

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

September 12, 2013

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 12th day of September, 2013.

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; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Thad Crowe, WTP Superintendent Melvin Register; Grants/Projects Manager Jonathan Griffith and Main Street Manager Charles Rudd

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

INVOCATION – The Reverend Jakie Carmicle, Chaplain, Hospice of the Nature Coast

PLEDGE OF ALLEGIANCE – Police Chief Gary Getchell

APPROVAL OF MINUTES – 8/8/13 Regular Mtg.; 8/29/13 Budget Workshop; 8/29/13 Special Meeting – Commissioner Norwood moved to adopt the minutes as read. Commissioner Brown seconded the motion, which passed unopposed.

- 1. PUBLIC RECOGNITION/PRESENTATIONS:** There were none
- 2. PUBLIC COMMENTS**

John Ligon, Florida League of Cities, read and presented Vice Mayor Mary Lawson Brown with a Resolution passed by the Florida League of Cities Board of Directors recognizing Vice Mayor Brown for her 30 years of elected municipal service. Vice Mayor Brown was present to receive the Resolution and thanked the citizens for allowing her to serve.
- 3. CONSENT AGENDA:**
 - a. Adopt Resolution No. 2013-9-154** accepting proposals for employee benefits from Florida Blue/BCBS for Health & Dental and Humana for Vision insurance effective 10/1/13

- b. **Adopt Resolution No. 2013-9-155** accepting Florida League of Cities' Property/Casualty Insurance proposal effective 10/1/13
- c. **Adopt Resolution No. 2013-9-156** awarding the bid and authorizing execution of a contract for Uniform Rental & Laundry Services to UniFirst Corporation of Ocala, FL, based upon their proposal in response to City of Palatka RFQ dated 7/30/13
- d. **Adopt Resolution No. 2013-9-157** authorizing the execution of Stone Engineering Task Order in an amount not to exceed \$22,820.00 for bidding assistance and construction administration services – FEMA Grant #1785-43, St. Johns Avenue Drainage Improvements Project
- e. **Adopt Resolution No. 2013-9-158** authorizing the execution of Ayres Associates task order in an amount not to exceed \$22,321.00 for bidding assistance and construction administration services – FEMA Grant #1840-06, St. Johns Avenue Drainage Improvements Project
- f. **Adopt Resolution No. 2013-9-159** authorizing execution of the Auditor Engagement Letter with Carr, Riggs & Ingram in the amount of \$69,500 to extend the Auditor services through F/Y 2013-14.
- g. **Adopt Resolution No. 2013-9-160** authorizing the execution of a Utility Easement to Florida Power & Light Co. for maintenance of overhead and underground utilities located at Palatka Police Pistol Range
- h. **Adopt Resolution No. 2013-9-161** granting a waiver of the daily Code Enforcement fine assessed on 300 N. 3rd Street, providing Cost of Prosecution is paid
- i. **Grant permission** to exceed allowable noise levels and close City Dock Boat Ramp to the general public for Special Events Permit #13-40, 5th Annual Veterans' Appreciation Bass Tournament, 9/14/2013 (Boat ramp closure to begin Friday, 9/13/13 at 5:00 p.m.; reopen 9/14/13 at 5:00 p.m.)

Commissioner Kitchens moved to approve all items upon consent as recommended. Commissioner Leary seconded the motion, which passed unopposed.

- 4. **REQUEST TO APPEAL** Palatka Planning Board Decision to deny a conditional use to allow a church at 211 St. Johns Avenue – Planning Board Case #13-26; 7/2/13; Chad Perry, River Community Church, Applicant/appellant – Mayor Myers noted this appeal is limited to the “record below” and is limited to what was considered by the Planning Board. Any ex-parte communication should be disclosed. Commissioners stated he’s had e-mail conversations with Mr. Perry. Commissioner Norwood said he’s spoken with Pastor Perry. Commissioner Brown said she’s spoken with him and had calls from citizens. Commissioner Kitchens said Pastor Perry gave her a tour of the McCrory’s Building and she spoke with citizens. Mayor Myers said he toured the property with Pastor Perry and his wife.

Mr. Holmes, City Attorney, said the Planning Board is a quasi-judicial Board, as is the Commission. The Commission can consider legislative actions, such as an ordinance, and this involves taking whatever input comes at the meeting, as this goes into the record of the making of the law. In a quasi-judicial capacity, such as in hearing appeals, they are restricted to considering only the record below. They are not hearing the “case” over again. The Code differentiates between the two; the Section 94-3 makes this clear. Mr. Holmes read that passage stating the decision made by the Planning Board is deemed final. If a request is filed with the City Clerk to request an appeal of the decision within 30 days, the Commission can reconsider the record placed before the Planning Board and only that record. Anyone who spoke at the Planning Board can speak, but new people who did not speak before the Planning Board will not be allowed to speak, as this Commission will be hearing something the Planning Board did not hear. That won't

apply to an attorney; an attorney can make an argument addressing points that have already been made. This is the advice he has given the Mayor and the rest of the Commission.

