

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 September 24, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 24th day of September, 2009

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

ABSENT: Commissioner Mary Lawson Brown

Also Present: City Manager Elwin C. "Woody" Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Ruby M. Williams; Police Chief Gary Getchell; Fire Chief Mike Lambert; Building & Zoning Administrator Debbie Banks; Airport Manager John Youell; WWTP Supt. Platt Drew; Water & Sewer Supt. Rhett McCamey; Streets & Sanitation Supervisor Ed Chandler; Police Lt. James Griffith

CALL TO ORDER – Mayor Flagg called the meeting to order at 6:00 p.m.

INVOCATION – The Reverend Brian Oswald, Sr., Pastor; Victory Christian Fellowship

PLEDGE OF ALLEGIANCE – Commissioner James Norwood, Jr.

APPROVAL OF MINUTES – 8-27-09 Meeting – Commissioner Kitchens moved to adopt the minutes as read. Commissioner Myers seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION

EMPLOYEE RETIREMENT – Ruby M. Williams, Finance Director – 25 years – Mayor Flagg presented Mrs. Williams with a plaque recognizing her 25 years as an outstanding leader in municipal government. He noted she began working for the City on April 15, 1985, has served as Finance Director since 1996, and has proven herself a true professional. Mrs. Williams was joined by her husband, Martine, and daughter Cindy.

STUDENT OF THE MONTH – September, 2009 – Mayor Flagg was joined by Commissioner Norwood in presenting the annual Student of the Month school plaques to school administrators, and presented the following students with certificates recognizing them for academic excellence, leadership, citizenship and attendance at their respective schools:

Jennifer Vaughn Beasley Middle School
Hannah Alexander Browning Pearce Elementary School

Satia Brown	Children's Reading Center Charter School
Summer Wheatley	E.H. Miller School
Ty'Kierria Session	James A. Long Elementary School
Tyler King	Jenkins Middle School
Jarrell Perry	Kelley Smith Elementary School
Monica Feggins	Mellon Elementary School
Josiah Tripp	Palatka High School
Dylan Jackson	Peniel Baptist Academy

2. PUBLIC COMMENTS

Lynda Little Crabill, 609 S. 14th Street, representing the Conlee-Snyder Mural Committee, said there is a new way to help support the murals. They have put out collection cans containing brochures in area businesses so that the public can make contributions. The newest mural entitled "High Times," located at St. Johns Avenue & 7th Street, will be dedicated on October 17 at 10:00 a.m. The public is invited and encouraged to attend.

Daniel R. Ziem, Sr., said he'd still like to see a report on the Blue Crab Festival, as he believes the City needs the \$50,000 back. He'd like to see more attention given to people parking over sidewalks; that Code needs to be enforced. The cars need to be ticketed; the funds can be used to repair sidewalks. Mr. Boynton noted that report is forthcoming.

Regarding The American Legion building, Mr. Ziem said the city went in and did some work with a bucket loader and put ruts behind the building, so they can no longer mow the grass. The storm drain was damaged when the tree was taken down.

Askew Vickers, 207 N. 18th Street, asked as to the progress of the apron on 16th & Ocean Street he requested at the 9/10/09 meeting. Mr. Boynton said they are not pouring concrete at this time, but when they are pouring concrete in the area they will do that work.

Mr. Vickers asked about the height requirements for fences surrounding homes, which he brought up at the last meeting.

Debbie Banks, Planning Administrator, said she sent a memorandum to the City Attorney asking for an opinion as to the City's ordinance, which states residential fences are limited to 6' in back and 4' in front. The Chief Building Official is of the opinion that this ordinance does not apply to housing authority projects. Mr. Vickers said if a variance was applied for, he and the neighbors should have been notified, so this was not done.

Regarding Commissioner Norwood's church's retention pond, Mr. Vickers said this sends a signal to the community that the Commission does not care about this issue. It is a liability issue. To address this would be the right thing to do. The welfare of the community is the Commission's first priority, regardless of the Code.

