of this addendum with your Bid Form.

ITEM #1

The Florida Energy and Climate Commission Grant Agreement No. has been revised to ARE049.

ITEM #2

Specification Section 00 73 75 Article 12.A(3)(a). The first sentence has been revised to read "for a period of five years."

ITEM #3

Specification Section 00 21 15 Article 10.02 second sentence has been revised. Replace \$5,000/day with \$1,500/day.

ITEM #4

The following Specification Sections have been revised and/or included:

00 41 15

04 05 10

04 05 23

04 21 13

04 22 00

04 22 23

04 22 40

05 50 00

07 50 00

08 33 23

09 24 23

QUESTIONS AND ANSWERS

Q: Please clarify Bid Item #6.

A: The quantity for Bid Item #6 has been revised to 5 on the Bid Form. There are to be three (3) butterfly valves inside the building that are either going to be on or off. The three BFV must be gear operated lug style valves. Operator flange conforms with ISO 5211. Acceptable manufacturers include API International, Mueller or approved equal.

There are to be two (2) IRIS Diaphragm Control Valves with motor operators outside the building as shown on Sheet M-3. The contractor shall provide 120V service to each of the MOV. The can obtain the 120V circuit from the 208/120V Panel L1.

Q: On E-1 it shows an exhaust fan, please confirm that an exhaust fan is not needed for this project.

A: The exhaust fan must remain.

Q: On E-1 it only shows 2 blowers, please confirm that there are 3 blowers for this project.

A: There are three (3) blowers on this project.

THE BID DEADLINE REMAINS September 30, 2011 @ 3:00 PM

Acknowledgment

Nancy Cole 9/27/2011
Signature and Date

Office Manager / Nancy Cole
Printed Name / Title

Brandes Design-Build, Inc.
Company Name

ADDENDUM #3

City of Palatka

201 North 2nd Street
Palatka, Florida 32177
Tel (386) 329-0100

Wastewater Treatment Plant Improvements

ISSUE DATE: September 15, 2011

ENGINEER: Ayres Associates Inc.

SUBJECT: 2010 Energy Conservation Project
Wastewater Treatment Plant
Aeration System Improvements

INTENT: This addendum is issued prior to the date bids are due to incorporate the following clarifications, additions, omissions, deletions, or changes into the Contract Documents.

Except as hereinafter specified, the work shall be in accordance with the drawings and specifications.

Bidders are to include the work of this addendum in their proposals, and it shall become a part of the Contract Documents when construction is executed.

This addendum shall become part of the contract documents from this point forward. Bidders are reminded that this addendum must be noted on the first sheet of the "Bid Form" when they submit their bid. In an effort to ensure all bidders receive this addendum, please send a signed acknowledgment copy of this addendum with your Bid Form.

ITEM #1

The bid deadline for the referenced project has been extended until Friday, September 30, 2011 at 3:00 p.m.

ITEM #2

Structural Plan Sheets S-01 through S-08 are included.

ITEM #3

Specification Section 00 41 15 has been revised with one additional alternate bid item.

ITEM #4

Specification Sections 03 20 00 and 03 30 00 have been replaced.

ITEM #5

Specification Section 11 94 10 has been revised. Part 1, 1.05.B.

ITEM #6

Specification Section 11 98 20 has been revised.

QUESTIONS AND ANSWERS

Q: Drawing E-1 shows a unit heater which is listed as explosion proof and the panels and other equipment is listed as NEMA 1. Is this correct?

A: The unit heater does not need to be explosion proof.

Q: Drawing E-1; the disconnect sw feeding the new aerator building is located in the existing control building which is a NEMA 1 area. Drawing E-2 shows the switch as NEMA 4X. Should this switch be NEMA 1?

A: Yes.

Q: Drawing E-1 shows the exhaust fan as 120V. The disconnect is shown as 3 phase NEMA 3r. Should this be 120 V motor rated sw in a NEMA 1 enclosure?

A: Yes.

Q: The lighting panel "L1" circuit 5 indicates exterior lights. Are there exterior lights?

A: Space was allocated for exterior lighting, in case the Owner wanted them in the future.

Q: Drawing E-2; one line shows 3-500 MCM from MCC-1E to the service disconnect and the 4-500 MCM to panel "H1". If a neutral is required shouldn't we carry it from the MCC-1E from which the feeder is derived?

A: Yes. Provide the neutral from MC-1E to disconnect through to H1.

Q: Spec Section 00 73 76 "Wage Determination" doesn't have any rates for electrician and other trades.

A: Please use Wage Rate Determination FL 164 – Modification 11 for electrician and other trades.

Acknowledgment

Nancy Cole 9/16/2011
Signature and Date

Nancy Cole / Office Mgr.
Printed Name / Title

Brandes Design-Build, Inc
Company Name

End of Addendum Number Three

ADDENDUM #2

City of Palatka

201 North 2nd Street
Palatka, Florida 32177
Tel (386) 329-0100

Wastewater Treatment Plant Improvements

ISSUE DATE: September 9, 2011
ENGINEER: Ayres Associates Inc.
SUBJECT: 2010 Energy Conservation Project
Wastewater Treatment Plant
Aeration System Improvements

INTENT: This addendum is issued prior to the date bids are due to incorporate the following clarifications, additions, omissions, deletions, or changes into the Contract Documents.

Except as hereinafter specified, the work shall be in accordance with the drawings and specifications.

Bidders are to include the work of this addendum in their proposals, and it shall become a part of the Contract Documents when construction is executed.

This addendum shall become part of the contract documents from this point forward. Bidders are reminded that this addendum must be noted on the first sheet of the "Bid Form" when they submit their bid. In an effort to ensure all bidders receive this addendum, please send a signed acknowledgment copy of this addendum with your Bid Form.

ITEM #1

The bid deadline for the referenced project has been extended until Friday, September 16, 2011 at 3:00 p.m.

Acknowledgment

Manakole 9/9
Signature and Date

Nancy Cole/office mgr
Printed Name / Title

Branche Design - Build, Inc.
Company Name

End of Addendum Number Two

ADDENDUM #1

City of Palatka

201 North 2nd Street
Palatka, Florida 32177
Tel (386) 329-0100

Wastewater Treatment Plant Improvements

ISSUE DATE: August 24, 2011

ENGINEER: Ayres Associates Inc.

SUBJECT: 2010 Energy Conservation Project
Wastewater Treatment Plant
Aeration System Improvements

INTENT: This addendum is issued prior to the date bids are due to incorporate the following clarifications, additions, omissions, deletions, or changes into the Contract Documents.

Except as hereinafter specified, the work shall be in accordance with the drawings and specifications.

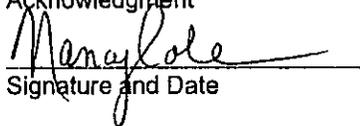
Bidders are to include the work of this addendum in their proposals, and it shall become a part of the Contract Documents when construction is executed.

This addendum shall become part of the contract documents from this point forward. Bidders are reminded that this addendum must be noted on the first sheet of the "Bid Form" when they submit their bid. In an effort to ensure all bidders receive this addendum, please send a signed acknowledgment copy of this addendum with your Bid Form.

ITEM #1

The bid deadline for the referenced project has been extended until Monday, September 12, 2011 at 3:00 p.m.

Acknowledgment


Signature and Date

Nancy Cole / Office Mgr.
Printed Name / Title

Brandes Design-Build, Inc
Company Name

End of Addendum Number One

Agenda
Item

3b

**REQUEST TO BE PLACED ON
CITY COMMISSION AGENDA**

NOTE: Regular City Commission meetings are held on the 2nd and 4th Thursdays of the month at 6:00 p.m. This request form, together with any attachments or backup material that that would help the Commission to better consider your request, should be submitted to the City Clerk's office *no later than 10:00 a.m. the Wednesday a week prior to the next regularly scheduled Thursday City Commission meeting.* Meeting dates are subject to change. Please verify the closing date for agenda items with the Clerk's office.

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

Chief Gary Getchell / Palatka Police Department

Name of Individual making presentation or request, if different:

Chief Gary Getchell

Address: Palatka Police Department

Daytime Phone 329-0115 Home ph. _____ Fax _____

Requested meeting date for Agenda Item: October 13, 2011

Request for Commission Action or Presentation Only; no action required Subject

Matter you wish to address:

Decision on proposals for False Alarm Program Management and contracting with selected company

Refer to attached documentation

Commission Action Requested, if any:

Decision on bid proposal – Approve contracting with ATB Services to manage the False Alarm Program (most cost effective proposal) and authorize Mayor to sign contract

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.

Palatka Police Department
110 North 11th Street

Memorandum

Date: 09-28-11
To: Betsy Driggers, City Clerk
From: Chief Gary Getchell
Subject: Decision on proposals for False Alarm Program management

On July 27, 2011, the Palatka Police Department issued Request for Proposals for contracted management of the City of Palatka False alarm program. The RFP was issued as required by the City of Palatka, sent to known vendors and posted to the City of Palatka and Palatka Police Department websites.

We received three (3) proposals in response by the deadline for submission, September 7, 2011 at 5 PM. The proposals were from the companies listed below;

ATB Services
Crywolf False Alarm Solutions
EnalbePoint Corporation

The proposals were evaluated and it was determined that the most beneficial proposal to the City of Palatka was from ATB Services. It should be noted that it was also determined that contracting with ATB Services would be more cost effective than utilizing department staff to manage the program. A copy of the evaluation forms are attached to this memorandum along with the pricing analysis sheet.

The Palatka Police Department requests that the City Commission approve contracting with ATB Services and authorize the Mayor to sign the attached contract.

Chief Gary Getchell

Sign below for approval

City Manager

Date

Commission Representative

Date

City of Palatka Request for Proposal

REQUEST FOR PROPOSAL: RFP False Alarm Program Management

DEADLINE: Wednesday, September 7, 2011 before 5:00 PM, Eastern Standard Time

DELIVERY LOCATION: Palatka Police Department
Attn: Asst. Chief James Griffith
110 North 11th Street
Palatka, FL 32177

PURCHASING AGENT: James A. Griffith, jgriffith@palatka-fl.gov

DATE OF ISSUE AND ADVERTISEMENT: July 27, 2011

No late proposals will be accepted. RFP'S shall be submitted in sealed envelopes labeled "*RFP False Alarm Program Management*" with the name and address of the Proposer.

RFP's shall be submitted in accordance with the attached City of Palatka specifications and RFP documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested. Failure to do so may be used as basis of rejection.

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

Name of Firm: ATB Services, LLC

Contact Person: Michael Zelesnik **Title:** President

E-Mail: michael@atbservices.com **Phone:** 719-351-6084

Business Address: 2930 Austin Bluffs Pkwy #301

City: Colorado Springs **State:** CO **Zip:** 80918

Signature: Michael Zelesnik **Date:** 9-06-11

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

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

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

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

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

ATE Services, LLC
Name of Business

BY:

Michael Zelesnik
Signature

Sworn to and subscribed before me
this 6 day of September, 2011

Michael Zelesnik - President
Name and Title, Typed or Printed

2930 Austin Bluff Pkwy
Mailing Address

Colorado Springs, CO 80918
City, State, Zip Code

(719) 351-1084
Telephone Number

Robin Buckley
Notary Public
STATE OF Colorado

My Commission Expires 1-13-2015

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

FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

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

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

by: Michael Zelesnik - President

(print individual's name and title)

for: ATB SERVICES

(print name of entity submitting sworn statement)

whose business address is: 2930 AUSTIN BLUFFS PKWY Colorado Springs, CO. 80918

and (if applicable) its Federal Employer Identification Number (FEIN) is: 71-0931612

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

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

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

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

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

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

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

6. Based on information and belief, the statement, which I have marked below, is true in relations to the entity submitting this sworn statement. (Indicate which statement applies).
- Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
 - The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
 - The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

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

ATB SERVICES
Name of Business

BY: Michael Zalesnik
Signature

Sworn to and subscribed before me
this 6 day of September 2011

Michael Zalesnik - President
Name and Title, Typed or Printed

2930 Austin Bluffs Pkwy
Mailing Address

[Signature]
Notary Public

Colorado Springs, CO 80918 STATE OF Colorado
City, State, Zip Code

(719) 351-6084
Telephone Number

My Commission Expires 1-13-2014

AMERICANS WITH DISABILITIES ACT (ADA)

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

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

by: Michael Zelesnik - President

(print individual's name and title)

for: ATB SERVICES

(print name of entity submitting sworn statement)

whose business address is: 2930 Austin Bluffs Pkwy Colorado Springs, CO 80918

and (if applicable) its Federal Employer Identification Number (FEIN) is: 71-0931612

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

I, being duly first sworn state:

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

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

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

The Rehabilitation Act of 1973, 229 USC Section 794;

The Federal Transit Act, as amended 49 USC Section 1612;

The Fair Housing Act as amended 42 USC Section 3601-3631.

Michael Zelesnik
Signature

Sworn to and subscribed before me this 6 day of September, 2011.

Personally known _____ OR Produced identification Driver Lic

Driver Lic Notary Public - State of Colorado
Type of identification My commission expires: 1-13-2014

Allyn Buckley
Printed, typed or stamped commissioned name of notary public

BUSINESS ENTITY AFFIDAVIT
(VENDOR / BIDDER DISCLOSURE)

I, Michael Zelesnik, being first duly sworn state:

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

71-0931612
Federal Employer Identification Number (If none, Social Security Number)

ATB SERVICES LLC
Name of Entity, Individual, Partners or Corporation

Doing Business As (If same as above, leave blank)
2930 Austin Bluffs Pkwy #301, Colorado Springs, CO 80918
Street Address Suite City State Zip Code

OWNERSHIP DISCLOSURE AFFIDAVIT

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

Full Legal Name Address Ownership

%	<u>Zina Sumpay Zelesnik</u>	<u>60%</u>
%	<u>Michael Gerald Zelesnik</u>	<u>40%</u>
%		
%		

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

None

Michael Zelesnik
Signature of Affiant

September 6, 2011
Date

Michael Zelesnik
Print Name

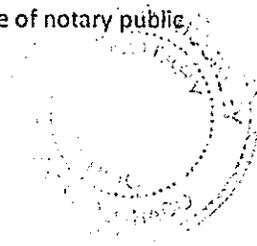
Sworn to and subscribed before me this 6 day of September, 2011. Personally known

_____ OR Produced identification ✓ Type of

Identification Driver's Lic.

Notary Public -- State of Colorado My commission expires: 1-13-2014

Stacy Buckley
Printed, typed or stamped commissioned name of notary public



Request for Taxpayer Identification Number and Certification

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

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) ATB SERVICES COMPANY, LLC.	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C-C corporation, S-S corporation, P-partnership) ▶ P <input type="checkbox"/> Exempt payee	
	<input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.) 2930 AUSTIN BLUFFS PKWY, #301		Requester's name and address (optional)
City, state, and ZIP code COLORADO SPRINGS, CO 80918		
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

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

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

Social security number								

Employer identification number								
7	1	-	0	9	3	1	6	1

Part II Certification

Under penalties of perjury, I certify that:

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

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

Sign Here Signature of U.S. person ▶ *Gina Zeliszek* Date ▶ **9-6-11**

General Instructions

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

Purpose of Form

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

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

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

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

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

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

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

False Alarm Program

2011 Proposal Analysis – Pricing

Alarm Registrations – estimated 600 alarm registrations a year per Cathy Anderson
Income estimated - \$70,000.00 to \$80,000.00 by Cry Wolf

Using the figures of 600 alarm registrations and \$70,000.00 of program generated income, the program costs and income have been estimated where possible for the three (3) proposals received from ATB Services, Cry Wolf False Alarm Solutions and EnablePoint Corporation.

Percentage pricing

- ATB (19% of all monies generated)
ATB would receive \$13,300.00
City of Palatka would receive \$56,700.00
- Crywolf (38% of first \$30,000.00, 32% of next \$30,000.00 and 22% of remainder)
Crywolf would receive (38%) \$11,400.00
(32%) \$ 9,600.00
(22%) \$ 2,200.00
\$23,200.00
City of Palatka would receive \$46,800.00
- EnablePoint (1st year 50%, 2nd year 45% and 3rd year 40%)
EnablePoint would receive (50%) \$35,000.00
(45%) \$31,500.00
(40%) \$28,000.00
City of Palatka would receive \$35,00.00 1st year

Registration Fee Pricing

- ATB (ATB receives \$20.00 for each registration fee of \$25.00)
ATB would receive \$12,000.00
City of Palatka would receive \$ 3,000.00 and all other fines and fees

- Crywolf (Crywolf receives \$18.00 for each registration fee of \$25.00 plus 50% of all other fines and fees collected)

Crywolf would receive \$10,800.00
plus 50% of all other fines and fees

City of Palatka would receive \$ 4,200.00
plus 50% of all other fines and fees

- Enable Point – No proposal for this type of pricing

Per Fee Pricing

The only proposal for this type of pricing was from ATB. They would receive the following amounts for each type of fine or fee:

Late Fee - \$10.00

False alarm - \$20.00

Reinstatement Fee - \$20.00

Unregistered Alarm Fine - \$20.00

We were unable to estimate the amounts that ATB and the City of Palatka would receive.

Based on the pricing estimates it was determined that the most beneficial pricing model for the City of Palatka would be the percentage pricing proposed by ATB Services. This pricing model limits cost while still motivating the contracted company to fully manage the false alarm program.

It was also determined that it would be more cost effective to utilize the contracted services of either ATB or Crywolf as opposed to hiring full time staff to manage the program. The City of Palatka would spend more, estimated \$30,00.00 for salary and benefits per year compared to \$13,300.00 for ATB or \$23,200.00 for Crywolf per year.

AGREEMENT FOR SERVICES

THIS AGREEMENT dated October 14, 2011 by and between ATB Services Company, LLC, hereinafter referred to as ATB Services with principle offices located at 2930 Austin Bluffs Parkway, Suite 301 Colorado Springs, Colorado 80918 and the City of Palatka, Florida with principle offices located at 201 North 2nd Street, Palatka, Florida.

1. **Engagement.** the City of agrees Palatka, Florida to engage the services of ATB Services to provide the false alarm tracking and billing functions to support the enforcement of the City of Palatka, Florida's alarm ordinance.

2. **Term:** The term of this Agreement shall commence on November 1, 2011 and shall expire on December 31, 2014. If written notice from the City of Palatka, Florida to ATB Services terminating further services after the expiration of the Agreement is not received by ATB Services at least (30) days prior to the expiration of this Agreement, this Agreement shall automatically be renewed for a period of 2 years on the same terms and conditions as set forth in this Agreement. At any time, the City of Palatka, Florida or ATB Services can cancel the contract after 90 days of written notice.

3. **Services:** ATB Services shall exert its best efforts to permit and track and bill false alarms, as specified for in this Agreement. ATB Services shall, subject to the general direction and approval of the City of Palatka, Florida provide the following services:

- A. **Alarm Permits; Online Billing; Payments:** The City of Palatka, Florida authorizes ATB Services to have direct communication with local alarm service companies and local alarm service users on behalf of the City of Palatka, Florida. ~~ATB Services shall maintain a record of all alarm services. ATB Services shall permit all known alarm users in the City of Palatka, Florida and shall issue permits for each application. ATB Services shall communicate to the alarm services companies the requirements of the City of Palatka, Florida's alarm ordinance and shall coordinate efforts to achieve their cooperation. ATB Services will notify the alarm permit holder annually and at least 45 days in advance to notify the alarm permit holder must pay the annual permit renewal.~~
- B. **Alarm Tracking:** ATB Services will receive a log of false alarms from the City of Palatka, Florida appropriate systems and agreed upon time frames and transmission interfaces. ATB Services shall keep a record of the number of false alarm(s) of each user of alarm company services. ATB Services shall issue billings for the failure to properly register the alarm system.
- C. **Alarm Billing:** ATB Services shall issue false alarm billings on an interval required by the City of Palatka, Florida's alarm ordinance.

- D. **Citizen Customer Support:** ATB Services shall provide telephone support for all citizen inquiries related to permitting, billing, and questions about the City of Palatka, Florida's alarm ordinance and program. Telephone customer support for the citizens of Palatka, Florida will be provided Monday through Friday 9:00 am to 6:00 pm Mountain time except on government holidays. ATB Services shall provide customer support in English and Spanish. ATB Services shall provide a toll free number for the citizens of Palatka, Florida to call for inquiries and support. ATB Services shall publish the toll free support number on all warning letters, alarm brochures, billings, and alarm registration notices. ATB Services shall provide alarm users with online information about their individual accounts and additional educational material about how to reduce false alarms. ATB Services shall also develop a false alarm brochure specifically for the City of Palatka, Florida and send it out with all new permits, warning letters and billings. ATB Services shall provide the City of Palatka, Florida with its standard online alarm school to help educate the citizens and businesses about the issues of false alarms. ATB Services shall, subject to the approval of the City of Palatka, Florida Alarm Administrator, develop all letters, permits, fee statements, warning letters and correspondence to be used in conjunction with the ordinance.
- E. **Reporting:** ATB Services shall provide the City of Palatka, Florida periodic reports of its services, including alarm permit fee issuance, permit status, billings issued for false alarms, fees collected by ATB Services and all unpaid fines and/or fees. Report information will be provided to the City of Palatka, Florida in a format and at an interval to be agreed upon by ATB Services and the Palatka Police Department.
- F. **Remittance Processing:** All payments required to be paid under the Ordinance shall be sent to ATB Services for processing. All remittance correspondence shall be mailed to ATB Services for posting, processing, and depositing.

The citizens of Palatka, Florida will be given the option to pay their fees online with a credit card or electronic check. ATB Services will create and maintain a web site for the citizens of Palatka, Florida to make credit card or electronic check payments. The citizens of Palatka, Florida will be charged an agreed upon convenience fee for making credit card or electronic check payments and this convenience fee will be charged on the credit card or bank account number used for payment.

- G. **Standard Operating Procedure:** ATB Services will jointly create and maintain a Standard Operating Procedures (SOP) manual which will outline the processes and controls for the City of Palatka, Florida Alarm management program.
- H. **Training:** If Enhanced Call Verification is required, ATB Services will provide the Putnam County Sheriff's Office on site training on how to use Enhanced Call Verification procedures.
- I. **Ordinance Consulting:** ATB Services will provide the City of Palatka, Florida ordinance consulting services as needed and requested by Palatka, Florida to ensure that Palatka, Florida has the best methods and techniques in their ordinance to reduce false alarms and to recover the costs for response and managing the program.
- J. **Compensation:** ATB Services shall invoice the City of Palatka, Florida at the end of each month for the processing fees set forth in this subparagraph J. City of Palatka, Florida shall have 30 days from the date of receipt of the invoice to make payment. All invoices from ATB Services shall be accompanied by a detailed statement, in a form acceptable to the City of Palatka, Florida, containing sufficient information to identify the basis for the payment. ATB Services shall receive for its services hereunder the following compensation:

ATB Services' compensation is a portion of the fines and fees paid. ATB Services fee is the following

- 1. 19% of all collected fines and fees

If an alarm user fails to pay their fines and/or fees after 120 days, ATB Services may send their fines and information to a certified bad debt collection agency. Fees for bad debt collections are the following:

- 1) 33% of fees collected
- 2) If bad debt is collected through the courts the fee is 50%

All bad debt collections fees are in addition to ATB Services compensation fees.

- 4. **Expenses:** ATB Services shall be solely responsible for all of its expenses in performing its services under this Agreement.

5. **Notices:** All notices, requests, demands and other communications under this Agreement shall be in writing and shall be deemed to have been given when mailed at any general or branch United States Post Office enclosed in a certified postpaid envelope and addressed to the party stated below:

To ATB Services Company, LLC
2930 Austin Bluffs Parkway, Suite 301
Colorado Springs, Colorado 80918

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

Any notice of change of address shall only be effective, however, when received.

6. **Successors and assigns:** This Agreement shall inure to the benefit of and be binding upon ATB Services, the City of Palatka, Florida, its successors and assigns.
7. **Applicable law:** This Agreement shall be governed by the laws of the State of Florida without giving effects to the principles of conflicts of law. All legal issues shall be resolved by the courts of the State of Florida.
9. **Other agreements:** This Agreement supersedes all prior understandings and agreements between the parties. It may not be amended orally, but only by writing signed by the parties hereto.
10. **Non-waiver:** Delay or failure by either party in exercising any right under the Agreement shall not constitute a waiver of that or any other right.
11. **Headings:** Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
12. **Counterparts:** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
13. **Confidentiality.** The database of information of registered alarm users and false alarms maintained by ATB Services shall remain at all times the property of the City of Palatka, Florida. ATB services shall not disclose any information collected in connection with this agreement to anyone other than its employees. ATB Services shall notify its employees who are given access to this information that they have an obligation not to disclose or use

this information except for in the performance of services under this contract. ATB Services shall use all reasonable security measures to safeguard this information.

ATB Services Company, LLC

City of Palatka, Florida

By: _____
Zina Sampey, Manager

By: _____

**Palatka Police Department
110 North 11th Street**

Memorandum

**Date: 10-03-11
To: Betsy Driggers, City Clerk
From: James Griffith
Subject: RFP advertisement – Alarm Program Management**

In order to advertise the RFP for the Alarm Program Management, we searched for companies that operate this type of business and contacted them. A list of what we found on the internet is attached. It has notes indicating that we contacted them. We sent the RFP and the ordinance to three companies we were able to make contact with that confirmed that they were interested. We posted it on the Palatka Police Department website. See the attached screen print from the Palatka Police Department website. We also posted the RFP to the City of Palatka website, see attached screen print from City of Palatka website. I also attached a copy of the email where I sent it to Jonathan Griffith to post.

Home | Search | Register Today | Home | News | Products | Topics | Video | Community | Careers | Training | Survival | Grants | Sign In

POLICEONE.COM

Search: Products:

REGISTER TODAY | HOME | NEWS | PRODUCTS | TOPICS | VIDEO | COMMUNITY | CAREERS | TRAINING | SURVIVAL | GRANTS

False Alarm Management Company Directory

Need Advice Buying False Alarm Management?



Back to False Alarm Management Homepage

False Alarm Management Sponsors

CRYWOLF
FALSE ALARM SOLUTIONS
Public Safety Corporation

All False Alarm Management Manufacturers

False Alarm Management Feature



Go to the False Alarm Management Solutions and Products Directory

Featured Product Categories

- Control Rooms
- Hardware/Accessories
- Software/Integrations
- CPD/IT
- Alarm Solutions
- [View All Categories](#)

National Association of Police Equipment Distributors

Featured False Alarm Management Companies

CryWolf by Public Safety Corporation
103 Paul Mellon Court
Waldorf, Maryland 20602
Phone: 877-729-9653
Fax: 301-638-9319
Email: info@crywolf.com
Web: www.crywolf.com

cpuckett@publicsafetycorp.com

[Request Information](#)

Other False Alarm Management Companies

CTS America
160 N Palafox St
Pensacola, Florida 32502
Phone: 877-762-7826
Fax: 850-429-0522
Email: sales@cts-america.com
Web: <http://www.cts-america.com>

*No more Mr. Beast!
07-27-11*

DataDot Technology Canada
3551 St. Charles Blvd. Suite 564
Kirkland, Quebec H9H3C4
Phone: 800-546-4454
Fax: no
Email: mda@datadotcan.com
Web: <http://www.datadotluna.com>

DO not do that

EmergiTech, Inc.
2545 Farmers Drive, Suite 250
Columbus, Ohio 43235
Phone: 614-339-8300
Fax: 614-866-9208
Email: sales@emergitech.com
Web: <http://www.emergitech.com>

*Bad #
No answer*

EnablePoint Alarm Software
PO Box 511218
Livonia, Michigan 48151
Phone: 734-268-6058
Fax: no
Email: frank@falsealarmssoftware.com
Web: <http://www.falsealarmssoftware.com>

message

Moose Rapids Technologies, Inc.
PO Box 25076
Federal Way, Washington 98093-2076
Phone: 866/549-5918
Email: inquiries@mooserapids.com
Web: <http://www.mooserapids.com>

No answer

Stun-Gun.net
1990 N Alma School Rd
Chandler, Arizona 85225
Phone: 928-303-5979
Fax: no
Email: support@stun-gun.net
Web: <http://www.stun-gun.net>

Sundance Systems Inc.
8001 Sweet Valley Drive
Valley View, Ohio 44125
Phone: 216-328-6551
Fax: 216-328-0554
Email: abraham@sundance-sys.com
Web: <http://www.sundance-sys.com>

Do not do that

Event | Webinars

Not Listed? Find Out More About a Free Directory Listing.

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PoliceOne	News & Video	Popular Products	Popular Topics	Resources	In Our Network
PoliceOne is revolutionizing the way the law enforcement community finds relevant news, identifies important trends, and interacts online and researches products, services and technologies. It's the most comprehensive and trusted online destination for law enforcement agencies and police departments worldwide.	<ul style="list-style-type: none"> Articles Press Releases Press Photos Press Videos Press Photos Press Videos Press Photos Press Videos 	<ul style="list-style-type: none"> Body Armor Body Cameras Body Worn Video 	<ul style="list-style-type: none"> Body Worn Video 	<ul style="list-style-type: none"> Body Worn Video 	<ul style="list-style-type: none"> Body Worn Video

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FINALISTS HAVE BEEN CHOSEN.

NOW IT'S TIME TO PICK THE WINNERS.

VOTE NOW

Alcatel-Lucent

PublicSafetyPics.com

RUGER RIMFIRE SHOOTING COMPETITIONS

CLICK HERE TO LEARN MORE

James Griffith

From: James Griffith
To: Wednesday, July 27, 2011 4:16 PM
Subject: Jonathan Griffith
Attachments: RFP and Ordinance to be posted to City of Palatka website
False Alarm Ordinance 11-21.pdf; RFP False Alarm Program Management 07-27-11.doc

Jonathan

Please post this RFP and the attached ordinance to the City of Palatka website
It was approved at the last city commission meeting.

Thanks
D

James A. Griffith
Palatka Police Department
110 North 11th Street
Palatka, FL 32177
Office (386) 329-0115 ext. 219
Cell Phone (386) 937-1703

Palatka Police Department

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Archive for the 'RFP's and RFQ's' Category

Wednesday, July 27th, 2011 at 4:18pm

Request for Proposal – False Alarm Program Management

Posted by [jgriffith](#) in [RFP's and RFQ's](#)

The City of Palatka has issued a request for proposal to qualified vendors to provide management of the City of Palatka False Alarm Program. Interested parties can obtain a copy of the Request for Proposal as well as the current ordinance at the City of Palatka website <http://palatka-fl.gov/> or contact Assistant Chief James Griffith at (386) 329-0115, extension 219 or [...]

Comments Off

- Quick Links
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 - [Alarm Program](#)
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[Aeration System Improvement Invitation to Bid](#)

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RFP's

Past Requests

[False Alarm Management](#) ←

[Palatka Municipal Airport Invitation to Bid](#)

[Energy Conservation Grant Invitation to Bid](#)

[TAXIWAY B REHABILITATION AND DRAINAGE IMPROVEMENTS](#)

[Wastewater Treatment Plant Improvements](#)

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Agenda
Item

3c

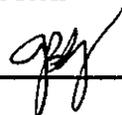
**REQUEST TO BE PLACED ON
CITY COMMISSION AGENDA**

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

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

Palatka Police Department, Chief Gary Getchell

Name of Individual making presentation or request, if different:

GARY GETCHELL, CHIEF OF POLICE 

Address: 110 NORTH 11TH STREET

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

Requested meeting date for Agenda Item: 9/13/2011

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

Subject Matter you wish to address: To be placed on **Consent Agenda** – Request the City Commission's approval to accept the Edward Byrne Memorial Justice Assistance Grant in the amount of \$21,364; and authorize the Mayor to sign on behalf of the City.

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.



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 617-1250
www.fdle.state.fl.us

Rick Scott, Governor
Pam Bondi, Attorney General
Jeff Atwater, Chief Financial Officer
Adam Putnam, Commissioner of Agriculture

SEP 23 2011

The Honorable Vernon Myers
Mayor
City of Palatka
201 North 2nd Street
Palatka, FL 32177

Re: Contract No. 2012-JAGC-PUTN-1-C4-027

Dear Mayor Myers:

The Florida Department of Law Enforcement is pleased to award an Edward Byrne Memorial Justice Assistance Grant to your unit of government in the amount of \$ 21,364.00 for the project entitled, CITY OF PALATKA POLICE DEPARTMENT COMMUNICATIONS TECHNOLOGY PROGRAM. These funds shall be utilized for the purpose of reducing crime and improving public safety.

A copy of the approved subgrant application with the referenced contract number is enclosed for your file. All correspondence with the Department should always refer to the project number and title.

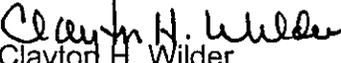
Your attention is directed to the Standard Conditions of the subgrant. Changes were made after your application was received in this office. Therefore, the Standard Conditions should be reviewed carefully by those persons responsible for project administration to avoid delays in project completion and costs reimbursements.

