

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
Price-Martin Community Center
January 28, 2010

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 28th day of January, 2010 at the Price-Martin Community Center, 220 N 11th Street, Palatka.

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; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Building & Zoning Administrator Debbie Banks; Parks Superintendent Jeff Norton; Airport Manager John Youell

CALL TO ORDER – Mayor Flagg called the meeting to order at 6:00 p.m. and read the following call, dated January 19, 2010:

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

You are hereby notified that the place of the regular January 28, 2010 meeting of the Palatka City Commission is hereby revised and called to be held at the alternate meeting place of the City Commission, the Price-Martin Community Center, 220 N. 11th Street, Palatka, to commence at 6:00 p.m.

Please govern yourselves accordingly.

/s/ Karl N. Flagg

Karl N. Flagg, MAYOR

The following Commissioners acknowledged receipt of a copy of the foregoing notice of a revised meeting place on the 19th day of January, 2010.

/s/ Mary Lawson Brown

COMMISSIONER

/s/ Allegra Kitchens

COMMISSIONER

/s/ Vernon Myers
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

INVOCATION - Reverend Ted Rodda, Associate Pastor, Victory Christian Fellowship

PLEDGE OF ALLEGIANCE - Former Commissioner Ted MacGibbon

APPROVAL OF MINUTES – 1/14/10 – Commissioner Kitchens moved to adopt the minutes as read. Commissioner Norwood seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION –**

EMPLOYEE RECOGNITION – Service Above Self – Barbara Hall, Payroll Clerk – Mayor Flagg and Finance Director Matt Reynolds presented Mrs. Hall with a certificate, city pen and check in recognition of her taking on extra duties due to the resignation of another employee. She completed payroll with no assistance during December, even during shortened weeks due to holidays.

HONOR ROLL RECOGNITION – Weed & Seed After School Enrichment Program – Mrs. Jason Shaw and Mrs. Offord, Weed and Seed Program Volunteers, assisted Commissioner Norwood, Chief Getchell and Mayor Flagg in presenting certificates to the following PAL and After School Program participants for maintaining a 3.0 or higher GPA during the first nine weeks of the grading period: Ti’Anna Grant, Mia King, Ivana Boyd, Teleisa Clayton, Tykiara McCants, Kimberly Clark, Charles Clark, Jason Shaw, Jr., Daija Shaw, DeShawn Shaw, Xannairria Ware, Zacquias Offord, Desi Ray Shaw, and Shelisa Oliver

STUDENT OF THE MONTH – January, 2010 – Mayor Flagg & Commissioner Norwood presented certificates to the following students recognizing them for Academic Excellence, Leadership, Citizenship and Attendance at their respective schools:

Jetta Williams	Beasley Middle School
Dalton Allbritton	Browning Pearce Elementary School (January Student)
Kayla Fontana	Browning Pearce Elementary School (December Student)
Zuma Brown	Children’s Reading Center Charter School
Steven Everett	E.H. Miller School
Robert Rowland	James A. Long Elementary School
Shaniya Robinson	Jenkins Middle School
Tessa Winslow	Kelley Smith Elementary School
Ja’Kasha Melton	Mellon Elementary School (January Student)
Kenneth Landis	Mellon Elementary School (December Student)
Derry Battle	Moseley Elementary School
Ashley Williams	Palatka High School
Jaelynn Coburn	Peniel Baptist Academy

2. **PUBLIC COMMENTS**

Askew Vickers, 207 N. 15th Street, asked if the City has made a contribution to the Haiti relief other than prayer. Mayor Flagg said the city has been advertising the relief effort, has been in touch with Senator Tony Hill regarding the relief effort, and is prepared to make support available to any civic organization that needs it. The City is providing a support role only.

Mr. Vickers said the Commission should only consider wants and needs. He noted at the 1/14/10 Commission meeting, they approved cars for the Police Dept. for \$737 per month. He has compared prices; they could have gotten an e-class Mercedes for less. The cost of these cars are close to 1/2 million dollars. This is irresponsible to taxpayers. He'd like for them to think about things they do that will affect future generations. Palatka has a double digit unemployment rate and businesses are laying people off and shutting down.

