VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

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

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

MINUTES
CITY OF PALATKA
August 16, 2012

Proceedings of a called meeting of the City Commission of the City of Palatka, Florida, held on the 16th day of August, 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; Planning Director Thad Crowe

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

INVOCATION – Sister Sheila McCoy, Pastor; God's Manna Church

PLEDGE OF ALLEGIANCE – Police Chief Gary Getchell

APPROVAL OF MINUTES – July 12 & July 26, 2012 reg. meetings; July 19 & 26, 2012 Workshops – Commissioner Brown moved to approve the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**
PROCLAMATION – MDA Firefighter Appreciation Month – September, 2012 - Kate Wyforth, MDA, Palatka Fire Chief Mike Lambert and Palatka Firefighters were present to accept the proclamation, read and issued by Mayor Myers. Chief Lambert thanked the city for allowing them to do the boot drive, and the residents for contributing to the boot drive. Ms. Wyforth said thanked the firefighters for their fundraising efforts, saying they couldn't provide services without their help.

BSA EAGLE SCOUT RECOGNITION – Bradley Tilton, Troop 248, was present to receive recognition for attaining the rank of Eagle Scout, a rank held for life. Bradley was accompanied by his parents, Ben and Sandy Tilton, and sister Sophie.

2. **PUBLIC COMMENTS**
Sheila McCoy, 115 Pinion Lane, Palatka, said the Heart of Putnam was started through a grass roots effort in response to a poorly attended PHA meeting. She worked with Aaron Robinson to create the Heart of Putnam Coalition. They are project-driven and are inviting government agencies to work with them to improve the community. Mayor Myers noted Chief Getchell has been active with the Heart of Putnam Coalition for some time. Commissioner Brown noted they distributed book bags full of school supplies to needy children this past weekend.

3. **CONSENT AGENDA:**
   a. **Authorize execution of Modification #1 to CDBG Grant #11DB-L4-04-64-02-C02,** Downtown Streetscaping/Parking Lot Grant, to modify the scope of work and budget – no change in grant amount – per Staff recommendation
   b. **Approve Airport Bldg B-2 Project Items (FIN430530-1-94-11 – 100% REDI Funded)** as follows:
      1. **Award bid and contract to Synergy Fabrications, Inc. in the amount of $139,379.00** for Exterior/Interior Demolition & Renovation of Building B-2, per Engineer's recommendation; and
      2. **Authorize execution of Passero WO#12-29R in the amount of $13,500.00** for construction Admin and Inspection of Building B-2 Project, per Staff Recommendation
   c. **Endorse Nomination of Mary Lawson Brown** for re-appointment to Florida Municipal Insurance Trust Board of Trustees, term beginning 10/1/12
   d. **Appoint Laura Schoenberger to the Palatka Historic Preservation Board** as Alternate for the remainder of a three-year term to expire June, 2014 (sole applicant)
   e. **Grant Special Request Items for Permit #12-37** "3rd Friday Downtown Street Party" from 6:00 pm to 10:00 pm on September 21, October 19 and November 16, 2012 as follows, per recommendation of Special Events Coordinator – Palatka Main Street and Keep Putnam Beautiful, applicants
      1. Grant permission to exceed allowable noise levels
      2. Grant permission to serve/consume alcoholic beverages on public property/street r/w

   Commissioner Norwood moved to approve all items on the consent agenda as recommended. Commissioner Leary seconded the motion, which passed unopposed.

4. **COMMUNITY REDEVELOPMENT AGENCY BUSINESS** – Recommendations per 8/16/12 mtg.:
   a. **APPROVE CHANGE ORDER to Diettrich Planning contract** in the amount of $443.00, for a new contract amount of $10,636.00, for additional services in connection with CRA Sunset Extension Project - Laura Diettrich, Deittrich Planning (CBD)
   b. **AWARD BID** in the amount of $21,875.00 to Designs, Inc. for CBD Signage Program, per results of RFQ - Charles Rudd, MSM (CBD)
   c. **ADOPT** amendments to BIG and Façade grant programs – Charles Rudd, Main St. Mgr. (CBD)
   d. **APPROVE** South TIFF District Commercial Rehabilitation Grant Pilot Program with amendments, as recommended during the 6/14/12 CRA meeting and the 8/16/12 CRA meeting – Tabled on 6/14/12 - Mike Gagnon, President, SNHA
   e. **AMEND CRA Fiscal Year** to October 1 through September 30 – Matt Reynolds, Finance Director
   f. **ADOPT F/Y 2012-13** Tax Increment Fund Allocations/CRA Budget – Matt Reynolds, Finance Director

   Commissioner Brown moved to approve all items as recommended at the 8/16/12 CRA meeting. Commissioner Kitchens seconded the motion, which passed unopposed.