The enclosed Certification of Acceptance should be completed and returned to the Department within 30 calendar days from the date of award. This certificate constitutes official acceptance of the award and must be received by the Department prior to the reimbursement of any project expenditures.

The Honorable Vernon Myers
Page Two

We look forward to working with you on this project. If we can be of further assistance, please contact Janice Parish at 850/617-1250.

Sincerely,


Clayton H. Wilder
Administrator

CHW/JP/st

Enclosures

**State of Florida
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308**

CERTIFICATE OF ACCEPTANCE OF SUBGRANT AWARD

The subgrantee, through its authorized representative, acknowledges receipt and acceptance of subgrant award number 2012-JAGC-PUTN-1-C4-027, in the amount of \$ 21,364.00, for a project entitled, CITY OF PALATKA POLICE DEPARTMENT COMMUNICATIONS TECHNOLOGY PROGRAM, for the period of 10/01/2011 through 09/30/2012, to be implemented in accordance with the approved subgrant application, and subject to the Florida Department of Law Enforcement's Standard Conditions and any special conditions governing this subgrant.

(Signature of Subgrantee's Authorized Official)

(Typed Name and Title of Official)

(Name of Subgrantee)

(Date of Acceptance)

**State of Florida
Office of Criminal Justice Grants
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308**

SUBGRANT AWARD CERTIFICATE

Subgrantee: City of Palatka

Date of Award: 9-22-11

Grant Period: From: 10/01/2011 TO: 09/30/2012

Project Title: CITY OF PALATKA POLICE DEPARTMENT COMMUNICATIONS
TECHNOLOGY PROGRAM

Grant Number: 2012-JAGC-PUTN-1-C4-027

Federal Funds: \$ 21,364.00

State Agency Match:

Local Agency Match: \$ 0.00

Total Project Cost: \$ 21,364.00

State Purpose Area: E : Equipment Supplies - Purchase Equipment/Supplies

CFDA Number: 16.738

Award is hereby made in the amount and for the period shown above of a subgrant under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90-351, as amended, and the Anti-Drug Abuse Act of 1988, P.L. 100-690, to the above mentioned subgrantee and subject to any attached or special conditions.

This award is subject to all applicable rules, regulations, and conditions as contained in the Financial and Administrative Guide for Grants, Guideline Manual 7100 1D, Office of Justice Programs, Common Rule for State and Local Governments and A-87, or OMB Circulars A-110 or A-102, as applicable, and A-21, in their entirety. It is also subject to such further rules, regulations and policies as may be reasonably prescribed by the State or Federal Government consistent with the purposes and authorization of P.L. 90-351, as amended, and P.L. 100-690.

SUBGRANT AWARD CERTIFICATE (CONTINUED)

This grant shall become effective on the beginning date of the grant period provided that within 30 days from the date of award, a properly executed Certificate of Acceptance of Subgrant Award is returned to the Department.

Clayton H. Wilder
Authorized Official
Clayton H. Wilder
Administrator

9-22-11
Date

() This award is subject to special conditions (attached).

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1 - Administration

Subgrant Recipient

Organization Name: City of Palatka

County: Putnam

Chief Official

Name: Vernon Myers

Title: Mayor

Address: 201 North 2nd Street

City: Palatka

State: FL **Zip:** 32177

Phone: 386-329-0100 **Ext:**

Fax:

Email: vmyers@palatka-fl.gov

Chief Financial Officer

Name: Matthew Reynolds

Title: Finance Director

Address: 201 North 2nd Street

City: Palatka

State: FL **Zip:** 32177

Phone: 386-329-0115 **Ext:** 212

Fax: 386-329-0106

Email: mreynolds@palatka-fl.gov

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1 Administration

Implementing Agency

Organization Name: Palatka Police Department

County: Putnam

Chief Official

Name: Gary Getchell

Title: Chief of Police

Address: 110 North 11th Street

City: Palatka

State: FL **Zip:** 32177

Phone: 386-329-0115 **Ext:**

Fax: 386-329-0159

Email: ggetchell@palatka-fl.gov

Project Director

Name: James Griffith

Title: Assistant Chief of Police

Address: 110 North 11th Street

City: Palatka

State: FL **Zip:** 32177

Phone: 386-329-0115 **Ext:** 215

Fax: 386-329-0159

Email: jgriffith@palatka-fl.gov

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide



General Project Information

Project Title: CITY OF PALATKA POLICE DEPARTMENT COMMUNICATIONS TECHNOLOGY PROGRAM
Subgrant Recipient: City of Palatka
Implementing Agency: Palatka Police Department
Project Start Date: 10/1/2011 **End Date:** 9/30/2012

Problem Identification

The City of Palatka is the largest city in Putnam County and the county seat. Palatka has a diverse population of approximately 12,000 residents. Palatka is centrally located in the county and is the business hub for the county. On a daily basis, the population swells to an estimated 45,000 or more.

The Palatka Police Department utilizes computerized crime reporting, digital evidence and other forms of technological equipment to gather crime data stored in information systems. The information systems are accessible through our department network and through computer aided dispatch. The information systems are utilized by officers on a daily basis to perform their duties. The Palatka Police Department must constantly add to and improve the technological equipment used to gather and access crime information. Access to crime information is essential if the agency is going to continue to respond properly to ever changing crime trends and problems. One area noted for improvement has been the accessibility of the department network while in the field to access needed information or other resources that assist officers with doing their job in an efficient manner.

The Palatka Police Department has limited funding to continue to maintain and improve upon our technological needs. Those needs include wireless access points for network access and a laptop computer to be utilized to communicate with the network.

Project Summary (Scope of Work)

The Palatka Police Department proposes to utilize the funds obtained from the Edward Byrne Memorial Justice Assistance Grant to purchase several wireless access points (hardware and software). This will allow us to expand our wireless coverage area. The department started the wireless access point project over the past year, but we have a limited coverage area and wish to expand it. We also propose purchasing a laptop computer to be used by an officer in the field to access the department network.

The access to the department network provided by the wireless access points will enable our officers to operate more efficiently and safely in the field.

The Palatka Police Department currently has 37 sworn officers, 30 of those operate in the field. The officers utilize computers to gather and record information. Much of that information is added to information systems on the department network and some is added to the data bases maintained through computer aided dispatch. All the officers working in the field have a need to access the information systems which contain crime data. To access the information on the department network from the field officers can utilize the wireless access points strategically placed in some locations throughout the City of Palatka, but the access points are limited. The Palatka Police Department will expand the access by installing 3 additional access points in new locations. We will not be disturbing the earth or installing any new lines.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section #2 Project Overview

Section Questions:

Question: Does the Subgrantee receive a single grant in the amount of \$500,000 or more from the U.S. Department of Justice?

Answer: No

Question: Does the Implementing Agency receive a single grant in the amount of \$500,000 or more from the U.S. Department of Justice?

Answer: No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3 Performance

General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 006 - Planning, Evaluation, & Technology Improvement

State Purpose Area: E - Equipment Supplies - Purchase Equipment/Supplies

Activity Description

Activity: Equipment and Supplies

Target Group: Equipment and Supplies

Geographic Area: Urban

Location Type: Police Department

Address(es) :

Palatka Police Department
110 North 11th Street
Palatka , FL 32177

Objectives and Measures

Objective: 25.E.SI - Amount of funds expended on equipment and/or supplies

Measure: Part 1

Amount of funds to be expended to purchase equipment and/or supplies

Goal: \$21,364.00

Objective: 28.E.SI - Percent of staff who reported a desired change in job performance or in program quality as a result of equipment or supplies purchased by JAG funds

Measure: Part 2

Number of staff who will report a desired change in job performance as a result of equipment and/or supplies purchased with JAG funds

Goal: 20

Measure: Part 1

Number of staff to directly benefit from equipment and/or supplies as a result of JAG funds

Goal: 20

Measure: Part 4

Explain the anticipated impact on job performance during the grant period

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3 Performance

Goal: Officers working in the field will perform at a higher level due to their enhanced ability to access the department network and the available crime information from the field.

Objective: 52.E.SI - Number of equipment items purchased with JAG funds by type of equipment

Measure: Part 6

How many pieces of software will be purchased?

Goal: 1

Measure: Part 7

How many computers will be purchased?

Goal: 1

Measure: Part 8

How many pieces of mobile access equipment (ex. aircards for Verizon, Spring, AT&T, etc.) will be purchased?

Goal: 3

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3 Performance

Section Questions:

Question: If "other" was selected for the geographic area, please describe.

Answer: N/A

Question: If "other" was selected for location type, please describe.

Answer: N/A

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section #4 Financial

General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596000401

Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$0.00	\$0.00	\$0.00
Operating Capital Outlay	\$21,364.00	\$0.00	\$21,364.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$21,364.00	\$0.00	\$21,364.00
Percentage	100.0	0.0	100.0

Project Generated Income:

Will the project earn project generated income (PGI) ? No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4 - Narrative (cont.)

Budget Narrative:

Operating Capital Outlay - \$21,364.00

Costs in this category include wireless access points to include all the associated hardware and software

Access Points 3 (\$6,688.00) each \$20,064.00

One (1) laptop computer Approximately \$1,300.00

The City of Palatka will pay all costs in excess for the programs and equipment purchased through this grant.

Total Grant - \$21,364.00

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial

Section Questions:

Question: If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

Answer: N/A

Question: If benefits are to be included, are they reflected in the budget narrative?

Answer: N/A

Question: Indicate the Operating Capital Outlay threshold established by the subgrantee or implementing agency, if it is the sheriff's office.

Answer: \$1000.00

Question: If indirect cost is included in the budget, indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.

Answer: N/A

Question: If the budget includes services based on unit costs, provide a definition and cost for each service as part of the budget narrative for contractual services. Include the basis for the unit costs and how recently the basis was established or updated.

Answer: N/A

Standard Conditions

Conditions of agreement requiring compliance by units of local government (subgrant recipients), implementing agencies, and state agencies upon signed acceptance of the subgrant award appear in this section. Upon approval of this subgrant, the approved application and the following terms of conditions will become binding. Failure to comply with provisions of this agreement will result in required corrective action up to and including project costs being disallowed and termination of the project, as specified in item 17 of this section.

1. **All Subgrant Recipients must comply with the financial and administrative requirements set forth in the current edition of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide (Financial Guide) (<http://www.ojp.usdoj.gov/financialguide/index.htm>) and the Edward Byrne Memorial Justice Assistance Grant (JAG) program guidance (<http://www.ojp.usdoj.gov/BJA/grant/jag.html>) as well as Federal statutes, regulations, policies, guidelines and requirements and Florida laws and regulations including but not limited to:**
 - Florida Administrative Code, Chapter 11D-9, "Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program": <https://www.flrules.org/>
 - Office of Management and Budget (OMB) Circulars: <http://www.whitehouse.gov/omb/circulars>
 - A-21 (2 CFR 220), "Cost Principles for Educational Institutions"
 - A-87 (2 CFR 225), "Cost Principles for State, Local and Indian Tribal Governments"
 - A-102, "Grants and Cooperative Agreements with State and Local Governments"
 - A-110 (2 CFR 215), "Uniform Administrative Requirements for Grants and Cooperative Agreements"
 - A-122 (2 CFR 230), "Cost Principles for Non-Profit Organizations"
 - A-133, "Audits of States, Local Governments, and Non-Profit Organizations"
 - Code of Federal Regulations: <http://www.gpo.gov/fdsys/>
 - 2 CFR 175.15(b), "Award Term for Trafficking in Persons"
 - 28 CFR 38, "Equal Treatment for Faith-Based Organizations"
 - 28 CFR 66, "U.S. Department of Justice Common Rule for State And Local Governments" (Common Rule)
 - 28 CFR 83, "Government-Wide Requirements for Drug-Free Workplace (Grants)"
 - 28 CFR 18, 22, 23, 30, 35, 42, 61, and 63
 - Public Law 109-162, Title XI—Department of Justice Reauthorization, Subtitle B—Improving the Department of Justice's Grant Programs, Chapter 1—Assisting Law Enforcement and Criminal Justice Agencies, Sec. 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program: <http://www.ojp.usdoj.gov/BJA/grant/jag.html>
 - United States Code: <http://www.gpo.gov/fdsys/>
 - 42 U.S.C. 3711 et seq., "Omnibus Crime Control and Safe Streets Act of 1968"
 - State of Florida General Records Schedule GS1-SL for State and Local Government Agencies: <http://dlis.dos.state.fl.us/barm/genschedules/GS1-SL.pdf>
2. **Allowable Costs**
 - a. Allowance for costs incurred under the subgrant shall be determined according to the general principles and standards for selected cost items set forth in the Office of Justice Programs Financial Guide, U.S. Department of Justice Common Rule for State And Local Governments

Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Florida Department of Law Enforcement

and federal OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments," or OMB Circular A-21, "Cost Principles for Educational Institutions."

- b. All procedures employed in the use of federal funds for any procurement shall be according to U.S. Department of Justice Common Rule for State and Local Governments, or OMB Circular A-110, or OMB Circular A-102, and Florida law to be eligible for reimbursement.

3. Reports

- a. Project Performance Reports

- (1) Reporting Time Frames: The subgrant recipient shall submit Quarterly Project Performance Reports to the Florida Department of Law Enforcement, hereafter known as the Department, within fifteen (15) days after the end of the reporting period. In addition, if the subgrant award period is extended beyond the "original" project period, additional Quarterly Project Performance Reports shall be submitted.

Failure to submit Quarterly Performance Reports that are complete, accurate, and timely may result in sanctions, as specified in item 17, Performance of Agreement Provisions.

- (2) Report Contents: Performance Reports must include a response to all objectives included in your subgrant. A detailed response is required in the narrative portion for yes/no performance objectives. The narrative must also reflect on accomplishments for the quarter and identify problems with project implementation and address actions being taken to resolve the problems. Additional information may be required if necessary to comply with federal reporting requirements.
- (3) Submission: Performance Reports may be submitted by the Project Director, Application Manager, or Performance Contacts.

- b. Financial Reports

- (1) Project Expenditure Reports

- (a) The subgrant recipient shall have a choice of submitting either a Monthly or a Quarterly Project Expenditure Report to the Department. ~~Project Expenditure Reports are due thirty (30) days after the end of the reporting period.~~ In addition, if the subgrant award period is extended, additional Project Expenditure Reports shall be submitted. Project Expenditure Reports for grants made under the Recovery Act must be submitted monthly. See the Recovery Act Conditions for additional information.
- (b) All project expenditures for reimbursement of subgrant recipient costs shall be submitted on the Project Expenditure Report Forms prescribed and provided by the Office of Criminal Justice Grants (OCJG) through the Subgrant Information Management ON-line (SIMON) system.
- (c) All Project Expenditure Reports shall be submitted in sufficient detail for proper pre-audit and post-audit.
- (d) Before the "final" Project Expenditure Report will be processed, the subgrant recipient must submit to the Department all outstanding project reports and must have satisfied all special conditions. Failure to comply with the above provisions shall result in forfeiture of reimbursement.
- (e) Reports are to be submitted even when no reimbursement is being requested.

- (f) The report must be electronically signed by the subgrantee or implementing agency's chief financial officer or the chief financial officer's designee.

(2) Financial Closeout Audit

- (a) The Financial Closeout Audit shall be submitted to the Department within forty-five (45) days of the subgrant termination date.
- (b) The Financial Closeout Audit must be electronically signed by the subgrantee or implementing agency's chief financial officer or the chief financial officer's designee.

(3) Project Generated Income (PGI)

- (a) If applicable, the subgrant recipient shall submit Quarterly PGI Earnings and Expenditures Reports to the Department within thirty (30) days after the end of the reporting period covering subgrant project generated income and expenditures during the previous quarter. If any PGI remains unspent after the subgrant ends, the subgrant recipient must continue submitting quarterly PGI reports until all funds are expended. (See Item 10, Program Income.)
- (b) PGI Earnings and Expenditures reports must be electronically signed by the subgrantee or implementing agency's chief financial officer or the chief financial officer's designee.

c. Other Reports

The subgrant recipient shall report to the Uniform Crime Report and other reports as may be reasonably required by the Department.

4. Fiscal Control and Fund Accounting Procedures

- a. The subgrant recipient shall establish fiscal control and fund accounting procedures that assure proper disbursement and accounting of subgrant funds and required non-federal expenditures. All funds spent on this project shall be disbursed according to provisions of the project budget as approved by the Department.
- b. All expenditures and cost accounting of funds shall conform to the Office of Justice Programs Financial Guide, the Common Rule, and OMB Circulars A-21, A-87, and A-110, or A-102 as applicable, in their entirety.
- c. All funds not spent according to this agreement shall be subject to repayment by the subgrant recipient.

5. Payment Contingent on Appropriation and Available Funds

The State of Florida's performance and obligation to pay under this agreement is contingent upon an annual appropriation by the Florida Legislature. Furthermore, the obligation of the State of Florida to reimburse subgrant recipients for incurred costs is subject to available federal funds.

6. Obligation of Subgrant Recipient Funds

Subgrant funds shall not under any circumstances be obligated prior to the effective date or subsequent to the termination date of the subgrant period. Only project costs incurred on or after the effective date and on or prior to the termination date of the subgrant recipient's project are eligible for reimbursement. All payments must be completed within thirty (30) days of the end of

the subgrant period.

7. Advance Funding

Advance funding may be provided to a subgrant recipient upon a written request to the Department. The request must be electronically signed by the subgrantee or implementing agency's chief financial officer or the chief financial officer's designee.

8. Trust Funds

- a. The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.
- b. The account may earn interest, but any earned interest must be used for program purposes and expended before the federal grant period end date. Any unexpended interest remaining at the end of the federal grant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.

9. Travel and Training

The cost of all travel shall be reimbursed according to the subgrant recipient's written travel policy. If the subgrant recipient does not have a written travel policy, cost of all travel will be reimbursed according to § 112.061, Fla. Stat.

10. Program Income (also known as Project Generated Income)

- a. All income generated as a direct result of a subgrant project shall be deemed program income.
- b. Any project that will potentially earn PGI must submit an Earnings and Expenditures Report to report how much PGI was earned during each quarter. A report must be submitted each quarter even if no PGI was earned or expended. PGI Earnings and Expenditures reports must be electronically signed by the subgrantee or implementing agency's chief financial officer or the chief financial officer's designee.
- c. PGI expenditures require prior written approval from the Office of Criminal Justice Grants. Program income must be used for the purposes of and under the conditions applicable to the award. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income. PGI budget requests must be signed by the subgrantee or implementing agency's chief financial officer or the chief financial officer's designee.
- d. Program income should be used as earned and expended as soon as possible. Any unexpended PGI remaining at the end of the Federal grant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.

11. Approval of Consultant Contracts

The Department shall review and approve in writing all consultant contracts prior to employment of a consultant when the consultant's rate exceeds \$450 (excluding travel and subsistence costs) for an eight-hour day. Approval shall be based upon the contract's compliance with requirements found in the Financial Guide, the Common Rule, and in applicable state statutes. The Department's approval of the subgrant recipient agreement does not constitute approval of consultant contracts. If consultants are hired through a competitive bidding process (not sole source), the \$450 threshold does not apply.

12. Property Accountability

- a. The subgrant recipient agrees to use all non-expendable property for criminal justice purposes during its useful life or dispose of it pursuant to § 274, Fla. Stat.
- b. The subgrant recipient shall establish and administer a system to protect, preserve, use, maintain and dispose of any property furnished to it by the Department or purchased pursuant to this agreement according to federal property management standards set forth in the Office of Justice Programs Financial Guide, U.S. Department of Justice Common Rule for State and Local Governments or the federal OMB Circular A-110 or A-102, as applicable. This obligation continues as long as the subgrant recipient retains the property, notwithstanding expiration of this agreement.

13. Ownership of Data and Creative Material

Ownership of material, discoveries, inventions, and results developed, produced, or discovered subordinate to this agreement is governed by the terms of the Office of Justice Programs Financial Guide (as amended), and the U.S. Department of Justice Common Rule for State and Local Governments, or the federal OMB Circular A-110 or A-102, as applicable.

14. Copyright

The awarding agency reserves a royalty-free non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes:

- a. The copyright in any work developed under an award or subaward, and
- b. Any rights of copyright to which a subgrant recipient or subrecipient purchases ownership with support funded under this grant agreement.

15. Publication or Printing of Reports

The subgrant recipient shall submit for review and approval one copy of any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) days prior to the targeted dissemination date.

All materials publicizing or resulting from award activities shall contain the following statements: "This project was supported by Grant No. [contact the Office of Criminal Justice Grants for award number] awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

16. Audit

- a. Subgrant recipients that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. The audit shall be performed in accordance with the federal OMB Circular A-133 and other applicable federal law. The contract for this agreement shall be identified in the Schedule of Federal Financial Assistance in the subject audit. The contract shall be identified as federal funds passed through the Florida Department of Law Enforcement and include the contract number, CFDA number, award amount, contract period, funds received and disbursed. When applicable, the

Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Florida Department of Law Enforcement

subgrant recipient shall submit an annual financial audit that meets the requirements of § 11.45, Fla. Stat., "Definitions; duties; authorities; reports; rules.;" § 215.97, Fla. Stat., "Florida Single Audit Act"; and Rules of the Auditor General, Chapter 10.550, "Local Governmental Entity Audits" and Chapter 10.650, "Florida Single Audit Act Audits Nonprofit and For-Profit Organizations."

- b. A complete audit report that covers any portion of the effective dates of this agreement must be submitted within 30 days after its completion, but no later than nine (9) months after the audit period. In order to be complete, the submitted report shall include any management letters issued separately and management's written response to all findings, both audit report and management letter findings. Incomplete audit reports will not be accepted by the Department.
- c. The subgrant recipient shall have all audits completed by an Independent Public Accountant (IPA). The IPA shall be either a Certified Public Accountant or a Licensed Public Accountant.
- d. The subgrant recipient shall take appropriate corrective action within six (6) months of the issue date of the audit report in instances of noncompliance with federal laws and regulations.
- e. The subgrant recipient shall ensure that audit working papers are made available to the Department, or its designee, upon request for a period of three (3) years from the date the audit report is issued, unless extended in writing by the Department.
- f. Subgrant recipients that expend less than \$500,000 in Federal awards during a fiscal year are exempt from the audit requirements of OMB Circular A-133 for that fiscal year. In this case, written notification, which can be in the form of the "Certification of Audit Exemption" form, shall be provided to the Department by the Chief Financial Officer, or designee, that the subgrant recipient is exempt. This notice shall be provided to the Department no later than March 1 following the end of the fiscal year.
- g. If this agreement is closed out without an audit, the Department reserves the right to recover any disallowed costs identified in an audit completed after such closeout.

- h. The completed audit report or written notification of audit exemption should be sent to the following address:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
2331 Phillips Road
Tallahassee, Florida 32308

17. Performance of Agreement Provisions

In the event of default, non-compliance or violation of any provision of this agreement by the subgrant recipient, the subgrant recipient's consultants and suppliers, or both, the Department shall impose sanctions it deems appropriate including withholding payments and cancellation, termination, or suspension of the agreement in whole or in part. In such event, the Department shall notify the subgrant recipient of its decision thirty (30) days in advance of the effective date of such sanction. The subgrant recipient shall be paid only for those services satisfactorily performed prior to the effective date of such sanction.

18. Commencement of Project

- a. If a project is not operational within 60 days of the original start date of the award period, the subrecipient must report by letter to the Department the steps taken to initiate the project, the

reasons for delay, and the expected start date.

- b. If a project is not operational within 90 days of the original start date of the award period, the subrecipient must submit a second statement to the Department explaining the implementation delay.
- c. Upon receipt of the ninety (90) day letter, the Department shall determine if the reason for delay is justified or shall, at its discretion, unilaterally terminate this agreement and re-obligate subgrant funds to other Department approved projects. The Department, where warranted by extenuating circumstances, may extend the starting date of the project past the ninety (90) day period, but only by formal written adjustment to this agreement.

19. Excusable Delays

- a. Except with respect to defaults of consultants, the subgrant recipient shall not be in default by reason of any failure in performance of this agreement according to its terms (including any failure by the subgrant recipient to make progress in the execution of work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the subgrant recipient. Such causes include, but are not limited to, acts of God or of the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case, the failure to perform shall be beyond the control and without the fault or negligence of the subgrant recipient.
- b. If failure to perform is caused by failure of a consultant to perform or make progress, and if such failure arises out of causes beyond the control of subgrant recipient and consultant, and without fault or negligence of either of them, the subgrant recipient shall not be deemed in default, unless:
 - (1) Supplies or services to be furnished by the consultant were obtainable from other sources,
 - (2) The Department ordered the subgrant recipient in writing to procure such supplies or services from other sources, and
 - (3) The subgrant recipient failed to reasonably comply with such order.
- c. Upon request of the subgrant recipient, the Department shall ascertain the facts and the extent of such failure, and if the Department determines that any failure to perform was occasioned by one or more said causes, the delivery schedule shall be revised accordingly.

20. Written Approval of Changes in this Approved Agreement (Grant Adjustments)

- a. Subgrant recipients must obtain prior approval from the Department for major substantive changes such as changes in project activities, target populations, service providers, implementation schedules, project director, and designs or research plans set forth in the approved agreement and for any budget changes that will transfer more than 10% of the total budget between budget categories.
- b. Subgrant recipients may transfer up to 10% of the total budget between current, approved budget categories without prior approval as long as the funds are transferred to an existing line item
- c. Under no circumstances can transfers of funds increase the total budgeted award.
- d. Requests for changes to the subgrant agreement must be electronically signed by the

subgrantee or implementing agency's chief official or the chief official's designee.

- e. Any certifications required for the requested changes, such as Sole Source, ADP Justification, Privacy Certification forms, and Confidential Funds certifications, must be signed by the subgrantee or implementing agency chief official or someone with formal, written signature authority for the chief official.

21. Disputes and Appeals

- a. The Department shall make its decision in writing when responding to any disputes, disagreements, or questions of fact arising under this agreement and shall distribute its response to all concerned parties. The subgrant recipient shall proceed diligently with the performance of this agreement according to the Department's decision.
- b. If the subgrant recipient appeals the Department's decision, the appeal also shall be made in writing within twenty-one (21) calendar days to the Department's clerk (agency clerk). The subgrant recipient's right to appeal the Department's decision is contained in § 120, Fla. Stat., and in procedures set forth in Rule 28-106.104, Florida Administrative Code. Failure to appeal within this time frame constitutes a waiver of proceedings under § 120, Fla. Stat.

22. Conferences and Inspection of Work

Conferences may be held at the request of any party to this agreement. At any time, a representative of the Department, of the U.S. Department of Justice, or the Auditor General of the State of Florida, have the right of visiting the project site to monitor, inspect and assess work performed under this agreement.

23. Access To Records

- a. The Department of Law Enforcement, the Auditor General of the State of Florida, the U.S. Department of Justice, the U.S. Comptroller General or any of their duly authorized representatives, shall have access to books, documents, papers and records of the subgrant recipient, implementing agency and contractors for the purpose of audit and examination according to the Financial Guide and the Common Rule.
- b. The Department reserves the right to unilaterally terminate this agreement if the subgrant recipient, implementing agency, or contractor refuses to allow public access to all documents, papers, letters, or other materials subject to provisions of § 119, Fla. Stat., and made or received by the subgrant recipient or its contractor in conjunction with this agreement.
- c. The subgrant recipient will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

24. Retention of Records

- The subgrant recipient shall maintain all records and documents for a minimum of five (5) years from the date of the final financial statement and be available for audit and public disclosure upon request of duly authorized persons. The subgrant recipient shall comply with State of Florida General Records Schedule GS1-SL for State and Local Government Agencies:
<http://dlis.dos.state.fl.us/barm/genschedules/GS1-SL.pdf>.

25. Personnel Changes

Upon implementation of the project, in the event there is a change in Chief Officials for the Subgrant recipient or Implementing Agency, project staff must notify the help desk for FDLE's online grants management system, SIMON (Subgrant Information Management Online), so that the organization can be updated in SIMON. If the project director changes, a grant adjustment must be entered in SIMON to reflect the change.

26. Background Check

Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of § 435, Fla. Stat. shall apply.

- a. All positions in programs providing care to children, the developmentally disabled, or vulnerable adults for 15 hours or more per week; all permanent and temporary employee positions of the central abuse hotline; and all persons working under contract who have access to abuse records are deemed to be persons and positions of special trust or responsibility and require employment screening pursuant to § 435, Fla. Stat., using the level 2 standards set forth in that chapter.
- b. All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of the subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
 - (1) Any person who is required to undergo such a security background investigation and who refuses to cooperate in such investigation or refuses to submit fingerprints shall be disqualified for employment in such position or, if employed, shall be dismissed.
 - (2) Such background investigations shall be conducted at the expense of the employing agency or employee. When fingerprinting is required, the fingerprints of the employee or applicant for employment shall be taken by the employing agency or by an authorized law enforcement officer and submitted to the Department of Law Enforcement for processing and forwarding, when requested by the employing agency, to the United States Department of Justice for processing. The employing agency shall reimburse the Department of Law Enforcement for any costs incurred by it in the processing of the fingerprints.

27. Drug Court Projects

A Drug Court Project must comply with § 397.334, Fla. Stat., "Treatment-Based Drug Court Programs."

28. Overtime for Law Enforcement Personnel

Prior to obligating funds from this award to support overtime by law enforcement officers, the U.S. Department of Justice encourages consultation with all allied components of the criminal justice system in the affected jurisdiction. The purpose of this consultation is to anticipate and plan for systemic impacts such as increased court dockets and the need for detention space.

29. Criminal Intelligence System

The subgrant recipient agrees that any information technology system funded or supported by the Office of Justice Programs funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if the Office of Justice Programs determines this regulation to be applicable. Should the Office of Justice Programs determine 28 C.F.R. Part 23 to be applicable, the Office of Justice Programs may, at its discretion, perform audits of the system, as per 28 C.F.R. 23.20(g). Should any violation of 28 C.F.R. Part 23 occur, the subgrant recipient may be fined as per 42 U.S.C. 3789g(c)-(d). The subgrant recipient may not satisfy such a fine with federal funds.

32. Confidential Funds

A signed certification that the project director or the head of the Implementing Agency has read, understands, and agrees to abide by all of the conditions for confidential funds as set forth in the effective edition of the Office of Justice Programs *Financial Guide* is required from all projects that are involved with confidential funds. The signed certification must be submitted at the time of grant application.

33. Equal Employment Opportunity (EEO)

- a. Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, disability, or age in funded programs or activities. All subgrant recipients and implementing agencies must comply with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and Department of Justice Non-Discrimination Regulations 28 CFR Part 42; see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
- b. A subgrant recipient or implementing agency must develop an EEO Plan if it has 50 or more employees and it has received any single award of \$25,000 or more from the Department of Justice. The plan must be prepared using the on-line short form at http://www.ojp.usdoj.gov/about/ocr/eeop_comply.htm, must be retained by the subgrant recipient or implementing agency, and must be available for review or audit. The organization must also submit an EEO Certification to FDLE.
- c. If the subgrant recipient or implementing agency is required to prepare an EEO Plan and has received any single award of \$500,000 or more from the Department of Justice, it must submit its plan to the Department of Justice for approval. A copy of the Department of Justice approval letter must be submitted to FDLE. The approval letter expires two years from the date of the letter.
- d. A subgrant recipient or implementing agency is exempt from the EEO Plan requirement if it is has fewer than 50 employees or if it does not receive any single award of \$25,000 or more from the Department of Justice or if it is a nonprofit organization, a medical or educational institution, or an Indian Tribe. If an organization is exempt from the EEO Plan requirement, it must submit an EEO Certification to FDLE.
- e. The subgrant recipient and implementing agency acknowledge that failure to comply with EEO Requirements within 60 days of the project start date may result in suspension or termination of funding, until such time as it is in compliance.

- f. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

34. Americans with Disabilities Act

Subgrant recipients must comply with the requirements of the Americans with Disabilities Act (ADA), Public Law 101-336, which prohibits discrimination by public and private entities on the basis of disability and requires certain accommodations be made with regard to employment (Title I), state and local government services and transportation (Title II), public accommodations (Title III), and telecommunications (Title IV).

35. Immigration and Nationality Act

No public funds will intentionally be awarded to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e), Section 274A(e) of the Immigration and Nationality Act ("INA"). The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the subgrant recipient of the employment provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this contract by the Department.

36. National Environmental Policy Act (NEPA)

- a. The subgrant recipient agrees to assist FDLE in complying with the NEPA, the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of subgrant funds by the subgrant recipient. This applies to the following new activities whether or not they are being specifically funded with these subgrant funds. That is, it applies as long as the activity is being conducted by the subgrant recipient or any third party and the activity needs to be undertaken in order to use these subgrant funds,
- (1) New construction;
 - (2) Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
 - (3) A renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
 - (4) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
 - (5) Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.
- b. The subgrant recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by the Bureau of Justice Assistance. The subgrant recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed by the Department of Justice at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

- c. For any of a subgrant recipient's existing programs or activities that will be funded by these subgrants, the subgrant recipient, upon specific request from the Department and the U.S. Department of Justice, agrees to cooperate with the Department of Justice in any preparation by Department of Justice of a national or program environmental assessment of that funded program or activity.