Carla Jayne Morris, Tri-chair, 2009 Blue Crab Festival, said the festival got started late last year, but the City joined with them in keeping the festival alive. The festival brought thousands of people to the City. She is here to present a check for \$15,000 for repayment to the CRA. She is the only remaining tri-chair. She is requesting the City consider their request for CRA funding of \$50,000, which is the same amount that was appropriated last year, and ask they be placed on the Feb. 11, 2010 CRA agenda.

3. **CONSENT AGENDA:**

- a. **Authorize expenditure of Law Enforcement Trust Funds in the amount of \$1,019.00** for renovation/repairs to 4-wheeler for use on special details and events
- b. **Authorize submission of Recovery Act National PAL Mentoring Program Sub Grant totaling \$24,670.00** (no match required) for Palatka Weed & Seed Program -
- *c. **Authorize execution of Amendment #10 to FDEP SRF DW5419 010 Loan Agreement providing an additional \$3,670,146.00** for a total project amount of \$13,074,146.00 for the Water Plant Improvements Project
- d. **Authorize execution of contract in the amount of \$6,616.10 with Ayres Associates** for St. Johns Avenue/Zeagler Dr. Drainage Improvements Bidding & Construction Administration Services
- e. **Award bid to Art Walker Construction, Inc. in the amount of \$98,874.49** for St. Johns Ave./Zeagler Dr. Drainage Improvements, per Engineer's recommendation and results of RFP dated 1/21/10
- f. **Authorize execution of contract in the amount of \$38,545.50 with Ayres Associates** for Post Design Engineering Services Reuse System Extension Phase IV, per City Manager's recommendation
- g. **Authorize renewal of EAP contract with Dr. Steven P. Dingfelder & Associates in the amount of \$3,297.00** for Employee Assistance Program Benefits, per recommendation from Safety Committee
- h. **Grant Preliminary approval of schedule of 2010 Class A Festivals, Palatka Main Street/Downtown Palatka Block Parties, Arts Council Summer Concert Series, and City-Sponsored Events** per listing
- i. **Authorize execution of contract with amended scope of services with Robert E. Taylor, AIA, Project # 0924B in the amount of \$22,231.00** and approve fee schedule for additional services for Basic Services/Renovations for Price-Martin Community Center Renovation Project, per City Manager's recommendation
- j. **Reappoint Ted MacGibbon and Jud Neufeld to the Gas Authority Board** for three-year terms to expire January 31, 2013 (incumbents - sole applicants)
- k. **Accept the recommendation of the golf course Management RFP Team to designate Bobby Weed Golf Design as the top ranked respondent** to begin negotiations for contract agreement
- l. **Authorize the City Manager and City Attorney to negotiate an agreement with Bobby Weed Golf Design** to manage the operation, maintenance and capital improvements of the Palatka Municipal golf Course.

Commissioner Brown moved to approve Consent Items 3(a) through 3(l) as presented. Commissioner Kitchens seconded the motion, which passed unopposed.

3 k. Accept the recommendation of the golf course Management RFP Team to designate Bobby Weed Golf Design as the top ranked respondent to begin negotiations for contract agreement - Mr. Boynton said the City conducted a workshop on Tuesday during which Bobby Weed made a presentation to the commission of their proposal to provide project oversight to the Golf Course. During that presentation many members of the public spoke in favor of the proposal. No vote was made, but it was apparent action needed to be taken. The RFP Review Committee met on several occasions and ranked Bobby Weed as the #1 ranked firm. This action will accept and confirm their ranking. Commissioner Kitchens said she reviewed all the RFPs and she has no problem with Bobby Weed. They put out an RFP seeking lease proposals. The Golf Course has a loan payment of \$180,000 per year. She thinks this proposal will cost over a million dollars over the next five years, and that doesn't include present debt service and employee costs. The entire reason for leasing the Course out is to get money back so they can make a loan payment. She can't go forward with anything that's going to incur more debt.

Mayor Flagg said Item (k) merely recognizes the work of the Committee on its recommendation. Item (j) recognizes the situation. The city is not committing to a contract. This will give them the reality check to know exactly what they are dealing with prior to agreeing to any contract. The closer they can come to knowing what they are dealing with, the better they can deal with the issue. They want to find community and government partners to help rehabilitate and preserve this golf course. He is not pushing for greater debt, but for a resolution.