5. **RESOLUTION** authorizing an application to Florida Department of State, Division of Historical Resources for Certified Local Government Status – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, APPLYING FOR CERTIFIED LOCAL GOVERNMENT STATUS WITH THE STATE OF FLORIDA IN ORDER TO MORE FULLY PARTICIPATE IN STATE AND FEDERAL HISTORIC PRESERVATION PROGRAMS; AUTHORIZING THE MAYOR TO EXECUTE NECESSARY DOCUMENTS FOR CERTIFIED LOCAL GOVERNMENT PROGRAM APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Brown moved to adopt the resolution 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 resolution was declared adopted.

6. **PUBLIC HEARING – 102 Phillips Dairy Road -** Planning Board Recommendation to annex and rezone from Putnam County C-2 (Commercial, light) to Palatka C-1 (General Commercial) – Eddie Stoveall, agent for Kenneth W. & Diane M. Schwing, owners

   ANNEXATION ORDINANCE – 1st Reading – 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 IDENTIFIED AS 102 PHILLIPS DAIRY ROAD, LOCATED IN SECTION 02, 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.

   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 LOCATED IN SECTION 2, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 102 PHILLIPS DAIRY ROAD, FROM PUTNAM COUNTY C-2 (COMMERCIAL, LIGHT) TO CITY C-1 (GENERAL COMMERCIAL); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

   Commissioner Norwood moved to pass both ordinances on first reading as read. Commissioner Leary seconded the motion.

   Thad Crowe, Planning Director, provided a power point presentation on the annexation, saying this is an unusual annexation. He thanked Commissioner Kitchens for working with him to bring these issues forward. Mr. Crowe stated this parcel is contiguous by virtue of the roadway annexation; it is surrounded by County properties. "Compactness" is a term that means they do not create or increase enclaves, pockets or finger areas in serpentine patters. Over time they are trying to fill in areas. You need to be contiguous to City Limits to annex. An attorney general opinion states you shouldn't use roadways to achieve contiguity. They first did this in 1997 when the City annexed Hwy 19 in order to annex the Sheriff's office and jail. In 1984 the City and County entered into an inter-local agreement to provide water along the east side of Hwy 19. There are comp plan policies stating the City will work with the County on annexation and provision of urban services. He provided other examples of annexations made by taking roadways into the City, saying this includes the Wastewater Treatment Plant, which was annexed through an easement down Husson Avenue. To deal with this in the future, he recommends they sparingly use contiguity through roadway annexation, and only where there is already water and sewer available for the property in question. This is a policy issue over the comp plan. This is a more rational attempt to make annexation policy.

Commissioner Leary asked if water & sewer is available from the WWTP to the Golf Course. Commissioner Kitchens said an easement was sold to the City to adjoin the WWTP to the City Limits; an easement was sold with the property to make the property contiguous. The landowner retains ownership of the property on either side. Mr. Holmes said what is being proposed is legal; there is an Attorney General's opinion that discourages using roads to make properties legal, but these opinions are not case law; the only case law he can find makes the findings on the issue of 'compactness' and notes the Attorney General's opinion. If they picked up a piece of property that was stuck out by itself, that would violate "compactness," but this is surrounded by areas already annexed and this will fill in that area. SR 19 is a very logical urban service boundary. There are parcels to the east and west of this parcel. It is logical and brings in property not further out than property they've already annexed. They can apply consistent policy in the future for future annexations.

There being no further discussion, a roll call vote on the motion was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. Both ordinances were declared passed on 1st reading.

7. **PUBLIC HEARING/ORDINANCE** amending the Comprehensive Plan Future Land Use Map series to revise the flood maps – Adopt – The Clerk read a ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT FIGURE A-5, FLOOD PLAINS MAP, OF THE FUTURE LAND USE ELEMENT MAP SERIES OF THE ADOPTED COMPREHENSIVE PLAN BE REVISED TO REFLECT RECENT FEDERAL EMERGENCY MANAGEMENT AGENCY FLOODPLAIN MAP CHANGES, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance as read. Commissioner Norwood 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** amending Section 94-151 of the Palatka Municipal Code to limit sales items in outdoor promotional, temporary goods and commodities sales – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING SECTION 94-151 TO LIMIT SALES ITEMS IN OUTDOOR PROMOTIONAL SALES AND TEMPORARY GOODS AND COMMODITIES SALES TO THOSE ITEMS THAT ARE CUSTOMARILY OFFERED FOR SALE BY THE PRINCIPAL USE OCCUPYING THE PROPERTY, REQUIRING THAT SUCH SALES BE ASSOCIATED WITH THE BUSINESS OCCUPYING THE PROPERTY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance as read. Commissioner Brown seconded the motion. There being no discussion 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. **ORDINANCE** amending the Municipal Code to amend the Palatka General Employees Retirement Plan Investment Policy – 2nd Reading, adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY AMENDING THE INVESTMENT POLICY STATEMENT OF THE CITY OF PALATKA GENERAL EMPLOYEES RETIREMENT PLAN; AMENDING SEC. 2-204, INVESTMENT PERFORMANCE OBJECTIVES; AMENDING SEC. 2-205, INVESTMENT GUIDELINES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance 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 ordinance was declared adopted.

