VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA
FLORIDA

ELWIN C. "WOODY" BOYNTON, JR.
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.

AGENDA
CITY OF PALATKA
June 28, 2012

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 28th day of June, 2012.

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

Also Present: City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Planning Director Thad Crowe, Police Chief Gary Getchell; Fire Chief Mike Lambert; Main Street Manager Charles Rudd,

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

INVOCATION – Commissioner James Norwood, Jr.

PLEDGE OF ALLEGIANCE – Led by Commissioner Leary

APPROVAL OF MINUTES – 6/14/12 regular meeting, 6/14/12 Pre-Budget Workshop, 6/18-19/12 City Manager Interviews, 6/20/12 Developer Interviews – Commissioner Brown moved to approve all minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS** – There were none.

2. **PUBLIC COMMENTS -** (Speakers limited to three minutes – no action taken on items)

Askew Vickers, 207 N. 18th Street, said the water is bad. Sometimes it's rusty and sometimes it's cloudy and you can't use it. The City Manager told him he would do something about it. He has to replace his filters every month. It is unfair to have to pay for this poor service. He spoke to the man who sells him his filters, and he said the filters should last longer. Mayor Myers said the City has a lot of old pipes in the ground. They are slowly trying to replace them. They are making progress. He has a lot of filters and has to replace them monthly also. The water plant produces high quality water. Mr. Vickers said the City Manager said he would replace his line but this hasn't been done. Mayor Myers said he would meet with him tomorrow.

3. **CONSENT AGENDA:**
   a. **Grant permission to exceed noise levels** established by Chapter 30, Palatka Code of Ordinances for the 4th of July Activities to include parade and riverfront entertainment from 5:00 p.m. to 9:30 p.m. – City of Palatka, Applicant

   Commissioner Norwood moved to approve all items on Consent as presented. Commissioner Leary seconded the motion, which passed unopposed.

   ORDERS OF THE DAY - With the consensus of the Commission, Mayor Myers moved Agenda Item 10 to the front of the Orders of the Day.

10. **DISCUSSION** regarding an agreement between the City of Palatka and Georgia-Pacific Corporation for the construction and operation of a proposed Environmental Education Center – Commissioner Norwood recused himself from discussion and voting, stating he is employed by Georgia Pacific Corporation. Mayor Myers said this concerns the proposed waterfront education center. The City is pleased to have this opportunity. This is being done as part of mitigation on GP's FDEP pipeline permit.

    George Ragsdale, Attorney, Georgia-Pacific, said his primary purpose is to make clear GP's commitment to this project, and wants approval from the Commission to work with the City Attorney to develop a formal agreement. They will have at least a term sheet ready to present on July 12, 2012. Mr. Holmes said this will be a memorandum of understanding or something of that nature. Commissioner Leary moved to allow their respective attorneys begin drafting an agreement for discussion at the July 12, 2012 meeting. Commissioner Kitchens seconded the motion, which passed unopposed.

    ORDERS OF THE DAY – Mayor Myers then returned to the Orders of the Day.

4. **RESOLUTION** authorizing the Mayor and City Clerk to Execute and Attest a Government Obligation Contract with PNC Finance for the Lease/Purchase of aeration equipment for the Palatka Golf Club, per recommendation of Bobby Weed, BWGM, and Andy Heartz, Manager/Pro – The Clerk read a resolution entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE/EQUIPMENT FINANCE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLC; AUTHORIZING THE LEASE/PURCHASE OF AERATION EQUIPMENT FOR THE PALATKA GOLF CLUB THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to approve the resolution as read. Commissioner Kitchens seconded the motion.

    Commissioner Brown said until they can get through the budget process, and with the Golf Club being in a deficit, she'd like to delay discussion on this. Mayor Myers noted her point, and said Mr. Weed states the greens are deteriorating. The City contracts for this service. If the Golf Club owns this piece of equipment, there will be no contractor expense. It would be no different. Mr. Weed is convinced this is vital for the survival of the greens. Commissioners Kitchens and Norwood concurred saying it is more cost effective. Commissioner Leary concurred. Commissioner Norwood asked, if they lease the equipment, and if the Commission decides to sell the golf course, will they still be tied into the lease agreement?

    Matt Reynolds, Finance Director, said they will. Mayor Myers said if the Course is sold, whoever buys the golf course will want this piece of equipment; Mr. Reynolds agreed. There

being no further discussion 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.