Commissioner Kitchens clarified they can discuss and comment on anything that was considered or said at the meeting. Mr. Holmes said if comment means introducing new or contradictory evidence, that is not allowed, but a difference of opinion of how it was interpreted is another matter. Commissioner Norwood said he viewed the video of the Planning Board. Mayor Myers stated he attended the meeting.

Thad Crowe, Planning Director, said the zoning code in each zoning district lists certain allowed uses; however other uses are "conditional uses" which require a greater level of review and require approval by the Planning Board. Churches are an allowable use by right, but the alcoholic beverages ordinance requires a conditional use permit if they are to locate within 300 feet of an alcoholic beverage serving establishment. This works in the reverse, also. The Planning Board reviews 11 criteria. He read those into the record and stated the criterion which is of primary concern in this case is "compatibility," as in general compatibility with other businesses in this area. The uses that are not retail, restaurant or personal services-related lack the foot traffic that promotes a vibrant downtown. Appropriate businesses create a heavy foot traffic downtown. Institutional and office space create empty space that work against creating downtown vibrancy. Churches are not suitable in the storefronts in downtown districts, based upon research done by the Main Street Association and the Main Street Manger. It was upon this basis that the Planning Department recommended denial, and subsequently the Planning Board voted to deny the request.

Commissioner Kitchens asked, if they find the evidence presented to the Planning Board is incorrect, can they present that? Mr. Holmes said they cannot consider whether or not something was incorrect unless you introduce contradictory evidence. Commissioner Kitchens said this would have been allowed if there had been no alcohol servicing establishment within 300 feet. Mr. Crowe's presentation said the main use of the area is entertainment and retail, but the district allows around 300 uses. The statement that offices and churches don't promote foot traffic is not true. She attends churches and sees the foot traffic they produce. Because this became a conditional use related to the alcohol serving establishments within 300 feet, that is what triggered the Planning Board oversight. The question is if it is compatible to the area. Mr. Holmes said she can disagree with a conclusion regarding compatibility based upon the record. The appellate court is not limited to coming to the same conclusion the lower court came to, but can consider what the lower court considered based upon the record and come to a different conclusion. The appellate court simply can't take new evidence. Commissioner Kitchens said she'd read the transcript multiple times and considered both staff and citizen comments. She does not see how, because it is now a conditional use issue, they can now scrutinize whether or not this is compatible for the area. One of the arguments presented in the minutes is that if this did go in it would cause a future problem for any future restaurant or hotel that wanted to come in within 300 feet of the church. The hotel that is planning to go in will still have to apply for a conditional use because of other churches within 300 feet of that area. This is the first time she knows of that a church has wanted to go in within 300 feet of an alcohol serving establishment, which has been denied by the Planning Board. Historically the Planning Board has never denied a request from an alcohol establishment to locate within 300 feet of a church that she knows of. Her question is how it can now be considered not compatible when it would have been compatible if there was not an alcohol serving establishment within 300 feet. Mr. Crowe said they have to make a distinction between what happened in the past to what is happening now. The City has an active Main Street program and is pursuing aggressively a revitalized downtown. They have to take the advice of their professional main street manger and look at each use

coming in downtown to see how it will promote the revitalization of downtown. Commissioner Kitchens said she did not receive a satisfactory answer, which was how they can discard the underlying zoning.

Mayor Myers said there are two issues here tonight. A conditional use request was required for the church as it would be located within 300 feet of an alcohol servicing establishment. Once this threshold was crossed, it triggered the conditional use permit. This appeal is not about Christianity or about the morality of those present. There are many lay leaders present on the Commission. His opinion, they are all God-fearing, Jesus-loving people and they all share beliefs in Christian values. He respects Brother Perry's compassion and dedication to his beliefs; however, this should not be a lesson in scripture, but a meeting regarding the laws of the City, which are necessary for the conduct of peaceful assembly and decision making. They are dedicated to making good decisions for the entire City of Palatka. He's asking everyone to be respectful and keep their comments to themselves. This is not a performance, and applause or verbal outburst is inappropriate.

Mayor Myers said permitted speakers should keep their comments to 3 minutes or less. If anyone requesting to speak tonight did not speak at the Planning Board meeting, he/she will not be permitted to speak to this appeal.

Brother Chad Perry, Pastor, The River Community Church, 2370 Westover Drive, distributed talking points, which he stated speaks to the verbatim record (filed). The request for a Conditional Use was denied on the basis that they were incompatible with retail uses. He read aloud the definition of compatibility from Webster's Dictionary and spoke about compatibility between uses.