37. Non-Procurement, Debarment and Suspension

The subgrant recipient agrees to comply with Executive Order 12549, Debarment and Suspension and 2 CFR 180, "OMB Guidelines To Agencies On Governmentwide Debarment And Suspension (Nonprocurement)" These procedures require the subgrant recipient to certify it shall not enter into any lower tiered covered transaction with a person who is debarred, suspended, declared ineligible or is voluntarily excluded from participating in this covered transaction, unless authorized by the Department. If the subgrant is \$100,000 or more, the subgrant recipient and implementing agency certify that they and their principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

38. Federal Restrictions on Lobbying

- a. Each subgrant recipient agrees to comply with 28 CFR Part 69, "New Restrictions on Lobbying" and shall file the most current edition of the Certification And Disclosure Form, if applicable, with each submission that initiates consideration of such subgrant recipient for award of federal contract, grant, or cooperative agreement of \$100,000 or more.
- b. This certification is a material representation of fact upon which reliance was placed when this agreement was made. Submission of this certification is a prerequisite to entering into this agreement subject to conditions and penalties imposed by 31 USC 1352. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure to file.
- c. As required by 31 USC 1352, and implemented at 28 CFR 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR 69, the applicant certifies that:
 - (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal

grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

39. State Restrictions on Lobbying

In addition to the provisions contained in Item 39, above, the expenditure of funds for the purpose of lobbying the legislature or a state agency is prohibited under this contract.

40. Additional Restrictions on Lobbying

The subgrant recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Office of Justice Programs.

41. "Pay - to - Stay"

Funds from this award may not be used to operate a "pay-to-stay" program in any local jail. Furthermore, no funds may be given to local jails that operate "pay-to-stay" programs. "Local jail," as referenced in this condition, means an adult facility or detention center owned and/or operated by city, county, or municipality. It does not include juvenile detention centers. "Pay-to-stay" programs as referenced in this condition, means a program by which extraordinary services, amenities and/or accommodations, not otherwise available to the general inmate population, may be provided, based upon an offender's apparent ability to pay, such that disparate conditions of confinement are created for the same or similar offenders within a jurisdiction.

42. Mitigation of Health, Safety and Environmental risks dealing with Clandestine Methamphetamine Laboratories

If an award is made to support methamphetamine laboratory operations the subgrant recipient must comply with this condition, which provides for individual site environmental assessment/impact statements as required under the National Environmental Policy Act.

- a. **General Requirement:** The subgrant recipient agrees to comply with Federal, State, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and the removal and disposal of the chemicals, equipment, and wastes used in or resulting from the operation of these laboratories.
- b. **Specific Requirements:** The subgrant recipient understands and agrees that any program or initiative involving the identification, seizure, or closure of clandestine methamphetamine laboratories can result in adverse health, safety and environmental impacts to (1) the law enforcement and other governmental personnel involved; (2) any residents, occupants, users, and neighbors of the site of a seized clandestine laboratory; (3) the seized laboratory site's immediate and surrounding environment of the site(s) where any remaining chemicals,

equipment, and waste from a seized laboratory's operations are placed or come to rest.

Therefore, the subgrant recipient further agrees that in order to avoid or mitigate the possible adverse health, safety and environmental impacts from any of clandestine methamphetamine operations funded under this award, it will (1) include the nine, below listed protective measures or components; (2) provide for their adequate funding to include funding, as necessary, beyond that provided by this award; and (3) implement these protective measures directly throughout the life of the subgrant. In so doing, the subgrant recipient understands that it may implement these protective measures directly through the use of its own resources and staff or may secure the qualified services of other agencies, contractor or other qualified third party.

- (1) Provide medical screening of personnel assigned or to be assigned by the subgrant recipient to the seizure or closure of clandestine methamphetamine laboratories;
- (2) Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and other personnel assigned by the subgrant recipient to either the seizure or closure of clandestine methamphetamine laboratories;
- (3) As determined by their specific duties, equip personnel assigned to the project with OSHA required protective wear and other required safety equipment;
- (4) Assign properly trained personnel to prepare a comprehensive contamination report on each closed laboratory;
- (5) Employ qualified disposal contractors to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized clandestine laboratory;
- (6) Dispose of the chemicals, equipment, and contaminated materials and wastes removed from the sites of seized laboratories at properly licensed disposal facilities or, when allowable, properly licensed recycling facilities;
- (7) Monitor the transport, disposal, and recycling components of subparagraphs 5 and 6 immediately above in order to ensure proper compliance;
- (8) Have in place and implement an inter-agency agreement or other form of commitment with a responsible State environmental agency that provides for that agency's (i) timely evaluation of the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordination with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if necessary, and in accordance with existing State and Federal requirements; and
- (9) Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

43. Limited English Proficiency (LEP)

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of

1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with LEP. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

44. The Coastal Barrier Resources Act

The subgrant recipient will comply and assure the compliance of all contractors with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

45. Enhancement of Security

If funds are used for enhancing security, the subgrant recipient agrees to:

- a. Have an adequate process to assess the impact of any enhancement of a school security measure that is undertaken on the incidence of crime in the geographic area where the enhancement is undertaken.
- b. Conduct such an assessment with respect to each such enhancement; and, submit to the Department the aforementioned assessment in its Final Program Report.

46. Environmental Protection Agency's (EPA) list of Violating Facilities

The subgrant recipient assures that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the Program Purpose are not listed on the EPA's list of Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

47. Flood Disaster Protection Act

The subgrant recipient will comply with Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, requiring that the purchase of flood insurance in communities where such insurance is available as a condition of the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified as an area having special flood hazards.

48. National Historic Preservation Act

It will assist the Department (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

49. Omnibus Crime Control and Safe Streets Act

The subgrant recipient will comply and assure the compliance of all contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act; as appropriate; the provisions of the current edition of the Office of Justice Program Financial and Administrative Guide for Grants; and all other applicable State and Federal laws, orders, circulars, or regulations.

50. Human Research Subjects

Subgrant recipient agrees to comply with the requirements of 28 C.F.R. part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtaining of Institutional Review Board approval, if appropriate, and subject informed consent.

51. National Information Exchange Model specifications

To support public safety and justice information sharing, the Office of Justice Programs requires the subgrant recipient to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Subgrant recipient shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this condition, visit <http://www.niem.gov/implementationguide.php>.

52. Reporting, Data Collection and Evaluation

The subgrant recipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the Bureau of Justice Assistance in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by the Bureau of Justice Assistance.

53. Privacy Certification

The subgrant recipient agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Subgrant recipient further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.

54. State Information Technology Point of Contact

The subgrant recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditures period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

55. Interstate Connectivity

To avoid duplicating existing networks or IT systems in any initiatives funded by the Bureau of Justice Assistance for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the subgrant recipient can demonstrate to the satisfaction of the Bureau of Justice Assistance that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

56. Supplanting

The subgrant recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

57. Conflict of Interest

The subgrant recipient and implementing agency will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

58. Uniform Relocation Assistance and Real Property Acquisitions Act

The subgrant recipient will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs.

59. Limitations on Government Employees Financed by Federal Assistance

The subgrant recipient will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

60. Equal Treatment for Faith Based Organizations

The subgrant recipient agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

61. Certification for Employees Working Solely on a Single Federal Award

Any project staff that are fully funded by the grant must certify that they worked solely on the grant. The certification must be prepared at least semi annually and must be signed by the employee and by a supervisory official having first hand knowledge of the work performed by the employee.

62. Reporting Potential Fraud, Waste, Abuse, and Similar Misconduct

The subgrant recipient must promptly refer to the Florida Department of Law Enforcement, Office of Criminal Justice Grants any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds

63. Task Force Training Requirement

The subgrant recipient agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required online (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. All current and new task force members are required to complete this training once

during the life of the award, or once every four years if multiple awards include this requirement. This training will address task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information will be provided by BJA regarding the required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

64. Funds to Association of Community Organizations for Reform Now (ACORN) Unallowable

Subgrant recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

65. High Risk Subgrant Recipients

The subgrant recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the U.S. Department of Justice determines that the subgrant recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

66. Text Messaging While Driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the subgrant recipient is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this subgrant and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

67. Central Contractor Registry (CCR)

The subgrant recipient must maintain the currency of its information in the CCR until it submits the final financial report required under this award or receives the final payment, whichever is later. This requires that the subgrant recipient review and update the information at least annually after the initial registration, and more frequently if required by changes in its information or another award term.

68. Maximum Allowable Salary

No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the subgrant recipient whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year. (The salary table for SES employees is available at <http://www.opm.gov/oca/10tables/indexSES.asp>.) (A subgrant recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

CERTIFICATION FORM

Recipient Name and Address: City of Palatka, 201 North 2nd Street, Palatka, FL 32177

Grant Title: Palatka Police Department Communications Technology Program Grant Number: 2012-JA9C-1660 Award Amount: \$21,364.00

Contact Person Name and Title: James Griffith, assistant chief Phone Number: (386) 329-0115 x 215

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEO) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEO requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEO, but they do not need to submit the EEO to OJP for review. Recipients that claim a complete exemption from the EEO requirement must complete Section A below. Recipients that claim the limited exemption from the submission requirement, must complete Section B below. A recipient should complete either Section A or Section B, not both. If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEO recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

Section A- Declaration Claiming Complete Exemption from the EEO Requirement. Please check all the boxes that apply.

- | | |
|--|---|
| <input type="checkbox"/> Recipient has less than 50 employees, | <input type="checkbox"/> Recipient is an Indian tribe, |
| <input type="checkbox"/> Recipient is a non-profit organization, | <input type="checkbox"/> Recipient is an educational institution, or |
| <input type="checkbox"/> Recipient is a medical institution, | <input type="checkbox"/> Recipient is receiving an award less than \$25,000 |

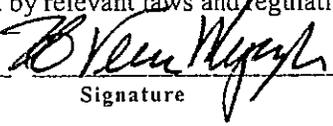
I, _____ [responsible official], certify that _____ [recipient] is not required to prepare an EEO for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that _____ [recipient] will comply with applicable Federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Print or type Name and Title	Signature	Date
------------------------------	-----------	------

Section B- Declaration Claiming Exemption from the EEO Submission Requirement and Certifying That an EEO Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEO to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Mayor Vernon Myers [responsible official], certify that the City of Palatka [recipient], which has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEO in accordance with 28 CFR §42.301, et seq., subpart E. I further certify that the EEO has been formulated and signed into effect within the past two years by the proper authority and that it is available for review. The EEO is on file in the office of: City of Palatka [organization], at 201 North 2nd Street Palatka, FL 32177 [address], for review by the public and employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

<u>Vernon Myers</u>		<u>7/7/11</u>
Print or type Name and Title	Signature	Date

expired 4/25/2013

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide



In witness whereof, the parties affirm they each have read and agreed to the terms set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

RECEIVED
JUL 12 2011

Corrections on this page, including Stricken
whiteout, etc. are not acceptable.

OFFICE OF
CRIMINAL JUSTICE GRANTS

State of Florida
Department of Law Enforcement
Office of Criminal Justice Grants

Signature: Clayton H. Wilder
Typed Name and Title: Clayton H. Wilder, Community Program Administrator
Date: 9-22-11

Subgrant Recipient
Authorizing Official of Governmental Unit
(Commission Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant Recipient: City of Palatka
Signature: Vernon Myers
Typed Name and Title: VERNON MYERS, Mayor
Date: 7/8/11

Implementing Agency
Official, Administrator or Designated Representative

Typed Name of Implementing Agency: Palatka Police Department
Signature: Gary S. Getchell
Typed Name and Title: Gary S. Getchell, Chief of Police
Date: 7/8/11

Agenda
Item

3d

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0199

City of Palatka
Office of the City Manager

To: Mayor Myers, Commissioners

From: Woody Boynton, City Manager 

Date: October 6, 2011

RE: Contract Modification to FEMA Grant #DR 1785-043-R

The attached contract modification extends the contract date to November 22, 2011. All aspects of the design, permitting and contract requirements have been completed by the City's engineer and submitted to FEMA for review. This extension allows for FEMA staff to make a full review and maintain compliance with the Contract schedule.

We take no exception to this modification and recommend approval of the time extension. Should you have any questions, please call.



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

September 23, 2011

Mr. Elwin Boynton, Jr.
City of Palatka
201 North 2nd Street
Palatka, Florida 32117

Re: HMGP DR-1785-43-R (State Project Number 1785-073) City of Palatka, Oak Street and St. Johns Avenue, Drainage, Phase I, - Period of Performance Extension - Contract Modification One

Dear Mr. Boynton:

Please print four copies of the attached, proposed modification agreement between The City of Palatka and the Division of Emergency Management (DEM). The official representative, as listed below, will need to sign the signature page of each modification. All four (4) copies of the modification should then be sent to the Tallahassee address listed below for full execution no later than forty-five (45) days after receipt of this letter **but no later than Monday, November 7, 2011**. One fully executed modification will be returned to the city for its files.

Additional assistance is available regarding your Project on the Florida Division of Emergency Management Website:

<http://www.floridadisaster.org/Mitigation/Hazard/index.htm>.

Please reference the heading: 'Grant Management Tools Listed Below', which contains sample documents that will provide guidance for completing requests for reimbursement, reporting requirements and supporting documents containing important points, and subgrantee close-out checklists.

Official Representatives:

County:	Chairman of the Board of Commissioners
City:	Mayor
Indian Tribe:	Chief or President
Water Management District:	Chairman
Non-Profit:	Chairman of the Board

Mr. Elwin Boynton, Jr.
September 23, 2011
Page Two

If there is an official that is not listed above who is authorized to sign the modifications for your organization, please provide a copy of the organization's resolution or charter that specifically identifies the person or position that is authorized to sign.

If you have questions regarding this modification or who is authorized to sign it, please call Holly Swift at (407) 888-3781.

Respectfully,



Miles E. Anderson
Bureau Chief, Mitigation
State Hazard Mitigation Officer

MEA/cam

Enclosure(s): Contract Modification Number One

cc: Jason McCright, HMGP Planning Manager

Contract Number: 11HM-3E-06-15-02-021

Project Number: 1785-43-R

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
THE CITY OF PALATKA**

This Modification Number One is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and the City of Palatka ("the Recipient") to modify DEM Contract Number: 11HM-3E-06-15-02-021 dated November 10, 2010 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to the Recipient under the Hazard Mitigation Grants Program of \$21,756.00; and

WHEREAS, the Agreement expired on August 24, 2011; and

WHEREAS, the Division and the Recipient desire to reinstate the Agreement and extend the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated as though it had never expired.
2. Paragraph 3 of the Agreement is hereby amended to read as follows:

~~This Agreement shall begin August 24, 2010, and shall end November 22, 2011, unless terminated earlier in accordance with the provisions of paragraph (12) of this agreement.~~
3. The budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in the Revised Attachment A to this modification, a copy of which is attached hereto and incorporated herein by reference.
4. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
5. All provisions not in conflict with this modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
6. Quarterly reports are due to the Division no later than 14 days after the end of each quarter of the program year and shall be sent each quarter until

submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30, and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

RECIPIENT: CITY OF PALATKA

By: _____

Name and Title: _____

Date: _____

DIVISION OF EMERGENCY MANAGEMENT

By: _____

Name and Title: Bryan W. Koon, Director

Date: _____

Attachment A (Revised)

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the Recipient, the City of Palatka proposes to improve the drainage of Oak Street and St. Johns Avenue, Palatka, Florida. Phase I study will be conducted to determine modifications needed to improve and upgrade the existing drainage system. Project will involve the installation of new drainage structures and pipes that have been sized to reduce the duration and elevation of the floodwaters. The completed construction project will minimize recurring flooding and reduce repetitive flood loss to properties. The completed project will provide protection against a 10-year storm event. Phase I will provide funding for completion of design, permitting and geotechnical surveying process for this proposal.

The Phase I deliverables should:

- Have an engineer's plan that clearly shows the engineer's estimate of the pre and post-mitigation effects of the proposed project and the relationship of the damages to be mitigated (commensurate with the level of funding requested). This includes, but is not limited to, the existing and proposed hydrology and hydraulics for the level of event being mitigated.
- Demonstrate mitigation effectiveness, in part, by showing the physical location(s) and elevation(s) of the infrastructure/structures that is being damaged and the Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas on the same plan.
- Meet all required environmental laws and policies. All environmental permits and approvals/concurrences must be obtained. A public notice must be published to notify interested parties of the proposed activity. Notices must be published in a manner that anyone that may be affected or interested in this project has access to the posting. The comment period expired and all comments addressed prior to initiating any construction activities.
- Refine the cost estimate. A new Benefit Cost Analysis will be performed using the revised information.
- Provide a set of Community-Approved, State reviewed construction plans (sealed) for review and comment including milestones and timelines for completion of the final phase of the project and bid documents/award.

Phase I of this project is approved with the condition that the above list of deliverables will be submitted for review and approval by the State and FEMA before Phase II is considered. No construction work may begin until Phase II is approved.

This is FEMA project **1785-043-R**, funded under 1785-DR-FL.

The Period of Performance for this project ends on November 22, 2011.

Schedule of Work

<u>Phase I Engineering and Permitting:</u>	15 Months
Total Period of Performance:	15 Months

Budget

Line Item Budget*

	Project Cost	Federal Share	Local Share
<u>Phase I: Engineering and Permitting:</u>	<u>\$38,100.00</u>	<u>\$21,756.00</u>	<u>\$16,344.00</u>
Total:	\$38,100.00	\$21,756.00	\$16,344.00

** Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.*

Funding Summary

Federal Share:	\$21,756.00 (57.1028%)
<u>Local Share:</u>	<u>\$16,344.00 (42.8972%)</u>
Total Project Cost:**	\$38,100.00 (100.000%)

**The project cost is inclusive of administrative cost.

Agenda
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3e

201 N. 2nd Street
Palatka, FL 32177
Tel. (386) 329-0100
Fax (386) 329-0199

City of Palatka
Office of the City Manager

To: Mayor Myers, Commissioners

From: Woody Boynton, City Manager

Date: October 6, 2011

RE: Change Order #1 – Halifax Paving Runway 9-27

Attached is Change Order #1 in the amount of \$64,000 to construct an Equipment Storage Shed at the Palatka Municipal Airport. This project has been considered for some time and due to the timing of the funding for the project from the FDOT, we are just now moving forward with the project. The project was initially bid under the Taxiway B Drainage project completed early this year. However, at the time the funding was not readily available.

Halifax Paving was the contractor on Taxiway B drainage project. Because the contractor is the same contractor completing the Runway 9-27 project we are removing the project from the Taxiway B Drainage project and moving it to the Runway 9-27 project. In this manner, the Taxiway B Drainage project can be closed out through the FDOT and the FAA.

The total cost of the project is being reimbursed by the FDOT at 100%. We take no exception to this change order and recommend approval. Should you have any questions, please call.

Passero Associates, LLC

Engineering Architecture

October 6, 2011

13453 N. Main Street - Suite 106
Jacksonville, FL 32218

www.passero.com

904-757-6106

904-757-6107 Fax

Mr. Woody Boynton
City Manager, City of Palatka
201 North 2nd Street
Palatka, FL 32177

Reference: **Recommendation of Award:**
Transient Apron - Equipment Storage Facility (and Public Restroom)
Palatka Municipal Airport
PA Project Number 24000010.021B
FDOT FIN: _____

Dear Mr. Boynton:

Passero Associates previously reviewed the four (4) bids that were opened on June 2, 2010, for the Transient Apron Public Equipment Storage Facility project at Palatka Municipal Airport. However, due to the lack of available grant funds at the time, the project was not awarded. Based on available grant funding, this letter now serves as Passero Associates recommendation of award to Halifax Paving, Inc. (Halifax) of Ormond Beach, Florida.

Passero Associates recommends the construction contract for the Equipment Storage Facility (and Public Restroom) be awarded to Halifax in the amount of sixty-four thousand dollars and zero cents (\$64,000.00) and that this contract be issued as either a change order to the current Runway 9-27 Pavement and Drainage Rehabilitation project recently awarded to Halifax (for efficiency in contract-construction administration efforts), or as a stand-alone agreement.



If you have any questions or require additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew M. Holesko'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew M. Holesko, C.M.
Program Manager / Vice President

Form of
CONTRACT AGREEMENT
City of Palatka
FIN Number: 430484-1-94-11

THIS AGREEMENT, made as of _____ is

BY AND BETWEEN

the OWNER: City of Palatka
201 N. Second St.
Palatka, FL 32177

And the CONTRACTOR:

(Name) Halifax Paving, Inc.

(Address) 860 Hull Road

(City, State, Zip Code) Ormond Beach, FL 32174

WITNESSETH:

WHEREAS it is the intent of the Owner to make improvements at Palatka Municipal Airport generally described as follows;

Transient Apron Public Restroom and Equipment Storage Facility

hereinafter referred to as the Project.

NOW THEREFORE in consideration of the mutual covenants hereinafter set forth, OWNER and CONTRACTOR agree as follows:

Article 1 - Work

It is hereby mutually agreed that for and in consideration of the payments as provided for herein to the CONTRACTOR by the OWNER, CONTRACTOR shall faithfully furnish all necessary labor, equipment, and material and shall fully perform all necessary work to complete the Project in strict accordance with this Contract Agreement and the Contract Documents.

Article 2 - Contract Documents

CONTRACTOR agrees that the Contract Documents consist of the following: this Agreement, General Provisions, Supplementary Provisions, Specifications, Drawings, all issued addenda, Notice-to-Bidders, Instructions-to-Bidders, Bid and associated attachments, Performance Bond, Payment Bond, Wage Rate Determination, Insurance certificates, documents incorporated by reference, documents incorporated by attachment, and all OWNER authorized change orders issued subsequent to the date of this agreement. All documents comprising the Contract Documents are complementary to one another and together establish the complete terms, conditions and obligations of the CONTRACTOR. All said Contract

Documents are incorporated by reference into the Contract Agreement as if fully rewritten herein or attached thereto.

Article 3 – Contract Price

In consideration of the faithful performance and completion of the Work by the CONTRACTOR in accordance with the Contract Documents, OWNER shall pay the CONTRACTOR an amount equal to:

\$ Sixty-four Thousand Dollars and no/100

(Amount in Written Words)

(\$ 64,000.00)

(Amount in Numerals)

subject to the following:

- a. Said amount is based on the schedule of prices and estimated quantities stated in CONTRACTOR'S Bid, which is attached to and made a part of this Agreement;
- b. Said amount is the aggregate sum of the result of the CONTRACTOR'S stated unit prices multiplied by the associated estimated quantities;
- c. CONTRACTOR and OWNER agree that said estimated quantities are not guaranteed and that the determination of actual quantities is to be made by the OWNER'S ENGINEER;
- d. Said amount is subject to modification for additions and deductions as provided for within the Contract General Provisions.

Article 4 – Payment

Upon the completion of the work and its acceptance by the OWNER, all sums due the CONTRACTOR by reason of faithful performance of the work, taking into consideration additions to or deductions from the Contract price by reason of alterations or modifications of the original Contract or by reason of "Extra Work" authorized under this Contract, will be paid to the CONTRACTOR by the OWNER after said completion and acceptance.

The acceptance of final payment by the CONTRACTOR shall be considered as a release in full of all claims against the OWNER, arising out of, or by reason of, the work completed and materials furnished under this Contract.

OWNER shall make progress payments to the CONTRACTOR in accordance with the terms set forth in the General Provisions. Progress payments shall be based on estimates prepared by the ENGINEER for the value of work performed and materials completed in place in accordance with the Contract Drawings and Specifications.

Progress payments are subject to retainage requirements as set forth in the General Provisions.

Article 5 – Contract Time

The CONTRACTOR agrees to commence work within ten (10) calendar days of the date specified in the OWNER'S Notice-to-Proceed. CONTRACTOR further agrees to complete said work within 90 calendar days of the commencement date stated within the Notice-to-Proceed.

It is expressly understood and agreed that the stated Contract Time is reasonable for the completion of the Work, taking all factors into consideration. Furthermore, extensions of the Contract Time may only be permitted by execution of a formal modification to this Contract Agreement in accordance with the General Provisions and as approved by the OWNER.

Article 6 – Liquidated Damages

The CONTRACTOR and OWNER understand and agree that time is of essence for completion of the Work and that the OWNER will suffer additional expense and financial loss if said Work is not completed within the authorized Contract Time. Furthermore, the CONTRACTOR and OWNER recognize and understand the difficulty, delay, and expense in establishing the exact amount of actual financial loss and additional expense. Accordingly, in place of requiring such proof, the CONTRACTOR expressly agrees to pay the OWNER as liquidated damages the non-penal sum of \$500.00 per day for each calendar day required in excess of the authorized Contract Time.

Furthermore, the CONTRACTOR understands and agrees that;

- a. the OWNER has the right to deduct from any moneys due the CONTRACTOR, the amount of said liquidated damages;
- b. the OWNER has the right to recover the amount of said liquidated damages from the CONTRACTOR, SURETY or both.

Article 7 – CONTRACTOR'S Representations

The CONTRACTOR understands and agrees that all representations made by the CONTRACTOR within the Bid shall apply under this Agreement as if fully rewritten herein.

Article 8 – CONTRACTOR'S Certifications

The CONTRACTOR understands and agrees that all certifications made by the CONTRACTOR within the Bid shall apply under this Agreement as if fully rewritten herein. The CONTRACTOR further certifies the following;

- a. Certification of Eligibility (29 CFR Part 5.5)
 - i. By Entering into this contract, the CONTRACTOR certifies that neither he or she nor any person or firm who has an interest in the CONTRACTOR'S firm is a person or firm ineligible to be awarded Government contracts by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1);
 - ii. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of Section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1);
 - iii. The penalty for making false statements is prescribed in the U.S. Criminal Code 18 U.S.C.

- b. Certification of Non-Segregated Facilities (41 CFR Part 60-1.8)
The federally-assisted construction CONTRACTOR, certifies that it does not maintain or provide, for its employees, any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The BIDDER certifies that it will not maintain or provide, for its employees, segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity Clause, which is to be incorporated in the contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms, and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated on the basis of race, color, religion, or national origin because of habit, local custom, or any other reason. The Bidder agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause and that it will retain such certifications in its files.

Article 9 – Miscellaneous

- a. CONTRACTOR understands that it shall be solely responsible for the means, methods, techniques, sequences and procedures of construction in connection with completion of the Work;
- b. CONTRACTOR understands and agrees that it shall not accomplish any work or furnish any materials that are not covered or authorized by the Contract Documents unless authorized in writing by the OWNER or ENGINEER;
- c. The rights of each party under this Agreement shall not be assigned or transferred to any other person, entity, firm or corporation without prior written consent of both parties;
- d. OWNER and CONTRACTOR each bind itself, their partners, successors, assigns and legal representatives to the other party in respect to all covenants, agreements, and obligations contained in the Contract Documents.

Article 10 – OWNER'S Representative

The OWNER'S Representative, herein referred to as ENGINEER, is defined as follows:

*Passero Associates, LLC
13453 N. Main St., Suite 106
Jacksonville, FL 32218*

Said ENGINEER will act as the OWNER'S representative and shall assume all rights and authority assigned to the ENGINEER as stated within the Contract Documents in connection with the completion of the Project Work.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have executed five (5) copies of this Agreement on the day and year first noted herein.

OWNER

Name: City of Palatka

Address: 201 N. Second St.

Palatka, FL 32177

By: _____

Signature

Title of Representative

ATTEST

By: _____

Signature

Title

CONTRACTOR

Name: Halifax Paving, Inc.

Address: 860 Hull Road

Ormond Beach, FL 32174

By: *Ted Durrance*

Signature Thomas A. Durrance

President

Title of Representative

ATTEST

By: *Leonard C. Durrance*

Signature Leonard C. Durrance

Secretary / Treasurer

Title



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/5/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Johnson & Company 801 N Orange Avenue Suite 510 Orlando FL 32801	CONTACT NAME: Kristi Pearson	
	PHONE (A/C, No. Ext): (407) 843-1120 FAX (A/C, No.): (407) 843-5772 E-MAIL ADDRESS: kpearson@johnsonandcompany.net PRODUCER CUSTOMER ID #: 00000334	
INSURED HALIFAX PAVING, INC. P. O. BOX 730549 ORMOND BEACH FL 32173-0549	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Travelers Indemnity Co.	25658
	INSURER B: National Union Fire Ins. Co.	19445
	INSURER C: Bridgefield Employers Ins. Co.	10701
	INSURER D: Charter Oak Fire Co.	25615
	INSURER E: Continental Casualty Ins. Co.	20443
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: CL1162201210 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual	X		DT CO 8625P643 TIA 11	7/1/2011	7/1/2012	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			DT-810-8625P643-COF-11	7/1/2011	7/1/2012	BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Medical payments \$ 5,000 Uninsured motorist BI-single \$ 30,000
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
	<input checked="" type="checkbox"/> DEDUCTIBLE RETENTION \$ 10,000			BE 26159466	7/1/2011	7/1/2012	
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC196-06097	7/1/2011	7/1/2012	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE Project: Transient Apron Public Restroom & Equipment Storage Facility. Certificate holder is listed as additional insured.

CERTIFICATE HOLDER

City of Palatka
201 N. Second St.
Palatka, FL 32177

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

J D. Johnson Jr. / PEAR

Agenda
Item

3_f



Palatka Fire Department

500 N Moody Rd.
Palatka, Florida 32177
Chief Mike Lambert
Office/Fax: 386-329-0155
Cell: 386-937-4217
E-Mail: mlambert@palatka-fl.gov

October 7, 2011

City Of Palatka
City Commissioners
201 N. 2nd Street
Palatka, FL 32177

Dear Commissioners,

The Alachua County Sheriff's office was awarded a grant from the State of Florida, Division of Emergency Management. The purpose of the grant is to purchase P25 700-800 MHZ compliant mobile and portable radios for Region III, in which Putnam County and the City of Palatka are a part of.

The City of Palatka will be receiving \$27,290.00 with no match to purchase. The Palatka Fire Department will receive the following: Four VHF Mobile Radios -- \$1,600.00 each, and six VHF Portable Radios -- \$950.00 each, totaling \$12,100.00. The Palatka Police Department will be receiving the following: 14 VHF Portable Radios -- \$950.00 each, and 14 Spare Batteries -- \$135.00 each totaling \$15,190.00.

Attached you will find a Memorandum of Understanding between the Alachua County Sheriff's Office and the City of Palatka (Fire and Police Departments). We are asking that this be executed by the City Manager, Elwin C. "Woody" Boynton, on our behalf.

Sincerely,

Chief Mike Lambert
City of Palatka Fire Department

**MEMORANDUM OF UNDERSTANDING
BETWEEN
ALACHUA COUNTY SHERIFF'S OFFICE
AND
CITY OF PALATKA**

I. PARTIES

This Memorandum of Understanding (MOU) is made and entered into, by and between Sadie Darnell, Sheriff of Alachua County, Florida, hereinafter referred to as 'Sheriff', whose address is 2621 SE Hawthorne Road, Gainesville, Florida, and the City of Palatka located at 100 N. 2nd Street, Palatka, FL 32177.

II. PURPOSE

A. Background

On August 4, 2011, the Alachua County Sheriff was officially awarded Grant Contract Number: 12-DS-8D-03-11-01-162 from the State of Florida, Division of Emergency Management the in the amount of \$3,683,474 (three million, six hundred and eight three thousand, four hundred and seventy four dollars). The purpose of the grant is to purchase P25 700-800 MHz compliant mobile and portable radios, SSI's for Region III (Alachua Baker, Bradford, Clay, Duval, Flagler, Gilchrist, Levy, Marion, Nassau, Putnam, St. Johns and Union).

B. Purpose

The purpose of this Memorandum of Understanding (MOU) is to specify the number and type of equipment to be purchased for City of Palatka and to delineate the responsibilities of the parties.

III. TERM OF MOU

This MOU is effective upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and shall remain in full force and effect until June 30, 2012, the end of the grant year, there will be no further extensions.

IV. PAYMENT

No payment shall be made to either party by the other party as a result of this MOU.

V. RESPONSIBILITIES

A. The Sheriff agrees to perform the following actions:

- (1) Submit quarterly reports to the State of Florida, Division of Emergency Management no later than thirty (30) days after the end of each reporting period of the program year and shall continue submitting quarterly reports until submission of the administrative close-out report.
- (2) Submit the administrative close-out report no later than sixty (60) days after the end of the program year.
- (3) Purchase P25 compliant interoperability equipment awarded in the justification and transfer equipment to the Putnam County Sheriff's Office.
- (4) Pay a total amount of \$27,290.
- (5) Follow all guidelines according to the Federally Funded Sub-grant Agreement Contract Number: 12-DS-8D-03-11-01-162, CFDA Number: 11.555

B. City of Palatka agrees to perform the following actions:

- (1) Submit all information to the Sheriff regarding the equipment within twenty (20) days after taking receipt of equipment.
- (2) Accept responsibility and ownership of the equipment (Attachment A) purchased by the Sheriff.
- (3) Maintain equipment according to the requirements from the State of Florida, Division of Emergency Management.
- (4) Retain sufficient records to show compliance with the terms of the agreement, for a period of five years from the date the audit report is issued.
- (5) Federally funded equipment under this agreement must be maintained for five years from the date of the executed agreement before disposal.
- (6) Shall be responsible for periodic monitoring/audits conducted by the State of Florida, Division of Emergency Management.
- (7) After transfer of all equipment, City of Palatka shall take full responsibility for the equipment and maintenance according to the guidelines of the State of Florida, Division of Emergency Management, thus releasing the Sheriff of all liability of maintenance and responsibility for the equipment.