5. **PUBLIC HEARING/ORDINANCE** – 1001 Husson Avenue - Planning Board Recommendation to amend the Future Land Use Map & Element from RL (Residential, Low Density) to PB (Public Buildings & Facilities) and rezone from R-1A (Residential – Single Family) to PUD/PBG-1 (Planned Unit Development/Public Buildings & Grounds) – Moseley School Warehouse – Putnam County School District, Applicant

   ORDINANCE No. 12 – 27 to amend the Future Land Use Map/Element from RL (Residential, Low Density) to PB (Public Buildings & Facilities) – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THREE PARCELS OF LAND (LESS THAN 20 ACRES IN SIZE) IDENTIFIED AS 1001 HUSSON AVENUE FROM RL (RESIDENTIAL LOW DENSITY) TO PB (PUBLIC BUILDINGS AND GROUNDS), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion.

   Mr. Crowe said he's been in discussion with School District Staff. The School Board has provided a site plan, which is attached to the Ordinance. They have funding to bring the driveway into compliance. The site plan they have attached to the ordinance calls one area "unpaved parking." He'd like to make a small revision to take the word "unpaved" off the site plan to give them the opportunity to pave it. There are no other changes. Commissioner Norwood moved to amend the ordinance site plan to remove the word "unpaved". Commissioner Kitchens seconded the motion, which passed unopposed. The site plan was declared revised.

   There being no further 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. Mayor Myers thanked Mr. Cavuoti for his leadership and commended his neighbors, and thanked the School Board for coming to an agreement with the neighborhood. He thanked Mr. Crowe for his leadership in making this happen.

   ORDINANCE No. 12 – 28 to rezone from R-1A (Residential – Single Family) to PUD/PBG-1 (Planned Unit Development/Public Buildings & Grounds) – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALTKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THOSE CERTAIN PROPERTIES LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 1001 HUSSON AVENUE, FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT)/PBG-1 (PUBLIC BUILDINGS AND FACILITIES) FOR 1001 HUSSON AVENUE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Leary seconded the motion. A roll call vote was taken with the following results: Commissioners Kitchens, Leary, Norwood, Brown and Mayor Myers; yes. Nays; none. The ordinance was declared adopted.

6. **PUBLIC HEARING/ORDINANCE No. 12-29** – Planning Board Recommendation to amend the Large Scale Comprehensive Plan Future Land Use Element to add Policy A.1.2.2 extending the timeframe of the Community Redevelopment Area Plan through December 27, 2043 – City of Palatka, Applicant – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE

CITY OF PALATKA, FLORIDA, PROVIDING FOR NEW POLICY A.1.2.2 OF THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN TO EXTEND THE COMMUNITY REDEVELOPMENT AREA PLAN THROUGH DECEMBER 27, 2043, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Leary seconded the motion. Mayor Myers opened the public hearing to the public for discussion.

Craig Z. Sherar, 147 Pine Tree Road, E. Palatka, said he's here to speak against the adoption of this ordinance. He owns property in the City. This CRA is in has been in effect for over 30 years. The City bought a piece of property from Alex Sharp for $45,000. This is a piece of property that was purchased for $20,000 at the height of the real estate boom, and was assessed by the property appraiser for $25,000 at the time of purchase. Supposedly the downtown area goes all the way to the Police Station. This property is not even being mowed. It would be a Code Enforcement Case if someone else owned it. He said Mr. Boynton stated an appraisal justified the purchase price, but this doesn't make it right. They are picking the winners in society and making everyone else the losers. They only help houses built before a certain time. The money that goes into those houses never comes back. If they put $10,000 into a house, and that $10,000 causes the house to go up $20,000 in value, it would take 25 years before that money comes back into the revenue of the town. As to the money that's already been spent, in the last 10 years the CRA has gotten $3 million dollars, six times the median income of a family in Putnam County. At least if they'd fix the rusty pipes, they wouldn't have rusty water. It takes money away from the rest of the town. Most of the money that comes from property taxes on property in the Community Redevelopment Area doesn't benefit the rest of the town. The City has to raise money or take money away from someone else to make that up. The CRA is sinking the town and discriminates economically. If it is such a great idea, private investors would put money into it. It is time for the town to pull the plug on the CRA and start looking for something for everyone and not just something that benefits those who own an old house.

There being no further discussion a roll call vote was taken with the following results: Commissioners Brown, Kitchens, Norwood, Leary and Mayor Myers; yes. Nays; none. The ordinance was declared adopted.

7. **PUBLIC HEARING/ORDINANCE No. 12-30** to amend Chapter 94-151 of the Municipal Code to allow outdoor pistol ranges in M-1 Zoning Districts – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING SECTION 94-151 TO ALLOW OUTDOOR PISTOL OR RIFLE RANGES AS A CONDITIONAL USE IN THE M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT; 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.