Brother Perry said his Church is not the typical church as defined; they will promote foot traffic. They will be open 7 days per week. They will have window displays. They are building a stage and will continue to host conferences and conventions that will bring people in from outside, as well as concerts. This will be a family place where all are welcome. It takes a unique tenant to occupy this building and they believe they are that unique tenant. They are not a homeless shelter or food pantry, but believe in community service. There may be a desire to develop a retail corridor, but they fully embrace the Downtown Revitalization Plan. They are happy to be a part of it. Their presence will not hinder revitalization as there are other churches present in the area. They hope to outgrow this space; they consider it a transitional space. They will be open for all events downtown including block parties. They want to be sure as to point #5, they want to address the legality of preferring retail over religious organizations. Their attorneys are present to speak to this point.

Mayor Meyers opened the Public Comments portion of the hearing and reminded the public that if they did not speak at the prior Planning Board meeting, they cannot speak tonight.

Mayor Myers noted Barry Beauchamp turned in a speaker card, but did not speak at the Planning Board meeting.

Alex Altman, 5256 Silver Lake Drive, Palatka, said much evidence was not presented at the Planning Board as the meeting was condensed. This will not affect the tax rolls as they are renters. The owner of the establishment is a for-profit organization and they will pay tax on the property. The compatibility uses are odd. Addressing not promoting growth or vitality, he said there are many bodies that would be present downtown and would bring with them money and vitality. They will support the community around them. The alcohol serving establishment

supported the location of this church at this address and that was not considered by the Planning Board.

Mayor Myers stated Linda McDowell turned in a speaker card, but did not speak at the Planning Board meeting.

Jerry Hafner, 122 Hilty Lane, East Palatka, Vice President of Palatka Main Street, stated he speaks in the stead of Charles Rudd, Main Street Manager, who is out of town, and read Mr. Rudd's comments at the Planning Board meeting into the record. He stated Mr. Rudd spoke then on behalf of the Main Street Board of Directors and is a professional main street manager. Palatka is the fourth community he has served. He networks with other main street professionals. They all strive for "critical mass" in downtown districts. Of the spaces in downtown, 25% are not occupied and 50% are not retail. When developers come in to look at projects such as a plaza, they look for "critical mass." The downtown is in the shape of a barbell; the retail uses are at the ends of downtown. This is important. If the 25% of vacancies were occupied by retail, it would still only be 50% retail. Every space is important to create a vibrant downtown. One of the indicators that a downtown is in distress is the presence of storefront churches, as it indicates rents are low. It is important to have a retail/restaurant corridor to preserve the downtown. It's not about the church, but this particular location within the retail corridor.

Mr. Hafner said at the Planning Board meeting he also read a letter into the record representing a majority of business downtown who endorsed the Main Street Board's letter and support the community vision for the downtown, and they all support upholding the Planning Board's decision to deny this request.

Robert E. Taylor, AIA, 241 Crystal Cove Drive, Palatka, said storefront churches appear vacant during the week, leaving the appearance of a dead zone, which is an impediment to downtown shopping districts. The 300-foot separation rule will prevent alcohol serving establishments coming in within 300 feet of a church, which is a typical city block. This area should remain retail to aid in the development of Downtown Palatka. This large storefront usage as a church is not compatible. It was retail and should be returned to retail even if it has to be subdivided. Zoning was established to protect all entities.

Ruth Burke, 510 Mulholland Park, owner of the building, said she pays taxes on those buildings. She stated was held hostage by the City and was not allowed to put anything in those buildings. She described the businesses she's tried to bring into the building. She stated Mr. Holmes put the Bingo Hall in, which was illegal. The alcohol issue wasn't an issue at all. John Browning put Beef O'Brady's downtown. This church is a different type of church and it would be occupied seven days a week. They will have sit-down dinners with live music and entertainment. This church has been operating in Beef O'Brady's. They've held church services there for over a year. She's let them spend thousands on this building and in building their entertainment stage.

Mr. Holmes stated he has no affiliation or association with the Bingo Parlor.

David Church, 103 S. 7th Street, Palatka, said he owns several buildings downtown and is a contractor. Mrs. Burke has stagnated downtown. She owns a church on 10th Street; they can move into that church and fill it up. She has been sitting on empty buildings for many years.

Seth J. Kraus, Attorney Gibbs & Associates Law Firm, 5700 Gateway Blvd, Suite 400, Mason, Ohio, stated he and Susan L. Ojeda, an attorney from Tampa, represent Mr. Perry's Church in this matter. Mr. Carlson said he understands both side of this issue. Much of what's being

discussed is irrelevant. Federal law allows this occupancy. He noted the Planner states the decision was made as the use was not compatible with the downtown area. He stated his letter (referring to his letter dated September 11, 2013 and addressed to the individual members of the City commission) does not deal with new evidence. It does not address the facts of the case as the law controls the situation. There is a law enacted by congress called the Religious Land Use and Institutionalized persons Act of 2000 (RLUIPA) which states no government shall impose a land use regulation that imposes a hardship on an individual or church as compared to secular assembly uses unless the government demonstrates it is in furtherance of a compelling government interest. They cannot implement a land use regulation on a church without compelling government interest. This testimony does not demonstrate compelling government interest. He noted a decision in Yuma AZ which is much like this case, stating the court ruled against the City in that matter. Before this law was enacted cities could make decisions based upon these reasons, but Congress has stated clearly that economic considerations are not a compelling government interest. They are bound by the law to overrule the decision that was made from a legal precedent.