Commissioner Brown said she's always been a proponent of the golf course. Anytime something comes to them with a price tag, she wants to know where the money will come from. Employees have not had a raise in two years. She'd like to challenge people who play on the course and who love this golf course to step forward to help raise money to help pay for this. This course belongs to everyone in Putnam County. She'd like to see players participate in this recovery, step forward and come up with a way to pay for this. The City borrowed over a million dollars to pay debt and fix greens. Bobby Weed was very impressive, but she'd like the users to show they really want this and will work to keep it.

Commissioner Norwood said as a committee they looked at all the options, at the direction of the Commission. Leases were on the table. Selling the course was on the table. Once they got into it, they realized their options were limited. They can't continue to do business as usual. Certainly they will lose money short-term, but they need to allow the City Manager to negotiate an agreement so they will know what the options are. Once a contract comes back, the commission can vote on it.

Commissioner Kitchens said she has no problem designating Bobby Weed as the top ranked firm, but doesn't want to authorize the City Manager to negotiate; that should be a separate issue. Commissioner Myers said the golf committee did extensive research into each proposal, and in their best collective judgment they came back and said they felt this was the best company to negotiate with. Until those negotiations take place they won't know where they stand or what the final agreement will contain. They need to move ahead with both items and negotiate. This commits the Commission and/or City to nothing.

Mr. Boynton said item (k) should only be to rank Bobby Weed as the top-ranked respondent. Commissioner Brown moved to rank Bobby Weed Golf as the top-ranked Golf Course RFP Respondent. Commissioner Kitchens seconded the motion, which passed unopposed.

3(j) Authorize the City Manager and City Attorney to negotiate an agreement with Bobby Weed Golf Design to manage the operation, maintenance and capital improvements of the

Palatka Municipal golf Course – Mr. Boynton said the Commission has just addressed most of these concerns. One of the four proposals they received was a marketing proposal and none were interested in leasing. Each firm determined that leasing the course was not a viable option due to the debt service and property taxes. The other three firms were offering project management services. They went through an extensive interview process. At the workshop several members of the business and golf course community stood up and said they were willing to participate in this, whether that meant rallying businesses or planning fundraisers. They can discuss this with the County. This also gives them time to discover what the Bobby Weed proposal bottom line will be. He has provided a memo noting he intends to bring this back to the Commission on February 25th. In the meantime, he will be meeting with the County and business community to discuss support. 100% of the citizens in the workshop said they don't want to lose the golf course. If they lose the course it will be another indication that the City is dying and the City doesn't have the business acumen to maintain and keep a golf course. He will come back on the 25th and present a business package. The Commission may do nothing that night and charge him with turning the golf course around. Commissioner Brown reiterated her desire to challenge the county and users to solve the money issue. They are here to oversee. Before a vote is taken they need to pass this to the February 25th meeting to see how many supporters they can identify; they need to seek and identify another proposal to find help to get this done.

Mayor Flagg said he wants to bring the results of negotiations back to the February 25 meeting. The action taken here tonight doesn't obligate the City to anything. This also provides time to bring other partners to the table. The number of people who play golf vs. those who don't is considerable; those who understand business know that this is a viable business. The golf course is on life support; this didn't happen overnight. To do nothing is not an option. This action doesn't tie them into anything, but does give them the direction to find a way to save the golf course. They don't need to stop the momentum. Mr. Boynton said he isn't saying that's not a possible solution. The people in the audience weren't rallying around the City, but they were rallying around the Bobby Weed proposal. They will come to the table if Bobby Weed is at it. For the City to try to do this on its own won't bring as strong a rally. Mr. Holmes said they won't be entering into an agreement, but will be bringing one back for them to decide on, as to its affordability and feasibility.

Commissioner Kitchens said she doesn't want to lose the golf course. She is only working on what she knows about the proposal and its cost of over one million dollars over five years. She understands they can't keep going. A few hours ago the City Manager told her the golf course will break even this year, or has a good chance. That's not the same result as prior years. If they can break even it starts to get their head above water. The golf course needs better management. They need to look for grants. If they can get above breaking even, that is what they need to strive for. The City attorney doesn't work for free; he will bill the City to spend his time negotiating this. She can't see the logic of continuing with this process. Mr. Boynton said he told her they expect to lose around \$100,000 this year due to the cold snap and other factors. Commissioner Norwood said he's always asked if the golf course will be self sufficient, and the answer was always yes. It has not been self sufficient. They need to start this process; as it moves along it will become clearer as to whether or not they can afford to do this. Irrigating the golf course was a by-product of trying to get the effluent out of the river. Other than that, it's been a while since they've invested any real money in the golf course. They have to invest in the infrastructure to keep it viable. The City Manager can come back after he's talked to whomever he needs to talk to about this and then he can advise them where they stand. Mayor Flagg said they need to be cautious; they don't want to put themselves in the position that when they do draw a good candidate to them, they don't want the candidate to view them as being unable to bring these things to fruition. They need to make a diagnosis.

