

KARL N. FLAGG  
MAYOR - COMMISSIONER

MARY LAWSON BROWN  
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS  
COMMISSIONER

VERNON MYERS  
COMMISSIONER

JAMES NORWOOD, JR.  
COMMISSIONER



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

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

BETSY JORDAN DRIGGERS  
CITY CLERK

RUBY M. WILLIAMS  
FINANCE DIRECTOR

GARY S. GETCHELL  
CHIEF OF POLICE

MICHAEL LAMBERT  
CHIEF FIRE DEPT.

DONALD E. HOLMES  
CITY ATTORNEY

**MINUTES**  
**CITY OF PALATKA**  
**Called Meeting; 6:00 p.m.**  
August 10, 2009

Proceedings of a special called meeting of the City Commission of the City of Palatka, Florida, held on the 10<sup>th</sup> day of August, 2009.

PRESENT: Mayor Karl N. Flagg  
Commissioner Mary Lawson Brown  
Commissioner Allegra Kitchens  
Commissioner Vernon Myers  
Commissioner James Norwood, Jr.

Also Present: City Manager Elwin C. Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Jim Lee; Parks & Cemeteries Supt. Jeff Norton; Airport Manager John Youell; Assistant Planning Director Debbie Banks

**CALL TO ORDER:** Mayor Flagg called the meeting to order at 6:15 p.m. and read the following call, dated July 31, 2009:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, VERNON MYERS  
AND JAMES NORWOOD, JR.:

You are hereby notified that a special called meeting of the Palatka City Commission is called to be held on Monday, August 10, 2009, at the regular meeting place of the Palatka City Commission at Commission chambers, 201 N 2<sup>nd</sup> Street, Palatka, Florida, to commence at 6:00 p.m.

The purpose of the meeting is to consider items on a Consent and Regular Agenda, including but not limited to:

1. Hear a presentation and consider final change orders and contract amendments from Passero Associates, Airport Engineers;
2. Hear a presentation from and consider a Preliminary Developer's Agreement with Community Development Partners, Inc. from Andrew Ham;
3. Consider CRA recommendation on requests from South Historic District for funds reallocation and contracts for Main Street Manager and Chamber of Commerce;
4. Consider adoption of Code Enforcement Procedures, per workshop held 6/25/09.

An agenda will be published prior to the meeting.

*/s/ Karl N. Flagg*

Karl N. Flagg, MAYOR

The following Commissioners acknowledged receipt of a copy of the foregoing notice of a special meeting on the 31<sup>st</sup> day of July, 2009.

*/s/ Mary Lawson Brown*  
COMMISSIONER

*/s/ Vernon Myers*  
COMMISSIONER

*/s/ James Norwood, Jr.*  
COMMISSIONER

*/s/ Allegra Kitchens*  
COMMISSIONER

**INVOCATION** – Charlie Rabun

**PLEDGE OF ALLEGIANCE** - Kenny Downs

**APPROVAL OF MINUTES** – 6-25-09 Workshop; 7-9-09 Regular; 7-23-09 Called Meeting – Commissioner Myers moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION**

**MDA 2008 Boot Drive Award** – Palatka Fire Department – MDA District Director Brittany Lara presented Fire Chief Mike Lambert and members of the Palatka Fire Department with their highest honor as they reached their goal last year of raising over \$6,000 for the MDA. They were working hard “filling the boot.” They thanked the community for its generosity, also. Mayor Flagg read a proclamation naming August as Firefighter Appreciation Month on behalf of the Muscular Dystrophy Association.

**PROCLAMATION** - Palatka Gas Authority 50<sup>th</sup> Anniversary Recognition – Mayor Flagg read a proclamation naming August, 2009 as Palatka Gas Authority 50<sup>th</sup> Anniversary Month and presented it to Eula White, Executive Director and board members Jud Neufeld, Charles Rabun and Ted MacGibbon. Mayor Flagg also presented Mrs. White and members of the Board with a plaque conveying heartiest congratulations on their 50<sup>th</sup> anniversary, August 1, 2009. Mrs. White and Mr. Neufeld made comments.

2. **PUBLIC COMMENTS** – There were none.