8. **ORDINANCE** – Historic Preservation Board recommendation to revise Chapter 54, Article III (Planning, Historic Districts) to add historic preservation regulations pertaining to inventory of historic properties, public participation, rules of procedure, and reporting activities to the State Historic Preservation Board, with the intent of meeting minimum standards for Certified Local Government as designated by the federal and state governments – 1st reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 54 OF THE MUNICIPAL CODE (PLANNING, HISTORIC PRESERVATION) OF THE CITY OF PALATKA, FLORIDA PERTAINING TO INVENTORY OF HISTORIC PROPERTIES, PUBLIC PARTICIPATION, RULES OF PROCEDURE, AND

REPORTING ACTIVITIES TO THE STATE HISTORIC PRESERVATION BOARD, WITH THE INTENT OF MEETING MINIMUM STANDARDS FOR A CERTIFIED LOCAL GOVERNMENT AS DESIGNATED BY THE FEDERAL AND STATE GOVERNMENTS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on 1st reading. Commissioner Kitchens seconded the motion.

Thad Crowe, Planning Director, said Commissioner Kitchens came to him with questions, and had some good points on the proposed ordinance. He went over them individually. Looking at the ordinance page 6, #4, having to do with vacancies on the Board, it states an appointment would have to be made within 60 days. This could be difficult. Commissioner Kitchens has suggested adding "whenever practical." Commissioner Kitchens said sometimes they have board openings that stand more than 60 days. Commissioner Leary moved to amend the ordinance as recommended. Commissioner Kitchens seconded the motion, which passed unopposed. The Ordinance was declared amended. A roll call vote was taken on the main motion with the following results: Commissioners Brown, Kitchens, Leary, Norwood, and Mayor Myers; yes. Nays; none. The ordinance was declared passed on first reading as amended.

9. **PUBLIC HEARING/ORDINANCE** – Planning Board Recommendation to amend the Future Land Use Element of the Adopted Comprehensive Plan to remove height limits from Future Land Use Map categories (Policy A.1.9.3) – ***Authorize transmittal of Draft Ordinance to state agencies for review*** – Staff Initiated/City of Palatka, Applicant – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO REMOVE HEIGHT LIMITS FROM FUTURE LAND USE MAP CATERGORIES (POLICY A.1.9.3), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to authorize transmittal of the Draft Ordinance to state agencies for review. Commissioner Kitchens seconded the motion.

Commissioner Leary asked if this is standard, or if there is a reason for it. Mr. Crowe said height limits in the zoning code conflict with the comp plan. The comp plan is a vision, broad-based document. They want to go back to the zoning code and revisit height limits; the Planning Board will take this up in August. You can get a variance to the height limit in the zoning, code, but not in the comp plan. There being no further discussion, the motion to transmit passed unopposed.

11. **DISCUSSION** regarding Developer Responses to March 2, 2012 Request for Proposals – Downtown Palatka Redevelopment Opportunity, Phase I – Mayor Myers said they heard from developers during interviews on June 20, 2012. There were two submittals, one by Palatka Vision in Association with Synergy Construction, and one from Riverfront Development Group, LLC. It is his view that neither of these addresses the six criteria responders were asked to address. Neither response was satisfactory. Commissioner Kitchens concurred. This is the same RFP they have sent out before. They expected the criteria to be met. They weren't trying to play a trick on anyone. If someone didn't send in a response because they couldn't respond to all six criteria, it may open the city up to a lawsuit. Commissioner Norwood said he thinks they all made their comments in the interview workshop. Commissioner Leary said the decision they want to make tonight is to re-advertise the RFP or move forward with some other action. Commissioner Brown said she feels like they didn't receive a proper response. The Commission should take on one of the blocks, hold a citizen participation workshop, and get moving. She'd like a workshop set up on this after they return from the FLC annual conference. She has some ideas for getting these things accomplished. The citizens that are convinced those buildings need to be kept can sit down with them and work this out. It is the

Commission's responsibility to move forward on this. Commissioner Kitchens concurred with Commissioners Leary and Brown, saying based upon responses to the RFP, they need to vote to turn both down and proceed with another option. Commissioner Leary moved to reject both RFP proposals. Commissioner Kitchens seconded the motion, which passed unopposed.