Bobby Weed is an expert and qualified to do this work, and if they understand the fiscal condition of the City, they can come back with a phased plan. They want the unvarnished truth of where they stand and who is going to partner with them.

Commissioner Myers moved to approve Consent Item 3(l). Commissioner Norwood seconded the motion. A roll call vote was taken with the following results: Commissioners Myers, Norwood, Brown and Mayor Flagg, yes. Commissioner Kitchens voted No. The motion was declared passed.

Commissioner Brown moved to direct the City Attorney and City manager to make a plea or request for citizens, corporations and businesses with an interest in the golf course to come forward and bring ideas and solutions on these funding problems and for the City Manager to determine who their community partners will be. The City is trying to get tourism and ecotourism here and bring in more business. They have to come up with money. They can't rob one coffer to put money into another, or put a band-aid on it. They need help and need to find people to come with constructive ideas on how to save the golf course. Commissioner Kitchens seconded the motion, which passed unopposed.

4. **RALLY FOR THE RIVERS** – Request Items for Special Event – February 12 & 13, 2010 at the Palatka River Front Park/100 Block – Karen Ahlers, President, Putnam Co. Environmental Council:

- a. Seeking variance of Chapter 10, Alcoholic Beverages, Palatka Code of Ordinances to sell alcoholic beverages (beer and wine) within a confined area at the Palatka Riverfront Park on Saturday, February 13 from 12:00 noon to 10:00 p.m. (all alcohol to be served in clearly marked opaque or clear plastic containers – Police Dept. to provide security at standard fee amount). Commissioner Kitchens said Blue Crab sells alcohol at their festival under a tent and the service and consumption is contained in the tent. Staff monitors imbibers to make sure no alcohol leaves the tent. Other organizations were denied permission to dispense or sell alcohol because they didn't have arrangements to closely monitor or corral imbibers in one area. She doesn't know that this has been discussed. Police presence will help. She wants to know how this will be monitored. Mr. Norton said the organizers will have staff to monitor this. Beverages will be served in clear, marked cups.

Arlene Huber, 520 Oak Street, Putnam County Environmental Council, said she hasn't been part of the planning of this event, but has taken part in these previously. Alcohol will be contained in the Amphitheater and there will be someone there making sure alcohol remains in the contained area.

Chief Getchell, Police Chief, said they are confident they can control any issue that may come up. Clear plastic cup use is their way of monitoring the situation. They don't see this as a problem. They don't have a benchmark on this. They'll catch most who try to step out and those that do they will make them go back. Mr. Holmes said the request is that the sale takes place within a confined area. Mrs. Huber said it is a designated area. Commissioner Brown moved to approve Item (a) as presented. Commissioner Myers seconded the motion, which passed unopposed.

- b. Seeking permission to exceed allowable noise levels established by Chapter 30, Palatka Code of Ordinances for Saturday, February 13 from 10:00 a.m. to 10:00 p.m. - Commissioner Norwood moved to approve item (b) as presented. Commissioner Brown seconded the motion, which passed unopposed.

- c. Seeking permission to close Memorial Drive from St. Johns Avenue to Short Laurel, and St. Johns Avenue from 2nd Street to Memorial Avenue February 13, 2010, 10:00 a.m. to 10:00 pm. – Commissioner Myers moved to approve item (c) as presented. Commissioner Kitchens seconded the motion, which passed unopposed.