Mr. Leary asked if Mr. Kraus was licensed to practice law in Florida. Mr. Kraus stated he is not; they are constitutional attorney representing churches. Ms. Ojeda stated said they are Ohio based but have attorneys all over and use other attorneys' licenses to present before courts of law. Mr. Holmes said it is not improper for them to make a statement in front of the Commission.

Commissioner Brown said she doesn't always get her emails; she did not receive this letter. The Clerk noted she was not provided a copy and at this time is not a part of the record. (Clerk's Note: This letter was e-mailed to the Clerk and received prior to the end of the meeting and was therefore entered into the record of the meeting.)

In response to Commission Brown's question regarding compatible uses, Mr. Klaus said he is not going to get into the issue of compatible use as the law does not allow that; however, it is his opinion that it is a compatible use. It is pre-textual to consider this as incompatible based only upon the alcohol serving establishment proximity. Commissioner Kitchens noted the federal courts have upheld these decisions. Mr. Carlson said the Church has the right to bring a federal action against the City and stated this case will end up in federal court.

Mr. Holmes said the City, as long as he recalls, does not set out to violate federal or state law. Sometimes the law is not clear as people would advocate it. As attorneys they seek to interpret the law to favor their point of view. He is not expert on this area of law; however, he did some research on the Yuma case and a companionate case that explained the Yuma case. A quote in one of those states that federal courts have all taken different tracts as to how they interpret the law. The Supreme Court hasn't been cited in any of these cases. These are appellate court rulings. The statute he cites, which he call RLUIPA, has two different elements that the courts have said they will apply in considering actions related to religious land use actions. He noted Mr. Kraus indicated he felt the actions violated the substantial burden prohibition or prescriptions of the law. The first element is that the government cannot impose a substantial burden on a religious assembly or institution unless the government demonstrates that imposition of the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The second test is that government cannot impose or implement a land use regulation on a religious assembly or religious institution on less equal terms than a non-religious assembly or institution or discriminates against any assembly or institution on the basis of religion, or totally excludes or unreasonably limits religion from a jurisdiction. It is important to understand that when someone tells you that you are violating a law that there may be a different side of this story. Mr. Kraus said he believes this action violates the substantial burden criteria of the law; however a case he found (Victory Center vs. City of Kelso,

decided in April of 2012) is very similar in some respects, and in this case the city amended its zoning regulations that created a four-block area of its downtown that was to be pedestrian friendly and retail orientated, and in the amended version of the zoning uses, a table of uses prohibited things like sports, clubs, indoor auditoriums, recreational facilities, child care centers, and other uses, including religious facilities. The Church leased a building after being advised of the law; the City brought a zoning action against the Church. The church brought suit against the City and stated the City violated the RLUIPA law. The City asked for Summary Judgment; which was granted in favor of the City. The court said the City did not impose a substantial burden on the Center as the Center is allowed to locate anywhere outside the four block area, or even above the first floor in the four-block area, which is where the restriction applies. When the court summarily dismissed the contention that this violates the substantial burden restriction of the statute, and the facts are so similar, at the least this causes him to question whether or not Mr. Klaus can conclude they have violated the law. The court states they are free to locate somewhere else. Mr. Klaus' firm wrote a letter, which he did not receive, concluding that Palatka is doing something unconstitutional. Someone needs to explain to him why that restriction violates the test. The Yuma is different altogether. It was decided that you can't treat a religious institution on a non-equal basis. In Yuma a church could not establish itself downtown without a conditional use. It wasn't a permissible use "by right." The City of Palatka's code allows churches downtown as a matter of right. When the church filed a conditional use to come downtown, one of the considerations was that a State statute prohibited it from locating within 300 feet of a licensed premise. It was denied a conditional use as it was decided it would have a "chill" effect on businesses that came downtown that served alcohol. The court came down to basing its decision on three factors. They said the only reason you might be able to justify excluding the church was because of the effect on alcoholic beverage establishments, but it said the ordinance was unclear that the ordinance was founded in a fashion that this was actually being emphasized, i.e. their code singled out religious organizations, and not churches, and the state statute only prohibited licensed premises from establishing within 300 feet of churches, not a religious organization, so a church stated that was overbroad. Secondly, Yuma allowed membership organizations as long as they weren't religious organizations. The court ended up saying they can't find the ordinance is tailored specifically towards prohibiting a mix between churches and licensed establishments.