3. **CONSENT AGENDA:**

- a. **Authorize execution of Change Order #3 in the amount of \$410.00** to Riverside Builders, Inc. Contract for 2008 Waterworks Renovations, per recommendation of City Manager & Project Architect
- b. **Authorize execution of Administrative Services Contract with Fred Fox Enterprises, Inc.** for administration of CDBG 09DB-4N-04-64-02-N14, Dunham St/Madison St/Northside Water Main, per award of bid 7/9/09
- c. **Authorize acceptance and execution of FEMA Hazard Mitigation Grant #1561-137-R in the amount of \$160,142.00 (75% of \$213,523.00)** for State Proj.# 1561-237, SR20/Moseley Ave. Drainage Phase II.
- d. **Award Bid in the amount of \$819,419.72 to G & H Underground Construction, Inc. (base bid plus Alternate A and B) for Dunham Street Water Main CDBG N14 Project construction**, per project engineers' recommendation

- e. **Award bid in the amount of \$163,643.80 to J. D. Weber Construction for CDBG E08 Putnam Lanes Water & Sewer Improvements**, per project engineers' recommendation
- f. **Adopt Code Enforcement Standard Operating Procedures**, per workshop held on 6/25/09
- g. **Reappoint Kenny Downs and LaSandra Williams to the Code Enforcement Board** for three-year terms to expire September, 2012 (incumbents – sole applicants)
- h. **Declare the following surplus:**
  - 1. **Airport - (1) 1995 Ford F-150 P/U Truck, VIN#8090**, for disposition at auction
  - 2. **WWTP – (1) 1999 Dodge 2500 P/U Truck, VIN#5657**, for trade-in at dealership
  - 3. **Fire Dept. – (1) 1999 Dodge Ram 4x2 P/U Truck, Vin# 6466**, for trade-in at dealership
- i. **Authorize execution of Secondary Participating Party Agreement between Putnam Lanes, Inc. and City of Palatka for CDBG Grant E08**, per recommendation of City Attorney (tabled 9/11/08)
- j. **Award bid for 2008 Dodge Pickup Truck Purchase to Beck Dodge in the amount of \$24,637.50**, per state contract

Commissioner Kitchens asked to pull Item 3(i) for discussion. Mr. Holmes said if 3(i) is being pulled, 3(e) should be pulled as that is a companion item. Commissioner Kitchens moved to pass consent agenda all items on consent except for items 3 (e) and 3(i). Commissioner Brown seconded the motion, which passed unopposed.

- 3(i). **Authorize execution of Secondary Participating Party (Project) Agreement between Putnam Lanes, Inc. and City of Palatka for CDBG Grant E08**, per recommendation of City Attorney (tabled 9/11/08) – Mr. Holmes said this is a project agreement. The document is pursuant to the discussion held in previous meetings, where they discussed receiving some security from the owner in the event the State sought some reimbursement for the grant funds in the event the grant agreement is violated. This is their last rewrite of his (Mr. Holmes') original draft agreement; he has five additions or modifications to suggest to this version of the agreement; they are not large or lengthy. This is a "take it or leave it" proposition from the City's perspective. He has an initial verbal agreement from them on those changes. If the other party doesn't agree with those changes, he suggests they not go forward with this agreement. He has made as many concessions and changes as he can make and still consider it a good agreement. Commissioner Myers said it all boils down to the security agreement. Mr. Holmes said those are alternatives for them; this document would be akin to a mortgage, for lack of a better term, and referenced the language under paragraph 6. This is an encumbrance. It is not as direct as what he had initially proposed. It will be an encumbrance on the property. This is not a promissory note and mortgage, but it will accomplish that purpose. The changes are: to the 5<sup>th</sup> whereas clause on page 1, strike the word "to" (sixth word); it is a holdover from a past revision. On the 7<sup>th</sup> whereas clause, add "copy attached hereto and incorporated by reference herein as "Exhibit D." The agreement he originally prepared articulated the obligations they needed to meet. They want to reference back to the participating party agreement. It should be attached. Page 1, paragraph 1, third line, "shall comply with THE requirement" should read "shall comply with ALL requirements of the Participating Party Agreement." On page 1, paragraph 1, 4<sup>th</sup> line down, beginning with "The City shall likewise comply with obligations under the grant, and shall upon completion of all obligations under the Grant and Participating Party Agreement" add "and termination of the participating party agreement in accordance with its terms, record a notice. . ." The reason is the participating party agreement links its termination with the City's receipt of a Letter of

Compliance from DCA. The security agreement doesn't expire until the City receives that letter. On Page 3, Paragraph 6, the same language will be added to the 7<sup>th</sup> line from the bottom after "Upon satisfaction of the Developer's obligations under this project agreement," add "the participating party agreement and termination of the participating party agreement in accordance with its terms." The City wouldn't be required to release the lien unless the developer complies with the Participating Party Agreement. With those changes, he is OK with the document.