Ms. Huber said people will be here from all over the State and it presents an opportunity to showcase the City of Palatka. They will tour the historic districts. Commissioner Kitchens asked them to do tours of the murals. Mr. Boynton asked her to contact him with the tour route

5. **RESOLUTION** setting a regular meeting date for the Community Redevelopment Agency – Adopt - The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, SETTING FORTH A REGULAR MEETING DATE OF THE CITY OF PALATKA COMMUNITY REDEVELOPMENT AGENCY (CRA), ALSO KNOWN AS THE PALATKA DOWNTOWN REDEVELOPMENT AGENCY, AND PROVIDING A COMMENCEMENT DATE. Commissioner Norwood moved to adopt the resolution as read. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results; Commissioners Norwood, Kitchens, Myers, Brown and Mayor Flagg; yes. Nays; none. The resolution was declared adopted. Commissioner Brown said on occasion she is away on business related to her service with the Florida League of Cities, and asked if there is a way to move these meetings to a Tuesday if she is unable to attend. Mr. Boynton said they can with proper advertisement.
6. **ORDINANCE** amending the Code of Ordinances, Chapter 86, Utilities, to add an after-hours reconnection fee – 1st Reading – 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 86-285 THEREOF, PROVIDING AFTER-HOURS, WEEKEND AND HOLIDAY UTILITY RECONNECTION FEES BOTH INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to approve the ordinance on 1st reading as presented. Commissioner Myers seconded the motion. Commissioner Myers inquired as to current fees. Mr. Boynton said \$25 during normal work hours. The City has set and posted a \$35 after-hours reconnection fee, which is also noted in any mailings; however, this rate has never been set by ordinance. It needs to be set by ordinance so as to validate current practice. This is currently policy and now in practice. The reconnection fee is \$35 if done after 5:00 p.m. Commissioner Brown said for a long time they didn’t want to raise water and sewer bills. She knows they need to keep things operating, but this adds another burden to citizens. She doesn’t feel they should be burdening people with more fees at this time. Commissioner Norwood said they need to cover staff overtime costs. They don’t need to burden taxpayers with that cost. Staff has to come out after hours and perform this work. Mr. Boynton said this has been policy for many years. This is not new. Commissioner Brown said they’ve told citizens they would look out for them. They have people on fixed income. Mr. Boynton said Palatka’s fees are the lowest of any community within 100 miles. Every customer gets four opportunities to pay their bill before the City turns their water off. They bend over backwards to see that customers understand their water will be shut off. The City’s water and sewer service is the best of any surrounding community. Fees, chemicals to treat water and wastewater, electrical, pension, and other costs are going up. Fees have to go up to pay the expense of doing business. This is a fair rate. Commissioner Brown said some people can’t afford this. They said they would try to keep cost to a minimum. Commissioner Kitchens said she has a friend who is in dire straights, did not pay her bill on time, is trying to support two children on her own, and her family paid the bill the same day it was shut off so it would not cost the \$35. She’d like to

see the commission lower these fees. If someone can't pay their bill, they can't come up with the extra money to pay these fees. She agrees they have great water. Palatka and Putnam County are poor areas. She is concerned about these fees and feels they need to be lowered. This compounds the misery. If the water is cut off people can't stay in their homes. Commissioner Myers called for the question. A roll call vote was taken with the following results; Commissioners Norwood, Myers, and Mayor Flagg; Yes. Commissioners Brown and Kitchens, No. The Ordinance was declared passed on first reading. Commissioner Brown said they have people in this town who struggle to pay their bills. Social security doesn't pay at the same time the water bills are due. Some people have complained about paying late charges. They are here to take care of people. They need to be mindful of citizens they serve.

7. **ORDINANCE** rezoning 3010 Browns Landing Road to Palatka PBG-2 (Other Public Facilities) from Putnam County AG (agriculture) – 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 24, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY AG (AGRICULTURE) TO CITY PBG-2 (OTHER PUBLIC FACILITIES); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on 1st reading as presented. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results; Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg; yes. Nays, none. The ordinance was declared passed on first reading.
8. **ORDINANCE** rezoning 500 N. SR Hwy 19 to City C-2 from Putnam County IL and C-2 - 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 02, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY C-2 (GENERAL COMMERCIAL) TO CITY C-2 (INTENSIVE COMMERCIAL); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Myers moved to pass the ordinance on 1st reading as presented. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results; Commissioners Myers, Kitchens, Brown, Norwood and Mayor Flagg; yes. Nays, none. The ordinance was declared passed on first reading.
9. **ORDINANCE** rezoning 417 N. SR Hwy 19 to City C-2 from Putnam County C-3 – 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 02, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY C-3 (GENERAL COMMERCIAL) TO CITY C-2 (INTENSIVE COMMERCIAL); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on 1st reading as presented. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results; Commissioner Brown, Kitchens, Myers, Norwood and Mayor Flagg; yes. Nays, none. The ordinance was declared passed on first reading.
10. **ORDINANCE** restating the Palatka Police Officer's Pension Plan in accordance with revisions to Federal Law and Florida Statutes regulating Police Pension Plans – 2nd Reading. The Clerk read an Ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 2, DIVISION 7 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, ENTITLED POLICE OFFICERS' RETIREMENT PLAN, BY RESTATING THE PLAN IN ITS ENTIRETY; BY AMENDING