Mr. Holmes said another consideration is that Palatka treats churches the same as they treat licensed establishments and schools. A licensed premise can't come within 300 feet of each other, or a school or a church, and vice-versa. The alcohol ordinance puts all three of them on similar uses as apparently it was felt they are not compatible uses. He has seen instances where churches didn't think alcohol-serving establishments were compatible uses with churches and this is recognized in the alcohol ordinance. Unless that 2012 case was overruled, the court rejected the notion that the creation of a four-block area where churches weren't allowed to locate on the ground floor created a substantial burden on religious exercise. That was rejected as proof of violation of the test. In Yuma the facts just aren't the same as in this case. It is possible that an appellate or district court will not agree with his opinion. The district court said the Yuma case decision was valid, but the appellate court disagreed. The Yuma case and 2012 case were tried in the same appellate circuit a year apart from each other. He can't buy into the premise that categorically the City's ordinance violates RLUIPA. The City's ordinance allows churches as a right, but triggers the conditional use as a matter of the church coming within 300 feet of a licensed establishment. This applies equally to churches, schools and alcohol serving establishments.

Mr. Kraus said he's not saying this Commission has done anything yet, as they haven't made the decision, but he's saying the decision that was made by the Planning Board was wrong. He was brief in respect of time; if they have several hours he can go through many points of the law.

There is substantial case law in support of allowing the church to go in here. He asked them to read the letter, take a deeper look at case law, and then make a decision. Their letter explains their position.

Ms. Ojeda said to summarize, it is their position that the denial of the conditional use permit as per the City Code, following the City Code, is a violation of the proof, and that is their position.

Commissioner Brown said they can go back and forth for hours, but if they think about this they can come to a meeting of the minds. They aren't saying they don't want churches downtown; they have many of them. The City has gone through a lot of expense having studies done in an effort to revitalize their downtown area. They have done what they could to bring business into downtown. She said the churches want the City to listen to what they are saying; in the same manner they want the churches to listen to what others are saying. Businesses believe the church would impact the area negatively relative to what they are trying to accomplish. They want to keep their downtown businesses. Being in business for yourself is a very hard thing. They need to come to a compromise on this. They can look at other places to locate this church. Ms. Burke's Coca-Cola building would be an ideal location. It has parking and is a block off St. Johns Avenue, but would not interfere with the growth of downtown. They have done everything the religious people have asked them to do. They have told people they will work to get more retail downtown, which brings jobs and income to the area. The County came in and took an old bank; the School Board took another bank and those buildings are now off the tax rolls. That money goes away. Many downtown businesses have gone away as they are now government buildings. They receive no taxes from government buildings. A few people carry the burden of supporting the rest of the City of Palatka. They have not had a lot of growth. She'd like to have them sit down with the City and think about everyone.

Commissioner Kitchens said she won't go through the transcript word-for-word but will address abbreviated passages. Re the memo regarding Mr. Crowe's summary, it talks about the Board's decision reference compatibility. It states the decision was based upon compatibility and states that there is a sufficient number of churches in the downtown district. It is not up to the City to determine what a sufficient number of churches is for downtown. He notes 10 churches in the downtown area; show knows of only seven. His report notes a church on Madison Street. Main Street is not in Downtown. They are open all during the week and many groups meet there and hold conferences there. This is prejudicial and discriminatory. They are worried about foot traffic and are worried this will create dead space. In her opinion churches do not create dead space. Church members go out and eat after church services. They are not a dead zone. Mr. Crowe states when someone comes to an area that is not retail they stop and don't go further. The Bingo Parlor is not retail. This is between the church and hotel. People attending conferences at the church would likely stay at the hotel. There are many places along St. Johns Avenue that are not retail. This property has been vacant for at least 17 years. Now someone wants to occupy it. They will have it open during "prime time." They will be open seven days a week. Churches promote activities. People walk to get to and from the church. She respects Mr. Rudd's credentials, but to quote professionals from other places who state offices and institutions show a dying downtown, is just not true. The churches and government offices kept downtown alive for many years after the large retailers moved out. Zoning was put in when the Main Street Program went into existence. Downtown Riverfront zoning allows churches and civic groups downtown. The presentation by the City was full of holes and errors. People coming to a church will create a vital downtown. This will bring people downtown. The zoning says a church is allowed by right. The existing alcohol establishments support the Church coming in at this location. The only time the Planning Board stopped a church from locating within proximity of a bar was because the church contained a school.

Commissioner Leary said he is certified as an expert in zoning and land use laws in four circuits and in the federal court in Jacksonville. He has examined this case, spoken with Mr. Holmes on this. He and The planning director are professionals. He concurs with Commissioner Browns' comments as to why this decision should be upheld. The correct decision was made. The Planning Board did nothing wrong. All the points have been made as to why they need to uphold the PB's decision. He understands the passion behind Commissioner Kitchens' comments. The law is clear.