(8) Follow all guidelines according to the Federally Funded Sub-grant Agreement, Contract Number: 12-DS-8D-03-11-01-162, CFDA Number: 11.555.

VI. GENERAL PROVISIONS

A. Amendments

Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.

B. Applicable Law

The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of Florida. The courts of the State of Florida shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the Eighth Judicial Circuit, Alachua County, Florida.

C. Entirety of Agreement

This MOU, consisting of six (6) pages and the attached grant agreement between the State of Florida, Division of Emergency Management and the Sheriff, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

D. Severability

Should any portion of this MOU be judicially determined to be illegal and unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

E. Sovereign Immunity

The Sheriff and Alachua County and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

F. Third Party Beneficiary Rights

The parties do not intend to create in any other individual or entity the status of a third party beneficiary, and this MOU shall not be construed so as to create such

status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of the party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

VI. NOTICE AND CONTACT

A. All notices provided under or pursuant to this Agreement shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the representative identified below at the address set forth below and said notification attached to the original of this MOU.

B. The name and address of the Sheriff's representative responsible for the administration of this MOU:

Kelly L. Amerson
Alachua County Sheriff's Office
2621 S.E. Hawthorne Rd.
Gainesville, FL 32641
T: 352-367-4031
F: 352-374-1873
kamerson@alachuasheriff.org

C. The name and address of City of Palatka representative responsible for the administration of this MOU is:

Elwin C. "Woody" Boynton
City Of Palatka, City Manager
100 N. 2nd Street
Palatka, FL 32177
T: 386-329-0100
wboynton@palatka-fl.gov

D. In the event that different representatives or addresses are designated by either party after execution of this MOU, notice of the name, title and address of the new representative will be rendered as provided in (VI)(A) above.

ATTACHMENT A

City of Palatka Fire Department

4 VHF mobile radios: Motorola Astro XTL-1500, 40 watt, dash mount, antenna, estimated cost each: \$1600.00, total cost: \$6,400.00

6 VHF portable radios: Motorola Astro XTS-1500, with AC chargers, speaker-microphones, estimated cost each: \$950.00, total cost: \$5,700.00

Total \$12,100

City of Palatka Police Department

14 VHF portable radios: Motorola Astro XTS-1500, with AC chargers, remote speaker microphones, estimated cost each: \$950.00, total cost: \$13,300.00

14 spare batteries for Motorola Astro XTS portable radio, cost each: \$135.00, total cost: \$1,890.00

Total \$15,190

Total \$27,290

VII. SIGNATURES

In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

Sadie Darnell, Sheriff
Alachua County

Date

Approved as to Form and Legality

Cynthia Weygant, General Counsel
Alachua County Sheriff's Office

Date

Elwin C. "Woody" Boynton, City Manager
City of Palatka

Date

Approved as to Form and Legality

Betsy J. Driggers, City Clerk
City of Palatka

Date

Agenda
Item

3g



CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0199
e-mail: bdriqqers@palatka-fl.gov

Memorandum

To: Palatka City Commission
From: Betsy J. Driggers, City Clerk
Date: October 6, 2011
Re: Putnam County Waterways Committee appointment

BOCC Commissioner Nancy Harris, Chairman, Putnam County Waterways Committee, has requested that a member representative of the Palatka City Commission be appointed to the Putnam County Waterways Committee. Among other things, this Committee is working towards the establishment of a mooring field on the St. Johns River. Commissioner Phil Leary has been working on this issue, and has expressed his interest in being appointed to this position. Commission Harris has requested the appointment of Commissioner Leary to this committee.

Please take action to appoint Commissioner Phil Leary as City Commission Representative to the Putnam County Waterways Committee, to serve at the pleasure of the commission.

Agenda
Item

3h

MEMORANDUM

To: City of Palatka Commissioners
From: Jeff Norton, Special Events Coordinator & Parks Supervisor
Date: October 3rd, 2011
Re: Block Party "4th Saturday Cruise In & Blue In"

Attached please find the Special Events Permit Application for the above referenced event. Staff's recommendations are as follows:

1. Grant Noise Ordinance Variance during Special Event hours:
October 22nd, 2011 5pm-10pm

If you have any questions or concerns please contact me at 386-329-0175 or 386-937-3093.

Jeff Norton
Special Events Coordinator

APPLICATION # 11-46

(circle one below)

CLASS A PERMIT - Filing Deadline: 90 days prior to event

CLASS B PERMIT - Filing Deadline: 30 days prior to event

CLASS C PERMIT - Filing deadline: 14 days prior to event

CITY OF PALATKA
APPLICATION FOR USE OF PARKS, RECREATIONAL AREAS,
RIVERFRONT PARK AND OTHER AREAS WITHIN THE CITY LIMITS

1. NAME AND ADDRESS OF APPLICANT/ORGANIZER

William S. Ennis

CONTACT PERSON Billy Ennis

TELEPHONE 356-325-5464

FAX # Same

2. NAME AND ADDRESS OF PERSON, CORPORATION OR ASSOCIATION SPONSORING THE ACTIVITY,
IF DIFFERENT FROM ABOVE

Downtown Blues and Azalea City Cruisers

CONTACT PERSON Billy Ennis

TELEPHONE Same as above

FAX # _____

3. DESCRIPTION AND/OR NAME OF PROPOSED ACTIVITY 4th Saturday
Cruise In + Bluz-In (car cruise in and Love Music)

DATE & HOURS OF DESIRED USE: Oct 25, 2011 5pm to 10pm

5. PORTION FOR WHICH PERMISSION IS DESIRED (City Dock, Amphitheater, Gazebo, etc.)

6. REQUEST FOR ROAD CLOSURES(Specify): 700 Block of St. Johns Ave

7. REQUEST FOR NOISE VARIANCE(Dates and Times): _____

8. REQUEST FOR ALCOHOL VARIANCE(Dates and Times): _____

9. ESTIMATE OF ANTICIPATED ATTENDANCE(Per Day): 150-300 people

7. NUMBER AND TYPE OF AUXILIARY VEHICLES/EQUIPMENT: _____

8. ARTICLE IV SPECIAL EVENT ORDINANCE: FEES

- CLASS A:
 - \$150.00- up to 10,000 in attendance per day
 - \$225.00- 10,000 - 40,000 in attendance per day
 - \$300.00 - 40,000 - 80,000 in attendance per day
- CLASS B:
 - \$100.00 per day Less than 1,000 Patrons
- CLASS C:
 - \$50.00 per day (Limited impact on traffic, parking etc.) Events such as: Weddings, Fishing Tournaments with less than 40 boats. Etc.

Any private entity/business(es) who are holding a function on private property that impacts neighboring businesses/residents within the City limits and, impacts City services will be assessed a fee amount accordingly. (7% Sales Tax)

Number of Days 1 Fee Required (Yes/No) _____ Check Enclosed? _____

9. OTHER COSTS : Fees will be determined at the pre-assessment meeting with the organizers and the City Department Heads. Arrangements for police services are **REQUIRED** for fishing tournaments with 70 boats or more. Fishing Tournaments and other large event organizers are required to arrange for auxiliary vehicle/trailer parking per accompanying guidelines.

IMPORTANT INFORMATION

THIS FORM IS INTENDED FOR RESERVATION PURPOSES ONLY AND DOES NOT CONSTITUTE PERMISSION FOR USES DISALLOWED UNDER PALATKA'S MUNICIPAL CODE. PERMISSION GRANTED FOR USE OF PUBLIC PROPERTY COVERS MUNICIPAL PARK AREAS AND OTHER AREAS WITHIN THE CITY LIMITS. IT DOES NOT INCLUDE PERMISSION TO CLOSE PUBLIC STREETS OR HINDER PRIVATE PROPERTY. Organizers are required to contact the City of Palatka Parks Department office at 386-329-0100 for pre-planning purposes. ORGANIZERS/APPLICANTS WILL BE NOTIFIED WITHIN 30 DAYS OF ANY COMMENTS THEY MAY HAVE PERTAINING TO THIS EVENT'S ANTICIPATED IMPACT WITHIN THE CITY LIMITS.

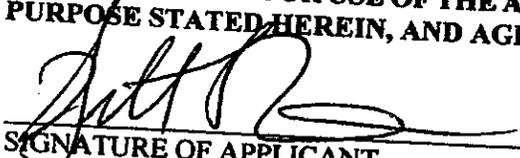
Acceptance of your application should in no way be construed as final approval or confirmation of your request.
Sec. 50-145. Any person or organization granted permission shall be bound by all park/city rules and regulations and all applicable ordinances as fully as though the same were inserted in this document, except for such rules and regulations as may be waived by such document or the City Commission.

Sec. 50-146. The person or persons to whom permission for use of city property is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permission shall have been issued. Event liability insurance, naming the City of Palatka as an additional insured, is required prior to public events. Event liability insurance naming the City of Palatka as an additional insured is also required if a private event is taking place that will impact the City and the use of City Services.

ARTICLE V NOISE CONTROL Sec. 30-101 – 30-109: Permission for use of city property does not grant an automatic exemption to exceed maximum allowable noise levels. Complaints of adverse effects upon the community or surrounding neighborhood may result in revoking permission for use of City property for this activity.

10. CERTIFICATION: I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS UNDER WHICH THE CITY OF PALATKA HAS GRANTED PERMISSION FOR USE OF THE AREA DEFINED ON PAGE ONE OF THIS APPLICATION FOR THE PURPOSE STATED HEREIN, AND AGREE TO BE BOUND BY SAME.

9/19/11
DATE


SIGNATURE OF APPLICANT

APPROVED:

 9/30/2011
SPECIAL EVENTS COORDINATOR DATE

CHIEF OF POLICE DATE

RETURN TO:
JEFF NORTON
SPECIAL EVENTS COORDINATOR
201 N. 2nd Street
Palatka, FL 32177

COPIES TO:
Parks Dept.
Police Dept.
Fire Dept.
Sanitation Dept.
City Clerk

Downtown Palatka, Inc.
Keep Putnam Beautiful
Chamber of Commerce
Palatka Daily News

(FOR ADDITIONAL INFORMATION PLEASE CALL THE PARKS DEPARTMENT OFFICE AT 386-329-0100.)

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

ELWIN C. "WOODY" BOYNTON
CITY MAN

BETSY JORDAN DRIGG
CITY C

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHI
CHIEF OF POLICE

MICHAEL LAMBE
CHIEF FIRE DEPARTMENT

DONALD E. HOLMES
CITY ATTORNEY

Special Events Vendor Requirements

1. A 12ft clear area must be maintained in front of each vendor site. This clear area will allow for the passage of emergency response vehicles.
2. Temporary vendor tents and/or canopies of 200sf or less and without food preparation are exempt from fire retardant requirements. Tent stakes, guy ropes, etc will be clearly marked with a visible warning, i.e. flag, barricade tape, or protective cap.
3. Temporary electrical cords and hoses will not cross any street and where crossing sidewalks, will be protected and pose no trip hazard. All electric will be GFCI protected. NFPA 70
4. A 44" accessible clear path maintained on all city sidewalks. FBC Ch. 11.
5. Generators will be located to the rear of a vendor space, have a fire extinguisher and be sound deadened.

Food Vendors

1. All food vendors must have a minimum of a 2A-10BC fire extinguisher currently certified and tagged by a licensed extinguisher company. (Tag showing inspection within 1 year of event date.)
2. Vendor deep frying, in addition to the ABC extinguisher, must also have a K-Class extinguisher currently certified and tagged by a licensed extinguisher company.
3. Temporary vendor tents or canopies used for cooking or assembly must be fire retardant certified in accordance with NFPA 101, Sec. 10.3.1,
4. Concession trailers that are cooking food that produces grease

laden vapors will also be required to have a hood and suppression system installed in accordance with NAPA 96.

5. The Department of Business and Professional Regulation will inspect all vendors prior to opening for business. Event Staff will coordinate the overall inspection time.

Exceptions:

- a. Non-profit organizations. The vendor must have a State of Florida Tax Exemption Certificate, issued in the name of the vendor on site.
- b. Vendors selling food items not prepared on site, i.e. pre-packaged.

Vendor RV Camping

1. Temporary camping with motor homes, 5th wheels and travel trailers is permitted in coordination with the event staff. No tent camping is allowed.
2. Under NO circumstances will any gray or black water be dumped, except in to a proper disposal facility (At this time the City of Palatka does not have a disposal facility within the city). Unauthorized dumping will be met with stiff penalties and expulsion from the event.
3. Parking of RV campers will insure that no driveway, street or parking lot is blocked or obstructing traffic.
4. Campers will be locked when not occupied.
5. Permission to connect to utilities will be only be authorized by event staff.
6. A placard issued by the event staff will identify vendor RVs.



CITY OF PALATKA PLANNING MEETING PRE-EVENT ASSESSMENT LIST

To be completed by Special Events Coordinator

Meeting Date: _____ Special Events Coordinator: _____

- Site Sketch Provided
- Tentative Schedule of Events

Event Classification:
 Class A
 Class B
 Class C

To be completed by applicant with typewriter or print legibly in dark ink.

Name of Special Event/Production: _____
 Type of Event: _____

Type of Event Activities (concerts, street dances, races, contests, competitions, regattas, arts/crafts displays, still/motion picture production, etc. - attach separate listing if necessary) _____

Location of Event: _____

Requested dates and times of events (not including set-up and tear down):

	Date	Day	Begin	End
Event Day 1	10/22/2011	Saturday	5 AM/PM	10 AM/PM
Event Day 2	_____	_____	_____ AM/PM	_____ AM/PM
Event Day 3	_____	_____	_____ AM/PM	_____ AM/PM
Event Day 4	_____	_____	_____ AM/PM	_____ AM/PM
Set-up for event will begin on (Date)	10/22/2011		at (time)	5 pm
Break down will be completed by (Date)	10/22/2011		at (time)	10 pm

EVENT Block Party

EVENT SPONSOR/ORGANIZATION

Downtown Blues + Azalea City Cruisec

Name of Promoter _____

Tax Exempt No.: _____

Fee Worksheet (To be completed by Special Events Coordinator or Designee)

Special Event Permit fees \$ _____ Per Day x _____ Days = \$ _____

Law Enforcement (City Police) \$23.00 per hour x _____ Officer(s) x _____ Hours = \$ _____

Fire Personnel \$23.00 per hour x _____ Personnel x _____ Hours = \$ _____

Building Inspector \$23.00 per hour x _____ x _____ Hours = \$ _____

Sanitation Equipment fee
Of Green Roll Out Containers _____ x \$ 15.00 per container = \$ _____

Additional Charges (List) _____ = \$ _____

_____ = \$ _____

_____ = \$ _____

_____ = \$ _____

Refundable Deposit \$500.00 required (circle one) Yes No \$ _____

Total Estimated Fees \$ _____

To be completed and submitted by applicant prior to meeting with city staff.
City staff will amend checklist as necessary.

APPLICANT INFORMATION:

Name: William S Ennis
Telephone: 386-325-5454 Fax: _____ Cellular: _____
Address: _____

Name: _____
Telephone: _____ Fax: _____ Cellular: _____
Address: _____

Other contacts/Keyholders:

Name: _____ Telephone: _____
Cellular: _____ Fax: _____

Name: _____ Telephone: _____
Cellular: _____ Fax: _____

Estimated Peak Number of Participants (each day of event):
Day 2 _____ Day 3 _____ Day 4 _____ Day 5 150-300

Type of special effects to include pyrotechnics, explosives, discharging weapons, hazardous materials and/or incendiary devices to be used: _____

Number and proposed location of fire protection services: N-A

Inspection(s) - Date and time requested: N-A-

Emergency medical services: Ambulance Location(s) (note on site map): N-A

Number of EMS Personnel required: N-A-

Number and proposed location of portable toilets: (note location on site map)
N-A.

- Carnival location (if any) (note location on site map) N-A
- Number of sanitation roll-out containers required: N-A
- Location of parking/transportation services, if any: N-A
- Type Transport Vehicles (Van, buses, etc.): N-A
- Location of security and emergency vehicle parking on site: N-A
- Public street barricades/street closures/detours: (note locations on site map) 7th + St. Johns
- Temporary Parking, directional Signage needed: N A
- Main emergency vehicle access to site (location - also note on site map): N-A-
- Location of proposed temporary structures, fences, grandstands, bandstands, judges stands, bleachers, hospitality tents, booths, etc.: (note on site map) N-A.
- Number and proposed location of vendors, concessions and/or Sponsor/Promoter(s) stands (note on site map): ⊘
- Number and location of static/mobile displays (note on site map): ⊘
- Location of event staff management (headquarters): Downtown Blues
- Staff Uniform Identification: _____
- Main sound system location: Downtown Blues
- Number and location of special activities (launching areas, animal attractions, amusements, car shows, parade routes, competition courses, etc.): Band performing in front of Downtown Blues

- Number and location of temporary signs/banners: CG
- Number and location of promotional visual effects: 0
- Watercraft: 0
- Aircraft: 0
- Types & Location of On-Site Advertising (banners, balloons, posters, flyers, air structures, signs, etc.): 0
- Date(s) and times of setup/breakdown: 10/22/2011 5pm - 10pm
- Name(s) and Type of Musical Bands to Perform (dates & times of performances): 1
- Noise Abatement Requirements: 5pm - 10pm
- Adjoining Properties Impacted (Notification needed?): letter of intent sent to area business
- Location, Dates and Times for Alcohol Ordinance Open Container Waiver: N-A -
- Alcohol Sale Requirements (Temporary license, commercial establishment license, etc.): N-A -
- Handicapped Accessibility: _____

Items Outstanding:

- Outstanding Fees: \$ _____
- Site Plan Sketch
- 501(c)(3) Certificate of Exemption,

Downtown Palatka



Entertainment



MEMORIAL BRIDGE

MEMORIAL DRIVE
WATER FRONT PARK

Agenda
Item

3 i

MEMORANDUM

To: City of Palatka Commissioners

From: Jeff Norton, Special Events Coordinator & Parks Supervisor

Date: October 3rd, 2011

Re: Festival "St Johns River Blues Festival"

Attached please find the Special Events Permit Application for the above referenced event. Staff's recommendations are as follows:

1. Grant Noise Ordinance Variance during Special Event hours:

Friday November 11, 2011	5pm-8pm
Saturday November 12, 2011	10am-10pm
Sunday November 13, 2011	1pm-8pm

If you have any questions or concerns please contact me at 386-329-0175 or 386-937-3093.

Jeff Norton
Special Events Coordinator

APPLICATION # 11-35

(circle one below)

- CLASS A PERMIT - Filing Deadline: 90 days prior to event
- CLASS B PERMIT - Filing Deadline: 30 days prior to event
- CLASS C PERMIT - Filing Deadline: 14 days prior to event

**CITY OF PALATKA
APPLICATION FOR USE OF PARKS, RECREATIONAL AREAS,
RIVERFRONT PARK AND OTHER AREAS WITHIN THE CITY LIMITS**

1. NAME AND ADDRESS OF APPLICANT/ORGANIZER

William S. Ennis

CONTACT PERSON Billy Ennis TELEPHONE 386-325-5454

FAX # SAME

2. NAME AND ADDRESS OF PERSON, CORPORATION OR ASSOCIATION SPONSORING THE ACTIVITY, IF DIFFERENT FROM ABOVE

St. Johns River Blues Festival, Inc.

CONTACT PERSON Billy Ennis TELEPHONE 325-5454

FAX # SAME

3. PLEASE CHECK ONE: NON-PROFIT FOR PROFIT

4. DESCRIPTION AND/OR NAME OF PROPOSED ACTIVITY St Johns River
BLUES FESTIVAL

5. DATE & HOURS OF DESIRED USE: 5pm NOV 11 thru 8pm NOV 13, 2011

6. PORTION FOR WHICH PERMISSION IS DESIRED (City Dock, Amphitheater, Gazebo, etc.)

ST JOHNS AVE FROM 200 BLK THRU 700 BLK

7. REQUEST FOR ROAD CLOSURES: ST JOHNS AVE 2nd - 8th

8. REQUEST FOR NOISE VARIANCE (Dates and Times): NOV 11 & NOV 12 & NOV 13

9. REQUEST FOR ALCOHOL VARIANCE: NONE

10. ESTIMATE OF ANTICIPATED ATTENDANCE 5000

11. NUMBER AND TYPE OF AUXILIARY VEHICLES/EQUIPMENT _____

12. ARTICLE IV SPECIAL EVENT ORDINANCE: FEES

CLASS A: <input checked="" type="checkbox"/>	\$100.00 up to 10,000 in attendance per day	CLASS B: _____	\$75.00 per day
_____	\$150.00 10,000 - 40,000 in attendance per day	CLASS C: _____	\$25.00 per day
_____	\$200.00 - 40,000 - 80,000 in attendance per day	PLUS 7 % Sales Tax	

Any private entity/business(es) who are holding a function on private property that impacts neighboring businesses/residents within the City limits and, impacts City services will be assessed a fee amount accordingly.

Number of Days _____ Fee Required (Yes/No) _____ Check Enclosed? _____

OTHER COSTS : Fees will be determined at the pre-assessment meeting with the organizers and the City Department Heads.

10. Arrangements for police services are **REQUIRED** for fishing tournaments with 70 boats or more. Fishing

IMPORTANT INFORMATION

THIS FORM IS INTENDED FOR RESERVATION PURPOSES ONLY AND DOES NOT CONSTITUTE PERMISSION FOR USES DISALLOWED UNDER PALATKA'S MUNICIPAL CODE. PERMISSION GRANTED FOR USE OF PUBLIC PROPERTY COVER MUNICIPAL PARK AREAS AND OTHER AREAS WITHIN THE CITY LIMITS. IT DOES NOT INCLUDE PERMISSION TO CLOSE PUBLIC STREETS OR HINDER PRIVATE PROPERTY. Organizers are required to contact the City of Palatka Parks Department office at 386-329-0100 for pre-planning purposes. ORGANIZERS/APPLICANTS WILL BE NOTIFIED WITHIN 30 DAYS OF ANY COMMENTS THEY MAY HAVE PERTAINING TO THIS EVENT'S ANTICIPATED IMPACT WITHIN THE CITY LIMITS.

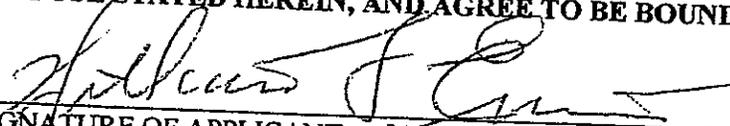
Acceptance of your application should in no way be construed as final approval or confirmation of your request.
Sec. 50-145. Any person or organization granted permission shall be bound by all park/city rules and regulations and all applicable ordinances as fully as though the same were inserted in this document, except for such rules and regulations as may be waived by such document or the City Commission.

Sec. 50-146. The person or persons to whom permission for use of city property is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permission shall have been issued. Event liability insurance, naming the City of Palatka as an additional insured, is required prior to public events. Event liability insurance naming the City of Palatka as an additional insured is also required if a private event is taking place that will impact the City and the use of City Services.

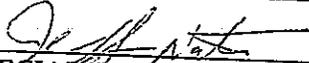
ARTICLE V NOISE CONTROL Sec. 30-101 – 30-109: Permission for use of city property does not grant an automatic exemption to exceed maximum allowable noise levels. Complaints of adverse effects upon the community or surrounding neighborhood may result in revoking permission for use of City property for this activity.

10. CERTIFICATION: I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS UNDER WHICH THE CITY OF PALATKA HAS GRANTED PERMISSION FOR USE OF THE AREA DEFINED ON PAGE ONE OF THIS APPLICATION FOR THE PURPOSE STATED HEREIN, AND AGREE TO BE BOUND BY SAME.

June 7, 2011
DATE


SIGNATURE OF APPLICANT

APPROVED:


SPECIAL EVENTS COORDINATOR 6/13/2011
DATE


CHIEF OF POLICE 8/25/11
DATE

RETURN TO:
JEFF NORTON
SPECIAL EVENTS COORDINATOR
201 N. 2nd Street
Palatka, FL 32177

COPIES TO:
Parks Dept.
Police Dept.
Fire Dept.
Sanitation Dept.
City Clerk

Downtown Palatka, Inc.
Keep Putnam Beautiful
Chamber of Commerce
Palatka Daily News

(FOR ADDITIONAL INFORMATION PLEASE CALL THE PARKS DEPARTMENT OFFICE AT 386-329-0100.)



CITY OF PALATKA PLANNING MEETING PRE-EVENT ASSESSMENT LIST

To be completed by Special Events Coordinator

Meeting Date: _____ Special Events Coordinator: _____

Site Sketch Provided
 Tentative Schedule of Events

Event Classification:
 Class A
 Class B
 Class C

To be completed by applicant with typewriter or print legibly in dark ink.

Name of Special Event/Production: St. Johns River Blue Festival

Type of Event: Blues Festival - Music

Type of Event Activities (concerts, street dances, races, contests, competitions, regattas, arts/crafts displays, still/motion picture production, etc. - attach separate listing if necessary)

2 areas for Blues Band
Arts + Crafts and Food Vendors - Military Displays

Location of Event: 2nd + St. Johns - 8th + St. Johns Ave.

Requested dates and times of events (not including set-up and tear down):

	Date	Day	Begin	End
Event Day 1	<u>Nov 11, 2011</u>	<u>Friday</u>	<u>5</u> AM/PM	<u>10</u> AM/PM
Event Day 2	<u>Nov 12, 2011</u>	<u>Saturday</u>	<u>10</u> AM/PM	<u>10</u> AM/PM
Event Day 3	<u>Nov 13, 2011</u>	<u>Sunday</u>	<u>1</u> AM/PM	<u>8</u> AM/PM
Event Day 4	_____	_____	_____ AM/PM	_____ AM/PM

Set-up for event will begin on (Date) Nov 11, 2011 at (time) 5 pm

Break down will be completed by (Date) Nov 13, 2011 at (time) 8 pm

EVENT _____ EVENT SPONSOR/ORGANIZATION _____

Name of Promoter SJRBF, Inc Tax Exempt No.: Applied For, waiting permit #

Fee Worksheet (To be completed by Special Events Coordinator or Designee)

Special Event Permit fees \$ 100 Per Day x 3 Days = \$ 300.00

Law Enforcement (City Police) \$23.00 per hour x 2 Officer(s) x 48 Hours = \$ 1,104.00

Fire Personnel \$23.00 per hour x _____ Personnel x _____ Hours = \$ _____

Building Inspector \$23.00 per hour x _____ x _____ Hours = \$ _____

Sanitation Equipment fee
Of Green Roll Out Containers 7 x \$ 15.00 per container = \$ 105.00

Additional Charges (List)

Refundable Deposit \$500.00 required (circle one) Yes No \$ _____

Total Estimated Fees \$ 1509.00

To be completed and submitted by applicant prior to meeting with city staff.
City staff will amend checklist as necessary.

*** APPLICANT INFORMATION:**

Name: William "Billy" ENNIS Chairman
Telephone: 386 325 5454 Fax: SAME Cellular: N/A
Address: 2114 PRESIDENT ST PALM BEACH FL 33477

Name: John Key TA Treasurer/Sec
Telephone: 386 385 3646 Fax: - Cellular: 336 2225
Address: 414 ST JOHNS AVE PALM BEACH

Other contacts/Keyholders:

Name: Bruce Marble Telephone: 904 377 9599
Cellular: _____ Fax: _____

Name: _____ Telephone: _____
Cellular: _____ Fax: _____

Estimated Peak Number of Participants (each day of event):
Day 1 1500
Day 2 4500 Day 3 4000 Day 4 _____ Day 5 _____

Type of special effects to include pyrotechnics, explosives, discharging weapons, hazardous materials and/or incendiary devices to be used: NONE

Number and proposed location of fire protection services: N/A -

Inspection(s) - Date and time requested: Nov 14, 2011 Friday 5 PM
Nov 12, 2011 Saturday 8 AM

Emergency medical services: Ambulance Location(s) (note on site map): N/A -

Number of EMS Personnel required: _____

Number and proposed location of portable toilets: (note location on site map)
#12 see map

- Carnival location (if any) (note location on site map) N-A -
- Number of sanitation roll-out containers required: 7
- Location of parking/transportation services, if any: N-A-
- Type Transport Vehicles (Van, buses, etc.): N-A
- Location of security and emergency vehicle parking on site: TBD
- Public street barricades/street closures/detours: (note locations on site map) 2nd + St. Johns - 8th + St. Johns Avenue
- Temporary Parking, directional Signage needed: N-A-
- Main emergency vehicle access to site (location - also note on site map): N-A-
- Location of proposed temporary structures, fences, grandstands, bandstands, judges stands, bleachers, hospitality tents, booths, etc.: (note on site map) Bleachers Prosperity Parking lot - Courthouse Lawn
Stages 7
- Number and proposed location of vendors, concessions and/or Sponsor/Promoter(s) stands (note on site map): 80 vendors -
Preston Elec - John Keys
- Number and location of static/mobile displays (note on site map): N-A -
- Location of event staff management (headquarters): 714 St. Johns Avenue
- Staff Uniform Identification: Badges
- Main sound system location: Prosperity Bank Court House
- Number and location of special activities (launching areas, animal attractions, amusements, car shows, parade routes, competition courses, etc.): N-A-

Number and location of temporary signs/banners: 100 blk ?

Number and location of promotional visual effects: N/A-

Watercraft: 0

Aircraft: 0

Types & Location of On-Site Advertising (banners, balloons, posters, flyers, air structures, signs, etc.): 0

Date(s) and times of setup/breakdown: Nov 11 - 5pm
Nov 13 - 8pm

Name(s) and Type of Musical Bands to Perform (dates & times of performances):
CHARLIE MORRIS BAND 11/11/11 @ 6pm / 167 1/2 STREET REB, 11/11/11 @ 8pm
FRANK ROBERT, 11/17/11 @ 6pm / Dasley ELLIS, 11/12/11 @ 8pm
Willie Green, 11/13/11 @ 6pm

Noise Abatement Requirements: Nov 11, 2011 5pm - 10pm
Nov 12, 2011 - 10AM - 10pm Nov 13, 2011 7pm - 8pm

Adjoining Properties Impacted (Notification needed?): Business on st Johns
A letter provided

Location, Dates and Times for Alcohol Ordinance Open Container Waiver: N/A-

Alcohol Sale Requirements (Temporary license, commercial establishment license, etc.): N/A-

Handicapped Accessibility: use Available marked areas

Items Outstanding:

- Outstanding Fees: \$ _____
- Site Plan Sketch
- 501(c)(3) Certificate of Exemption,

- Nonprofit Articles of Incorporation AND Charter AND Mission Statement
- Financial Statement (last audit period)
- Consent Letter (event property): property owners on which Special Event location is held (if not held on city property)
- Fire resistive rating certificates (tents, fabric, etc.)
- Schedule Fire, Building/Electrical Inspections
- Schedule Pre/Post Sanitation Inspections
- Example of Special Event vendor permits provided
- Special Event Certificate of Insurance – City as “Additional Insured” (if carnival, aircraft or watercraft rides are planned, need certificates from those vendors)
List Certificates required: _____

- Required permits (federal, state, local): _____
- Alcohol License (copy)
- Additional Meeting Required (Adjacent Properties, Special Events Committee, others)
- Musical Band Names/Times *see previous pg (5)*
- _____
- _____
- _____

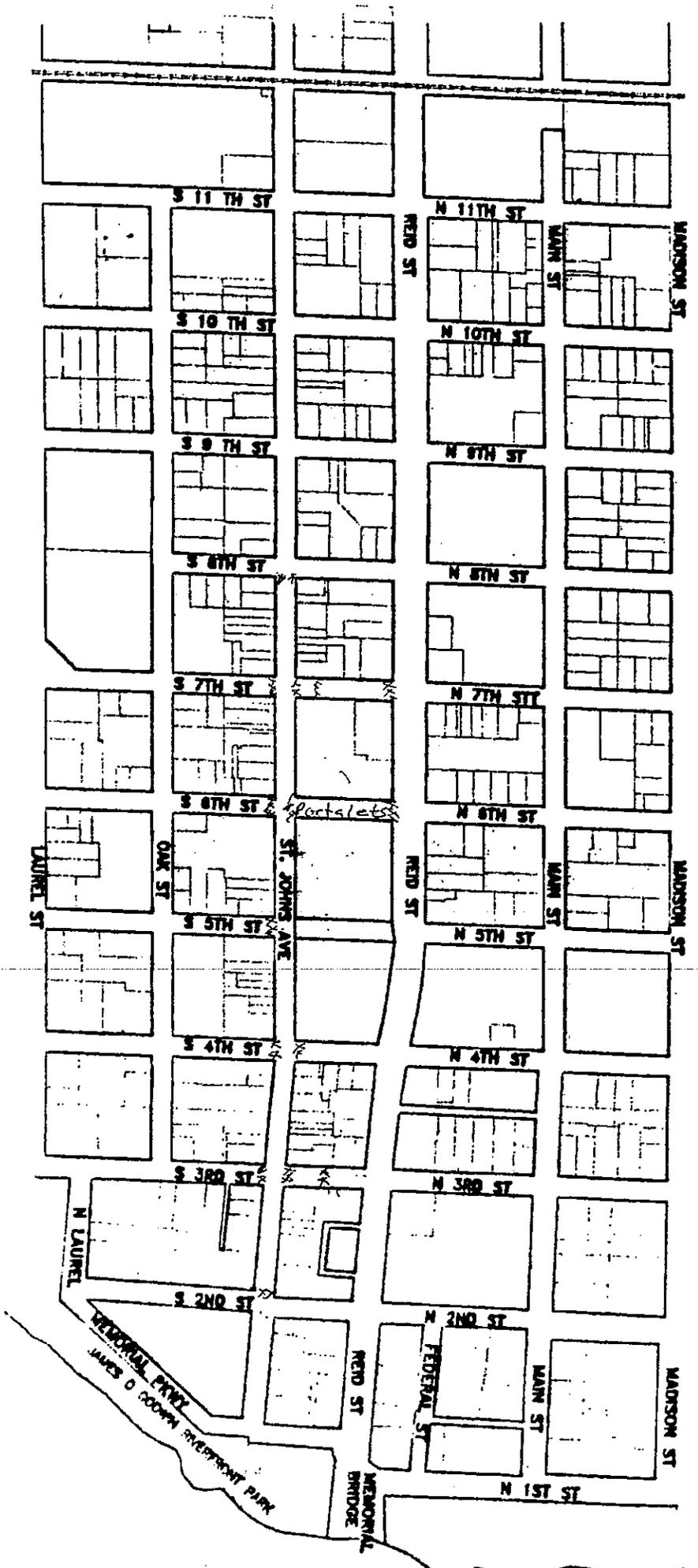
PRE-PLANNING MEETING

Name of Special Event/Production: _____ Date _____

Persons Attending Planning Meeting:

Name	Representing	Position	Phone#

Downtown Palatka



**Palatka Police Department
Operations Plan
Downtown Blues Festival 2011**

*Ops Plan
Approved
8/25/11*

OIC: Sergeant Reinhold

Dates: November 11th – November 13th, 2011

Event Times: Friday November 11th (1700-2200 Hours), Saturday November 12th (1000-2200 Hours), Sunday November 13th (1300-2000 Hours).

