

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

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

MINUTES **CITY OF PALATKA**

October 11, 2012

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 11th day of October, 2012.

PRESENT:

Mayor	Vernon Myers
Commissioner	Mary Lawson Brown
Commissioner	Allegra Kitchens
Commissioner	Phil Leary
Commissioner	James Norwood, Jr.

Also Present: City Manager Michael J. Czymbor; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Main Street Mgr. Charles Rudd; Jonathan Griffith

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

INVOCATION – Commissioner Norwood

PLEDGE OF ALLEGIANCE – Led by Jonathan Griffith

APPROVAL OF MINUTES – 9/13/12 & 9/27/12 Regular Meetings – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION/PRESENTATIONS:

PROCLAMATION – Fire Prevention Week – October 7 - 12, 2012 – Fire Chief Mike Lambert was present to receive the proclamation, which was read and issued by Mayor Myers. Chief Lambert said Fire Prevention is a year-round effort for them; they start in elementary and middle schools with fire prevention programs; they find the children take these lessons home and teach them to their parents. They work with all sorts of community actions groups, also. They visit all schools during the month of October. This has made a big difference.

PROCLAMATION – Breast Cancer Awareness Month – October, 2012 – Dr. Anand Kuruvilla was present to receive the Proclamation, which was read and issued by Mayor Myers. Mayor Myers also noted October 12 is National Mammography Day. Dr.

Kuruvilla thanked the Commission for recognizing this awareness campaign. One of the biggest problems they have is convincing people not to be afraid of detection and treatment; those in his profession have fallen short of providing appropriate reassurance to citizens that breast cancer is preventable and curable if caught early. They commit to making a better effort on this.

PROCLAMATION – Domestic Violence Awareness Month – October, 2012 – Angie Pye, Executive Director, Lee Conlee House Domestic Violence Shelter, was present to receive the proclamation, which was read and issued by Mayor Myers. Ms. Pye provided statistics on domestic violence and noted 94 women will be murdered in the State of Florida this month by their domestic partner. She thanked the Commission for its help in bringing these programs to light. Mayor Myers noted the availability of programs in Putnam County and noted many times victims of domestic violence have no other place to go other than the Shelter and/or Transition House. He noted the domestic violence hotline is manned 24 hours a day, 7 days a week.

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

3. **CONSENT AGENDA:**

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

Commissioner Kitchens said, as to Item (a), S.E. Cline Change Order #4, the Agenda Package noted the \$29,186.27 in funds came from the General Fund, but actually Better Place funds will pay for this. She also asked if the City Attorney has any

concerns with the FDEP Submerged Lands Lease under consideration under Item (e). Mr. Holmes said he did not; it was a standard lease. Commissioner Norwood moved to approve all items on the Consent Agenda as presented. Commissioner Brown seconded the motion, which passed unopposed.

4. **CRA RECOMMENDATIONS** for TIF Expenditures/CRA Business Meeting 10/11/12: **Resolution No. 9-41** of the City of Palatka amending the FY 2012-13 CRA Budget to allocate \$40,000 to the North TIFF Home Improvement Program, \$25,000 for North TIFF General Capital Improvements, re-allocate \$65,000 from South TIFF Home Improvement Program to the South TIFF Commercial Rehabilitation Grant Program, \$14,595.27 to North TIFF Contingency, and to adjust several other line items in order to reconcile the FY2012-13 budget with the end of the FY2011-12; - The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AMENDING THE COMMUNITY REDEVELOPMENT AGENCY FY 2012-2013 BUDGET. Commissioner Kitchens moved to adopt the resolution as read. Commissioner Leary seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The resolution was declared adopted.

MEETING TIME CHANGE – Commissioner Norwood moved to direct staff to draw up a resolution amending the CRA meeting time to 5:00 p.m. from 4:00 p.m. for consideration at the October 25 meeting. Commissioner Leary seconded the motion, which passed four in favor, opposed by Commissioner Kitchens..

5. **ORDINANCE** setting forth Police Gun Range Fee Schedule and Rules – 1st Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ESTABLISHING FEES FOR THE USE OF THE POLICE GUN RANGE TO INCLUDE RULES OF OPERATION, LIABILITY WAIVER, SCHEDULING, PAYMENT, USE OF MONIES GENERATED; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on 1st reading. Commissioner Norwood seconded the motion.

Chief Getchell was present to address questions. He said the Memorandum of Understanding noted in the ordinance has not yet been developed; that will be brought forward to the Commission at a later date. As to a private citizen's use of the Range, they would need to schedule appointments. Their intent is to open it up by selling memberships to help maintain the Range. They need to offer a safe environment for citizens to come and shoot in light of the State repealing all local gun control laws. They need to develop pass codes and insurance restrictions/regulations. The only restriction on usage would be if it is scheduled for other use. They will place a calendar on the website so citizens can determine if it is available for use. Commissioner Kitchens noted she's been to the Gun Range and shot various guns and believes it to be a nice gun range. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The ordinance was declared passed on 1st reading.