Commissioner Norwood said as to the alcohol ordinance when the current ordinance was adopted, they spent three or four months of late night meetings which were packed with church members and representatives from all over the City. It was the church that said they don't want an alcohol establishment within 300 feet of a church. The Commission said this doesn't work one way. It has to work both ways. During that period of time churches were saying they didn't want to walk outside their churches and find trash and beer bottles created by patrons of alcohol service establishments. The conditional use was put in place so that if a business or church or other establishment wants to come in, they have an appellate body they could go to and appeal. The Planning Board on many occasions has allowed churches and bars to locate within 300 feet of each other. This is the first case he's aware of that has come to the Commission. He took place in that vote on the alcohol ordinances. He stated then to the churches that this works both ways. If you don't want a bar within 300 feet of a church, you can't put a church within 300 feet of a bar. If a bar wants to come in next to this church in the future, they will be here objecting to it. He serves as a deacon in his church and is blessed to be able to do this. He is not making a decision based upon his status as an elder in the church. This is based upon rules, regulations, statute and ordinances put in place years ago, long before this appeal was put in front of the Commission. It was not put in place to reject this application or any specific case, but all cases asking for a conditional use. The Planning Board was charged to look at the criteria, not agree with testimony. The Planning Board is charged with making a decision based upon facts, as is the Commission. He sat through many charrettes on what type of uses they wanted in downtown, how they wanted it to look and what it would take to revitalize downtown. They as a Commission and community came together and decided what they wanted it to look like and a plan to get there. Everybody wants to be able to do whatever it is they need to do to revitalize downtown. He wants the Church to be a vital part of Palatka; he believes they need more churches in the community, but not in this location, as it is not compatible what they want this area to look and be like, and he doesn't want to see a church and alcohol establishment within 300 feet of each other. During the meetings they held on the alcohol ordinance, the churches were adamant that they didn't want children within proximity of bars. Churches would not give up on what they wanted and he supported that. He is not denying this because he doesn't want churches in the community. People need to exercise religious freedom. He understands the mandate found in the Book of Matthew. He appreciates that. He is going to vote to uphold the Planning Board's decision as the community wanted this when the alcohol ordinance was passed.

Commissioner Kitchens said the alcohol ordinance triggered this issue. She has no problem with the alcohol ordinance and agrees with Commissioner Norwood's assessment of the meetings held on that. The reason the conditional use was put there was the hotel is going in next to the Presbyterian Church and they want to be able to serve alcohol next to the Presbyterian Church. Peabody's and the Elks Club said they were fine with this. The issue is whether churches will kill downtown. They got off the issue when they denied the conditional use.

Mayor Myers said the minutes of the Planning Board reflect a thorough discussion and thoughtful analysis of the issue. The Planning Board's decision, in his opinion, was proper. He respects the work done by the churches and he admires their passion and dedication, but this location is not the place for their church. He wishes them success in finding a church home.

Commissioner Norwood moved to uphold the July 2, 2013 Planning Board decision to deny a conditional use to The River Community Church to locate at 211 St. Johns Avenue. Commissioner Leary seconded the motion, which passed four in favor, opposed by Commissioner Kitchens.

RECESS -- Mayor Myers called for and received consensus to recess the meeting at 7:35 for a time certain of ten minutes.

RECONVENE – Mayor Myers reconvened the regular meeting of the Palatka City Commission at 7:45 p.m. and commended all those in the audience for conducting themselves in a respectful manner during the foregoing appeal matter.

PUBLIC HEARINGS:

5. **FIRST PUBLIC HEARING - TRIM CALENDAR:** F/Y 2013-14 Tentative Budget & Tentative Millage Rate for 2013/14 Budget Year – 9.1749 mills proposed - Mayor Myers read the Truth In Millage Statement into the record as required by Chapter 200.065 (4)(d) stating that the Palatka City Commission is the taxing authority levying the property tax, and that the proposed operating millage rate is 9.1749 mills per \$1,000 of assessed value, which is an increase of -0.73% over the rolled back rate of \$9.2428 mills.

The Clerk noted the resolutions setting the final millage rate and adopting the budget will be read and considered for adoption at the second public hearing.

As noted in the Agenda Package, the proposed budgets have been on file in the Clerk's office for public viewing.

Mayor opened the public hearing. There being no public comment or commission discussion, Mayor Myers closed the public hearing.

6. **DRAFT ORDINANCE** amending the Comprehensive Plan Future Land Use Element to eliminate maximum impervious surface requirements for downtown zoning districts – *Planning Board Recommendation to transmit Draft Ordinance to State Agencies for Review – The Clerk read the ordinance title.* The Clerk read a draft ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT POLICY A.1.9.3.A.2 TO ELIMINATE IMPERVIOUS SURFACE MINIMUMS FROM DOWNTOWN ZONING DISTRICTS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to transmit the draft ordinance to state agencies for review. Commissioner Leary seconded the motion, which passed unopposed.
7. **ORDINANCE** amending the General Employees Retirement Plan to raise the retirement age to 55, amending membership requirements to increase the amount of hours worked, and deleting the automatic 75% post retirement survivor benefit – 1st Reading – 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 Ch 2, DIV 4, THE CITY OF PALATKA GENERAL EMPLOYEES RETIREMENT PLAN; AMENDING SECTION 2-163(a),