Mayor Myers said he appreciates the work that went into the submittals. He believes those proposers know where the Commission stands. Those buildings have been studied many times. They need to try to make things happen themselves. He'd like to meet with the party that had the supplemental information and see if they can't work this into a proposal. They need to move forward. There are no investors out there willing to put that kind of capital at risk, even if they demolish and rebuild the buildings. They'd expect a return on their investment. There is no opportunity out there. They may need to get local investors involved and redevelop those blocks in smaller phases. Commissioner Kitchens suggested putting out an RFP on just one building, which could be the catalyst to create more renovation. Commissioner Brown said there are people in the community that have ideas. They can move something forward by beginning the process, possibly with the Moran building. There is a State housing coalition that analyzes properties and puts things together; She has spoken with a representative who is willing to help them put something together. The G-P building is a start.

Commissioner Leary said everyone knows what his position has been since the day he took office. He appreciates Commissioner Brown's comments. He's a professional planner affiliated with one of the largest investment companies in the southeast. There is no money out there. He believes they need to market that property nationwide as an opportunity for a developer to take it as a clean canvass. They need a restaurant down there, a nice one with food, drink and entertainment, with access by boat, pedestrian and vehicle. Those buildings, as much as people would like them to stay, are an impediment. They need to demolish those buildings so a developer can stand in the middle of the block and come up with a plan. He doesn't see the economy changing anytime soon. Others say the same thing. They can't make a decision tonight, but they can work it out in a workshop.

Mr. Holmes said all they had on the agenda was discussion regarding developer responses. The Commission has rejected them. They've taken action on the item as stated on the Agenda. They need to agenda a discussion on the fate of the 100 Block and move on.

Commissioner Kitchens said they need to put this on a future agenda. Commissioner Norwood concurred. They've just extended the CRA. They can't entice a developer, but the City does have a CRA. They could start the project themselves. They have a conceptual design that has been vetted; they can do this through the CRA a piece at a time. That way the project moves forward. Discussion centered around calling a meeting to discuss the item. Mr. Holmes said they can agenda this at a regular meeting. They can make a special called meeting with this being an agenda topic. Mayor Myers directed the Clerk to work with the Commission to set this meeting up.

Roberta Correa, 703 Emmett Streets, said she's astounded by the process. She understands the posture of the Commission that they want to see it done right. There have been workshops on this. She is in favor of preserving the buildings and there is extensive study on the value of this. She doesn't believe in the concept of a "vista" of an undeveloped lot. No one is trying to redevelop the old Frank George Apartments location, which is an empty lot. She asked if they would consider releasing another RFP so the responders can polish their presentations, as no one else is coming forward.

Angela Murtagh, 726 St. Johns Avenue, said this is difficult. She's been here for seven years. There was so much hope for Downtown. After 7 years of being in business here, it's depressing. It's hard running a business here. They have two developers; she agrees that a lot of questions weren't answered, and she wasn't happy with either proposal, but they need to look at these plans to see if one can be partially done. She sees possibilities where it can be piecemealed. Commissioner Norwood referred to using the CRA Funds; they should leverage those funds. No one is coming in to bail Palatka out. They are struggling. She wishes she could leave here and take her building with her. She has inquired over the past years of the possibility of giving a tax abatement when a business owner spends their own money for improvements. She sees no light at the end of the tunnel. She is not saying things are any better in South Florida; it's rough all over. They need to do something to get themselves out of this. If CRA funds are available, they need to use them to get something going. She does not agree that the buildings just need to be knocked down. Palatka has a lot of historic value; that's one of the reasons she settled here. These buildings are worth saving. Maybe those who think they should be torn down have a better idea. Instead of complaining they all need to start helping themselves.

Laura Schoenberger, 214 S. 4th Street, said she attended last week's meeting, and was very disappointed. Two responses were received; obviously those responses weren't satisfactory. She doesn't understand why they can't each be given the opportunity to provide a complete response. If they are willing to take this on; they should be heard out further instead of starting over. They need a chance to expand on their presentations. She hopes they will consider this.

Commissioner Kitchens asked the City Attorney to explain why they can't accept information after the submittal date on the RFP. Mr. Holmes said even though these RFPs are being rejected, the door is open. If anyone wants to submit a plan, the City is willing to receive it. Because they are dealing with public property, they can't just laterally approve another plan someone has brought in. The idea of putting out an RFP is to give everyone a chance to respond to the specifications. They have to give others the same chance to address it along different criteria. This is necessary to avoid the appearance of favoritism; this property belongs to all citizens. They had no choice but to reject the RFP. The criteria weren't arbitrarily established; this was put in place to determine whether the respondents had a plan and had the funding and resources to carry it out. The Commission tied up the property recently for a long time because a proposal had been accepted without knowing they had a substantial chance of moving forward. This tied it up for 3 years. They didn't want to make the same mistake. The RFP was proper and appropriate and asked for basic things anyone would need if they were developing their own property. The City didn't receive those and had no choice but to reject both bids. If the City wants to move forward on a different level, it can. They may only get one shot at this; once you start putting something down there, you tie the property up again. They may not get a chance to erase the blackboard and start over. The goal isn't to just fill up space; the goal is the put something there that serves as a catalyst to redevelop Downtown. They can put something there that attracts four or five people a week, but that's not going to redevelop downtown. It wasn't hard to decide whether or not the proposals met the criteria; they didn't even try to address some of the points. When he said leave the door open, this doesn't mean they can give it to the first person that walks through the door. They have to open the door up for others to address the same issue. It doesn't have to be left open long, but they need to make the opportunity available to others.