Mr. Vickers said the City should address the Railroad Crossing on Reid Street. Today there was a detour sign there because it was unsafe for the "wagon train" to cross. Mayor Flagg said the City has been in touch with CSX on this matter; CSX is waiting on the proper permits from FDOT to perform this work, which is their responsibility.

Mr. Vickers asked if anyone is addressing ditches in the community. Mayor Flagg said if he has specific ditches in mind he can report those and Public Works will check them out.

Calvin Smith, 910 Beech Street, said he spoke to Commissioner Norwood about having stop signs on through streets in the City. The stop sign on River Street was removed because it was a nuisance. He'd like to know why the stop signs on Washington Street are still there. Mayor Flagg said it is a public safety issue; the people living on that street wanted the City to

control the speeding; the complaints were overwhelming. The stop signs are a traffic calming device. The residents were fully informed. Everyone now has to stop because of the people who would not comply with the speed limit. Mr. Smith said if there is crime, they get protection, but if they need something else, the City turns their back on the Northside. The only police substation you see is in the black area. Mayor Flagg said there are no two neighborhoods that are alike. They all live in the City. The challenge they face is that the neighborhoods set the standards. Sometimes people disregard the speed limits; they hope for voluntary compliance, but sometimes don't get it. The City is spending millions of dollars on infrastructure on the North Side; they will soon have the best water in the state. They are concentrating on infill. There are many things happening in this community. Mr. Smith said he stops at stop signs, but this area needs attention. Mayor Flagg invited him to list specific locations that need attention and provide that list to the City Manager.

3. **CONSENT AGENDA:**

- a. **Authorize execution of Oaks Landing Developer Agreement** as amended and corrected per Commission Action taken March 13, 2009
- b. **Authorize execution of Display Advertising Contract** with Palatka Daily news F/Y 10/1/09 through 9/30/10
- c. **Approve Budget Amendments & Transfers for F/Y 2008-09** – Finance Director
- d. **Authorize execution of Amendment #3 to FDEP Agrmt #LP6771** extending the date of completion for the Wastewater Reuse Project to November 30, 2010, per City Manager's recommendation.

Commission Kitchens asked that Item 3(a) be pulled for separate discussion.

Commissioner Myers moved to approve Consent Agenda items 3 (b) through (d) as recommended. Commissioner Kitchens seconded the motion, which passed unopposed.

Authorize execution of Oaks Landing Developer Agreement as amended and corrected per Commission Action taken March 13, 2009 – Commissioner Kitchens said when this item was discussed in March she was not in favor of approving Oaks Landing and voted against it. She believes this matter needs to be voted upon separately. Commissioner Kitchens moved to approve the Oaks Landing Developer Agreement as amended per action taken March 13, 2009. A roll-call vote was requested and taken, with the following results: Commissioner Kitchens, No; Commissioners Myers, Norwood and Mayer Smith, Yes. The motion was declared passed by majority vote.

4. **PUBLIC HEARING** – 3895, 4001, 4003 and 4005 Reid Street – Planning Board Recommendation to Annex, Amend the Future Land Use Map and Future Land Use Element from Putnam County Urban Serve to City of Palatka Industrial, and Rezone from Putnam Co. Industrial City of Palatka Industrial with a Planned Unit Development Overlay – Palatka Vest, LLC, applicant – Mayor Flagg opened the public hearing for comments. There being no discussion or public comment, Mayor Flagg closed the public hearing

Annexation Ordinance #09-35 – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA, CERTAIN ADJACENT TERRITORY IN SECTION 03, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll-call vote was taken, with the following results: Commissioners Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted.