SECTION 2-250.140, RETIREMENT PLAN PURPOSE; AMENDING SECTION 2-250.145, DEFINITIONS; AMENDING SECTION 2-250.150, MEMBERSHIP OF RETIREMENT PLAN, TERMINATION OF MEMBERSHIP; AMENDING SECTION 2-250.160, INTERVENING MILITARY SERVICE; AMENDING SECTION 2-250.185, AMOUNT OF PENSION EFFECT OF RE-EMPLOYMENT; AMENDING SECTION 2-250.205, DISABILITY RETIREMENT, GENERAL CONDITIONS, SPECIAL CONDITIONS, APPLICABLE DUTY DISABILITY; AMENDING SECTION 2-250.230, GUARANTEED MINIMUM AGGREGATE PAYOUT; AMENDING SECTION 2-250.280, SAME-INVESTMENT AUTHORITY AND RESTRICTIONS; AMENDING SECTION 2-250.300, RESERVE FOR ACCUMULATED MEMBER CONTRIBUTIONS; AMENDING SECTION 2-250.350 INTERNAL REVENUE CODE QUALIFICATION; AMENDING SECTION 2-250.360, REQUIRED DISTRIBUTIONS; AMENDING SECTION 2-250.365, ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-250.371, DEFERRED RETIREMENT OPTION PLAN (DROP) ADDING SECTION 2-250.380, INTERNAL REVENUE CODE LIMITS; PROVIDING AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results; Commissioners Norwood, Kitchens, Brown, Myers and Mayor Flagg; yes. Nays, none. The ordinance was declared adopted.

11. **ORDINANCE** restating the Palatka Firefighter's Pension Plan in accordance with revisions to Federal Law and Florida Statutes regulating Firefighter Pension Plans – 2nd Reading. The Clerk read an Ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 2, DIVISION 6 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, ENTITLED FIREFIGHTERS' PENSION PLAN, BY RESTATING THE PLAN IN ITS ENTIRETY; BY AMENDING SECTION 2-231, RETIREMENT PLAN PURPOSE; AMENDING SECTION 232, DEFINITIONS; AMENDING SECTION 2-233, MEMBERSHIP OF RETIREMENT PLAN, TERMINATION OF MEMBERSHIP; AMENDING SECTION 2-235, INTERVENING MILITARY SERVICE; AMENDING SECTION 2-240, AMOUNT OF PENSION, EFFECT OF RE-EMPLOYMENT; AMENDING SECTION 2-243, FORMS OF PAYMENT OF A PENSION; AMENDING SECTION 2-244, DISABILITY RETIREMENT, GENERAL CONDITIONS, SPECIAL CONDITIONS, APPLICABLE DUTY DISABILITY; AMENDING SECTION 2-249, GUARANTEED MINIMUM AGGREGATE PAYOUT; AMENDING SECTION 2-250.5, MEDICAL CARE COVERAGE; AMENDING SECTION 2-250.45, SAME-INVESTMENT AUTHORITY AND RESTRICTIONS; AMENDING SECTION 2-250.65, RESERVE FOR ACCUMULATED MEMBER CONTRIBUTIONS; AMENDING SECTION 2-250.115 INTERNAL REVENUE CODE QUALIFICATION; AMENDING SECTION 2-250.125, REQUIRED DISTRIBUTIONS; AMENDING SECTION 2-250.130, ROLLOVER DISTRIBUTIONS; ADDING SECTION 2-250.138, INTERNAL REVENUE CODE LIMITS; PROVIDING AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results; Commissioners Norwood, Kitchens, Brown, Myers and Mayor Flagg; yes. Nays, none. The ordinance was declared adopted.