Police Detail Times: Two Officers during the listed hours each day.

Command Post: None

Agency Contacts:

Palatka Police Department -

Sergeant Reinhold (OIC)

Central Dispatch -

Dispatch Supervisor on duty

Blues Festival -

Billy Ennis 325-5454 or 937-3882

If rescue or other agency assistance is needed they will be called and dispatched through the Putnam County Sheriff's Office. If the Officers working the detail have any issues that require additional officers, the on-duty patrol supervisor will be contacted.

Event Information:

The Festival is going to be on St. Johns Avenue (200 through 800 block). St. Johns Avenue will be closed (200-800 block) and two music stages will be set up for the festival. One stage will be set up at on the northwest corner of 5th Street and St. Johns Avenue and the second stage will be set up on the northeast corner of 4th Street and St. Johns Avenue. Up to 70 vendors will be on St. Johns Avenue. Set up for the festival will begin on Friday November 11th at 1700 hours. St. Johns Ave will remain closed until Sunday November 13th at 2000 hours. No alcohol will be served or permitted at the festival.

Communications:

Officers working the detail will be dispatched through the Communication Center at the Sheriff's Office for calls or issues at the festival.

Communication with festival staff will be done by word of mouth or cell phone.

Traffic Control / Maps:

The event will have one part: **Down Town Blues Festival**

The event organizers will close down St. Johns Avenue on November 11th at 1700 hours to begin setting up for the festival.

The event coordinator will be responsible for setting up and taking down barricades. The Event Coordinator will ensure the barricades are delivered before the event. Barricades will be set up on November 11th after 1700 hours on St. Johns Avenue so vendors can start setting up booths. The barricades will be placed at the following locations:

- St. Johns and 2nd Street. (2 barricades)
- St. Johns and 3rd Street (4 barricades)
- St. Johns and 4th Street (4 barricades)
- St. Johns and 5th Street (2 barricades)
- St. Johns and 6th Street (4 barricades)
- St. Johns and 7th Street (4 barricades)
- St. Johns and 8th Street (2 barricades)
- Reid and 3rd Street (2 barricades)
- Reid and 4th Street (2 barricades)
- Reid and 6th Street (2 barricades)
- Reid and 7th Street (2 barricades)
- Oak and 3rd Street (2 barricades)
- Oak and 4th Street (2 barricades)
- Oak and 5th Street (2 barricades)
- Oak and 6th Street (2 barricades)
- Oak and 7th Street (2 barricades)
- Total of 40 barricades

Compensation / Reimbursement: Security Fee Total

Two officers will work a total of 48 hours.

Total security fee - \$23.00 x 48 hours = \$ 1104.00.

Security:

The festival will have four civilian personnel to patrol during the festival for security and two at night for security.

The Police Department will have two uniformed officers work the festival for security during the times it will be open.

Equipment Needed:

The uniform for officers working the festival will be Class B.

Portable radios will be used.

Department golf carts will be utilized.

Barricades will be delivered before the event takes place.

Arrests: If an arrest is made the on-duty patrol shift will assist in transporting the prisoner if needed.

Transportation:

Marked patrol vehicles.
Golf carts.

Briefing:

Briefing will be held prior to each shift.

Post occurrence duties:

All equipment and Police Department property will be accounted for.

After Action Report:

An After Action Report will be forwarded to the Chief of Police.

Agenda Item

3_j

Steamboat Willies
309 St Johns Ave
Palatka, FL. 32177

Woody Boyton
201 N. 1st St.
Palatka, FL. 32177

October 1, 2011

Mr. Boyton,

I am requesting to be placed on the consent agenda of October 13th, 2011 City Commission meeting to request a noise variance for Steamboat Willies. We have live entertainment playing on the following dates for the month of October:

October 14th
October 28th

We are requesting a variance for the times starting at 10:00pm of the listed date into the next morning at 1:00am.

I appreciate your help as well as the consideration of the City Commission on supporting the events we have had in the past and the events in the future.

Best Wishes,


John Lyon
Owner

Agenda Item

4

CRA Agenda

Agenda
Item

5

RESOLUTION No. 9 - 14

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA
TO ENTER INTO A GRANT AGREEMENT WITH THE
UNITED STATES DEPARTMENT OF AGRICULTURE TO
MAKE HANDICAPPED RESTROOM ACCESSIBILITY
IMPROVEMENTS AT THE PRICE-MARTIN
COMMUNITY CENTER, AND AUTHORIZING
EXECUTION AND SUBMITTAL OF ALL NECESSARY
DOCUMENTS IN CONNECTION THEREWITH**

WHEREAS, the City of Palatka desires to apply for a United States Department of Agriculture Grant in the amount of \$32,000.00 to make restroom handicapped accessibility improvements to its Price-Martin Community Center; and

WHEREAS, a public hearing was held on October 13, 2011 before the Palatka City Commission regarding its intent to apply for USDA funds for the purpose of restroom renovations for ADA accessibility in order to allow the public to become acquainted with the project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, and other matters of concern; and

WHEREAS, the Palatka City Commission has determined it is in the public's best interest to move forward with submittal of said Grant Application.

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

Section 1. The City of Palatka shall apply for a grant in the amount of \$32,000,00 from the United States Department of Agriculture (USDA), with the proceeds of said grant being utilized in the construction of certain ADA compliant restroom improvements at Palatka's Price-Martin Community Center;

Section 2. The Mayor, Vernon Myers, is specifically authorized to execute any and all documents necessary and required by USDA to file the Grant Application referred to in Section 1 above, and to confirm the City's assurance that the City will comply, as appropriate, with those requirements under Title VI, Civil Rights Act of 1964, Drug-Free Workplace Regulations and Equal Opportunity Regulations, and any other Federal regulations as may be required by USDA; and

Section 3. That the Elwin C. Boynton, Jr., as the City Manager, is hereby designated as the City's authorized representative in carrying out the City's responsibilities under the grant agreement.

PASSED AND ADOPTED by the Palatka City Commission this 13th day of October, 2011.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

U.S. DEPARTMENT OF AGRICULTURE

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS) ALTERNATIVE I - FOR GRANTEE OTHER THAN INDIVIDUALS

This certification is required by the regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017, Subpart F, Section 3017.600, Purpose. The regulations were published as Part II of the January 31, 1989 Federal Register (pages 4947-4952). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

Alternative I

(A) The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and

(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted --

(1) Taking appropriate personnel action against such an employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (Street address, city, county, State, zip code)

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.
2. The certification set out on pages 1 and 2 is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

USDA
Form RD 400-4
(Rev. 06-10)

ASSURANCE AGREEMENT
(Under Title VI, Civil Rights Act of 1964)

FORM APPROVED
OMB No. 0575-0018
OMB No. 0570-0062

The City of Palatka
(name of recipient)

201 N 2nd Street, Palatka, FL 32177
(address)

("Recipient" herein) hereby assures the U. S. Department of Agriculture that Recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.), 7 CFR Part 15, and Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Risk Management Agency, or the Farm Service Agency, (hereafter known as the "Agency") regulations promulgated thereunder, 7 C.F.R. § 1901.202. In accordance with that Act and the regulations referred to above, Recipient agrees that in connection with any program or activity for which Recipient receives Federal financial assistance (as such term is defined in 7 C.F.R. § 15.2) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

1. Recipient agrees that any transfer of any aided facility, other than personal property, by sale, lease or other conveyance of contract, shall be, and shall be made expressly, subject to the obligations of this agreement and transferee's assumption thereof.
2. Recipient shall:
 - (a) Keep such records and submit to the Government such timely, complete, and accurate information as the Government may determine to be necessary to ascertain our/my compliance with this agreement and the regulations.
 - (b) Permit access by authorized employees of the Agency or the U.S. Department of Agriculture during normal business hours to such books, records, accounts and other sources of information and its facilities as may be pertinent to ascertaining such compliance.
 - (c) Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Agency or the U. S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.
3. The obligations of this agreement shall continue:
 - (a) As to any real property, including any structure, acquired or improved with the aid of the Federal financial assistance, so long as such real property is used for the purpose for which the Federal financial assistance is made or for another purpose which affords similar services or benefits, or for as long as the Recipient retains ownership or possession of the property, whichever is longer.
 - (b) As to any personal property acquired or improved with the aid of the Federal financial assistance, so long as Recipient retains ownership or possession of the property.
 - (c) As to any other aided facility or activity, until the last advance of funds under the loan or grant has been made.
4. Upon any breach or violation this agreement the Government may, at its option:
 - (a) Terminate or refuse to render or continue financial assistance for the aid of the property, facility, project, service or activity.
 - (b) Enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, City of Palatka on this
(name of recipient)

date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or, if a natural person, has hereunto executed this agreement.

Recipient

(S E A L)

Date

Attest: City Clerk
Title

Mayor
Title

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0018 and 0570-0062. The time required to complete this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

EQUAL OPPORTUNITY AGREEMENT

This agreement, dated _____ between
City of Palatka _____

(herein called "Recipient" whether one or more) and United States Department of Agriculture (USDA), pursuant to the rules and regulations of the Secretary of Labor (herein called the 'Secretary') issued under the authority of Executive Order 11246 as amended, witnesseth:

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the USDA to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000 - unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the USDA setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the USDA, advising the said labor union or workers' representative of the contractor's commitments under this agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the USDA Civil Rights Office, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by Law.
- (g) The contractor will include the provisions of paragraph 1 and paragraph (a) through (g) in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the USDA may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the USDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0018. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

2. To be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the organization so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.
3. To notify all prospective contractors to file the required 'Compliance Statement', Form RD 400-6, with their bids.
4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract. Bid conditions for all nonexempt federal and federally assisted construction contracts require inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.
5. To assist and cooperate actively with USDA and the Secretary in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary, that will furnish USDA and the Secretary such information such as , but not limited to, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as they may require for the supervision of such compliance, and that it will otherwise assist USDA in the discharge of USDA's primary responsibility for securing compliance.
6. To refrain from entering into any contract or contract modification subject to such Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by USDA or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order.
7. That if the recipient fails or refuses to comply with these undertakings, the USDA may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the organization under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such organization; and refer the case to the Department of Justice for appropriate legal proceedings.

Signed by the Recipient on the date first written above.

 Recipient

 Recipient

(CORPORATE SEAL)

City of Palatka

 Name of Corporate Recipient

Attest:

 Secretary

By _____
 President

RESOLUTION OF MEMBERS OR STOCKHOLDERS

City of Palatka

(Name of Association)

201 N 2nd Street, Palatka, FL 32177

(Address, including Zip Code)

RESOLVED, that the Governing Board of this Association be and it hereby is authorized and empowered to take all action necessary or appropriate –

1. To obtain for and on behalf of the Association through the United States Department of Agriculture (USDA) or any other Governmental agency:
 - (a) A loan in a sum not to exceed \$ \$0.00 ;
 - (b) A grant in a sum not to exceed \$ \$32,000.00 ;
 to be advanced by the lender or grantor in one or more advances at such time or times as may be agreed upon.
2. In case of a loan or grant or both –
 - (a) For the execution of such application or applications (including exhibits, amendments and/or supplements thereto) as may be required;
 - (b) For the execution and delivery to the lender or grantor of all such written instruments as may be required in regard to or as evidence of such loan or grant; and
 - (c) In its judgment to carry out the terms of this resolution.
3. And in case of a loan –
 - (a) To obligate this Association for the repayment of the loan at such rates of interest and on such other terms and conditions as the Governing Board shall deem proper;
 - (b) To pledge, hypothecate, mortgage, convey, or assign property of this Association of any kind and in any amount now owned or hereafter acquired, as security for any or all obligations (past, present and/or future) of this Association to such lender; and
 - (c) From time to time to pay, extend, or renew any such obligations.

CERTIFICATION

I, the undersigned, as _____ of the above named Association, hereby
(Secretary) (Acting Secretary)

certify that said Association on the _____ day of _____, _____, had _____
(Number)

_____ ; that _____ of these
(members) (stockholders) or (shares of voting stock outstanding)

constituted a quorum; that _____ said members or stockholders or shares of voting stock were present at a meeting

of the members or stockholders duly called and held on the _____ day of _____, _____;

that the foregoing resolution was adopted at such meeting by the affirmative vote of _____ said members or stockholders or shares of voting stock; and that said resolution has not been rescinded or amended in any way.

Dated this day _____ of _____, _____.

Secretary of _____ City Clerk

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE CommissionOF THE City of Palatka

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Price Martin Community Center

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Palatka, City of
(Public Body)(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of zero loan fundspursuant to the provisions of Florida Statutes; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
- 14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
- 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$ 32,000

under the terms offered by the Government; that the Mayor

and Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the _____ of the _____ has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this _____ day of _____, _____.

(SEAL)

Attest:

By _____
Title Mayor

Clerk
Title

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the _____
hereby certify that the _____ of such Association is composed of
_____ members, of whom _____, constituting a quorum, were present at a meeting thereof duly called and
held on the _____ day of _____, _____; and that the foregoing resolution was adopted at such meeting
by the vote shown above. I further certify that as of _____, the date of closing of the loan from the Government, said resolution
remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____, _____.

Title _____

UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Development
LEGAL SERVICES AGREEMENT

This agreement made this _____ day of _____,
19 _____ between _____

(sponsors) (organizing committee) (Name of organization) hereinafter referred to as "Owners," and _____, attorney at law, of _____, hereinafter referred to as "Attorney":

WHEREAS, Owners are intending to _____ (have formed) _____ ("public water supply _____

district," "public service district," "not for profit corporation," or _____, a _____ other official designation) ("body politic," "municipal

corporation," "nonprofit corporation," or other organization) in _____ County _____ under

the provisions of _____ (Cite statute(s) _____ under which applicant will be organized); and

WHEREAS, the Attorney agrees to perform all legal services necessary to organize and incorporate said _____ under the provisions of said statutes and to perform all other customary legal services necessary to the organization, financing, construction, and initial operation of a _____ system;

WITNESSETH:

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

SECTION A - LEGAL SERVICES

That the Attorney will perform such services as are necessary to accomplish the above recited objectives including, but not limited to, the following:

1. Preparation and filing of petition for incorporation and supervision and assistance in the taking of such other actions as may be necessary or incidental to cause the Owners to become duly organized and incorporated and to be authorized to undertake the proposed system.
2. Furnish advice and assistance to the governing body of the duly incorporated association in connection with (a) the notice for and conduct of meetings; (b) the preparation of minutes of meetings; (c) the preparation and enactment of such resolutions as may be necessary in connection with the authorization, financing, construction, and initial operation of the system;

d) the preparation of such affidavits, publication notices, ballots, reports, certifications, and other instruments and advice as may be needed in the conduct of such bond elections as may be necessary; (e) the preparation and completion of such bonds or other obligations as may be necessary to finance the system; (f) the completion and execution of documents for obtaining a loan made or insured or a grant made by the United States of America, acting through the Rural Development, U. S. Department of Agriculture; (g) entering into construction contracts; (h) preparation and adoption of By-Laws, Rules and Regulations, and rate schedules; (i) such other corporate action as may be necessary in connection with the financing, construction, and initial operation of the system.

3. Review of construction contracts, bid-letting procedure, and surety and contractual bonds in connection therewith.

4. Preparation, negotiation, or review of contract with a city or other source of water supply when necessary.

5. Preparation, where necessary, and review of deeds, easements and other rights-of-way documents, and other instruments for sites for source of water supply, pumping stations, treatment plants, and other facilities necessary to the system and to provide continuous rights-of-way therefore; rendering title opinions with reference thereto; and providing for the recordation thereof.

6. Obtain necessary permits and certificates from county and municipal bodies, from State regulatory agencies, and from other public or private sources with respect to the approval of the system, the construction and operation thereof, pipeline crossings, and the like.

7. Cooperate with the engineer employed by Owners in connection with preparation of tract sheets, easements, and other necessary title documents, construction contracts, water supply contracts, health permits, crossing permits, and other instruments.

8. When applicable, secure assistance of and cooperate with recognized bond counsel in the preparation of the documents necessary for the financing aspects of the system. The attorney shall pay all bond counsel in perfecting the financing aspects, e.g., assessment procedures and completion of documents. Where bond counsel is retained, the Attorney will not be responsible for the preparation and approval of those documents pertaining to the issuance of the Owner's obligations.

SECTION B - COMPENSATION

1. Owners will pay to the Attorney for professional services rendered in accordance herewith, fees as follows:

Said fees to be payable in the following manner and at the following times:

(1-15-79) SPECIAL PN
RD Instruction 1942-A
Guide 14) (Page 3)

SECTION C - OTHER PROVISIONS

1. That upon organization and incorporation the association shall by appropriate resolution adopt and ratify this Agreement, that the association shall be substituted for the individual Owners as a party to this Agreement, and that the Owners as individuals shall thereupon be relieved of all personal liability existing or arising from this Agreement.
2. That upon organization and incorporation should the association fail or refuse to adopt and ratify this Agreement by appropriate resolution within _____ days from the date of the commencement of its legal existence, this Agreement shall terminate and Owners shall be liable to the Attorney for payment of \$_____, which sum represents payment in full for the organization and incorporation of the association and for all other legal services rendered to Owners under the terms of this Agreement to the date of said termination.

Attorney:

Owners:

Attachment to Legal Services Agreement Local Counsel

Owner _____ Phone _____

Attorney _____ Phone _____

Project Name _____

Itemization of Services Provided and Fee Charged:	# of Hours	\$ Per Hour	Total
1. _____	_____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____
4. _____	_____	\$ _____	\$ _____
5. _____	_____	\$ _____	\$ _____
6. _____	_____	\$ _____	\$ _____
7. _____	_____	\$ _____	\$ _____
8. _____	_____	\$ _____	\$ _____
9. _____	_____	\$ _____	\$ _____
10. _____	_____	\$ _____	\$ _____
11. _____	_____	\$ _____	\$ _____
TOTAL			\$ _____

Owner Signature

(date)

Attorney Signature

(date)

Committed to the future of rural communities.

"USDA is an equal opportunity provider, employer and lender."
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 328-W, Whitten Building, 14th and
Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD).

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Pre-application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED	Applicant Identifier	
			3. DATE RECEIVED BY STATE	State Application Identifier	
			4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name: City of Palatka			Organizational Unit: Department: City Manager's Office		
Organizational DUNS: 01-059-5445			Division:		
Address: Street: 201 N 2nd Street			Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: First Name: Elwin		
City: Palatka			Middle Name C		
County: Putnam			Last Name Boynton		
State: FL		Zip Code 32177	Suffix: Jr		
Country: USA			Email: wboynton@palatka-fl.gov		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 59-6000401			Phone Number (give area code) 386-329-0100		Fax Number (give area code) 386-329-0199
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) <input type="checkbox"/> <input type="checkbox"/>			7. TYPE OF APPLICANT: (See back of form for Application Types) C Other (specify)		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 10-766			9. NAME OF FEDERAL AGENCY: USDA Rural Development		
TITLE (Name of Program): Community Facility Loans/Grants			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Price Martin Community Center Interior Renovations		
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): City of Palatka, Putnam County, FL			14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project		
13. PROPOSED PROJECT: Start Date: 11/2011 Ending Date: 11/2012			16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes. <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
15. ESTIMATED FUNDING:			17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No		
a. Federal	\$	32,000 ⁰⁰			
b. Applicant	\$	27,000 ⁰⁰			
c. State	\$	⁰⁰			
d. Local	\$	⁰⁰			
e. Other	\$	⁰⁰			
f. Program Income	\$	⁰⁰			
g. TOTAL	\$	59,000 ⁰⁰			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Authorized Representative					
Prefix Mr		First Name Vernon		Middle Name	
Last Name Myers		Suffix			
b. Title Mayor		c. Telephone Number (give area code) 386-329-0100			
d. Signature of Authorized Representative		e. Date Signed			

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:																
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.																
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).																
3.	State use only (if applicable).	13.	Enter the proposed start date and end date of the project.																
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project																
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.																
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.																
7.	Select the appropriate letter in the space provided. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. State</td> <td style="width: 50%;">I. State Controlled</td> </tr> <tr> <td>B. County</td> <td>Institution of Higher Learning</td> </tr> <tr> <td>C. Municipal</td> <td>J. Private University</td> </tr> <tr> <td>D. Township</td> <td>K. Indian Tribe</td> </tr> <tr> <td>E. Interstate</td> <td>L. Individual</td> </tr> <tr> <td>F. Intermunicipal</td> <td>M. Profit Organization</td> </tr> <tr> <td>G. Special District</td> <td>N. Other (Specify)</td> </tr> <tr> <td>H. Independent School District</td> <td>O. Not for Profit Organization</td> </tr> </table>	A. State	I. State Controlled	B. County	Institution of Higher Learning	C. Municipal	J. Private University	D. Township	K. Indian Tribe	E. Interstate	L. Individual	F. Intermunicipal	M. Profit Organization	G. Special District	N. Other (Specify)	H. Independent School District	O. Not for Profit Organization	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
A. State	I. State Controlled																		
B. County	Institution of Higher Learning																		
C. Municipal	J. Private University																		
D. Township	K. Indian Tribe																		
E. Interstate	L. Individual																		
F. Intermunicipal	M. Profit Organization																		
G. Special District	N. Other (Specify)																		
H. Independent School District	O. Not for Profit Organization																		
8.	Select the type from the following list: <ul style="list-style-type: none"> • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. Increase Award</td> <td style="width: 50%;">B. Decrease Award</td> </tr> <tr> <td>C. Increase Duration</td> <td>D. Decrease Duration</td> </tr> </table> 	A. Increase Award	B. Decrease Award	C. Increase Duration	D. Decrease Duration	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)												
A. Increase Award	B. Decrease Award																		
C. Increase Duration	D. Decrease Duration																		
9.	Name of Federal agency from which assistance is being requested with this application.																		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.																		

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$.00	\$.00	\$.00
2. Land, structures, rights-of-way, appraisals, etc.	\$.00	\$.00	\$.00
3. Relocation expenses and payments	\$.00	\$.00	\$.00
4. Architectural and engineering fees	\$.00	\$.00	\$.00
5. Other architectural and engineering fees	\$.00	\$.00	\$.00
6. Project inspection fees	\$.00	\$.00	\$.00
7. Site work	\$.00	\$.00	\$.00
8. Demolition and removal	\$.00	\$.00	\$.00
9. Construction	\$.00	\$.00	\$.00
10. Equipment	\$.00	\$.00	\$.00
11. Miscellaneous	\$.00	\$.00	\$.00
12. SUBTOTAL (sum of lines 1-11)	\$ 0.00	\$ 0.00	\$ 0.00
13. Contingencies	\$.00	\$.00	\$.00
14. SUBTOTAL	\$ 0.00	\$ 0.00	\$ 0.00
15. Project (program) income	\$.00	\$.00	\$.00
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$.00	\$.00	\$.00
FEDERAL FUNDING			

17. Federal assistance requested, calculate as follows:
 (Consult Federal agency for Federal percentage share.)
 Enter the resulting Federal share. Enter eligible costs from line 16c. Multiply X _____%
 \$ 0.00

INSTRUCTIONS FOR THE SF-424C

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

Column a. - If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

Column b. - If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

Column. - This is the net of lines 1 through 16 in columns "a." and "b."

Line 1 - Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 - Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 - Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 - Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 - Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 - Enter estimated engineering inspection costs.

Line 7 - Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9 - Enter estimated cost of the construction contract.

Line 10 - Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 - Enter estimated miscellaneous costs.

Line 12 - Total of items 1 through 11.

Line 13 - Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 - Enter the total of lines 12 and 13.

Line 15 - Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 - Subtract line 15 from line 14.

Line 17 - This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE Vernon Myers, Mayor	
APPLICANT ORGANIZATION City of Palatka		DATE SUBMITTED

NOTICE OF PUBLIC MEETING

The Palatka City Commission shall hold a public meeting on Thursday, October 13, 2011 beginning at 6:00 p.m. or as soon as possible thereafter, regarding its intent to apply for USDA funds for the purpose of restroom renovations for ADA accessibility. This meeting is being held in order to allow the public to become acquainted with the project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, and other matters of concern.

Written comments will be accepted and can be mailed to the attention of Jonathan Griffith, 201 N. 2nd Street, Palatka, Florida, e-mailed to jcgriffith@palatka-fl.gov, or faxed to 386-329-0106. For more information on this project, contact Jonathan Griffith at 386-329-0100 ext 230.

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.

Please govern yourselves according.

/s/ Betsy J. Driggers, City Clerk

Display Advertisement – Run Date 10/1/11

PROOF OF PUBLICATION REQUIRED

PLEASE FAX EDITING PROOF WITH COST OF ADVERTISEMENT TO 386-329-0106

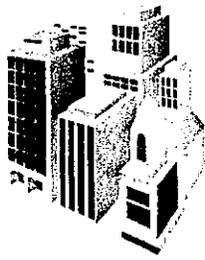
Betsy Driggers, City of Palatka

201 N. 2nd Street, Palatka

bdriggers@palatka-fl.gov

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CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0199
e-mail: bdriqqers@palatka-fl.gov

Memorandum

To: Palatka City Commission and Staff
From: Betsy J. Driggers, City Clerk
Date: 10/6/2011
Re: Resolution 9-15 Requesting Waiver of SJRWMD Permit Fees

Attached is Resolution 9-15 requesting a waiver of permit fees from SJRWMD for fiscal year 2011/12. SJRWMD Rules, Section 40C-1.603(14), relating to license and permit fees, indicates that the City is eligible for a reduction in the SJRWMD fee schedule. The resolution before you follows their form 40C-1.603(13). The Commission has adopted similar resolutions annually for the past five years.

This waiver will enable the City to submit a permit fee of \$100 versus a permit fee of \$1,500 per permit application for ongoing work throughout the City.

Please take action to adopt Resolution #9-15.

RESOLUTION No. 9-15

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, 2011 through September 30, 2012, 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 2011-2012.

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 2011-2012 fiscal year.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, this 13th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

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**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Transmittal of Comprehensive Plan
Amendment recognizing Community
Redevelopment Area and extending
CRA Sunset

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
2. Draft Resolution

MEETING DATE: Oct 13, 2011

ISSUE: In working with City Consultant Lara Diettrich and others, Staff recognizes the importance of maintaining the CRA districts and the tax increment financing program. The CRA Plan is scheduled to sunset on December 27, 2013. Ms. Diettrich has prepared a draft resolution that extends the life of the CRA Plan and program for 30 years from this date, and also an ordinance that adds a Comprehensive Plan policy recognizing the CRA districts and the extension. It is necessary to do both because the original CRA Plan was adopted by resolution, and comprehensive plan amendments must be adopted by ordinance.

The resolution and ordinance will be transmitted to state agencies for review and will come back for final adoption.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

This instrument prepared by:
Lara Diettrich
Diettrich Planning LLC
1332 Avondale Avenue
Jacksonville, FL 32205

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO ALLOW FOR THE COMMUNITY REDEVELOPMENT AREA PLAN TO BE EXTENDED THROUGH NOVEMBER 10, 2043 (POLICY A.1.2.2), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 163.187(3), Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, Section 163.3187(3)(b)1-4, Florida Statutes, as amended, provides that the City Commission may transmit the proposed amendment ordinance and supporting data and analysis to state reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body, and

WHEREAS, Section 163.3187(3)(b)2-4, Florida Statutes, as amended, provides that state agencies shall transmit to the City of Palatka comments regarding adverse impacts on important state resources and facilities by the amendments, and

WHEREAS, Section 163.3187(3)(c)1, Florida Statutes, as amended, provides that the City Commission shall hold a second public hearing to adopt the amendment within 180 days after receipt of agency comments, and

WHEREAS, the Planning Board conducted a public hearing on November 1, 2011, and recommended approval of this amendment to the City Commission, and

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

Section 1. Adopted Amendment

That the creation of Policy A.1.2.2, to be inserted into the Future Land Use Element of the adopted Comprehensive Plan of the City of Palatka, is hereby created as shown below to allow for the Community Redevelopment Area Plan to be extended through November 10, 2043.

Policy A.1.2.2

The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan's original sunset of November 10, 1983 has been extended by the Agency and the City Commission to continue with an amended sunset of November 10, 2043. (NOTE: 163.362(10), F.S.)

Section 3. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 5. Effective date

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

PASSED AND ADOPTED by the City Commission of the City of Palatka on this ___ day of ____, 2011.

CITY OF PALATKA

BY: _____
Its Mayor

ATTEST:

City Clerk

RESOLUTION NO

A RESOLUTION OF THE PALATKA CITY COMMISSION AMENDING AND ADOPTING THE COMMUNITY REDEVELOPMENT AREA PLAN AMENDMENT BY WAY OF THIS RESOLUTION AS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, on September 8, 1983, the City Commission adopted Resolution 4-7 finding the existence of blighted areas in the City of Palatka; finding the need for rehabilitation, conservation or redevelopment; to establish a community redevelopment area as provided in Part III, Chapter 163, Florida Statutes (The "Redevelopment Act"); and establishing boundaries for the redevelopment area specified as the downtown Palatka area (NOTE: Now known in the Plan as the Central Business District); and

WHEREAS, on November 10, 1983, the City Commission adopted Resolution 4-11 finding the need for the creation of a Community Redevelopment Agency to carry out the Community Redevelopment purposes as provided in Part III, Chapter 163, Florida Statutes (The "Redevelopment Act"); and

WHEREAS, on November 10, 1983, the City Commission adopted Resolution 4-12 declaring itself to be the Community Redevelopment Agency and to carry out the Community Redevelopment purposes; and

WHEREAS, on December 27, 1983, the City of Palatka adopted Resolution 4-14 adopting the Community Redevelopment Area Plan (NOTE: original Plan referred to as the Center City Plan); and

WHEREAS, on March 22, 1984, the City of Palatka adopted Ordinance 84-4, which added Section 14-61 to the Code of Ordinances of the City of Palatka, that established the boundaries of the North Historic District and the South Historic District to be added to the Community Redevelopment Area; and

WHEREAS, on February 14, 1985, the City of Palatka amended the Community Redevelopment Area Plan; and

WHEREAS, on September 10, 2009, the City of Palatka amended the Community Redevelopment Area Plan, expanding the Plan to incorporate more comprehensive Critical Elements and Recommendations; and Goals, Objectives and Implementation Items for Action Plan; and

WHEREAS, the Community Redevelopment Agency has determined that the Amended Plan requires a further amendment; and

WHEREAS, the City of Palatka's Planning Board, as the local planning agency for the City of Palatka, has reviewed the proposed amendment to the Plan for consistency with the City's Comprehensive Plan and has submitted comments, if any, to the Community Redevelopment Agency; and

WHEREAS, the Community Redevelopment Agency has considered the proposed amendment to the Plan and the Planning Board comments, if any, and has recommended to the City Council that the proposed Plan amendment be approved; and

WHEREAS, the Palatka City Commission, upon the recommendation of the Community Redevelopment Agency, deems it necessary or desirable to amend the Palatka Community Redevelopment Area Plan;

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, THAT THE FOLLOWING COMMUNITY REDEVELOPMENT PLAN AMENDMENT TO EXTEND THE LIFE OF THE COMMUNITY REDEVELOPMENT PLAN THROUGH DECEMBER 27, 2043 SHALL HENCEFORTH BE DEEMED.