Land Use Amendment Ordinance #-09-36 – Adopt – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE

LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 03, TOWNSHIP 10 SOUTH, RANGE 26 EAST FROM COUNTY URBAN SERVICE TO CITY INDUSTRIAL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance as read. Commissioner Norwood seconded the motion. There being no discussion, a roll-call vote was taken, with the following results: Commissioners Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted

Rezoning Ordinance – 1st reading – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 03, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY IL (LIGHT INDUSTRIAL) TO CITY M-1/PUD (INDUSTRIAL/PLANNED UNIT DEVELOPMENT); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Myers moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll-call vote was taken, with the following results: Commissioners Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted

5. **PUBLIC HEARING – TRIM Calendar** - Tentative Budget and Proposed Millage Rate (8.65) - Mayor Flagg opened the Public Hearing. It was noted that the actual proposed millage rate of 8.65 comes in at -6.09 percent below the rolled-back rate, which is less than the rolled back rate. The budgets have been on file in the Clerk's office for the public's inspection.

Levy Ordinance No. 09 – 42 - 2009/10 Budget year – 2nd Reading for Adoption - The Clerk read an ordinance entitled AN ORDINANCE LEVYING TAXES FOR THE YEAR 2009 TO RAISE THE NECESSARY REVENUE TO DEFRAY THE EXPENSES OF THE CITY OF PALATKA FOR THE FISCAL YEAR 2009 - 2010. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Myers seconded the motion. A roll-call vote was taken, with the following results: Commissioners Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed and adopted.

Appropriation Ordinance No. 09 - 43 – 2009/10 Budget year – 2nd Reading for Adoption – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, MAKING AN APPROPRIATION OF MONIES FOR THE OPERATING EXPENSES OF THE CITY OF PALATKA FOR GENERAL ADMINISTRATION OF THE SEVERAL GOVERNMENTAL DEPARTMENTS OF THE CITY, AND FOR CONTRIBUTING TO THE SEVERAL SINKING FUNDS OF THE CITY TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY, AND FOR PALATKA GAS AUTHORITY, FOR AND DURING THE FISCAL YEAR A.D. 2009-10. Commissioner Norwood moved to pass the ordinance on second reading as read. Commissioner Kitchens seconded the motion. A roll-call vote was taken, with the following results: Commissioners Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed and adopted.

6. **ORDINANCE 09-44** amending water rates both inside and outside the City Limits, effective October 1, 2009 – 2nd Reading, Adopt – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BE AMENDED BY REVISING APPENDIX "A" TO SECTION 86-314 AND APPENDIX "A" TO SECTION 86-315 THEREOF, PROVIDING NEW WATER RATE SCHEDULES EFFECTIVE OCTOBER 1, 2009, BOTH INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on second reading as read. Commissioner Kitchens seconded the motion.

Daniel Ziem, 401 Olive Street, inquired as to the amount of the increase. Commissioner Kitchens said the bills will go up approximately \$4.00 total for water and sewer. Mr. Ziem said users outside the City Limits should have to pay double rates. Mayor Flagg said users outside the City Limits pay 50% higher rates. They are not allowed to double the rates for water usage. Mr. Ziem said they should have to pay higher rates. Mayor Flagg said they do pay a higher rate. It is a regulated amount.

There being no further discussion, a roll – call vote was taken, with the following results: Commissioners Myers, Norwood and Mayor Flagg, yes; Commissioner Kitchens, No. The ordinance was declared passed and adopted, three in favor, opposed by Commissioner Kitchens.

7. **ORDINANCE 09-45** amending sewer rates both inside and outside the City Limits, effective October 1, 2009 – 2nd Reading, Adopt – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BE AMENDED BY REVISING APPENDIX “A” TO SECTION 86-344 AND APPENDIX “A” TO SECTION 86-345 THEREOF, PROVIDING NEW SEWER CHARGES EFFECTIVE OCTOBER 1, 2009, BOTH INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on second reading as read. Commissioner Myers seconded the motion. A roll – call vote was taken, with the following results: Commissioners Myers, Norwood and Mayor Flagg, yes; Commissioner Kitchens, No. The ordinance was declared passed on first reading four in favor, opposed by Commissioner Kitchens.
8. **RECOMMENDATION ON REQUEST FOR PROPOSALS OR QUALIFICATIONS FOR GOLF COURSE OPTIONS** – Continued from 9/10/09 – City Manager & City Attorney – Mr. Boynton referenced the separate draft proposal, drafted by the City Attorney, which he distributed (filed). He asks they review the scope of services under Roman Numeral V, and with after a final review, they will put this proposal on the Street. They are looking at completing this by mid-October. They can bring it back for final review on October 8.