12. **ADMINISTRATIVE REPORTS**

Mid Term Report: Economic Recovery & Incentive Program Ordinance (suspension of Impact Fees) – City Manager – Mr. Boynton said the agenda package contains a memorandum from Debbie Banks which identifies fees that weren't collected due to the suspension of impact fees. She notes that two of the four commercial permits they issued wouldn't have been issued if the fees were still in place. Mr. Boynton read the first three paragraphs of his memorandum into the record. He notes the suspension of impact fees is worth the suspension if it helped one business open. They took into consideration current

unemployment rates, which are high. Commissioner Kitchens said, under new commercial projects, he makes note of unemployment in Putnam County. She asked how many projects were built by local Putnam County firms.

Mrs. Banks said the contractors that were hired were out of town firms. The people who own the businesses are out of town people. There are employees there that are citizens of Palatka. Commissioner Myers said new businesses create jobs. Those employees are residents who pay taxes. Many businesses are owned by out of town people. Commissioner Kitchens said she was pointing out that no one in Putnam County built these businesses. Mayor Flagg noted the new Holiday Inn will create jobs and tourist taxes.

Mr. Boynton said on Friday January 22nd he received an e-mail from the Northeast Florida Regional Council notifying him that the Palatka Municipal Airport Terminal and Improvements Project was selected to be this year's Transportation Award recipient. They will be recognizing this award on Wednesday, February 24, 2010. Commissioner Brown noted this is the 2nd City of Palatka Transportation project recognized by NEFRC.

Mr. Boynton said as they look at the 2010-11 budget, with these current economic times, the City faces challenges they've never had to face before. They eliminated raises this year and last, but last year each employee was given a \$1,000 bonus, which constitutes a 4 to 5% raise in most cases. They haven't had to make drastic cuts, unlike other communities, who have cut staff and services. As they look at 2010-11, they may be in the same boat. Tax values are expected to be lower by 10 to 15 percent. Pension benefits are expected to cost \$300,000. Communications Service Tax was overpaid to the City, and they have to pay back around \$200,000. These two expenses alone were come to over \$500,000 without the lowered tax revenues. Five years ago the budget was \$10 million. This year they passed an \$8.5 million budget. He wants them to know the reality of the situation. They've begun these discussions with department heads. Their main goal is to maintain employees. He doesn't know if that will be a reality. They will overcome this. They will look at every line item and every department. He hopes to present some preliminary findings in March or April. This is a good time to have that discussion at the golf course. They need to look at every option. They need to talk about paying for the services they provide. He is an eternal optimist, and he believes they will get through this. He regrets to say this will be the toughest year they will face. They minimized the affect of the economic times in prior years, but that reality is beginning to hit the City. All government entities have to pull together to get through the next few years. They will do whatever it takes to move money around to maintain personnel. They look to the Commission for support as they make these decisions. He loves this job and the City, but when services and personnel/positions are affected, it bothers him. Every community is cutting back.

Mayor Flagg said this is a serious forecast; none of them are exempt from this. The leadership has done an excellent job in getting the city through these times as efficiently as possible. He commended Mr. Boynton for minimizing expenses and maximizing revenue.

RED LIGHT CAMERAS - City Attorney Holmes said they need to take up the matter of the prospect of installing red light cameras in the City. The City was advised that the issue was in litigation in a number of counties. More recently, in the last few weeks he's noted articles indicating that the nationwide trend was to back away from red light cameras. Orange Park has decided not to move forward with installing cameras, and Duval County is not moving forward with additional cameras. There are challenges to this. There has not been a ruling made as of yet that would affect this, but the reasons Orange Park cited for not moving forward were compelling. If cities institute the program, collect fines, and it is found that the fines would have to be returned, they have to be returned with interest. Cities are putting

finances in escrow, investing them. Then, too, there are the administrative issues with having to pay them back. In addition, there is the cost of paying the hearing officer and the fee the red light camera company has assessed, which they don't get back. The commission needs to be aware that these issues are out there. The courts may make favorable rulings on this. The Legislature may not be able to fix this or pass legislation to approve this if the court determines the entire process is unconstitutional. Constitutionality trumps legislative action, unless it is a procedure the court takes issue with, which can be fixed. In any event, they can discuss this at a later date at length if they so desire. That is their call to make. He wants them to understand that he wasn't asked to provide an opinion on the wisdom of this program, only the contracts. The wisdom requires additional scrutiny. The City already has financial issues. This may be a gamble the City can't afford to lose.