6. **ORDINANCE** establishing administrative fees and responsibilities for towing of vehicles used in crimes, criminal code violations and other non-criminal violations – 1st reading –

The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ESTABLISHING ADMINISTRATIVE FEES FOR THE PROCESSING AND TOWING OF VEHICLES USED IN CRIMES, CRIMINAL CODE VIOLATIONS AND CERTAIN NON-CRIMINAL VIOLATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Leary seconded the motion.

Mr. Holmes asked Chief Getchell if this ordinance was drafted from other similar ordinances; he questions the lack of any form of appeal procedure for any citizen, noting if an officer orders a vehicle be towed, a citizen has to pay a fee to get the vehicle back. If a citizen doesn't pay the fee, the vehicle then is turned over to a tow company for storage. If a citizen doesn't think his vehicle should have been towed, how is that appealed? Chief Getchell said this ordinance does not contain any vehicle for appeal, but at this time, they have vehicles towed; however, there is no ordinance governing this, and nothing in place to allow the City to collect/recover administrative fees. If it's a junk vehicle, they can have it towed and that appeal would go to the Code Enforcement Board. This is for service work done, such as inventorying the vehicle and having it towed. Mr. Holmes noted one of the criteria is that the continued presence of the vehicle poses a continued hazard to the safety, health and welfare of citizens, and asked if there was a procedure for someone to appeal whether or not the vehicle's presence was a public safety issue. Commissioner Kitchens asked if a person would have the right to appeal to the Commission. Mr. Holmes said there is a time issue; if a fine isn't paid within 35 days, there are storage fees associated with this. Mr. Cymbor said Chief Getchell's point is that he has the authority to tow vehicles now; there is no appeals procedure at this time. They can establish one. At this time the City is incurring a significant amount of cost already in towing and storing vehicles. The Chief has said this is for non-arrest scenarios, also. This model is to cover the work the PD does. The other model is when the vehicle is actually seized and does have a built in appeal process. There is an increased cost to that; if the appeal results in overturning a "tow," the City is on the hook for the entire amount. They need to look at the revenue; the City at this time is not in the position to operate its own storage compound. This is like any other fee; they couldn't find an appeals process for any other fee. This is a fee collection only.

Mayor Myers said many years ago his car was towed in New Orleans; there was a hefty fee involved. Chief Getchell said any appeals process needs to be very quick; the auto will sit in storage until it's resolved. The City will be on the hook for all fees, including storage fees, if the appeal is successful. You have to schedule a hearing within 24 hours. There was discussion regarding storage charges; Chief Getchell said at this time the City doesn't regulate the towing industry; basically someone has seven days to claim a vehicle before a towing/storage business begins to process a mechanic's lien. In some cases the vehicle is worth less than the bill; sometimes fees can be worked out between the owner and the towing company. They will be bringing something forward to regulate the towing industry at a future meeting.

Commissioner Brown asked if someone lets a family member or friend borrow their car, and it gets towed, how does the owner know it's been towed? Chief Getchell said the impounding agency lets the registered owner know they've towed the vehicle. The

owners are usually notified within a short period of time; the tow company has 5 days to notify the owner.

Commissioner Kitchens said she doesn't understand the "non criminal" infractions that are not codes violations and not criminal violations. Her concern is that this may cause cars to be towed prior to parades. If this happens, citizens will be marching on City Hall. This may be resolved by the passage on Page 3, but if someone downtown asks for cars to be towed in preparation for a parade, this could present a problem. Chief Getchell said this ordinance does not give the city the authority to tow a car; that goes for cars that are along the parade route, There's nothing in Code or Statute that authorizes the City to just tow a car. Mr. Holmes said if it's determined that the vehicle's location on the parade route is a deterrent to public safety, then under Paragraph B, it qualifies. He understands that \$150 is not a lot of money, but this is putting another fee in place for a person who may feel wronged. The red light ordinances were initially overturned because there was no procedure in place for someone to challenge the fee. It probably won't be challenged, but they need to put a mechanism in place.

Discussion ensued on possible amendments to the Ordinance. Commissioner Norwood asked what would happen if there were no appeals process. Mr. Holmes said the ordinance could be appealed and struck down. You have to give people the right to due process. He thought if it was a model ordinance this was taken from, there would be precedence, but he is concerned that there was no appeals process. He agrees that the City may have to absorb a lot of cost if someone were successful in appealing. After further discussion, the question was called and a roll call vote was taken with the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; Commissioner Brown. The ordinance was declared passed on 1st reading by a vote of 4 in favor, opposed by Commissioner Brown.