MEMBERSHIP, TO REVISE THE REQUIRED NUMBER OF HOURS WORKED; AMENDING SECTION 2-168 (b), NORMAL RETIREMENT CONDITIONS, BENEFIT GROUP GENERAL TO RAISE THE NORMAL RETIREMENT AGE TO 55 FOR MEMBERS WHO HAVE NOT ATTAINED AGE 50 BY SEPTEMBER 30, 2014; TO DELETE SECTION 2-172, POST-RETIREMENT SURVIVOR PENSION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens asked to table this item to the next meeting, stating the attorneys have not met on this and the final reports on this are not yet in. Mr. Czymbor stated that is not correct. Commissioner Leary moved to pass the ordinance on first reading as presented. Commissioner Norwood seconded the motion.

Commissioner Kitchens said it is not fair to raise the normal retirement age for existing employee. They can insert wording that this only applies to new employees. Mr. Czymbor said the General Employees Pension Board asked for an actuarial study before he took office as City Manager. They did a supplemental evaluation. He brought this back to the General Employees Pension Board on June 18. They went through each component; each component was discussed and evaluated. The Board recommended by majority vote to change the normal retirement age, and voted unanimously to recommend the other amendments. They took the impact to current employees into account. Mr. Register voted against this. These savings will decrease the City's contribution around 3.2% which starts the day these changes go into effect. As to how much of that is in dollars, Mr. Czymbor stated he does not have those figures.

Melvin Register, elected Employee Representative to the General Employees Pension Fund, said they did go over these options. There are more options to come; only three were addressed, as the others had to go back for more research. As to raising the retirement age from 50 to 55, many employees have been here for 20 to 25 years and are nearing age 50. They expected to retire at 50. This is an accrued benefit. The new actuarial report states there are legal issues with this reduction in benefit, as this is an accrued benefit. When an employee retires they can choose to leave survivor benefits. If this passes when you are 49 years old, you no longer get the choice to retire at 50. The actuary states there could be legal issues with this. He'd hate to see that as a Board member. This will save the City around \$62,000. They had a one-time shortfall of \$93,000 during the crash. The Fund lost down to around \$12 million on the crash, but is back up to \$17 million now. These benefits are one of the few things the City has left going for it; employees haven't received a raise in five years. Health care costs have gone up twice with no raises and is going up again. Employee morale is down. This feels like a slap in the face to those he has spoken to. If there is any other way they can do this, he asks they do. This is not the only changes they are looking to make. They are looking at reducing the multiplier and taking overtime out of the compensation package for future benefits. Most of those he's talked to would be willing to give up a percentage point on the front side to maintain benefits on the back side. To a person, everyone he's spoken to is against this proposal and other benefit reductions. Everything they've looked at will save the City 4.5%

Mr. Czymbor said the commissioners have a fiduciary responsibility to balance the needs of the members against available funds. They have to look at what is doable compared to the needs. They are going through this exercise and looking at all components. They need to fund not only the Fund today, but going forward. The actuary was at the meeting and raised no objection based upon changing the age requirements. There is a Pension Board meeting next week; he suggests tabling this until the next Commission meeting.

Commissioner Brown moved to table the Ordinance. Commissioner Kitchens seconded the motion. Commissioner Leary said he doesn't know any private sector company that allows retirement at 50 years of age. He doesn't have a lot of confidence in the stock market. He's

actively involved with the Fire Pension Board. He concurs with tabling. Mayor Myers states he's in favor of grandfathering employees. That being said, public pension funds are in trouble. They are bankrupting municipalities throughout the State. There being no further discussion, the question was called and the motion passed unopposed.

8. **ORDINANCE** amending Palatka Municipal Code Appendix A, Fee Schedule – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING APPENDIX A (FEE SCHEDULE) OF THE MUNICIPAL CODE OF THE CITY OF PALATKA AS IT PERTAINS TO FEES AND OTHER CHARGES RELATING TO: BUILDING PERMIT AND INSPECTION FEES; CEMETERY LOTS AND SERVICES; PARKS AND RECREATION SPECIAL PERMITS, COMMUNITY CENTER RENTALS AND SPECIAL EVENTS; SIGNS; SOLID WASTE FEES FOR GARBAGE CONTAINER DEPOSITS AND COLLECTION RATES; SEPTIC DUMPING CHARGES; SUBDIVISION PLATS; WATER & SEWER UTILITY LATE PAYMENT FEES, DEPOSITS & MISCELLANEOUS FEES; WATER RATES GENERALLY, BOTH INSIDE AND OUTSIDE THE CITY LIMITS; SEWER RATES GENERALLY, BOTH INSIDE AND OUTSIDE THE CITY LIMITS; AND ZONING ACTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2013. Commissioner Kitchens moved to pull out the sections dealing with water & sewer and sanitation rates and vote on the rest of the fees separately. Commissioner Norwood seconded the motion, which passed four in favor, opposed by Commissioner Leary. Commissioner Kitchens moved to approve the ordinance as amended. Commissioner Norwood seconded the motion. Mayor Myers opened the public hearing.