SECTION 1. The City Commission does hereby find, based upon information presented to the City Commission at the public hearing, the proposed amendment to the Community Redevelopment Area Plan, a copy of which is attached hereto as Exhibit "A", that the Plan Amendment:

- a) Conforms to the Comprehensive Plan of the City of Palatka pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act;
- b) The Plan Amendment conforms to the general plan of the municipality as a whole;
- c) The Plan Amendment will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by public and private enterprise.

SECTION 2. That the Community Redevelopment Agency recommended to the City Commission an amended Community Redevelopment Plan,

and the Palatka City Commission, finding it necessary or desirable to amend such Plan, does hereby amend the Community Redevelopment Plan as attached hereto as Exhibit "A" and incorporated herein by reference. Said Amended Community Redevelopment Plan is hereby adopted as authorized by the Community Redevelopment Act, as amended, Chapter 163, Part III, Florida Statutes.

SECTION 3. The Community Redevelopment Agency is hereby authorized and directed to proceed with the implementation of the Plan Amendment.

SECTION 4. If it becomes necessary or desirable to subsequently amend or modify the Amended Plan, the City Commission may amend such plan upon the recommendation of the Community Redevelopment Agency. The City Commission shall hold a public hearing on the proposed modifications to the Community Redevelopment Plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the Community Redevelopment Agency. The City Commission may adopt an amended plan by ordinance or resolution. (NOTE: The original Community Redevelopment Area Plan was adopted by Resolution 4-14 on December 27, 1983, therefore, it must be amended by resolution).

SECTION 5. Severability. In the event that any portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this resolution which shall remain in full force and effect.

SECTION 6. Effective Date. This resolution shall take effect immediately upon its adoption by the Palatka City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA ON THIS _____ DAY OF _____, 2011.

CITY OF PALATKA

BY: _____
It's Mayor

ATTEST:

City Clerk

EXHIBIT "A"

The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan's original sunset of November 10, 1983 has been extended by the Agency and the City Commission to continue with an amended sunset of November 10, 2043. (NOTE: 163.362(10), F.S.)

NOTICE OF AMENDMENT TO CITY OF PALATKA COMPREHENSIVE PLAN

NOTICE is hereby given that the City Commission of the City of Palatka, Florida, will consider the transmittal of the following entitled draft Ordinance to State agencies for review:

Lower case

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO ALLOW FOR THE COMMUNITY REDEVELOPMENT AREA PLAN TO BE EXTENDED THROUGH NOVEMBER 10, 2043 (POLICY A.1.2.2), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

This matter will be heard at its next regular meeting to be held at 6:00 p.m. on the 13th day of October, 2011 at City Hall, 201 N. 2nd Street, Palatka, Florida. Said draft ordinance may be inspected by the public at City Hall during regular hours of business. All interested persons are hereby advised of such consideration by the City Commission and all interested parties may appear at said meeting at said time and place and be heard with respect to the transmittal of this draft ordinance to state agencies for review. This notice is given in accordance with F.S. 166.041.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

/s/ BETSY J. DRIGGERS
CITY CLERK

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**REQUEST TO BE PLACED ON
CITY COMMISSION AGENDA**

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

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

Palatka Police Department, Chief Gary Getchell

Name of Individual making presentation or request, if different:

GARY GETCHELL, CHIEF OF POLICE 

Address: 110 NORTH 11TH STREET

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

Requested meeting date for Agenda Item: 10/13/2011

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

Subject Matter you wish to address: To be placed on Agenda – Request the approval of attached revised ordinances repealing Sections 46-6 and 50-49 as it relates to the regulation of firearms and ammunition.

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.



**Palatka Police Department
110 North 11th Street**

To: City Commission, via City Clerk
From: Gary Getchell, chief of Police
Date: October 4, 2011
Re: Repeal of City Ordinance Section 46-6 and 50-49

BACKGROUND:

This summer the State Legislature passed a bill which took affect October 1, 2011 and amends Florida Statute 790.33 relating to regulation of firearms and ammunition. This preempts regulation of firearms to the State. Any local government can be fined \$5,000, with the individual local government official personally responsible for the costs/fine.

DISCUSSION:

Any such existing ordinances or regulations are now deemed null and void because of this new legislation. There may be more legislation or some modification in the future. The State does not want local government officials adopting an ordinance or enforcing an ordinance in the preempted field that can get in the way of State regulations.

RECOMMENDATIONS:

It is recommended that the City Commission repeal our existing ordinances.

ORDINANCE NO. _____

Entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA BY DELETING SECTION 46-6, RELATING TO THE DISCHARGE OF GUNS OR PISTOLS WITHIN THE CITY LIMITS, IN ITS ENTIRETY; PROVIDING FOR THE RENUMBERING OF CHAPTER 86, ARTICLE II ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the passage of House Bill 45 by the Florida Legislature with eventual enactment by gubernatorial signature on June 1, 2011 preempts the entire field of regulation of firearms and ammunition to the exclusion of all existing and future municipal ordinances; and

WHEREAS, any existing ordinances, rules or regulations relating to the regulation of firearms and ammunition have been declared null and void by the State of Florida;

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

Section I. That Section 46-6 of the Palatka Municipal Code, entitled "Discharging airgun or slinghot; discharging missiles generally" be hereby deleted in its entirety, and all subsequent sections of Chapter 46, Article I, be renumbered accordingly to accommodate the removal of this section, if necessary;

Section II. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section III. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section IV. That this ordinance shall take effect upon its passage as provided by law.

Section V. 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 on second reading this 27th day of October, 2011.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

CITY ATTORNEY

1 A bill to be entitled
 2 An act relating to regulation of firearms and ammunition;
 3 amending s. 790.33, F.S.; clarifying and reorganizing
 4 provisions which preempt to the state the entire field of
 5 regulation of firearms; prohibiting specified persons and
 6 entities, when acting in their official capacity, from
 7 regulating or attempting to regulate firearms or
 8 ammunition in any manner except as specifically authorized
 9 by s. 790.33, F.S., or by general law; providing a penalty
 10 for knowing and willful violations; eliminating provisions
 11 authorizing counties to adopt an ordinance requiring a
 12 waiting period between the purchase and delivery of a
 13 handgun; providing additional intent of the section;
 14 providing that public funds may not be used to defend the
 15 unlawful conduct of any person charged with a knowing and
 16 willful violation of the section; providing exceptions;
 17 providing fines for governmental entities in whose service
 18 or employ the provisions of the section are knowingly and
 19 willfully violated; providing for deposit of fines;
 20 providing for investigation of complaints of criminal
 21 violations of the section and prosecution of violators by
 22 the state attorney; providing for termination of
 23 employment or contract or removal from office of a person
 24 acting in an official capacity who knowingly and willfully
 25 violates any provision of the section; providing for
 26 declarative and injunctive relief for specified persons or
 27 organizations; providing for specified damages and
 28 interest; providing for seizure of certain municipal

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29 vehicles for specified nonpayment of damages; providing
 30 exceptions to prohibitions of the section; providing an
 31 effective date.

32

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

34

35 Section 1. Section 790.33, Florida Statutes, is amended to
 36 read:

37 790.33 Field of regulation of firearms and ammunition
 38 preempted.-

39 (1) PREEMPTION.-Except as expressly provided by general
 40 law, the Legislature hereby declares that it is occupying the
 41 whole field of regulation of firearms and ammunition, including
 42 the purchase, sale, transfer, taxation, manufacture, ownership,
 43 possession, storage, and transportation thereof, to the
 44 exclusion of all existing and future county, city, town, or
 45 municipal ordinances or regulations relating thereto. Any such
 46 existing ordinances or regulations are hereby declared null and
 47 void. ~~This subsection shall not affect zoning ordinances which~~
 48 ~~encompass firearms businesses along with other businesses.~~
 49 ~~Zoning ordinances which are designed for the purpose of~~
 50 ~~restricting or prohibiting the sale, purchase, transfer, or~~
 51 ~~manufacture of firearms or ammunition as a method of regulating~~
 52 ~~firearms or ammunition are in conflict with this subsection and~~
 53 ~~are prohibited.~~

54 (2) PROHIBITIONS.-The following entities may not, when
 55 acting in their official capacity or otherwise under color of
 56 law, regulate or attempt to regulate firearms or ammunition in

57 any manner, whether by the enactment or enforcement of any
 58 ordinance, regulation, measure, directive, rule, enactment,
 59 order, policy, or exercise of proprietary authority, or by any
 60 other means, except as specifically authorized by this section
 61 or by general law:

62 (a) A local government.

63 (b) A special district.

64 (c) A political subdivision.

65 (d) A governmental authority, commission, or board.

66 (e) A state governmental agency.

67 (f) Any official, agent, employee, or person, whether
 68 public or private, who works or contracts with any state or
 69 other governmental entity.

70 (g) Any entity that serves the public good when such
 71 service is provided in whole or in part by any governmental
 72 entity or utilizes public support or public funding.

73 (h) Any public entity other than those specified in this
 74 subsection, including, but not limited to, libraries, convention
 75 centers, fairgrounds, parks, and recreational facilities.

76 (i) Any body to which authority or jurisdiction is given
 77 by any unit or subdivision of any government or that serves the
 78 public good in whole or in part with public support,
 79 authorization, or funding or that has the authority to establish
 80 rules or regulations that apply to the public use of facilities,
 81 property, or grounds.

82 ~~(2) LIMITED EXCEPTION; COUNTY WAITING PERIOD ORDINANCES.~~

83 ~~(a) Any county may have the option to adopt a waiting-~~
 84 ~~period ordinance requiring a waiting period of up to, but not to~~

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85 ~~exceed, 3 working days between the purchase and delivery of a~~
 86 ~~handgun. For purposes of this subsection, "purchase" means~~
 87 ~~payment of deposit, payment in full, or notification of intent~~
 88 ~~to purchase. Adoption of a waiting period ordinance, by any~~
 89 ~~county, shall require a majority vote of the county commission~~
 90 ~~on votes on waiting period ordinances. This exception is limited~~
 91 ~~solely to individual counties and is limited to the provisions~~
 92 ~~and restrictions contained in this subsection.~~

93 ~~(b) Ordinances authorized by this subsection shall apply~~
 94 ~~to all sales of handguns to individuals by a retail~~
 95 ~~establishment except those sales to individuals exempted in this~~
 96 ~~subsection. For purposes of this subsection, "retail~~
 97 ~~establishment" means a gun shop, sporting goods store, pawn~~
 98 ~~shop, hardware store, department store, discount store, bait or~~
 99 ~~tackle shop, or any other store or shop that offers handguns for~~
 100 ~~walk-in retail sale but does not include gun collectors shows or~~
 101 ~~exhibits, or gun shows.~~

102 ~~(c) Ordinances authorized by this subsection shall not~~
 103 ~~require any reporting or notification to any source outside the~~
 104 ~~retail establishment, but records of handgun sales must be~~
 105 ~~available for inspection, during normal business hours, by any~~
 106 ~~law enforcement agency as defined in s. 934.02.~~

107 ~~(d) The following shall be exempt from any waiting period:~~

108 ~~1. Individuals who are licensed to carry concealed~~
 109 ~~firearms under the provisions of s. 790.06 or who are licensed~~
 110 ~~to carry concealed firearms under any other provision of state~~
 111 ~~law and who show a valid license;~~

112 ~~2. Individuals who already lawfully own another firearm~~

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113 ~~and who show a sales receipt for another firearm; who are known~~
 114 ~~to own another firearm through a prior purchase from the retail~~
 115 ~~establishment; or who have another firearm for trade-in;~~

116 ~~3. A law enforcement or correctional officer as defined in~~
 117 ~~s. 943.10;~~

118 ~~4. A law enforcement agency as defined in s. 934.02;~~

119 ~~5. Sales or transactions between dealers or between~~
 120 ~~distributors or between dealers and distributors who have~~
 121 ~~current federal firearms licenses; or~~

122 ~~6. Any individual who has been threatened or whose family~~
 123 ~~has been threatened with death or bodily injury, provided the~~
 124 ~~individual may lawfully possess a firearm and provided such~~
 125 ~~threat has been duly reported to local law enforcement.~~

126 (3) POLICY AND INTENT.—

127 (a) It is the intent of this section to provide uniform
 128 firearms laws in the state; to declare all ordinances and
 129 regulations null and void which have been enacted by any
 130 jurisdictions other than state and federal, which regulate
 131 firearms, ammunition, or components thereof; to prohibit the
 132 enactment of any future ordinances or regulations relating to
 133 firearms, ammunition, or components thereof unless specifically
 134 authorized by this section or general law; and to require local
 135 jurisdictions to enforce state firearms laws.

136 (b) It is further the intent of this section to deter and
 137 prevent the violation of this section, the abuse of official
 138 authority that occurs when local enactments are knowingly passed
 139 in violation of state law, and the violation under color of
 140 local authority of rights protected under the constitution and

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141 laws of this state.

142 (4) PENALTIES.—

143 (a) Any person who, or entity that, knowingly and
144 willfully violates a provision of this section commits a felony
145 of the third degree, punishable as provided in s. 775.082 or s.
146 775.083.

147 (b)1. Except as required by s. 16, Art. I of the State
148 Constitution or the Sixth Amendment to the United States
149 Constitution, public funds may not be used to defend the
150 unlawful conduct of any person charged with a knowing and
151 willful violation of this section, unless the charges against
152 such person are dismissed or such person is determined to be not
153 guilty at trial.

154 2. Notwithstanding subparagraph 1., public funds may be
155 expended to provide the services of the office of public
156 defender or court-appointed conflict counsel as provided by law.

157 (c) The governmental entity in whose service or employ a
158 provision of this section is violated may be assessed a fine of
159 not more than \$5 million if the court determines that the
160 violation was willful and that any person at the governmental
161 entity with oversight of the offending official, designee,
162 contractee, or employee knew or in the exercise of ordinary care
163 should have known the act was a violation. Fines assessed under
164 this section shall be deposited in equal amounts into the
165 administrative account of the state attorney and the
166 administrative account of the court in the jurisdiction in which
167 the offense occurred and was prosecuted.

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168 (d) The state attorney in the appropriate jurisdiction
169 shall investigate complaints of criminal violations of this
170 section and, where the state attorney determines probable cause
171 of a violation exists, shall prosecute violators. Any state
172 attorney who fails to execute his or her duties under this
173 section may be held accountable under the appropriate Florida
174 rules of professional conduct.

175 (e) A knowing and willful violation of any provision of
176 this section by a person acting in an official capacity for any
177 of the entities specified in this section or otherwise under
178 color of law shall be cause for immediate termination of
179 employment or contract or removal from office by the Governor.

180 (f) A person or an organization whose membership is
181 adversely affected by any ordinance, regulation, measure,
182 directive, rule, enactment, order, or policy promulgated or
183 enforced in violation of this section may file suit in an
184 appropriate court for declarative and injunctive relief and for
185 all actual and consequential damages attributable to the
186 violation. A court shall award the prevailing plaintiff in any
187 such suit:

188 1. Attorney's fees in the trial and appellate courts to be
189 determined by the rate used by the federal district court with
190 jurisdiction over the political subdivision for civil rights
191 actions;

192 2. Liquidated damages of three times the attorney's fees
193 under subparagraph 1.; and

194 3. Litigation costs in the trial and appellate courts.
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196 Interest on the sums awarded pursuant to this subsection shall
 197 accrue at 15 percent from the date on which suit was filed.
 198 Where applicable, payment may be secured by seizure against any
 199 municipal vehicles used or operated for the benefit of any
 200 elected officeholder in the appropriate municipality if not paid
 201 within 72 hours after the order's enrollment and publication.

202 (5) EXCEPTIONS.—This section does not prohibit:

203 (a) Zoning ordinances that encompass firearms businesses
 204 along with other businesses, except that zoning ordinances that
 205 are designed for the purpose of restricting or prohibiting the
 206 sale, purchase, transfer, or manufacture of firearms or
 207 ammunition as a method of regulating firearms or ammunition are
 208 in conflict with this subsection and are prohibited;

209 (b) A duly organized law enforcement agency from enacting
 210 and enforcing regulations pertaining to firearms, ammunition, or
 211 firearm accessories issued to or used by peace officers in the
 212 course of their official duties;

213 (c) Except as provided in s. 790.251, any entity listed in
 214 paragraphs ~~(2)(a)(i)~~ from regulating or prohibiting the
 215 carrying of firearms and ammunition by an employee of the entity
 216 during and in the course of the employee's official duties; or

217 (d) A court or administrative law judge from hearing and
 218 resolving any case or controversy or issuing any opinion or
 219 order on a matter within the jurisdiction of that court or
 220 judge.

221 (6)(b) SHORT TITLE.—As created by chapter 87-23, Laws of
 222 Florida, this section shall be known and may be cited as the
 223 "Joe Carlucci Uniform Firearms Act."

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224

Section 2. This act shall take effect upon becoming a law.

Sec. 46-6. - Discharging airgun or slingshot; discharging missiles generally.

- (a)** It shall be unlawful for any person to discharge any airgun or slingshot within the city limits, or to wantonly or maliciously discharge, shoot or throw any missile.
- (b)** The officer making any arrest under this section shall take possession of any arms or weapons found upon the person arrested and shall retain the arms or weapons until after the trial of such person, and if he is convicted such arms or weapons shall be forfeited to the city.

(Code 1981, § 13-10)

*Agenda
Item*

9

This instrument prepared by:
Betsy J. Driggers
201 North 2nd Street
Palatka, FL 32177

ORDINANCE NO. _____

Entitled

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA BY DELETING SECTION 50-46, RELATING TO THE CARRYING OR DISCHARGE OF GUNS OR PISTOLS WITHIN OR INTO CITY PARKS, IN ITS ENTIRETY; PROVIDING FOR THE RENUMBERING OF CHAPTER 46, ARTICLE II ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the passage of House Bill 45 by the Florida Legislature with eventual enactment by gubernatorial signature on June 1, 2011 preempts the entire field of regulation of firearms and ammunition to the exclusion of all existing and future municipal ordinances; and

WHEREAS, any existing ordinances, rules or regulations relating to the regulation of firearms and ammunition have been declared null and void by the State of Florida;

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

Section I. That Section 50-49 of the Palatka Municipal Code, entitled "firearms and other weapons; traps; shooting into park areas" be hereby deleted in its entirety, and all subsequent sections of Chapter 50, Article II, be renumbered accordingly to accommodate the removal of this section, if necessary;

Section II. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section III. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section IV. That this ordinance shall take effect upon its passage as provided by law.

Section V. 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 on second reading this 27th day of October, 2011.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

CITY CLERK

.....**APPROVED AS TO FORM AND CORRECTNESS:**.....

CITY ATTORNEY

Sec. 50-49. - Firearms and other weapons; traps; shooting into park areas.

No person in a park shall use, carry or possess firearms of any description, or air rifles, spring guns, bows and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(Code 1981, § 13½-29)

Agenda
Item

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**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code Sections 94-141 through 94-146 to allow limited signage for churches and child care facilities in residential zoning districts

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS:

1. Draft Ordinance
2. Planning Board minutes excerpt August 23, 2011 meeting
3. Planning Board memo excerpt

MEETING DATE: Oct 13, 2011

ISSUE: This is a staff-initiated Municipal Code revision, with a recommendation of approval from the Planning Board. It is common in most jurisdictions to allow limited signage for churches and child care facilities located in residential zoning districts. Such existing facilities in the City have signage, which is now not allowed by Code. This amendment allows modest ground signs for these uses, not to exceed six feet in height and 30 square feet in size. The amendment also allows for wall signs for these uses, not to exceed 30 square feet in size (reduced from the original staff recommendation of 50 square feet).

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTIONS 94-141, 94-142, 94-143, 94-144, 94-145, AND 94-146 TO ALLOW GROUND SIGNS LIMITED TO SIX FEET IN HEIGHT AND THIRTY SQUARE FEET IN SIZE AND WALL SIGNS LIMITED TO THIRTY SQUARE FEET IN SIZE FOR CHURCHES AND CHILD CARE FACILITIES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011; 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. Subpart (g) of Zoning Code Section 94-141 shall be amended as follows, with new language indicated by underlining:

- (g) *Permitted signs.* Permitted signs in the R-1AA district are as follows (see also chapter 62): Real estate signs not exceeding four square feet appertaining to the lease, rental or sale of the

building or premises on which the sign is located. In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-142 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-1A district are the same as for the R-1AA district (see also chapter 62). In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-143 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-1 district are the same as for the R-1AA district (see also chapter 62). In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-144 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-2 district are the same as for the R-1AA district (see also chapter 62). In addition, a ground sign shall be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-145 shall be amended as follows:

- (g) *Permitted signs.* (See also chapter 62.) Permitted signs in the R-3 district are the same as for the R-1AA district, and in addition, wall signs, and a ground sign shall be allowed for a church or child

care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet.

Subpart (g) of Zoning Code Section 94-146 shall be amended as follows:

- (g) *Permitted signs.* Permitted signs in the R-4 district are the same as for the R-1AA district, and in addition, one ground sign not exceeding 32 square feet for each street frontage, and a ground sign shall also be allowed for a church or child care facility limited to six feet in height and thirty square feet in size and also a wall sign limited to thirty square feet. (See also chapter 62.)

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes

August 23, 2011

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managed and maintained property to put these folks in. If someone is living in a house right now and is 65 and older, they are going to have the same requirement for ambulance other services where they live now as will if you put them into this new place, so he didn't believe there would be any great additional impact to emergency/medical service.

Mr. Crowe explained that the Planning Board has very specific criteria they must stay tethered to in considering the Conditional Use, however, he agreed with Mr. Holmes's comment during the continued discussion, in that compatibility with adjacent properties and in the public interest seem to be the two areas of concern for the Board, and that the impacts on public interest can sometimes be the most difficult to put into words.

Motion by Mr. Harwell to deny case 11-33, citing criteria items I and L, with large concerns for compatibility not only with the architecture but also the surrounding uses; the existing College, potential dorms and the potential reopening of the existing group home structure to the north. Motion was seconded by Mr. Petrucci. All present voted. Motion carried with 5 yeas and 1 abstention.

Case 11-36

Request for the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend Chapter 94 (Zoning) Sections 94-141, 94-142, 94-143, 94-144, 94-145, and 94-146 to allow ground signs for churches and child care facilities in residential zoning districts, limited to six feet in height and thirty square feet in size; and to allow wall signs for such uses limited to thirty square feet in size.

Mr. Crowe explained that this is more housekeeping and explained that many times a child care facility and churches go through a conditional use process and then find that they cannot put up a sign. Through area research, staff has found that typical sign standards for churches and daycares in residential areas allow for limited ground and wall signs, and do not affect the character of the neighborhood.

Motion made by Mr. Pickens and seconded by Mr. Harwell to approve item #1. All present voted affirmative, motion carried.

2. Amend Chapter 94 Sections 94-161 and 94-162 (Downtown zoning districts) to limit allowable ground signs to six feet in height and thirty square feet in size.

Mr. Crowe explained that this code amendment will allow for awning signs, ground signs, projecting signs and wall signs in the downtown districts. Most ground signs would be excluded from downtown properties due to the proposed 5' sign setback, however it would be appropriate for historic homes (converted to businesses) and buildings set back from the right-of-way to have such limited ground signs without taking away from the architecture and allowing people to find the place of business.

Motion made by Mr. Pickens and seconded by Mr. Harwell to accept item # 2 as presented with an additional parameter added that there be an 8' width maximum. All present voted affirmative, motion carried.

3. Amend Chapter 94 Sections 94-200 to revise the definition of Farmer's Markets, and to amend Section 94-201 to provide for conditions for such uses.

Request to Amend Municipal Code

(Churches & child care signs in residential zoning, ground signs in downtown zoning, farmers' market definition & conditions, Conditional Use notice, variance criteria)

Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: August 16, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider the following administrative text amendments to the Municipal Code:

- 1. Amend Chapter 94 (Zoning) Sections 94-141, 94-142, 94-143, 94-144, 94-145, and 94-146 to allow ground signs for churches and child care facilities in residential zoning districts, limited to six feet in height and 30 square feet in size; and to allow wall signs for such uses limited to 30 square feet in size.
2. Amend Chapter 94 Sections 94-161 and 94-162 (Downtown zoning districts) to limit allowable ground signs to six feet in height and 30 square feet in size.
3. Amend Chapter 94 Sections 94-200 to amend the definition of Farmer's Markets, and to Section 94-201 to provide for conditions for such uses.
4. Amend Chapter 94 Section 94-3 to change newspaper and mail notice period for Conditional Uses from 30 days to 15 days, and to change required type of mail service from certified to regular.
5. Amend Chapter 94 Section 94-71 to provide variance criteria.

While public notice is not required for Planning Board consideration of Code changes, these amendments were advertised in the August 13, 2011 edition of the Palatka Daily News.

APPLICATION BACKGROUND

Churches & Child Care Signage in Residential Districts

The Board recommended approval of allowing for various sign types in nonresidential districts at their June meeting. However no changes were recommended to the Sign Code regarding signs in residential districts. The only signs now allowed in residential districts are real estate (for sale or for rent) signs not greater than four square feet. Additionally political signs allowed in any zoning district with timeframe limitations (such signs can only be posted 50 days or less prior to primary elections, and must be removed within 14 days after an election). Churches and child care facilities are allowed in residential zoning districts as Conditional Uses. It is reasonable to allow for signage for such uses, but at the same time it is important to limit such signage in a way that preserves residential character.

Table with 3 columns: Church, Approx. Sign Area in Square Feet, Approx. Sign Height in Feet. Rows include St. Marks Episcopal, Round Lake Day Care, 1st Presbyterian, 7th Day Adventist, Victory Faith, and St. Johns Baptist.

Churches & child care signs in residential zoning, ground signs in downtown zoning, farmers' market definition & conditions, Conditional Use notice, variance criteria

Examples of existing signs within the City are shown below. Note that the Sign Code defines sign area as the total surface of a sign, including the background, frame and ornamentation, but not structural supporting elements outside of its frame.



Other cities have relatively small sign size and height standards for churches and child care facilities as noted below.

City	Max. Sign Area in Square Feet	Max. Sign Height in Feet
Ft. Myers	20	15
Homestead	24	N/A
Ocala	24	8
Palmetto	30	N/A
Hallandale Beach	32	4
Apopka	32	10
Lauderdale Lakes	48	6
Lake Wales	54	10
St. Cloud	64	N/A

Based on the need to control signage size and height in residential areas, along with the relatively limited size of existing church signs and the practice of other jurisdictions, staff recommends limiting ground signs for churches and child care facilities to 30 square feet and six feet in height. Staff also recommends allowing wall signs on such buildings up to 50 square feet, which is far less than the allowable 200 square feet in commercial zoning districts.

Ground Signs in Downtown Zoning Districts

The Planning Board recently recommended changes to the sign code, accepting Staff's intent to strike a balance between the current overly restrictive (and outright prohibitive) standards and a permissive scenario where all signs were allowed anywhere. This is intended to allow businesses who received sign approvals through the permitting process, despite such signs not being allowed in the Zoning Code and with sign permits issued in error, to have legal and conforming signs. This does not prevent the City from revisiting the sign ordinance in the future in a more detailed manner to determine what is "on the ground" and what type of signage environment the City strives for. This middle ground of the proposed sign standards is apparent in that pole signs are only allowed in C-1, C-2, and M-2 (previously they were incorrectly allowed in all nonresidential districts).

Regarding allowable signage downtown: the recently recommended standards (up for adoption by the City Commission on August 25th) only allow awning signs, ground signs, projecting signs, and wall signs in the downtown districts (we will be adding the previously agreed-upon sandwich signs to this list as this was an oversight in the staff recommendations). The exclusion of pole signs, roof signs, banner signs, changeable copy signs, electronic signs, flashing signs, marquee signs, portable signs, roof signs, snipe signs, and temporary signs from downtown zoning districts is appropriate given the unique architectural and historic character of the downtown. Awning signs, projecting signs, and wall signs are all commonplace in the downtown and in the historic timeframe of the downtown were typically utilized. As far as ground signs, Staff proposes to allow them in the downtown area for the following reasons:

- The Planning Board at their July meeting approved staff's recommendations that all (freestanding) signs be set back at least five feet from property lines (coming to the Commission in August). This would exclude ground signs from most downtown properties as the property line is typically the inside edge of the sidewalk, which is usually the front building façade or very close to this façade.
- There are precedents in the downtown (and historic districts) where ground signs have been allowed, including historical residences that have been converted to nonresidential use, and churches and office buildings set back from the right-of-way. These buildings are typically set back anywhere from 10 to 20 feet from the front property line and wall signs either cannot easily be seen due to tree cover or they would obscure architectural elements on the buildings. Examples of existing buildings like this with ground signs are: 200 Main St (St. Marks Church), 210 S. 4th (St. Monica Church Annex), Tilghman House (River St), Henly Insurance (4th & Reid), RCMA Putnam Co (120 Main St), Farm Credit of North Florida (Madison & 3rd), 205 N. 2nd St (City Building and Zoning Dept.) and 220 Madison St (Azalea House B&B). The Historic Preservation Board also in May approved a COA allowing a 3' wide by 2' high ground sign for 520 Oak St in the Downtown Business District.

Agenda
Item

11

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code Sections 94-161 & 94-162 to limit ground sign size in downtown zoning districts to six feet in height, 30 square feet in size, and eight feet in width. **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance **MEETING DATE:** Oct 13, 2011
 2. Planning Board minutes excerpt August 23, 2011 meeting
 3. Planning Board memo excerpt

ISSUE: This is a staff-initiated Municipal Code revision, with a recommendation of approval from the Planning Board. In a previous code amendment, the Commission approved the use of directional signs and ground signs in the downtown zoning districts. This amendment is intended to limit the size, height, and width of such signs in order to maintain compatibility with the historic character and architecture of Downtown Palatka. The Code now requires a five-foot setback from the property line, so ground signs will not be allowed in most of the historic downtown since the property line runs along the building line/inner edge of the sidewalk. On a related note, Staff will be soon be requesting a Code amendment to allow projecting signs and awning/canopy signs, all of which are an appropriate historic sign types and are present on various downtown buildings. These two sign types were recommended by the Planning Board but left off the final ordinance.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-161 AND 94-162 TO ALLOW GROUND SIGNS LIMITED TO SIX FEET IN HEIGHT, THIRTY SQUARE FEET IN SIZE, AND EIGHT FEET IN WIDTH IN THE DOWNTOWN RIVERFRONT AND DOWNTOWN BUSINESS ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011; 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. Subpart (g) of Zoning Code Section 94-161 shall be amended as follows, with new language indicated by underlining:

- (j) Permitted signs. Directional signs, ground signs limited to six feet in height, 30 square feet in size, and eight feet in width, wall signs, and one A-frame, sandwich sign, or menu board per building front placed on a public sidewalk provided that such sign shall be a uniform size of two feet in width and three feet in height, as

measured by any single face, and that such signs are placed on the sidewalk in such a manner so as to maintain a minimum of 48 inches of clear area on the adjacent sidewalk. These signs are to be of rigid, weather resistant material such as wood, metal, or plastic.

Subpart (g) of Zoning Code Section 94-162 shall be amended as follows:

- (j) Permitted signs. Directional signs, ground signs limited to six feet in height, 30 square feet in size, and eight feet in width, wall signs, and one A-frame, sandwich sign, or menu board per building front placed on a public sidewalk provided that such sign shall be a uniform size of two feet in width and three feet in height, as measured by any single face, and that such signs are placed on the sidewalk in such a manner so as to maintain a minimum of 48 inches of clear area on the adjacent sidewalk. These signs are to be of rigid, weather resistant material such as wood, metal, or plastic.

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes

August 23, 2011

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managed and maintained property to put these folks in. If someone is living in a house right now and is 65 and older, they are going to have the same requirement for ambulance other services where they live now as will if you put them into this new place, so he didn't believe there would be any great additional impact to emergency/medical service.

Mr. Crowe explained that the Planning Board has very specific criteria they must stay tethered to in considering the Conditional Use, however, he agreed with Mr. Holmes's comment during the continued discussion, in that compatibility with adjacent properties and in the public interest seem to be the two areas of concern for the Board, and that the impacts on public interest can sometimes be the most difficult to put into words.