7. **ORDINANCE No. 12-43** amending Palatka Municipal Code Section 94-261 to allow an exception to parking lot paving requirements for existing uses – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMEND ZONING CODE SEC. 94-251 TO ALLOW FOR AN EXCEPTION TO THE REQUIREMENT THAT ALL PARKING AND LOADING AREAS BE PAVED, REQUIRING THAT SUCH EXCEPTIONS DO NOT RESULT IN INCREASED ON AND OFF-SITE FLOODING; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The ordinance was declared adopted.
8. **ORDINANCE No. 12-44** amending Palatka Municipal Code Section 94-2 to amend regulations surrounding home occupation uses in residential areas – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING SECTION 94-2 (DEFINITIONS), ELIMINATING THE PROHIBITION ON HOME OCCUPATIONS OPERATING IN ACCESSORY BUILDINGS, AND ELIMINATING CERTAIN USES FROM LIST OF PROHIBITED HOME OCCUPATION USES, THEREBY ALLOWING SUCH USES BY CONDITIONAL USE PERMIT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE

DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. The ordinance was declared adopted.

9. **ADMINISTRATIVE REPORTS**

Mr. Czymbor said in the final budget presentation they listed 18 opportunities for revenue enhancement, expenditure reduction or some combination thereof. They will be moving forward with bringing this report to the Commission. He's asked the Finance Director to prepare a monthly budget in arrears report so they can review where they are and where they've been so everyone will have a clear understanding of the City's financial status.

Mr. Czymbor said the City recently issued an RFP for the G-P Environmental Education Center building. This is in keeping with the schedule. He was informed by a commissioner that in the past the Commission was consulted on RFPs to be issued. He said the City will not issue an RFP if the project is not budgeted; the Commission has already accepted this endeavor. Second, the Commission will be presented with a recommendation of award prior to the project being awarded. If it's for professional services, the Commission will be offered an opportunity to review the contract. His question is whether or not to continue with the present RFP practice.

Commissioner Kitchens said in the Friday correspondence the schedule said the RFP would go out on October 5. The notice was in the schedule. She did not see a copy of the RFP in the correspondence. She was not able to pull it up from the website. Mr. Griffith sent her the link to the website on Monday. In the past, the City Manager, as a matter of courtesy on large contracts, did provide the RFP to the Commission during administrative reports, or note the RFP would be sent out on a certain date, and would get a consensus. If the Commission doesn't want to see this happen, she has no objection, but she'd like to see any RFP so that she can check over it for errors or omissions. They are the elected body and are responsible for these things. She will continue to look at these RFPs before they go out in the future.

Commissioner Leary said they have a professional staff and those professionals are paid to do this. He believes it's a duplication for them to look at these. They approve these projects in the budget. He doesn't see any necessity in the Commission approving these things. Commissioner Norwood said he doesn't have a preference either way. They approved the budget and if an item hadn't already been approved, they'd need to be consulted. They get the contracts for award and approve those. They have a professional staff and they don't run into issues they've had in other counties with contracts and RFPs being issued showing favorability. Mayor Myers said if the project has been approved, they rely on Staff for exact wording. The City Manager is asking for guidance and someone needs to make a motion either way.

Commissioner Brown said if one of them has a particular interest in a project, such as the Riverboat, she'd like to be kept informed on these things. Mayor Myers asked Commissioner Kitchens if she'd like to make a motion; she replied that as it was obvious how the Commission felt, she would not at this time. Mayor Myers said there was general consensus that RFP's don't need prior approval by the Commission.

Main Street Manager Charles Rudd said Artoberfest is this weekend in the Downtown. Mayor Myers said the radio station was doing public service announcements on that yesterday; there are a lot of activities in Palatka this weekend.

10. **COMMISSIONER COMMENTS**

Commissioner Kitchens said the City Manager suggested at a prior meeting that they could have a citizens' committee draw up the RFP for the 100 block. She doesn't believe the RFP needs to be drawn up by the citizens, as this is more of a technical thing, and staff needs to draw that up. She hopes the Commission will agree.

Mr. Czymbor said he doesn't recall recommending a citizens committee be appointed for that. Commissioner Kitchens said that was in the September 13th minutes. Mr. Czymbor said he hopes to present alternatives to the Commission on the 100 Block. Prior to that presentation they will make that draft document available to the public for comments. He was not recommending a committee of citizens put this together, and he apologizes for any confusion.

Mr. Holmes said there is a Bluegrass Festival at the Boys Ranch which starts today and runs through Sunday. Rhonda Vincent will be there tonight and many nationally known acts will perform throughout the weekend.

Commissioner Norwood said he has a comment, but will withhold it as he'd like to give the City Manager the courtesy of a conversation on it prior to bringing his comment to the Commission.

11. **ADJOURN** – There being no further business to conduct, the meeting was adjourned at 7:00 p.m. upon a motion 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