Mayor Flagg said the recommendation is to put this on a future agenda so that any interested party can take part in the discussion. He'd rather not open a dialogue tonight. Commissioner Kitchens asked if issues with other types of monitoring cameras have come up. Mr. Holmes said it is not a privacy issue, but a due process issue. Courts are wrestling with the issue of people not being able to go to court and challenge the issue of a fine. People are issued the right of due process under the constitution. This is not a surveillance issue. She asked if traffic fines are set by statute. Mr. Holmes said traffic citations are set by statute. Commissioner Kitchens asked what fee is charged for running a red light.

Police Chief Getchell said the fee is set by statute but government can opt into adding fees for other funds, which raises the fee. Palatka has opted into adding \$2 to every ticket to go into a special fund. Under uniform traffic citations Palatka already has the maximum amount of \$2. The fine for running a light is around \$125.

13. **COMMISSIONER COMMENTS**

Mayor Flagg noted the City is still celebrating its 157th birthday all during the month of January.

Commissioner Myers said there was a fire behind his house today, and the Fire Department responded promptly and did a great job controlling the situation.

Commissioner Kitchens said, regarding Mr. Vickers' public comments, the City sent bid packages out to dealerships soliciting bids for police cars and several came in. They took the lowest bid. They didn't overlook cost. They considered all the factors.

Commissioner Kitchens said she has not been to a Logic meeting in three years. She would like a notice of these.

Commissioner Kitchens said every time she calls city hall she gets the answering message that tells her which numbers to push for which department. Whenever she punches in a number, someone needs to answer that phone. When you call the water department you should never get voice mail. At least 50% of the time a human should answer the phone.

Commissioner Kitchens said, as to raises, not only have employees not had a raise in two years, but the cost of their health insurance went up. The higher the employee cost of insurance goes up, the more money they lose in take-home pay. It is difficult when your pay decreases. Everyone is thankful for having a job, but it's hard to make ends meet when paychecks are decreasing.

Commissioner Kitchens said she understands the City Attorney won't be present at the next meeting. She frequently has legal questions. She's brought this up before. She'd like them to consider appointing a substitute for the City Attorney when he can't be here.

Regarding red light cameras, Commissioner Kitchens said she'd like to see the Police Department direct one full time officer do nothing but write tickets for people running red lights. It happens all the time.

Mayor Flagg said he doesn't want the issue of employees and raises to fall on the City Manager's shoulders. The budget comes to them as a recommendation. They need to make sure the communication from manager to department head to employee is precise. It is what it is. The City Manager can't do more than he can do by himself. If he thought the City Manager was punishing employees he would no longer be the Manager. It's important to consider employees, but you can't squeeze more out of it than you can. Commissioner Kitchens said she was not implying he was not doing a good job. She knows the City Manager works to help create the budget. She just wanted him to be mindful of this request.

Commissioner Norwood said he noted the City has a grocery cart ordinance on the books. Many people use grocery carts to bring home their groceries. They are all over the rights of way. Cars hit them. They cause a lot of damage and the carts themselves are damaged. He wants to make sure the ordinance is being enforced so grocery carts don't cause unnecessary accidents.

Mrs. Banks said Code Enforcement only works on complaints, so they are not actively pursuing anything. Public Works picks them up. Mr. Boynton said every few weeks Public Works makes the rounds, picks up carts and returns the carts to the facility from which they were taken. Commissioner Norwood said to consider his remarks a complaint. Commissioner Kitchens said according to the ordinance they are to be taken to the City Lot and a fine charged to pick them up.

Commissioner Brown reminded everyone to answer the Census and be counted. This is very important as the count determines how many dollars they receive. The City was undercounted in the last count. Every person counts.

Commissioner Brown said she will be in Washington DC on February 11, the date of the next commission meeting, with the Florida League of Cities' FAST team to lobby congress. This gives her an opportunity to approach congressional people. She will look for ways to help the City

14. **ADJOURN** - There being no further business to discuss, the meeting was adjourned at 8:10 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