Ken Venables, 2002 Cherry Lane, Palatka, said he lives across the street from the golf course. There are many homes impacted by the presence of the golf course; they like it just as it is. In talking to the Golf Pro, he understands the RFP is to lease the golf course out and that is all. He asked if they have considered having someone come in to review the operations of the golf course to streamline and make them more efficient. If they lease the course out, that agency will have to make a profit. Rates will be raised. He'd like to see it stay under the City's control, as the City doesn't have to make a profit. Regarding marketing, the only directional sign for the Golf Course he's ever seen is at the intersection of Crill and Moseley. They should start an aggressive marketing campaign and put up billboards along interstates and major routes. This is a Donald Ross-designed golf course, and the City is not capitalizing on that. Many people come through Palatka that could stop and play golf. When the alcohol ordinance was changed, the course lost the ability to sell alcohol on Sunday morning. This cost the golf course a lot of revenue. This should be reviewed. If this is something the players want, and can be made legal, it should be done.

Mr. Holmes, City Attorney, said the schedule or timeline found on page 3 is one he put together in an effort to create talking points. It was his thought the Commission would be anxious to get this out by October 16. That date determines all other dates in the timeline. There are several points open for discussion. This draft is intended to be a starting point. This is not the only way to go forward with an RFP, but one of the ways. He tried to make it as generic as possible. Under Item V, Sections (j), (k) and (l), that is one way of providing financial accounting to the City, but may be too onerous to potential bidders. They may want

to tone that down. The City may decide they don't need financial accounting so long as the bottom line is acceptable. Bidders may want to give the City a percentage of the take; some may want to pay a flat fee. Mayor Flagg asked if quarterly is better than monthly accounting. Mr. Holmes said he stated "monthly" because that is how bookkeeping is done. In Section 6.6 he has provided for termination on no notice from the City's perspective. This is a five-year agreement with two options to renew. They will need some ability to terminate early if things go badly. He could put in a clause to terminate for cause, but then he will have to decide what constitutes cause. He has never done a golf course RFP before. They may want to consult with a professional golf course firm or someone in the industry to see if this is appropriate.

Mayor Flagg said they should determine if there is another municipality that operates under this type of agreement. Mr. Holmes said the City Manager provided him with three or four of those examples; most of them operate under a different basis wherein the city provides a capital budget. It was more like a management arrangement; even the employees were shown as an operating expense, which the operator was able to pass on to the City. When this was drafted, he was under the impression that the City wanted more of a turn-key operation where someone took over all operations and paid the City a flat amount of money. If this is done on a percentage basis, they won't know if they will be better off than they are now. Under a flat rate, with the proposer handling all expenses except the debt service, they would take an annual payment. The City would then know what they had to fund. He is not aware if someone would be willing to do that. This RFP will test the waters; they can put it out to see what they get back. For that reason he did not make it too specific. He can tweak this further. Mayor Flagg said the Commission can provide feedback and look at this again on October 8 after those revisions are made. All he wants at the golf course is success. He is not an expert on golf courses, but what they have been doing is not sufficient. He applauds the golf pro for doing a remarkable job.

Mr. Holmes said Section 6.6 needs to be changed. From a business person's perspective, this would not be attractive at all. They need to change it to provide some comfort for the bidder. If they bid a flat fee, and as long as they pay the fee and keep the course open, they should keep the lease. If the course deteriorates, that may put the City in the hole if they have to take it back, which is another issue. If a lessee doesn't maintain the equipment and it becomes inoperable, and the City ended up taking the course back, the City would have to put considerable funds into replacing the equipment. If the bidder maintains the course, the only issue is whether or not the City receives enough funds. The only provision regarding maintenance appears on page 7, Section V, paragraph 5.6, items (c) and (d) regarding equipment and responsibilities.