10. **ADMINISTRATIVE REPORTS**

Mr. Czymbor said, regarding the $500,000 contribution the Commission requested from the Palatka Gas Authority, the Commission voted to move forward on that request. He sent a letter to the Gas Authority requesting a payment within 30 days. They understand that may create a hardship for the PGA due to current investments and projects. He received a call from the newspaper regarding the Authority's meeting wherein that Board voted to request a payment plan of $100,000 per month towards this. After a review with the Finance Director, he concurred that this would be acceptable and notified the newspaper and the PGA accordingly. He didn't receive official correspondence from the PGA until after the newspaper called.

Mr. Czymbor requested and received consensus from the Commission that this payment plan was acceptable.

Jed Neufeld, Palatka, Chairman, Palatka Gas Authority Board of Directors, apologized that the letter didn't reach the City before the newspaper contacted the City.

Mr. Czymbor said he attended a Main Street Strategic Planning Retreat on Saturday, which went well, and he congratulated Mr. Rudd for putting that together.

Mr. Czymbor said they are working on getting the budget compiled for adoption at the September commission meetings. They are honing in on some 2012/13 projects to have a more solid starting place for the next fiscal year.

Mr. Czymbor said tomorrow marks the end of his first month on the job; he is moving forward with a very aggressive agenda.

Charles Rudd, Main Street Manager, noted the August 3rd Friday Street Party is tomorrow night.

The Clerk reminded Commission & Staff that the City will host the NEFLC September meeting on September 20th.

11. **COMMISSIONER COMMENTS**

Commissioner Kitchens noted the Applause! Section of the Palatka Daily News ran a good article on the Golf Club's Youth Program.

Commissioner Kitchens said she's heard much conversation from various citizens complaining that city citizens don't get benefit from paying county taxes. She then read a list of benefits Palatka citizens receive from taxes paid to Putnam County (filed). She said she did this because she wanted the citizens to realize what services they receive.

Commissioner Brown thanked the Commission for nominating her for membership on the FMIT Insurance Trust Board.

Commissioner Leary said he received a call from Charles Smith, a general contractor, about a retention pond in Tierra Woods. He's met with the Planning Director and the City Manager on this. There are some extenuating circumstances on that lot and he's compiled a list of recommendations. He has asked that the City Attorney and Planner get together and try to resolve something on this. An MSTU was suggested. Mr. Holmes said he agrees with Commissioner Leary. The retention ponds were part of the lots that were sold by the developer. One man purchased a group of lots and sold them. The City now sends him notices to fix the retention pond, and he doesn't even own property there anymore. All retention ponds are privately owned there and should not have been attached to individual lots when they brought the subdivision in. Traditionally the developer makes provisions for drainage and it should not

be the responsibility of one lot owner to maintain them. The MSTU sounds great, but that cost is attached to a tax bill.

Commissioner Kitchens said since people have these retention ponds, and they are a problem, if they would deed them to the City, the City would own them and the City would clean them out. Mr. Holmes said traditionally the City would accept the drainage system as well as the roadways, but in this case the roads were all that was taken in when this Plat was accepted.

Mr. Crowe said the Code doesn't allow them to force the property owner to fix the retention pond function, only to cut down the weeds. They sent a letter to property owners asking them if they had any interest in an MSTU and are awaiting a response. Commissioner Kitchens said if the City owned the ponds they could just maintain them. Mr. Holmes noted they are wet ponds. Mr. Czymbor said they don't just want to jump into ownership of a system; they don't know if it works or was designed correctly. Staff will examine this and bring a recommendation back to the Commission. Mr. Leary said if they get back into a normal rainfall pattern, it will be important that this pond works correctly.

Commissioner Norwood asked who regulates the maintenance of retention ponds. Mr. Crowe said they usually defer management of ponds to Water Management, but they are actually under the jurisdiction of FDEP. Permits are relatively easy to get. They will work with the City on this. Typically the District regulates who is responsible for maintenance on ponds. Commissioner Leary said when you build a wet pond you create a wetland, which comes under Water Management jurisdiction.

Commissioner Norwood noted he won't be attending the League of Cities' annual conference.

Mayor Myers said he would not be attending the League of Cities' annual conference.

Mayor Myers said Florida Trend Magazine ran a beautiful article and photo of the Palatka waterfront. He thanked Jonathan Griffith for all his work on the Park. Commissioner Norwood complimented the beauty of Palatka.

12. **ADJOURN** – There being no further business to discuss, the meeting was adjourned upon a motion by Commissioner Brown at 6:50 p.m.

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