Commissioner Kitchens said the language in Paragraph 6 seems to be a warranty deed clause and asked if that is supposed to be a warranty deed with no legal description, etc. Mr. Holmes said a legal description will be attached as Exhibit A and will enable the document to be recorded and encumber the described property. The language she referenced is the same language found in all mortgages. It conveys the property to the City; if he does what he needs to do, the conveyance is void. Commissioner Myers asked the exposure time on the grant. Mr. Holmes said the exposure time is one year after the grant closes out, and the grant has 18 months to complete. Mr. Bishai has to maintain 10 jobs in place for 1 year after grant close-out, and then the State will do an audit before issuing a letter of compliance. That is why they needed this security. Fred Fox has looked at this and said it is compliant with DCA.

Commissioner Myers moved to authorize execution of the Participating Party Agreement with Mr. Bishai, contingent upon incorporating the changes made by Mr. Holmes. Commissioner Norwood seconded the motion. A roll call vote was requested and taken with all members of the Commission voting in the affirmative.

- 3e. Award bid in the amount of \$163,643.80 to J. D. Weber Construction for CDBG E08 Putnam Lanes Water & Sewer Improvements**, per project engineers' recommendation - Mr. Holmes said the Commission couldn't approve this item without having the project agreement in place. Commissioner Kitchens moved to award this bid contingent upon the Project Agreement being executed by Mr. Bishai. Commissioner Brown seconded the motion, which passed unopposed.

Commissioner Myers asked, as to Item 3(c), regarding the FEMA Hazard Mitigation Grant, if this is to address the drainage problem at the intersection of Moseley & Crill Avenue. Mr. Boynton said it will limit the problem, but it will never be completely resolved. The pump will remain. Commissioner Kitchens said the 1833 US Government Survey shows a lake in that location, so that's likely why that's been a continuous drainage problem.

Commissioner Myers complimented Mr. Boynton and Fire Chief Mike Lambert for their forethought in taking advantage of the Cash for Clunkers program by using these surplus vehicles as trade for new models.

Mayor Flagg recognized the presence of Kenny Downs, Deputy Clerk of Court, who was just reappointed to the Code Enforcement Board.

**4. APPROVE 8/10/09 RECOMMENDATIONS FROM COMMUNITY REDEVELOPMENT AGENCY:**

- a. Re-allocate South Historic District TIF Funds per request
- b. Approve Palatka Main Street/CRA Contract
- c. Approve Putnam County Chamber of Commerce/CRA Contract

Mayor Flagg noted items (b) and (c) were tabled by the CRA, so the Commission should only act upon Item (a). Commissioner Kitchens moved to accept the recommendation of the CRA to reallocate \$60,000 of South Historic District TIF funds from the purchase

of 420 Kirby Street to the Home Improvement Program. Commissioner Brown seconded the motion, which passed unopposed.

Mayor Flagg moved Agenda Item 6 to the Front of the Orders of the Day with consensus of the Commission.

6. **REQUEST FOR APPROVAL - Community Development Partners, Inc. Preliminary Development Agreement – Andrew Ham (Note: Attachment is in DRAFT FORM ONLY)** – Mr. Holmes said the Commission tasked him, the City Manager and Mayor to draft an agreement with Mr. Ham. A draft agreement was included in the agenda package; however, they have since met with Mr. Ham and resolved all the wording in the agreement. They are dealing with a larger issue between Mr. Ham’s attorney and the City’s CRA attorney so they can get a better handle on the transfer of property and assurances. They will need some more time on this and he would like to bring this back on August 27<sup>th</sup>. Mayor Flagg said this is important, as this is the City’s catalyst for the renovation of the Central Business District; he concurs with the City Attorney’s recommendation. Commissioner Kitchens moved to table the Community Development Partners, Inc. Preliminary Development Agreement until August 27, 2009. Commissioner Myers seconded the motion, which passed unopposed.
5. **REQUEST FOR APPROVAL – Airport Projects Video Presentation, final change orders and work order amendments – Andrew Holesko, Passero Associates, Airport Engineers**

Andrew Holesko, Airport Engineer, said they were proud to cut the ribbon on the new airport terminal last month. Tonight he’ll show a video his firm commissioned in order to apply for an award he applied for on behalf of the City’s airport. He acknowledged the current and former chairmen of the Airport Advisory Board, Larry Pritchett and Jud Neufeld, who were present in the audience, and other past & present members of the Airport Advisory Board, Gene Caputo, John Browning, Carolyn Nicholson, Wayne McClain, Melissa Miller, and Wes Larson, also present in the audience. He noted Nick Florentine and Ken Johnson were not present. Mr. Holesko said last week he attended the Florida Airport Council Annual Conference; it is the largest airport management association conference held in any of the States. They are trying to get the word out that Palatka’s airport is no longer a “diamond in the rough.” While he was there, many people told him they’d been hearing good things about Palatka’s airport. He submitted the video they are about to show, which was created by a videographer hired by Passero Associates, to be submitted to the Florida Dept of Transportation for the award category of Aviation Project of the Year. It’s a tough award to win, and they didn’t win, but the video is a good representation of the growth that has occurred in the last year or so. The interviews in the video were given in response to specific questions that were asked in the spirit of addressing the award criteria.