Motion by Mr. Harwell to deny case 11-33, citing criteria items I and L, with large concerns for compatibility not only with the architecture but also the surrounding uses; the existing College, potential dorms and the potential reopening of the existing group home structure to the north. Motion was seconded by Mr. Petrucci. All present voted. Motion carried with 5 yeas and 1 abstention.

Case 11-36

Request for the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend Chapter 94 (Zoning) Sections 94-141, 94-142, 94-143, 94-144, 94-145, and 94-146 to allow ground signs for churches and child care facilities in residential zoning districts, limited to six feet in height and thirty square feet in size; and to allow wall signs for such uses limited to thirty square feet in size.

Mr. Crowe explained that this is more housekeeping and explained that many times a child care facility and churches go through a conditional use process and then find that they cannot put up a sign. Through area research, staff has found that typical sign standards for churches and daycares in residential areas allow for limited ground and wall signs, and do not affect the character of the neighborhood.

Motion made by Mr. Pickens and seconded by Mr. Harwell to approve item #1. All present voted affirmative, motion carried.

2. Amend Chapter 94 Sections 94-161 and 94-162 (Downtown zoning districts) to limit allowable ground signs to six feet in height and thirty square feet in size.

Mr. Crowe explained that this code amendment will allow for awning signs, ground signs, projecting signs and wall signs in the downtown districts. Most ground signs would be excluded from downtown properties due to the proposed 5' sign setback, however it would be appropriate for historic homes (converted to businesses) and buildings set back from the right-of-way to have such limited ground signs without taking away from the architecture and allowing people to find the place of business.

Motion made by Mr. Pickens and seconded by Mr. Harwell to accept item # 2 as presented with an additional parameter added that there be an 8' width maximum. All present voted affirmative, motion carried.

3. Amend Chapter 94 Sections 94-200 to revise the definition of Farmer's Markets, and to amend Section 94-201 to provide for conditions for such uses.

Based on the need to control signage size and height in residential areas, along with the relatively limited size of existing church signs and the practice of other jurisdictions, staff recommends limiting ground signs for churches and child care facilities to 30 square feet and six feet in height. Staff also recommends allowing wall signs on such buildings up to 50 square feet, which is far less than the allowable 200 square feet in commercial zoning districts.

Ground Signs in Downtown Zoning Districts

The Planning Board recently recommended changes to the sign code, accepting Staff's intent to strike a balance between the current overly restrictive (and outright prohibitive) standards and a permissive scenario where all signs were allowed anywhere. This is intended to allow businesses who received sign approvals through the permitting process, despite such signs not being allowed in the Zoning Code and with sign permits issued in error, to have legal and conforming signs. This does not prevent the City from revisiting the sign ordinance in the future in a more detailed manner to determine what is "on the ground" and what type of signage environment the City strives for. This middle ground of the proposed sign standards is apparent in that pole signs are only allowed in C-1, C-2, and M-2 (previously they were incorrectly allowed in all nonresidential districts).

Regarding allowable signage downtown: the recently recommended standards (up for adoption by the City Commission on August 25th) only allow awning signs, ground signs, projecting signs, and wall signs in the downtown districts (we will be adding the previously agreed-upon sandwich signs to this list as this was an oversight in the staff recommendations). The exclusion of pole signs, roof signs, banner signs, changeable copy signs, electronic signs, flashing signs, marquee signs, portable signs, roof signs, snipe signs, and temporary signs from downtown zoning districts is appropriate given the unique architectural and historic character of the downtown. Awning signs, projecting signs, and wall signs are all commonplace in the downtown and in the historic timeframe of the downtown were typically utilized. As far as ground signs, Staff proposes to allow them in the downtown area for the following reasons:

- The Planning Board at their July meeting approved staff's recommendations that all (freestanding) signs be set back at least five feet from property lines (coming to the Commission in August). This would exclude ground signs from most downtown properties as the property line is typically the inside edge of the sidewalk, which is usually the front building façade or very close to this façade.
- There are precedents in the downtown (and historic districts) where ground signs have been allowed, including historical residences that have been converted to nonresidential use, and churches and office buildings set back from the right-of-way. These buildings are typically set back anywhere from 10 to 20 feet from the front property line and wall signs either cannot easily be seen due to tree cover or they would obscure architectural elements on the buildings. Examples of existing buildings like this with ground signs are: 200 Main St (St. Marks Church), 210 S. 4th (St. Monica Church Annex), Tilghman House (River St), Henly Insurance (4th & Reid), RCMA Putnam Co (120 Main St), Farm Credit of North Florida (Madison & 3rd), 205 N. 2nd St (City Building and Zoning Dept.) and 220 Madison St (Azalea House B&B). The Historic Preservation Board also in May approved a COA allowing a 3' wide by 2' high ground sign for 520 Oak St in the Downtown Business District.

Therefore Staff recommends that ground signs be allowed in downtown zoning districts with a maximum area of 30 square feet and a maximum height of six feet.

Farmer's Market Definition and Conditions

Zoning Code Section 94-200 (in the Supplementary District regulations) defines farmers markets in the following way: *"the sale of fruits and vegetables in an unprocessed state or condition, provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section."*

There are no additional standards applicable to this use, except they are allowed as a Conditional Use in the Downtown Riverfront and Downtown Business zoning districts. The City in the past allowed farmer's markets through the Special Permit process on the riverfront and later in the Courthouse parking lot.

Staff is aware that farmers markets in a number of Florida towns have thrived regardless of local regulations, and that success is attributable to the talents of the market coordinator, proximity to fresh produce and or higher disposable income, word-of-mouth, etc. At the same time staff believes that there should be some basic parameters that will add to the success of the use and prevent it from "morphing" into another use like a flea market, for example. The more successful markets like Fernandina Beach, Flagler Beach, and Winter Park. They seem to rely on state and county laws. The most common consumer complaint seems to be that some markets lose their popularity when they become more like flea markets, selling sunglasses and even re-selling grocery store produce at higher prices. Staff consulted with Downtown Palatka, Inc. and Keep Putnam Beautiful, and reviewed standards from other jurisdictions. The following standards are recommended to be incorporated into the Supplementary District Regulations for farmers markets:

- expand the eligible sales items from unprocessed fruits and vegetables to include also "cottage foods,"¹ arts and crafts, house plants, eggs, herbs, nuts, fresh seafood, and prepared food;
- all commodities shall meet local and state requirements;
- allow for non-amplified live entertainment;
- require that each produce vendor post a sign in a conspicuous location that lists the origination of their products;

¹ The recently enacted Cottage Food state law could be a real boost to Farmers Markets and local entrepreneurs. During the 2011 Legislative Session, the Florida Legislature enacted House Bill 7209 allowing individuals to manufacture, sell and store certain types of "cottage food" products in an unlicensed home kitchen. Cottage food products include such items as breads, cakes, cookies, candies, jams, jellies, and fruit pies. "Cottage food operations" as they are called require no license or permit from the Florida Department of Agriculture and Consumer Services and are not inspected by any state government entity. Gross sales for a cottage food operation must not exceed \$15,000 annually. Products must be sold directly by the cottage food operator to the consumer. Sales by internet, mail order, consignment or at wholesale are prohibited. Cottage food products must be labeled in accordance with the requirements as outlined in Section 500.80(5), Florida Statutes and United States Code of Federal Regulations Title 21, Part 101. All cottage food products, offered for sale to the general public, must be labeled: "Made in a cottage food operation that is not subject to Florida's food safety regulations." Cottage food products may be sold directly to the consumer from the cottage food operation, roadside stand or at farmer's markets.

*Agenda
Item*

12

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Zoning Code Sections 94-161, 94-162, & 94-200, and to add new Section 94-200 to provide development and operational standards for farmers markets

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS:

1. Draft Ordinance
2. Planning Board minutes excerpt August 23, 2011 meeting
3. Planning Board memo excerpt

MEETING DATE: Oct 13, 2011

ISSUE: This is a staff-initiated Municipal Code revision, with a recommendation of approval from the Planning Board. Staff has met with DPI, Inc. and also with various City staff, Keep Putnam Beautiful, and the Main Street Manager to develop the proposed conditions applicable to future farmers markets. This use is currently allowed as a conditional use in the downtown zoning districts with no conditions applicable. The use would be expanded from the limited sales of fruits and vegetables to also allow for sales of arts and crafts, cottage foods (per recent state legislation allowing home-based preparation of baked goods, jams, cookies, etc.), fresh seafood, eggs, house plants, etc. Among other standards, non-amplified live entertainment would be allowed, origin of produce must be provided, a market manager is required, and there would be a site plan required showing stall layout.

Please direct questions regarding this request to the Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA AMENDING ZONING
CODE SECTION 94-161, 94-162, AND
94-200 AND TO ADD NEW SECTION 94-
201 TO REVISE DEFINITION OF
FARMERS MARKETS AND PROVIDE
DEVELOPMENT AND OPERATIONAL
STANDARDS FOR THIS USE; PROVIDING
FOR SEVERABILITY AND PROVIDING AN
EFFECTIVE DATE

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

Section 1.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011, and

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

Section 2. The following sections of the Zoning Code of the City of Palatka, Florida are hereby amended in the following manner, with new language indicated by underlining and deleted language indicated by stricken text.

Section 94-161 (DR downtown riverfront district, conditional uses).

- e. *Conditional uses, activities, or structures.*
Unless otherwise expressed herein, uses not specifically listed as conditional shall be prohibited conditional uses, activities, or structures are as follows:

- (1) Car wash facilities.
- (2) Colleges, vocational schools and preschools.
- (3) Community production or movie theaters.
- (4) Convention facilities.
- (5) Dry cleaning and laundry retail service and self-service establishments.
- (6) Dwelling, one-family or single-family, excluding parcels abutting St. Johns Avenue.
- (7) Farmers Market, as defined and regulated by Section 94-201 of the Zoning Code.
- (8) Hotels and motels.
- (9) Marinas, with or without fuel dispensing facilities.
- (10) Multi-level parking facilities and commercial parking lots.
- (11) Outdoor recreational activities (i.e.: watercraft rentals; rental of bicycles; rental of mopeds or scooters with a motor rated not in excess of two brake horsepower and displacement not to exceed 50 cubic centimeters; trolleys or carriages for hire).
- (12) Outdoor amphitheaters and parks.
- (13) Residential dwellings consisting of three or more units located above the first floor of a commercial use.
- (14) ~~The expansion or reconstruction of any use which existed within the district on the effective date of the establishment of the district which is not otherwise permitted or permissible.~~

Section 94-161 (DR downtown riverfront district, conditional uses).

e. *Conditional uses, activities, or structures.*
 Unless otherwise expressed herein, uses not specifically listed as conditional shall be prohibited conditional uses, activities, or structures are as follows:

- (1) Car wash facilities.
- (2) Colleges, vocational schools and preschools.
- (3) Community production or movie theaters.

- (4) Convention facilities.
- (5) Dwelling, one-family or single-family, excluding parcels abutting St. Johns Avenue.
- (6) Farmers Market, as defined and regulated by Section 94-201 of the Zoning Code.
- (7) Fraternal organizations.
- (8) Hotels and motels.
- (9) Multi-level parking facilities and commercial parking lots.
- (10) Pawn shops
- (11) Residential dwellings consisting of three or more units located above the first floor of a commercial use.
- (12) The expansion or reconstruction of any use which existed within the district on the effective date of the establishment of the district which is not otherwise permitted or permissible.

Section 94-200. - Outdoor promotional sales, special event sales and the sale of seasonal or temporary goods and commodities ~~other than farmers markets.~~

- (b) Definitions. For purposes of this section, the following definitions shall apply:

~~Farmers markets means the sale of fruits and vegetables in an unprocessed state or condition, provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section.~~

New Section 94-201 - Farmers markets

- (a) Definitions. For purposes of this section, the following definitions shall apply:

Farmers markets means the sale of fruits and vegetables in an unprocessed state or condition; arts and crafts, cottage foods including but not limited to breads, cakes, cookies, candies, jams, jellies, and fruit pies; arts and crafts; house plants; eggs; herbs; nuts; fresh seafood; and prepared food; provided that such farmers market

~~occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section.~~

(b) Procedures for review and approval. The planning board may approve a conditional use for farmers markets provided the following conditions and requirements are met:

- (1) all commodities shall meet local and state requirements;
- (2) non-amplified live entertainment shall be allowed;
- (3) each produce vendor shall post a sign in a conspicuous location that lists the place of origin of their products;
- (4) the market shall be limited to no more than two days during a week, on a Friday or weekend, and between sunrise to sundown;
- (5) commodities must be sold from stalls and shall not be sold from vehicles;
- (6) market layout shall allow for vehicle unloading from the rear of stalls, or if not, vehicles must unload within the first half-hour of operation and load within the last half-hour of operation;
- (7) produce and food must be on tables at least 36 inches from the ground;
- (8) a site plan must be submitted showing stall locations with assigned vendors, pedestrian circulation, tables, tents, etc, and the site plan shall be kept up-to-date;
- (9) nearby toilet facilities and parking are required;
- (10) a manager shall be identified to coordinate and enforce standards;
- (11) daily trash removal is required as well as trash removal bonds;
- (12) violation of standards will result in disqualification of vendors; and
- (13) a business tax is required for vendors, except that businesses selling merchandise or wares at a different location within downtown zoning districts may sell the same type of merchandise or wares sold at said location

without obtaining an additional business tax receipt from the city.

Section 3. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

3. Amend Chapter 94 Sections 94-200 to revise the definition of Farmer's Markets, and to amend Section 94-201 to provide for conditions for such uses.

Mr. Crowe explained that the current code allows for a farmer's market with a strict definition, only allowing fruits and vegetables and no standards were provided. This proposed amendment would help loosen that up allowing for the sale of arts and crafts, eggs, plants, nuts and cottage foods and also allowing limited entertainment (non-amplified).

Motion made by Mr. Petrucci to approve item #3 to include the comment that the primary purpose of the Farmer's Market shall be to sell produce. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

4. Amend Chapter 94 Section 94-3 to change newspaper and mail notice period for Conditional Uses from 30 days to 15 days, and to change required type of mail service from certified to regular.

Mr. Crowe explained that there are no state requirements for certified mail notices for zoning approvals. He added that the real problem is with the 30 day notice requirement that puts a burden on the applicant.

Motion made by Mr. Petrucci to approve item #4 as recommended. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

5. Amend Chapter 94 Section 94-71 to provide variance criteria.

Mr. Crowe explained this amendment is intended to offer better guidance to better consider the multiple types of requests that come before the Zoning Board of Appeals and to use specific criteria in such deliberations.

Motion made by Mr. Petrucci to approve item #5 as presented. The motion seconded by Mr. Pickens. All present voted affirmative, motion carried.

Meeting adjourned 6:00 pm.

Therefore Staff recommends that ground signs be allowed in downtown zoning districts with a maximum area of 30 square feet and a maximum height of six feet.

Farmer's Market Definition and Conditions

Zoning Code Section 94-200 (in the Supplementary District regulations) defines farmers markets in the following way: *"the sale of fruits and vegetables in an unprocessed state or condition, provided that such farmers market occurs in an area designated as a farmers market by the city commission or its designee. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section."*

There are no additional standards applicable to this use, except they are allowed as a Conditional Use in the Downtown Riverfront and Downtown Business zoning districts. The City in the past allowed farmer's markets through the Special Permit process on the riverfront and later in the Courthouse parking lot.

Staff is aware that farmers markets in a number of Florida towns have thrived regardless of local regulations, and that success is attributable to the talents of the market coordinator, proximity to fresh produce and or higher disposable income, word-of-mouth, etc. At the same time staff believes that there should be some basic parameters that will add to the success of the use and prevent it from "morphing" into another use like a flea market, for example. The more successful markets like Fernandina Beach, Flagler Beach, and Winter Park. They seem to rely on state and county laws. The most common consumer complaint seems to be that some markets lose their popularity when they become more like flea markets, selling sunglasses and even re-selling grocery store produce at higher prices. Staff consulted with Downtown Palatka, Inc. and Keep Putnam Beautiful, and reviewed standards from other jurisdictions. The following standards are recommended to be incorporated into the Supplementary District Regulations for farmers markets:

- expand the eligible sales items from unprocessed fruits and vegetables to include also "cottage foods,"¹ arts and crafts; house plants; eggs; herbs; nuts; fresh seafood, and prepared food;
- all commodities shall meet local and state requirements;
- allow for non-amplified live entertainment;
- require that each produce vendor post a sign in a conspicuous location that lists the origination of their products;

¹ The recently enacted Cottage Food state law could be a real boost to Farmers Markets and local entrepreneurs. During the 2011 Legislative Session, the Florida Legislature enacted House Bill 7209 allowing individuals to manufacture, sell and store certain types of "cottage food" products in an unlicensed home kitchen. Cottage food products include such items as breads, cakes, cookies, candies, jams, jellies, and fruit pies. "Cottage food operations" as they are called require no license or permit from the Florida Department of Agriculture and Consumer Services and are not inspected by any state government entity. Gross sales for a cottage food operation must not exceed \$15,000 annually. Products must be sold directly by the cottage food operator to the consumer. Sales by internet, mail order, consignment or at wholesale are prohibited. Cottage food products must be labeled in accordance with the requirements as outlined in Section 500.80(5), Florida Statutes and United States Code of Federal Regulations Title 21, Part 101. All cottage food products, offered for sale to the general public, must be labeled: "Made in a cottage food operation that is not subject to Florida's food safety regulations." Cottage food products may be sold directly to the consumer from the cottage food operation, roadside stand or at farmer's markets.

- limit market to no more than two days during a week, on a Friday or weekend, and between sunrise to sundown;
- commodities must be sold from stalls and shall not be sold from vehicles;
- market layout shall allow for vehicle unloading from the rear of stalls, or if not, vehicles must unload within the first half-hour of operation and load within the last half-hour of operation;
- produce and food must be on tables at least 36 inches from the ground;
- a site plan must be submitted showing stall locations with assigned vendors, pedestrian circulation, tables, tents, etc, and the site plan shall be kept up-to-date;
- nearby toilet facilities and parking are required;
- a manager shall be identified to coordinate and enforce standards;
- vendors be members of an overall farmers market group with a project coordinator;
- daily trash removal is required as well as trash removal bonds;
- violation of standards will result in disqualification of vendors; and
- a business tax is required for vendors, except that businesses selling merchandise or wares at a different location within downtown zoning districts may sell the same type of merchandise or wares sold at said location without obtaining an additional business tax receipt from the city.

Conditional Use Notice

The Zoning Code now requires for Conditional Use applications that letters be sent out by certified mail 30 days prior to the meeting, and also that a newspaper advertisement be run. Given the frequency of Conditional Uses, the long notice timeframe and expense of certified mail puts a burden on applicants and the City in terms of cost and processing time. The timeframe also delays potential projects and hampers small businesses. No other development actions require such a long notice timeframe or certified mail – the only other required mailing is for historic district designation, which is a 15-day time frame and regular mail notice. Most other Florida jurisdictions use a 10 to 15-day timeframe for mail notice. Staff recommends that Conditional Use applications require a 15-day mail notice by regular mail.

Variance Criteria

The Municipal Code allows for variances from various chapters, including wetland protection (Chapter 30), floodplain regulations (Chapter 38), communications towers distance requirements (Chapter 94), day-of-the-week irrigation limitations (Chapter 86), building and other code permitting (Chapter 18), subdivision regulations (Chapter 74), tree protection (Chapter 94), and buffering and screening (Chapter 94). In addition, the Planning Board recently recommended approval of sign variance criteria. Most of these variances come with criteria for their evaluation, but the basic variance process in Chapter 94 only states that the variance cannot “be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.” This vague statement does not provide sufficient guidance for the Board of Zoning Appeals to consider such requests.

*Agenda
Item*

13

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-3 TO CHANGE NEWSPAPER AND MAIL NOTICE PERIOD FOR CONDITIONAL USES FROM 30 DAYS TO 15 DAYS, AND TO CHANGE REQUIRED TYPE OF MAIL SERVICE FROM CERTIFIED TO REGULAR; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011; 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 94-3 shall be amended as follows, with new language indicated by underlining and deleted language indicated by stricken text:

- (3) *Notice of public hearing.* Notice of the public hearing shall be given at least ~~30~~ 15 days in advance of the public hearing. The owner of the property for which the conditional use is sought, or his agent or attorney designated by him in his petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on

the property for which the conditional use is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the city at least one time at least 15 days prior to the public hearing. Notice shall be given by certified mail to all owners of property within 150 feet of the boundary lines of the property for which the conditional use is requested; provided, however, that where the applicant is the owner of land not included in the applicant's application and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 150-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by applicant's application. For purposes of this subsection, owners of adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the city. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto.

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes

August 23, 2011

DRAFT COPY

Mr. Crowe explained that the current code allows for a farmer's market with a strict definition, only allowing fruits and vegetables and no standards were provided. This proposed amendment would help loosen that up allowing for the sale of arts and crafts, eggs, plants, nuts and cottage foods and also allowing limited entertainment (non-amplified).

Motion made by Mr. Petrucci to approve item #3 to include the comment that the primary purpose of the Farmer's Market shall be to sell produce. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

4. Amend Chapter 94 Section 94-3 to change newspaper and mail notice period for Conditional Uses from 30 days to 15 days, and to change required type of mail service from certified to regular.

Mr. Crowe explained that there are no state requirements for certified mail notices for zoning approvals. He added that the real problem is with the 30 day notice requirement that puts a burden on the applicant.

Motion made by Mr. Petrucci to approve item #4 as recommended. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

5. Amend Chapter 94 Section 94-71 to provide variance criteria.

Mr. Crowe explained this amendment is intended to offer better guidance to better consider the multiple types of requests that come before the Zoning Board of Appeals and to use specific criteria in such deliberations.

Motion made by Mr. Petrucci to approve item #5 as presented. The motion seconded by Mr. Pickens. All present voted affirmative, motion carried.

Meeting adjourned 6:00 pm.

- limit market to no more than two days during a week, on a Friday or weekend, and between sunrise to sundown;
- commodities must be sold from stalls and shall not be sold from vehicles;
- market layout shall allow for vehicle unloading from the rear of stalls, or if not, vehicles must unload within the first half-hour of operation and load within the last half-hour of operation;
- produce and food must be on tables at least 36 inches from the ground;
- a site plan must be submitted showing stall locations with assigned vendors, pedestrian circulation, tables, tents, etc, and the site plan shall be kept up-to-date;
- nearby toilet facilities and parking are required;
- a manager shall be identified to coordinate and enforce standards;
- vendors be members of an overall farmers market group with a project coordinator;
- daily trash removal is required as well as trash removal bonds;
- violation of standards will result in disqualification of vendors; and
- a business tax is required for vendors, except that businesses selling merchandise or wares at a different location within downtown zoning districts may sell the same type of merchandise or wares sold at said location without obtaining an additional business tax receipt from the city.

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The Zoning Code now requires for Conditional Use applications that letters be sent out by certified mail 30 days prior to the meeting, and also that a newspaper advertisement be run. Given the frequency of Conditional Uses, the long notice timeframe and expense of certified mail puts a burden on applicants and the City in terms of cost and processing time. The timeframe also delays potential projects and hampers small businesses. No other development actions require such a long notice timeframe or certified mail – the only other required mailing is for historic district designation, which is a 15-day time frame and regular mail notice. Most other Florida jurisdictions use a 10 to 15-day timeframe for mail notice. Staff recommends that Conditional Use applications require a 15-day mail notice by regular mail.

Variance Criteria

The Municipal Code allows for variances from various chapters, including wetland protection (Chapter 30), floodplain regulations (Chapter 38), communications towers distance requirements (Chapter 94), day-of-the-week irrigation limitations (Chapter 86), building and other code permitting (Chapter 18), subdivision regulations (Chapter 74), tree protection (Chapter 94), and buffering and screening (Chapter 94). In addition, the Planning Board recently recommended approval of sign variance criteria. Most of these variances come with criteria for their evaluation, but the basic variance process in Chapter 94 only states that the variance cannot “be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.” This vague statement does not provide sufficient guidance for the Board of Zoning Appeals to consider such requests.

*Agenda
Item*

14

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA ADDING NEW
SECTION 94-71 ZONING CODE TO
PROVIDE VARIANCE CRITERIA;
PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 23, 2011, and two public hearings before the City Commission of the City of Palatka on October 13, 2011, and October 27, 2011; 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. New Zoning Code Section 94-71 shall be added as follows.

Sec. 94-71. - Variance criteria.

The following criteria shall be utilized in evaluating a requested variance.

- (1) Special conditions and circumstances exist such as size, shape, topography, or other unique features that are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same vicinity or zoning district; and
- (2) Such conditions and circumstances were not the

result of the affirmative actions of the applicant and the applicant has acted in good faith; and
(3) Granting of the variance request will not confer on the applicant any special privilege that is denied by the Municipal Code to other lands, buildings or structures in the same zoning district; and
(4) Literal interpretation and enforcement of the applicable standard would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Municipal Code, and would work unnecessary and undue hardship on the applicant; and
(5) No variance may be granted for a use of land or building that is not permitted; and
(6) The variance shall be the minimum variance necessary to alleviate the hardship; and
(7) The variance would not cause substantial detriment to the public health, welfare, and safety of surrounding properties and community; and
(8) The variance would not impair the purpose and intent of Municipal Code.

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 27th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

PLANNING BOARD

Meeting Minutes

August 23, 2011

DRAFT COPY

Mr. Crowe explained that the current code allows for a farmer's market with a strict definition, only allowing fruits and vegetables and no standards were provided. This proposed amendment would help loosen that up allowing for the sale of arts and crafts, eggs, plants, nuts and cottage foods and also allowing limited entertainment (non-amplified).

Motion made by Mr. Petrucci to approve item #3 to include the comment that the primary purpose of the Farmer's Market shall be to sell produce. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

4. Amend Chapter 94 Section 94-3 to change newspaper and mail notice period for Conditional Uses from 30 days to 15 days, and to change required type of mail service from certified to regular.

Mr. Crowe explained that there are no state requirements for certified mail notices for zoning approvals. He added that the real problem is with the 30 day notice requirement that puts a burden on the applicant.

Motion made by Mr. Petrucci to approve item #4 as recommended. The motion was seconded by Ms. Roskosh. All present voted affirmative, motion carried.

5. Amend Chapter 94 Section 94-71 to provide variance criteria.

Mr. Crowe explained this amendment is intended to offer better guidance to better consider the multiple types of requests that come before the Zoning Board of Appeals and to use specific criteria in such deliberations.

Motion made by Mr. Petrucci to approve item #5 as presented. The motion seconded by Mr. Pickens. All present voted affirmative, motion carried.

Meeting adjourned 6:00 pm.

- limit market to no more than two days during a week, on a Friday or weekend, and between sunrise to sundown;
- commodities must be sold from stalls and shall not be sold from vehicles;
- market layout shall allow for vehicle unloading from the rear of stalls, or if not, vehicles must unload within the first half-hour of operation and load within the last half-hour of operation;
- produce and food must be on tables at least 36 inches from the ground;
- a site plan must be submitted showing stall locations with assigned vendors, pedestrian circulation, tables, tents, etc, and the site plan shall be kept up-to-date;
- nearby toilet facilities and parking are required;
- a manager shall be identified to coordinate and enforce standards;
- vendors be members of an overall farmers market group with a project coordinator;
- daily trash removal is required as well as trash removal bonds;
- violation of standards will result in disqualification of vendors; and
- a business tax is required for vendors, except that businesses selling merchandise or wares at a different location within downtown zoning districts may sell the same type of merchandise or wares sold at said location without obtaining an additional business tax receipt from the city.

Conditional Use Notice

The Zoning Code now requires for Conditional Use applications that letters be sent out by certified mail 30 days prior to the meeting, and also that a newspaper advertisement be run. Given the frequency of Conditional Uses, the long notice timeframe and expense of certified mail puts a burden on applicants and the City in terms of cost and processing time. The timeframe also delays potential projects and hampers small businesses. No other development actions require such a long notice timeframe or certified mail – the only other required mailing is for historic district designation, which is a 15-day time frame and regular mail notice. Most other Florida jurisdictions use a 10 to 15-day timeframe for mail notice. Staff recommends that Conditional Use applications require a 15-day mail notice by regular mail.

Variance Criteria

The Municipal Code allows for variances from various chapters, including wetland protection (Chapter 30), floodplain regulations (Chapter 38), communications towers distance requirements (Chapter 94), day-of-the-week irrigation limitations (Chapter 86), building and other code permitting (Chapter 18), subdivision regulations (Chapter 74), tree protection (Chapter 94), and buffering and screening (Chapter 94). In addition, the Planning Board recently recommended approval of sign variance criteria. Most of these variances come with criteria for their evaluation, but the basic variance process in Chapter 94 only states that the variance cannot “be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.” This vague statement does not provide sufficient guidance for the Board of Zoning Appeals to consider such requests.

After a review of other codes, Staff recommends the following criteria to be considered when other criteria are not present.

1. Special conditions and circumstances exist such as size, shape, topography, or other unique features that are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same vicinity or zoning district; and
2. Such conditions and circumstances were not the result of the affirmative actions of the applicant and the applicant has acted in good faith; and
3. Granting of the variance request will not confer on the applicant any special privilege that is denied by the Municipal Code to other lands, buildings or structures in the same zoning district; and
4. Literal interpretation and enforcement of the applicable standard would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Municipal Code, and would work unnecessary and undue hardship on the applicant; and
5. No variance may be granted for a use of land or building that is not permitted; and
6. The variance shall be the minimum variance necessary to alleviate the hardship; and
7. The variance would not cause substantial detriment to the public health, welfare, and safety of surrounding properties and community; and
8. The variance would not impair the purpose and intent of Municipal Code.

PROJECT ANALYSIS

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria (if applicable), which are shown in *italics* (staff response follows each criterion).

~~1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:~~

a. Whether the proposed change is in conformity with the comprehensive plan.

The changes do not conflict with the Comprehensive Plan.

b. The existing land use pattern.

None of the changes pertain to land uses.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

Again, none of the changes pertain to land uses.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

None of the proposed changes would overtax public facilities.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable as this is not a zoning map change.

*Agenda
Item*

15

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Request to amend Section 78 to shift responsibility for reviewing alcoholic beverage licenses from the zoning administrator to planning director **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance **DATE:** Sept. 22, 2011
2. Planning Board minutes excerpt July 5, 2011 meeting
3. Planning Board memo excerpt

ISSUE: This is a staff-initiated Municipal Code revision. The Code now assigns the responsibility of reviewing and issuing alcoholic beverage licenses to the non-existent zoning administrator position. This change shifts the responsibility to the planning director position. Therefore this revision constitutes a housekeeping measure. The code change is shown below.

The following section of Chapter 78-162, of the Palatka Code of Ordinances, shall be revised:

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

(e) For licensed premises including on-premise consumption, such licensed premises shall include all of the area embraced within the sketch submitted as part of an initial or renewal application for a license issued by the Division of Alcoholic Beverages and Tobacco, where such sketch appears on or is attached to the application for the license involved and designated as such on said sketch, in addition to that area included or designated by general law. When the area embraced within the sketch includes an outside area, access to such outside area shall be limited in such a fashion so as to prevent and prohibit access to the establishment by underage persons for purposes of subverting identification checkpoints or similar measures in place at the licensed premises. Additionally, any outside area shall be screened or fenced in such a manner so as to prevent the exchange of alcoholic beverages between those persons within the outside area and those beyond the outside area as shown on the sketch for the licensed premises. The city's ~~zoning administrator~~ planning director will review all applications for compliance with this requirement prior to the issuance of any approval for a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.

Please direct questions regarding this request to the Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA,
FLORIDA AMENDING THE CODE OF ORDINANCES
OF THE CITY OF PALATKA TO REVISE CHAPTER
10-6(E), SHIFTING THE RESPONSIBILITY OF
REVIEWING ALCOHOLIC BEVERAGE LICENSES
FROM THE ZONING ADMINISTRATOR TO THE
PLANNING DIRECTOR

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 July 5, 2011, and two public hearings before the City Commission of the City of Palatka on September 22, 2011, and October 6, 2011; and

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

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

Section 1. The following section of Chapter 10-6, the Palatka Code of Ordinances, shall be revised:

Consumption or possession in certain public and private places.

- (e) For licensed premises including on-premise consumption, such licensed premises shall include all of the area embraced within the sketch submitted as part of an initial or renewal application for a license issued by the Division of Alcoholic Beverages and Tobacco, where such sketch appears on or is attached to the application for the license involved and designated as such on said sketch, in addition to

that area included or designated by general law. When the area embraced within the sketch includes an outside area, access to such outside area shall be limited in such a fashion so as to prevent and prohibit access to the establishment by underage persons for purposes of subverting identification checkpoints or similar measures in place at the licensed premises. Additionally, any outside area shall be screened or fenced in such a manner so as to prevent the exchange of alcoholic beverages between those persons within the outside area and those beyond the outside area as shown on the sketch for the licensed premises. The city's ~~zoning administrator~~ planning director will review all applications for compliance with this requirement prior to the issuance of any approval for a license issued by the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 6th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

**Planning Board Minutes
July 5, 2011**

Mr. Crowee explained that the childcare facility would be locating within the existing church. He stated that the criteria are not in conflict with the Comprehensive Plan. He added that there was a little concern with the proposed entrance, as the residences along the other side of the street are fairly close by. He did not believe it would create an issue if it were kept to a small operation, this was discussed with the applicant and he suggested one that of the conditions be the number of children be kept at a maximum of 70 students, and if the enrollment exceeds 30 students, that the drop-off and pick-up be moved to the west side of the building. He said that this change of use also trips the landscape requirements and recommends that like the previous two requests, the applicant shall comply with either the existing landscape requirements or what is being proposed if passed.