Suzanne Jacob, 117 Hotel Street, Palatka, said it seems the RFP is the same one they've always used, and it has gotten them nowhere in the last 10 years. In reading the comments made during the interviews, it seems that due to the economy proposers are unable to get a Letter of Credit before they know they have been chosen as the developer. She suggested

they look over the questions and expectations, and revise them. As to not wanting money coming in from outside, they may have to bring money in from outside. She asked them to be open-minded and continue talking to these groups. In some cases they were not allowed to answer.

Commissioner Brown said they've done all kinds of studies during her tenure on this Commission. When they talk about the downtown, she is part of the downtown; she lives downtown and has a business downtown. If the public will work with them and bring them some answers and ideas, all this can be worked out. She has children and grandchildren here, and no one has more interest in this town than she does.

Commissioner Leary moved to set this for a special meeting to be determined by the Mayor and City Clerk. Commissioner Brown seconded the motion, which passed unopposed.

12. **ADMINISTRATIVE REPORTS**

CITY MANAGER SEMIFINALIST INTERVIEWS – Results – Mayor Myers noted the five semifinalists for City Manager are Mike Czymbor, Clarence Hulse, Robert Payne, Kraig McLane, and Gary Getchell. Background checks should be complete by tomorrow. The City Clerk contacted the finalists to see what dates were available and all are available July 2 and 3. After discussion, Commissioner Leary moved to set City Manager Finalist Interviews on Tuesday, July 3rd starting at 1:00 p.m. Commissioner Kitchens seconded the motion, which passed unopposed.

13. **COMMISSIONER COMMENTS**

Commissioner Kitchens said two stop signs have shown up on St. Johns Avenue. They will be removed shortly and proper procedures will be followed before they will be re-erected. They are both on St. Johns Avenue at 2nd Street.

Mr. Holmes said the City received a letter regarding prayer at Commission meetings. The County received a similar letter. There are some Supreme Court decisions that don't prohibit prayer at a legislative body, but the case is now pending again in the 11th Circuit Court. He's not recommending they stop prayer; there's nothing he can see that constitutionally prohibits it. He discussed this with the County Attorney today. He said they could consider holding a prayer before the meeting officially begins, say at 5:55 p.m. Those who don't choose to participate don't have to come into the room. They can wait until the gavel comes down. The element the courts are debating is whether or not the legislative body is promoting a particular religion. If they hold prayer before the meeting begins, it would eliminate any issue. On the other hand, they can wait to see what the 11th Circuit Court does. They are looking at whether or not prayer makes reference to any particular religion, for instance, if the word "Jesus" is used, that promotes Christianity. The City has received a complaint from a group that objects to these things, and have stated some citizens in Palatka are offended by what they are doing. There is no case law that supports ending prayer. They can consider holding prayer before the meeting officially starts, and give people the option of not entering the room until after prayer has been made, or they can wait for the results of the on-going litigation in the 11th Circuit Court, or they can wait until they get sued. His job is to give them options to not spend money they don't have.

Commissioner Kitchens said she contacted a group of lawyers who does nothing but handle litigation on issues such as this, at no charge. They are non-profit organization, and will take it all the way to the Supreme Court. The City of Lakeland was sued under a similar instance; their policy was upheld, but it is back in the courts. She suggests they wait until this is settled. The US Congress still opens with prayer. The law is somewhat ambiguous on some points. Lower courts have upheld prayer and some have not. She suggests they wait and see what happens.

When they pray they close their eyes, and they don't know who is praying and who is not. No one is forced to pray and those who wish to step outside can do so. Those who find prayer offensive can wait outside. It's their First Amendment right to do so. She'd give the same right to anyone to pray on behalf of their religion, in the name of his/her god.

Commissioner Leary concurred they continue as usual, saying the Florida Legislature opens with a non-denominational prayer. Until a Federal Martial takes him to jail, he will pray before every meeting.

The Clerk announced there are several board openings which need to be filled, and appealed to those in the audience to consider applying. Anyone can contact her for details.

14. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:20 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