A seven minute video was shown to the audience. Mr. Holesko then noted the following four funding requests:

- a. **Anderson Columbia Co Final Change Order** in the amount of \$70,149.42, for a total contract amount of \$ \$1,115,231.20 for Taxiway B Rehab & Drainage Improvements – Mr. Holesko noted this project came in under budget.
- b. **Jacksonville Eighteen Construction Final Change Order decreasing contract sum by \$37,648.30** for a total new contract amount of \$985,314.43 for terminal building access road, auto parking lot and airplane parking apron rehabilitation – Mr. Holesko noted this also came in under budget.
- c. **Passero Associates WO #08-17A Amendment #1 in the amount of \$113,697.84** for Airport Terminal Project Building Construction Completion
- d. **Passero Associates WO # 08-13R Amendment #1 in the amount of \$8,500.00** for Taxiway B Rehab & Drainage Improvements Inspection Services

Commissioner Myers asked as to the source of the funds. Mr. Boynton said all the money was budgeted. Some came from other ongoing contracts. The funds for the fencing came about from another contract amendment the FDOT provided. This money was already pre-allocated for those particular items. Commissioner Myers moved to approve Agenda Item 5 (a), (b), (c) and (d) as requested. Commissioner Kitchens seconded the motion, which passed unopposed. Mayor Flagg noted the presence of the Airport Advisory Board members in the audience, and thanked them for their valuable volunteer work and competent recommendations.

## 7. **ADMINISTRATIVE REPORTS**

**a. Internal Controls Seminar** – August 21, 2009 – Mr. Boynton said the County is sponsoring this free seminar. All department heads are required to attend, and he has sent the invitation to all elected officials. Mayor Flagg encouraged all elected officials to attend and said they are grateful to the Putnam County Clerk of Courts as the sponsoring agency.

John Youell, Airport Manager, presented a memorial plaque on the New Airport Terminal Ribbon Cutting, held on July 13, which will be posted in the new Terminal lobby.

Planning Director Jim Lee said this is his last meeting as City Planner. He thanked the City Commission and staff for the 1-1/2 years he has worked with and for them. He has a genuine affection for Palatka and Putnam County. He is moving to Alaska and will be in touch. He truly believes Palatka is on the edge of vast changes and improvements. He thanked all his departmental employees for their diligence, patience and belief. Mayor Flagg thanked Mr. Lee for his time and diligence in bringing the City into compliance with DCA requirements, noting they are all better off for his service. Commissioner Kitchens thanked him for being honest, upstanding and upright in his dealings, noting he's done his job truthfully. Commissioner Brown said she attended a recent Northeast Florida Regional Planning Council meeting where they had nothing but praise for Mr. Lee and his staff. Commissioner Myers said it was a pleasure working with Mr. Lee, saying he's accomplished many positive things and his integrity is above reproach. Commissioner Norwood concurred and said he took on a large task and accomplished it with ease, and this will help Palatka reach its potential.

## 8. **COMMISSIONER COMMENTS -**

Commissioner Kitchens thanked the City Attorney for meeting with her on the Community Development Partners contract on Friday past.

Regarding the Palatka Gas Authority's 50<sup>th</sup> Anniversary, Commissioner Kitchens said the man directly responsible for natural gas coming to the community is Clyde Middleton, Sr., and noted several articles in the PDN giving him credit for the gas allotment he worked to secure for Palatka by going to Washington DC on two occasions. She read from a newspaper article noting he was primarily responsible for this venture.

Commissioner Brown said the NEFLC monthly September meeting will be held in Palatka. She and Commissioner Myers would like to do tours of the City and Airport.

Commissioner Myers said the Aug. 4 "Neighborhood Night Out" was very successful; he attended the one at Hank Bryan Park. It was a great success due to the efforts of the Palatka Police Department through Chief Getchell and Officer Mylinh Reeves.

Commissioner Norwood said the FLC League annual conference is coming up this week. Several members of the Commission provide leadership there. The Vice Mayor serves on the FLC Executive Board, the Mayor serves with the League of Mayors, he provides leadership on the Urban Community Council, and the Clerk serves on the FACC Board of Directors.

9. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:20 p.m. upon a motion by Commissioner Kitchens, seconded by Commissioner Brown.

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

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