Don Burnet, 111 Prospect St. stated that he is the Pastor of the Church and explained that this is going to be a Christian day care facility, and that the Church is not out to make any kind of profit, they just want to have a place for the children to go. He requested that the maximum number of children allow be increased from 30 to 38 before having to change the drop-off and pick-up area to the west side, as that is the maximum number of children that they can accommodate without having to make other modifications.

April Annis, 512 N. Tree Garden Dr., St. Augustine, stated that the staff will be parking on the paved parking lot and the other area will be used for drop-off and pick-up only. She stated that this is a temporary facility as she is planning to build her permanent facility at 7309 Crill Avenue.

Mr. Petrucci asked the applicant how many cars she expected in the drop-off/pick-up area at one time.

Ms. Annis stated that they close at 6:00 pm and she would not expect that the all children would be picked up at the same time, possibly 5 or 6 cars at a time and staff will be parking in the other parking area.

Mr. Stewart asked what staff's thoughts were on the impact of 38 children versus 30.

Mr. Crowee advised that it was a judgment call, and that he did not believe that increasing the enrollment limit from 30 to 38 would be that significant of an impact.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve the request subject to staff recommendations as listed as conditions of approval, with the change to enrollment not exceeding 38 children or drop-off/pick-up area shall be moved from the east to the west side of the classroom building. Mr. Pickens added that the enrollment adjustment was considered, as there was a logical reason the Pastor gave for requesting 38 as the maximum enrollment number before requiring drop-off and pick-up changes and noting for the record; notwithstanding that the Board understands that Staff had to pick a number. Motion passed 5-0.

Case 11-29

To consider the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director.
2. Create new Section 62-15 to provide sign setbacks.
3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
4. Require that licensed Florida-registered landscape architect prepare required landscape plans.

Mr. Crowee explained that these corrections started with the Evaluation and Appraisal Report (EAR), and the consultants that were hired went through the Comprehensive Plan and kind of zeroed in on the responsibilities of local officials. At one time, before the City had a Planning Director, the Building Official acted in that capacity, so prior to the Comp Plan

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July 5, 2011**

be amended there were many references to the Building Official doing many Planning and Zoning activities. He added that this is a housekeeping measure, when the public reads the code, they are going to try to find the Zoning Administrator and the City does not have a Zoning Administrator.

He explained that the sign code does not spell out any sign setbacks from property/right-of-way lines, except for the requirement that real estate signs and portable signs must be five feet off the right of way, and he believes that by providing a minimal setback from the right-of-way line this will help to reduce visual clutter as well as reduce potential visual obstructions for drivers. Additionally, he recommends that the five-foot property line setback be applicable to all property lines to reduce the congregation of signs at property lines.

He advised that that item no. 3; to amend Section 94-5 to clarify relationship of Code to Comprehensive Plan be removed from consideration at this time, as it needs to be addressed as some point in the future, he would like more time to prepare it.

With regards to the proposed requirement for a Landscape Architect, he said at this time anyone can draw and submit a landscape plan. They can be hard to read, and can present problems with a lack of knowledge of appropriate plantings, which in turn has resulted in appearance and functionality problems of the landscape areas and. Staff recommends adding a requirement that landscape plans be prepared by a Florida registered landscape architect and that such a professional provide a letter that the landscape installation complies with the approved landscape plan.

Mr. Holmes asked if the requirement for a Landscape Architect would kick in any time you would need to add landscape to a sight.

Mr. Crowe advised that is the way it is being presented, and he has thought about that and believes that there could be some sort of threshold included for consideration of smaller projects.

Discussion continued regarding limiting the requirement for a Florida Landscape Architect to new construction for today's purposes and not preclude future Board examination and consideration of adding thresholds for the Landscape ordinance.

Motion made by Joe Pickens and seconded by Earl Wallace to accept staff recommendations as presented for item no. 4 to amend Section 94-296 to require that landscape plans be prepared by a licensed, Florida registered Architect, with the requirement that it be applicable for new construction only, having understood that there is a threshold for when renovation becomes considered new construction is already established in the Code. Motion passed 5-0.

It was established by consensus, that the Board shall address threshold issue more fully in the revision of the Landscape Ordinance.

Motion made by Joe Pickens and seconded by Ken Venables to approve item no. 1 as presented. Motion passed 5-0.

Motion made by Ken Venables and seconded by Sue Roskosh to approve item no. 2 as presented. Motion passed 5-0.

Mr. Stewart expressed his appreciated and thanked the Board and Staff for their thoughtfulness and condolences during his family's loss over the past few months.

With no further business, meeting adjourned at 5:00 pm.

*Agenda
Item*

16

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Request to amend Section 78 to shift responsibility for issuing business tax receipts from finance director to Building and Zoning Dept. **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance **DATE:** Sept. 22, 2011
2. Planning Board minutes excerpt July 5, 2011 meeting
3. Planning Board memo excerpt

ISSUE: This is a staff-initiated Municipal Code revision. The Code now requires that the Finance Director issue business tax receipts. In practice this duty has been performed by the Building and Zoning Dept. for many years, since this Department is the City's licensing and permitting entity. Therefore this revision constitutes a housekeeping measure. The code change is shown below.

The following section of Chapter 78-162, of the Palatka Code of Ordinances, shall be revised:

Sec. 78-162 Levy of tax, business tax receipt required.

- (b) No person shall engage in, manage, run or operate any business, profession or occupation subject to this article within the city without first having obtained from the ~~finance director~~ building and zoning department the business tax receipt provided for in this article for such business, profession or occupation.

Sec. 78-165 Transfer of business tax receipt.

- (a) No transferable business tax receipt shall be transferred from the person to whom it is issued under this article, except upon written application of the transferee, endorsed by the transferrer, made to the ~~finance director~~ building and zoning department, and when such application is so made the ~~finance director~~ building and zoning department shall issue a duplicate of the original business tax receipt, marked "duplicate," and shall endorse thereon the names of the transferees.
- (b) Except as provided in subsection (c) of this section, a business tax receipt transfer may be made only when there is a bona fide sale of the business, upon payment of a transfer fee as set out in appendix A to this Code, as amended from time to time, and presentation to the ~~finance director~~ building and zoning department of evidence of the sale and upon presentation to the ~~finance director~~ building and zoning department of the original business tax receipt.

Sec. 78-165 Posting of business tax receipt; contents of business tax receipt.

All business tax receipts and transfers of business tax receipts shall be posted in a conspicuous place in the place of business of the person to whom issued, where the business tax receipt can be easily observed by the public, and shall show the amount paid for the business tax receipt, the date issued or the date transferred, and the business, profession or occupation thereby licensed, and shall bear the signature of the ~~city finance director~~ building and zoning department, the seal of the city and the holder's signature.

Please direct questions regarding this request to the Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 78-162 (B); 78-165 (A) & (B), AND 78-167, SHIFTING THE RESPONSIBILITY OF ISSUING BUSINESS TAX RECEIPTS FROM THE FINANCE DIRECTOR TO THE BUILDING AND ZONING DEPARTMENT

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 July 5, 2011, and two public hearings before the City Commission of the City of Palatka on September 22, 2011, and October 6, 2011; and

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

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

Section 1. The following section of Chapter 78-162, of the Palatka Code of Ordinances, shall be revised:

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Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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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 6th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Planning Board Minutes July 5, 2011

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Case 11-29

To consider the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director or Building and Zoning Department.
2. Create new Section 62-15 to provide sign setbacks.
3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
4. Require that licensed Florida-registered landscape architect prepare required landscape plans.

Mr. Crowe explained that these corrections started with the Evaluation and Appraisal Report (EAR), and the consultants that were hired went through the Comprehensive Plan and kind of zeroed in on the responsibilities of local officials. At one time, before the City had a Planning Director, the Building Official acted in that capacity, so prior to the Comp Plan be amended there were many references to the Building Official doing many Planning and Zoning activities. He added

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July 5, 2011**

that this is a housekeeping measure, when the public reads the code, they are going to try to find the Zoning Administrator and the City does not have a Zoning Administrator!

He explained that the sign code does not spell out any sign setbacks from property/right-of-way lines, except for the requirement that real estate signs and portable signs must be five feet off the right of way, and he believes that by providing a minimal setback from the right-of-way line this will help to reduce visual clutter as well as reduce potential visual obstructions for drivers. Additionally, he recommends that the five-foot property line setback be applicable to all property lines to reduce the congregation of signs at property lines.

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Discussion continued regarding limiting the requirement for a Florida Landscape Architect to new construction for today's purposes and not preclude future Board examination and consideration of adding thresholds for the Landscape ordinance.

Motion made by Joe Pickens and seconded by Earl Wallace to accept staff recommendations as presented for item no. 4 to amend Section 94-296 to require that landscape plans be prepared by a licensed, Florida registered Architect, with the requirement that it be applicable for new construction only, having understood that there is a threshold for when renovation becomes considered new construction is already established in the Code. Motion passed 5-0.

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Motion made by Ken Venables and seconded by Sue Roskosh to approve item no. 2 as presented. Motion passed 5-0.

Mr. Stewart expressed his appreciated and thanked the Board and Staff for their thoughtfulness and condolences during his family's loss over the past few months.

With no further business, meeting adjourned at 5:00 pm.

Request to Amend Municipal Code

(Review Responsibilities, Sign Setbacks, Requiring Landscape Architect for Landscape Plan Preparation)

Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: June 28, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider the following administrative text amendments to the Municipal Code:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director.
 2. Create new Section 62-15 to provide sign setbacks.
 3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
 4. Require that licensed Florida-registered landscape architect prepare required landscape plans.
- No public notice is required for Planning Board consideration of Code changes.

APPLICATION BACKGROUND

Review Responsibilities

The third column of the following table shows who is now operationally responsible for various aspects of the Municipal Code, while the second column indicates that these duties are by Code assigned to other staffers. This is a housekeeping measure intended to reflect current practice. Please note that the position of Zoning Administrator no longer exists.

Table 1: Issue Responsibility

Issue	Responsible by Code	Actual & Proposed Responsibility
Alcohol Beverage Licensing	Zoning Administrator	Planning Director
Hist. Dist. Certificate of Appropriateness Process	Building Official	Planning Director
Issuing Business Tax Receipts	Finance Director	Building & Zoning Dept.
Zoning Code Enforcement	Zoning Administrator	Planning Director
Interpreting Zoning District Boundaries	Zoning Administrator	Planning Director
Administering Buffering and Screening Requirements	Building Official or Zoning Administrator	Planning Director
Administering Adult Entertainment Ordinance	Zoning Administrator	Planning Director

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

See response to g. above.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

These changes apply to many and multiple properties, and do not constitute a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Not applicable.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

See response to g. above.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.

The above criteria are not applicable.

STAFF RECOMMENDATION

These proposed Zoning Code text amendments are in keeping with applicable criteria. Staff recommends approval of the following Code revisions of Case 11-25:

- 1. Amend Section 10-6 (e) to shift the responsibility of reviewing alcoholic beverage licenses from Zoning Administrator to Planning Director;
- amend Section 54-78 (d) to shift the responsibility of the (historic district) Certificate of Appropriateness process from the Building Official to the Planning Director;
- ~~amend Section 78-162 (b); 78-165 (a), (b) and 78-167 to shift the responsibility of issuing business tax receipts from the Finance Director to the Building and Zoning Department;~~
- amend Section 94-2 to change references in Definitions from Zoning Administrator to Planning Director;
- amend Section 94-32, 94-34, 94-35, 94-38, 94-39, 94-40, 94-63, 94-65, and 94-66 to shift the responsibility of zoning code enforcement from the Zoning Administrator to the Planning Director; amend Section 94-112 (c) to shift responsibility interpreting zoning district boundaries from the Zoning Administrator to the Planning Director;
- amend Section 94-302 (f), 94-310 (c), 94-310 (c)(2) and 94-313 (a) to shift the responsibility of administering buffering and screening requirements from the Zoning Administrator to the Planning Director;
- amend Section 94-313 (a) to shift the responsibility of administering buffering and screening requirements from Building Official to Planning Director; and
- amend Section 3-26; (a) 3-27 (a) & (d); 3-28; 3-29 (a),(b),(c) & (d); 3-30 (e), (f), (f2); 3-32 (a) & (b); 3-33 (a) (1) & (2); 3-34 (1) & (2); 3-35; 3-36 (a), (b) & (c)(1), (c)(2), (c)(3), & (d); 3-37 (a), (b), (d); 3-38 (a) & (g); 3-105 (1) & (2), 3-108; 3-139 and 10-6(3) to shift responsibilities of the zoning administrator to the Planning Director (Adult Entertainment regulations).

*Agenda
Item*

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**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Request to amend Section 78 to shift responsibility for reviewing buffering and screening requirements from building official to planning director **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance **DATE:** Sept. 22, 2011
 2. Planning Board minutes excerpt July 5, 2011 meeting
 3. Planning Board memo excerpt

ISSUE: This is a staff-initiated Municipal Code revision. The Code now assigns the responsibility of reviewing buffering and screening to the building official and the non-existent zoning administrator position. This change shifts the responsibility to the planning director position, reflecting the facts that this review responsibility belongs more in the planning area and the building official is now a contract position with reduced hours. Therefore this revision constitutes a housekeeping measure. The code change is shown below.

The following section of Chapter 78-162, of the Palatka Code of Ordinances, shall be revised:

(a) Administration. In projects involving issuance of a building permit or certificate of occupancy, the ~~building official~~ planning director shall receive an affidavit executed by the property owner or developer acknowledging the completion of, or commitment of completing by a certain date, the buffer installation prior to issuance of the certificate of occupancy.

In instances where the buffer installation has not taken place prior to issuance of the certificate of occupancy, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the buffer, as determined by the ~~building official~~ planning director, and its installation shall be posted with the building and zoning department. This performance bond or other acceptable surety shall remain in full effect until the required improvements are installed, inspected, and approved for release by the ~~zoning administrator~~ planning director or his designee.

Please direct questions regarding this request to the Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA,
FLORIDA AMENDING THE CODE OF ORDINANCES
OF THE CITY OF PALATKA TO AMEND CHAPTER
94-313(A), SHIFTING THE RESPONSIBILITY
OF ADMINISTERING BUFFERING AND
SCREENING REQUIREMENTS FROM THE
BUILDING OFFICIAL TO THE PLANNING
DIRECTOR

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 July 5, 2011, and two public hearings before the City Commission of the City of Palatka on September 22, 2011, and October 6, 2011; and

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

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

Section 1. The following section of Chapter 94-313, the Palatka Code of Ordinances, shall be revised:

Administration and enforcement.

- (a) *Administration.* In projects involving issuance of a building permit or certificate of occupancy, the ~~building official~~ planning director shall receive an affidavit executed by the property owner or developer acknowledging the completion of, or commitment of completing by a certain date, the

buffer installation prior to issuance of the certificate of occupancy.

In instances where the buffer installation has not taken place prior to issuance of the certificate of occupancy, then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the buffer, as determined by the ~~building official~~ planning director, and its installation shall be posted with the building and zoning department. This performance bond or other acceptable surety shall remain in full effect until the required improvements are installed, inspected, and approved for release by the ~~zoning administrator~~ planning director or his designee.

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 6th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Planning Board Minutes July 5, 2011

Mr. Crowee explained that the childcare facility would be locating within the existing church. He stated that the criteria are not in conflict with the Comprehensive Plan. He added that there was a little concern with the proposed entrance, as the residences along the other side of the street are fairly close by. He did not believe it would create an issue if it were kept to a small operation, this was discussed with the applicant and he suggested one that of the of the conditions be the number of children be kept at a maximum of 70 students, and if the enrollment exceeds 30 students, that the drop-off and pick-up be moved to the west side of the building. He said that this change of use also trips the landscape requirements and recommends that like the previous two requests, the applicant shall comply with either the existing landscape requirements or what is being proposed if passed.

Don Burnet, 111 Prospect St. stated that he is the Pastor of the Church and explained that this is going to be a Christian day care facility, and that the Church is not out to make any kind of profit, they just want to have a place for the children to go. He requested that the maximum number of children allow be increased from 30 to 38 before having to change the drop-off and pick-up area to the west side, as that is the maximum number of children that they can accommodate without having to make other modifications.

April Annis, 512 N. Tree Garden Dr., St. Augustine, stated that the staff will be parking on the paved parking lot and the other area will be used for drop-off and pick-up only. She stated that this is a temporary facility as she is planning to build her permanent facility at 7309 Crill Avenue.

Mr. Petrucci asked the applicant how many cars she expected in the drop-off/pick-up area at one time.

Ms. Annis stated that they close at 6:00 pm and she would not expect that the all children would be picked up at the same time, possibly 5 or 6 cars at a time and staff will be parking in the other parking area.

Mr. Stewart asked what staff's thoughts were on the impact of 38 children versus 30.

Mr. Crowee advised that it was a judgment call, and that he did not believe that increasing the enrollment limit from 30 to 38 would be that significant of an impact.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve the request subject to staff recommendations as listed as conditions of approval, with the change to enrollment not exceeding 38 children or drop-off/pick-up area shall be moved from the east to the west side of the classroom building. Mr. Pickens added that the enrollment adjustment was considered, as there was a logical reason the Pastor gave for requesting 38 as the maximum enrollment number before requiring drop-off and pick-up changes and noting for the record; notwithstanding that the Board understands that Staff had to pick a number. Motion passed 5-0.

Case 11-29

To consider the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director
2. Create new Section 62-15 to provide sign setbacks.
3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
4. Require that licensed Florida-registered landscape architect prepare required landscape plans.

Mr. Crowe explained that these corrections started with the Evaluation and Appraisal Report (EAR), and the consultants that were hired went through the Comprehensive Plan and kind of zeroed in on the responsibilities of local officials. At one time, before the City had a Planning Director, the Building Official acted in that capacity, so prior to the Comp Plan

**Planning Board Minutes
July 5, 2011**

be amended there were many references to the Building Official doing many Planning and Zoning activities. He added that this is a housekeeping measure, when the public reads the code, they are going to try to find the Zoning Administrator and the City does not have a Zoning Administrator.

He explained that the sign code does not spell out any sign setbacks from property/right-of-way lines, except for the requirement that real estate signs and portable signs must be five feet off the right of way, and he believes that by providing a minimal setback from the right-of-way line this will help to reduce visual clutter as well as reduce potential visual obstructions for drivers. Additionally, he recommends that the five-foot property line setback be applicable to all property lines to reduce the congregation of signs at property lines.

He advised that that item no. 3; to amend Section 94-5 to clarify relationship of Code to Comprehensive Plan be removed from consideration at this time, as it needs to be addressed as some point in the future, he would like more time to prepare it.

With regards to the proposed requirement for a Landscape Architect, he said at this time anyone can draw and submit a landscape plan. They can be hard to read, and can present problems with a lack of knowledge of appropriate plantings, which in turn has resulted in appearance and functionality problems of the landscape areas and. Staff recommends adding a requirement that landscape plans be prepared by a Florida registered landscape architect and that such a professional provide a letter that the landscape installation complies with the approved landscape plan.

Mr. Holmes asked if the requirement for a Landscape Architect would kick in any time you would need to add landscape to a sight.

Mr. Crowe advised that is the way it is being presented, and he has thought about that and believes that there could be some sort of threshold included for consideration of smaller projects.

Discussion continued regarding limiting the requirement for a Florida Landscape Architect to new construction for today's purposes and not preclude future Board examination and consideration of adding thresholds for the Landscape ordinance.

Motion made by Joe Pickens and seconded by Earl Wallace to accept staff recommendations as presented for item no. 4 to amend Section 94-296 to require that landscape plans be prepared by a licensed, Florida registered Architect, with the requirement that it be applicable for new construction only, having understood that there is a threshold for when renovation becomes considered new construction is already established in the Code. Motion passed 5-0.

It was established by consensus, that the Board shall address threshold issue more fully in the revision of the Landscape Ordinance.

Motion made by Joe Pickens and seconded by Ken Venables to approve item no. 1 as presented. Motion passed 5-0.

Motion made by Ken Venables and seconded by Sue Roskosh to approve item no. 2 as presented. Motion passed 5-0.

Mr. Stewart expressed his appreciated and thanked the Board and Staff for their thoughtfulness and condolences during his family's loss over the past few months.

With no further business, meeting adjourned at 5:00 pm.

Request to Amend Municipal Code
(Review Responsibilities, Sign Setbacks, Requiring Landscape Architect for
Landscape Plan Preparation)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: June 28, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider the following administrative text amendments to the Municipal Code:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director
 2. Create new Section 62-15 to provide sign setbacks.
 3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
 4. Require that licensed Florida-registered landscape architect prepare required landscape plans.
- No public notice is required for Planning Board consideration of Code changes.

APPLICATION BACKGROUND

Review Responsibilities

The third column of the following table shows who is now operationally responsible for various aspects of the Municipal Code, while the second column indicates that these duties are by Code assigned to other staffers. This is a housekeeping measure intended to reflect current practice. Please note that the position of Zoning Administrator no longer exists.

Table 1: Issue Responsibility

Issue	Responsible by Code	Actual & Proposed Responsibility
Alcohol Beverage Licensing	Zoning Administrator	Planning Director
Hist. Dist. Certificate of Appropriateness Process	Building Official	Planning Director
Issuing Business Tax Receipts	Finance Director	Building & Zoning Dept.
Zoning Code Enforcement	Zoning Administrator	Planning Director
Interpreting Zoning District Boundaries	Zoning Administrator	Planning Director
Administering Buffering and Screening Requirements	Building Official or Zoning Administrator	Planning Director
Administering Adult Entertainment Ordinance	Zoning Administrator	Planning Director

*Agenda
Item*

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**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Request to amend Section 94-296(d) require that landscape plans for new construction (excluding renovations and additions) be prepared by licensed, Florida-registered Landscape Architect

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
2. Planning Board minutes excerpt July 5, 2011 meeting
3. Planning Board memo excerpt

DATE: Sept. 22, 2011

ISSUE: This is a staff-initiated Zoning (Landscape) Code revision. Current requirements do not require that landscape plans be prepared by a professional and registered landscape architect. This has resulted in problems with inappropriate plantings utilized for various developments and also can result in haphazard site landscape design. As noted in the Planning Board minutes, the Board agreed with the premise of this proposed change but recommended to limit the requirement to new construction to avoid undue cost impacts on smaller projects such as additions and renovations. The proposed revision is shown below with new text underlined.

Sec. 94-296 Landscape Plan Approval.

(d) Appropriate site plans showing proposed landscape development shall be submitted to the city building department. Landscape plans for new construction only, excluding renovations and additions, shall be prepared by a licensed, Florida registered Landscape Architect. The site plan shall be drawn to scale normally of not less than one inch equals 30 feet. A different scale may be permitted for good cause shown. Landscape plan review will typically be done concurrent with building permit application review. Amendments or modifications to approved landscape plans shall be reviewed administratively within five working days. Such site plan shall include the following:

- (1) Plant name, size and location, number, spacing and size upon installation of all trees, shrubs and ground covers.*
- (2) Existing and proposed landscape areas.*
- (3) Existing and proposed parking areas, including access aisles, driveways, catchbasins and all vehicular use areas, scaled and/or dimensioned.*
- (4) An irrigation system, including heads, valves and pump, that provides 100 percent coverage.*
- (5) Locations of all existing and/or proposed structures, sidewalks, pools, fences and walls, all applicable utilities services, dumpsters and other improvements, properly dimensioned and referenced to property uses, setback and yard requirements.*

Please direct questions regarding this request to the Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

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

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO AMEND CHAPTER 94-296, REQUIRING THAT LANDSCAPE PLANS FOR NONRESIDENTIAL NEW CONSTRUCTION EXCLUDING RENOVATIONS AND ADDITIONS BE PREPARED BY A LICENSED, FLORIDA REGISTERED LANDSCAPE ARCHITECT

WHEREAS, application has been made by the Building and Zoning Department, to the City 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 July 5, 2011, and two public hearings before the City Commission of the City of Palatka on September 22, 2011, and October 6, 2011; and

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

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

Section 1. The following section of Chapter 94-296, the Palatka Code of Ordinances, shall be revised:

Landscape Plan Approval.

- (d) Appropriate site plans showing proposed landscape development shall be submitted to the city building department. Landscape plans for new nonresidential construction only, excluding renovations and additions, shall be prepared by a licensed, Florida registered Landscape Architect. The site plan shall be drawn to scale normally of not less than one inch equals 30 feet. A different scale may be permitted for good cause shown. Landscape plan review will typically be done concurrent with building permit application review. Amendments or modifications to approved landscape plans shall be reviewed administratively within five working days. Such site plan shall include the following:
- (1) Plant name, size and location, number, spacing and size upon installation of all trees, shrubs and ground covers.
 - (2) Existing and proposed landscape areas.
 - (3) Existing and proposed parking areas, including access aisles, driveways, catchbasins and all vehicular use areas, scaled and/or dimensioned.
 - (4) An irrigation system, including heads, valves and pump, that provides 100 percent coverage.
 - (5) Locations of all existing and/or proposed structures, sidewalks, pools, fences and walls, all

applicable utilities services, dumpsters and other improvements, properly dimensioned and referenced to property uses, setback and yard requirements.

Section 2. All ordinances in conflict with the terms and provisions of this ordinance are hereby specifically repealed.

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 6th day of October, 2011.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Planning Board Minutes July 5, 2011

Mr. Crowe explained that the childcare facility would be locating within the existing church. He stated that the criteria be not in conflict with the Comprehensive Plan. He added that there was a little concern with the proposed entrance, as the residences along the other side of the street are fairly close by. He did not believe it would create an issue if it were kept to a small operation, this was discussed with the applicant and he suggested one that of the of the conditions be the number of children be kept at a maximum of 70 students, and if the enrollment exceeds 30 students, that the drop-off and pick-up be moved to the west side of the building. He said that this change of use also trips the landscape requirements and recommends that like the previous two requests, the applicant shall comply with either the existing landscape requirements or what is being proposed if passed.

Don Burnet, 111 Prospect St. stated that he is the Pastor of the Church and explained that this is going to be a Christian day care facility, and that the Church is not out to make any kind of profit, they just want to have a place for the children to go. He requested that the maximum number of children allow be increased from 30 to 38 before having to change the drop-off and pick-up area to the west side, as that is the maximum number of children that they can accommodate without having to make other modifications.

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Mr. Petrucci asked the applicant how many cars she expected in the drop-off/pick-up area at one time.

Ms. Annis stated that they close at 6:00 pm and she would not expect that the all children would be picked up at the same time, possibly 5 or 6 cars at a time and staff will be parking in the other parking area.

Mr. Stewart asked what staff's thoughts were on the impact of 38 children versus 30.

Mr. Crowe advised that it was a judgment call, and that he did not believe that increasing the enrollment limit from 30 to 38 would be that significant of an impact.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve the request subject to staff recommendations as listed as conditions of approval, with the change to enrollment not exceeding 38 children or drop-off/pick-up area shall be moved from the east to the west side of the classroom building. Mr. Pickens added that the enrollment adjustment was considered, as there was a logical reason the Pastor gave for requesting 38 as the maximum enrollment number before requiring drop-off and pick-up changes and noting for the record; notwithstanding that the Board understands that Staff had to pick a number. Motion passed 5-0.

Case 11-29

To consider the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director.
2. Create new Section 62-15 to provide sign setbacks.
3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
4. **Require that licensed Florida-registered landscape architect prepare required landscape plans**

Mr. Crowe explained that these corrections started with the Evaluation and Appraisal Report (EAR), and the consultants that were hired went through the Comprehensive Plan and kind of zeroed in on the responsibilities of local officials. At one time, before the City had a Planning Director, the Building Official acted in that capacity, so prior to the Comp Plan

Planning Board Minutes July 5, 2011

be amended there were many references to the Building Official doing many Planning and Zoning activities. He added that this is a housekeeping measure, when the public reads the code, they are going to try to find the Zoning Administrator and the City does not have a Zoning Administrator.

He explained that the sign code does not spell out any sign setbacks from property/right-of-way lines, except for the requirement that real estate signs and portable signs must be five feet off the right of way, and he believes that by providing a minimal setback from the right-of-way line this will help to reduce visual clutter as well as reduce potential visual obstructions for drivers. Additionally, he recommends that the five-foot property line setback be applicable to all property lines to reduce the congregation of signs at property lines.

He advised that that item no. 3; to amend Section 94-5 to clarify relationship of Code to Comprehensive Plan be removed from consideration at this time, as it needs to be addressed as some point in the future, he would like more time to prepare it.

With regards to the proposed requirement for a Landscape Architect, he said at this time anyone can draw and submit a landscape plan. They can be hard to read, and can present problems with a lack of knowledge of appropriate plantings which in turn has resulted in appearance and functionality problems of the landscape areas and. Staff recommend adding a requirement that landscape plans be prepared by a Florida registered landscape architect and that such a professional provide a letter that the landscape installation complies with the approved landscape plan.

Mr. Holmes asked if the requirement for a Landscape Architect would kick in any time you would need to add landscape to a sight.

Mr. Crowe advised that is the way it is being presented, and he has thought about that and believes that there could be some sort of threshold included for consideration of smaller projects.

Discussion continued regarding limiting the requirement for a Florida Landscape Architect to new construction for today's purposes and not preclude future Board examination and consideration of adding thresholds for the Landscape ordinance.

Motion made by Joe Pickens and seconded by Earl Wallace to accept staff recommendations as presented for Item no. 4 to amend Section 94-296 to require that landscape plans be prepared by a licensed, Florida registered Architect, with the requirement that it be applicable for new construction only, having understood that there is a threshold for when renovation becomes considered new construction is already established in the Code. Motion passed 5-0.

It was established by consensus, that the Board shall address threshold issue more fully in the revision of the Landscape Ordinance.

Motion made by Joe Pickens and seconded by Ken Venables to approve item no. 1 as presented. Motion passed 5-0.

Motion made by Ken Venables and seconded by Sue Roskosh to approve item no. 2 as presented. Motion passed 5-0.

Mr. Stewart expressed his appreciation and thanked the Board and Staff for their thoughtfulness and condolences during his family's loss over the past few months.

With no further business, meeting adjourned at 5:00 pm.

Requiring Landscape Architect for Landscape Plan Preparation

At this time anyone can draw and submit a landscape plan. This has presented problems with a lack of knowledge of appropriate plantings, which in turn has resulted in appearance and function problems of landscape areas. Staff recommends a requirement that landscape plans be prepared by a Florida registered landscape architect and that such a professional provide a letter that the landscape installation complies with the approved landscape plan.

PROJECT ANALYSIS

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria (if applicable), which are shown in *italics* (staff response follows each criterion).

1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change is in conformity with the comprehensive plan.
The changes do not conflict with the Comprehensive Plan.

b. The existing land use pattern.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

The above criteria are not applicable.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

This criterion is only applicable to the sign setbacks and landscape architect requirement. The former standard provides a happy medium between maximum sign visibility and the public interest of controlling sign clutter. The landscape architect requirement will help to improve the appearance and living conditions in the City by ensuring better plant selection and placement.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

i. Whether the proposed change will create a drainage problem.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

The above criteria are not applicable

k. Whether the proposed change will adversely affect property values in the adjacent area.

See response to g. above.

Request to Amend Municipal Code

(Review Responsibilities, Sign Setbacks, Requiring Landscape Architect for Landscape Plan Preparation)

Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: June 28, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider the following administrative text amendments to the Municipal Code:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director.
 2. Create new Section 62-15 to provide sign setbacks.
 3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
 4. **Require that licensed Florida-registered landscape architect prepare required landscape plans.**
- No public notice is required for Planning Board consideration of Code changes.

APPLICATION BACKGROUND

Review Responsibilities

The third column of the following table shows who is now operationally responsible for various aspects of the Municipal Code, while the second column indicates that these duties are by Code assigned to other staffers. This is a housekeeping measure intended to reflect current practice. Please note that the position of Zoning Administrator no longer exists.

Table 1: Issue Responsibility

Issue	Responsible by Code	Actual & Proposed Responsibility
Alcohol Beverage Licensing	Zoning Administrator	Planning Director
Hist. Dist. Certificate of Appropriateness Process	Building Official	Planning Director
Issuing Business Tax Receipts	Finance Director	Building & Zoning Dept.
Zoning Code Enforcement	Zoning Administrator	Planning Director
Interpreting Zoning District Boundaries	Zoning Administrator	Planning Director
Administering Buffering and Screening Requirements	Building Official or Zoning Administrator	Planning Director
Administering Adult Entertainment Ordinance	Zoning Administrator	Planning Director