Commissioner Myers concurred with Mr. Holmes regarding the termination clause. They need to insert language enabling termination for cause for specific things like equipment and course maintenance. Mr. Holmes said they can give them a notice and a "cure" period to correct it, and if the issue is not corrected they can take action. Commissioner Myers said they need to gauge interest. Mayor Flagg commended the City Manager, City Attorney and Golf Pro for their flexibility. They are not dictating to vendors and tying their hands. They want those people to tell the Commission what the alternatives and their opinions are. They are not willing to give away the golf course. They want to be able to maintain a quality golf course and facility.

Commissioner Kitchens said she'd appreciate time to look this over. Things have improved at the Golf Course. They have a good opportunity to break even if they refinance the loan. It is her understanding they are only looking for responses. At this point, they have held on so long, why let it go now? There is a chance that people will lose their jobs. Mayor Flagg said everyone needs to know the City is seeking the best option. Breaking even is optimistic. He

is being realistic. This is for the benefit for the overall city as a whole. They can make a decision based upon what comes back in response to the RFP.

Commissioner Norwood said he is sincere in trying to make the golf course self-sufficient. He wants to be sure all available resources have been exhausted. The City Attorney has drawn up a very flexible RFP. They want to attract a sincere individual who will come in and manage the golf course. Commissioner Myers said he is in favor of keeping the golf course. There will be a lot of negotiation over whatever comes in, and employees can be part of those negotiations. They may get no responses.

Mr. Holmes said they have built in a specific negotiation process after receipt of proposals. There is a 5-day window for negotiations with the selected entity to fine-tune the agreement. They also provided language in section 4.3 that is pretty broad to give the City the right to accept or reject proposals or alternatives, or waive irregularities. It states the City shall be the sole judge of the proposal and the resulting negotiated agreement. As to the evaluation sheet, they provided for points broken down into six categories, for a total of 100 points. They've tried to allow for quantification of the different strengths and areas. It is a good framework.

Mayor Flagg said they will have the opportunity to look this draft over and provide feedback before it is adopted for advertisement. He hopes the Commission can give the City Attorney and City Manager the autonomy to bring a draft back to the next meeting for approval. Mr. Boynton asked the Commission to turn in any comments by Tuesday, Sept. 29, so they can revise the proposal and distribute it prior to the October 8 meeting. Mayor Flagg said to submit comments on the draft with their name on it by Tuesday.

9. **ADMINISTRATIVE REPORTS**

Community Gardens Update – City Manager – Mr. Boynton said a question came up regarding insurance coverage for participants. The City's insurance does not provide coverage for crossing private property, but does provide coverage for gardeners to work on the City's property. There will be limited access to the property behind the Post Office. They are doing soil evaluations on the site now as there may have been some contamination from a train at one time.

The Clerk reminded the Commission to attend Mrs. Williams' retirement luncheon on Sept. 25 and the Annual Employees' Safety Luncheon on October 2 at the Price Martin Center. Both events begin at noon.

10. **COMMISSIONER COMMENTS**

Commissioner Kitchens said she feels more comfortable with the City Attorney being present at everything he is supposed to attend. She asked what back-up is available in the event that he is out sick or has to recuse himself, or cannot be present at a commission meeting or board meeting. She asked the Commission to contemplate that issue and discuss it at a future date.

Commissioner Myers said the open house at the Water Works was held on the 20th. It is a wonderful facility. Shann Purinton, Sandra Kokernoot and their people have done a great job with it.

Commissioner Myers said it is noteworthy that Mt. Tabor First Baptist Church is celebrating their 140th anniversary, led by their own Mayor Flagg.

Mayor Flagg said there are numerous dates regarding events that are provided by the Clerk and they need to do their best to stay focused on those. There are key dates to remember, one of those being the waterfront design charette meetings; they want to encourage

stakeholders to attend those. He does not take the current budget for granted; they have a solid management team that works hard to go above and beyond to make things happen. They need to be part of the solution. He looks forward to the discussion on the waterfront planning.

11. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:30 p.m. upon a motion by Commissioner Kitchens.

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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