Commissioner Brown said she's looked at charges for Price Martin and other community centers. She was told these fees are not changing and these were the amounts needed to support those facilities. Next year they need to rethink these facility rental charges. They've received grants to build or upgrade these facilities. They are there for the public's use. They need to be mindful that they need to be affordable. She'd like to look at this next year after the City Manager has tracked expenses for upkeep and rentals.

Commissioner Norwood said if they are raising fees, they have an expectation to raise the level of services that are being provided. He wants to be sure individuals are getting the level of service they are paying for. They should maintain facilities to warrant the fees that are being charged. Mr. Leary asked if they can pull portions of the ordinance that has been advertised. They will have to re-advertise this. Mr. Holmes and Mr. Czymbor said it is the intent they vote on the components separately; Commissioner Kitchens agreed, stating she objects that all this is included in one ordinance.

Mr. Czymbor said this is a comprehensive schedule of all fees and charges within the City. This is a standard, routine and traditional approach used by municipalities to consider one ordinance that contains all fees and charges in one document. All fees and charges are in one document. They provided an underline-strike through ordinance and provided another document that shows what is current and what is proposed. The other document is not an ordinance; this just removed the "clutter." Commissioner Kitchens said she hasn't had time to look at the second document. Mr. Czymbor said the facilities fee schedule contained under Parks did not change; these are the existing fees. They were not adopted by ordinance, but were on an application or brochure. He proposes these fees be adopted. They are based upon the cost of keeping these facilities open. Even if grant funds were received to build the facilities, it takes money to maintain the facilities and rent the facilities. When they went through the budget development process, they went through the building blocks of the budget which include projected revenues and projected expenses, and they justified the budget based upon those factors. They projected increases and

showed how the fees schedule would impact the residents. You cannot say you don't want a 10% increase because it's not good; you base a budget upon the cost to provide services. He was asked to provide examples of that and provided a prior rate study done a few years ago. They compared other adjoining communities' rates to Palatka's rates. With this 10% increase the ending fund balance in the developed budget is around \$69,000, which is a nominal amount for a public utility. Taking out that increase, they will end with a negative \$311,000. They can't end with a negative balance. They are required to produce enough revenue to cover the bond covenants by law. They have to produce enough revenue to pay the principal and interest on the bond. The commission's requirement is to provide services and charge what's required to pay the cost.

Discussion ensued regarding voting upon all components of the Ordinance. Commissioner Kitchens said they've lumped all charges in together and that is not right. They didn't want an automatic increase to water & sewer and she wanted to pull those out and vote on them separately. It is not proper for the water and sewer rates to be tied into a lot of other rates. Those should be separate ordinances. She doesn't see an option to raise fees 1% or 3%. Mr. Holmes said the solution is to move to amend the ordinance to amend the fees. The amendment either passes or it doesn't. They can only vote on the passage of the ordinance once.

Commissioner Leary said staff did a great job putting this together. The City's rates are still well below others in this region. There is a huge disparity between those that pay ad valorem taxes and those that don't. They have to pay an additional cost for these services. He supports these increases as they need to put money into the upgrading infrastructure. \$70,000 pays for one catastrophe. He likes this format and this is the type of budget he's used to looking at. Until they stop taking ad valorem revenue-producing properties like banks off the tax rolls they are going to have to increase fees.

Commissioner Norwood said he asked for this second document to justify the increase. He knows they went through the budget process and they discussed a 10% increase to utility rates. He wanted to know if they didn't change anything would they cover their cost to deliver services, and the answer is no. If they increase fees and rates, they will cover their cost. The Commission has to come to a conclusion as to whether or not they will accept documents at the desk once the meeting starts, or are they going to forbid staff from producing documents at the desk. The Commission needs to set a time certain for all documents that are put on the Agenda. The Commission needs to set deadlines for documents and stick to those. Mayor Myers said the defining document was given to them in the Ordinance. The extra document is not the ordinance. The defining document was in their agenda package. Commissioner Kitchens said the document was emailed to them over the weekend, it was not in the packet. She picked up a hard copy on Monday. She understands the reason for the rate increase. Other surrounding communities are wealthier communities. Their citizens simply can't afford these increases. According to the Putnam County Tax Assessor's 2012 records, there are 4,165 individual parcels assessed on the tax rolls in the City. Of those, 1,733 of those have homestead exemptions and most of those pay taxes. 405 government or institutional parcels don't pay taxes. 119 homesteaded parcels don't pay taxes. Only 524 parcels out of 4,125 don't pay taxes. The majority of the parcel owners in Palatka pay taxes. Mr. Czymbor said they shouldn't be looking at what other communities pay. What they should be looking at, and what they are looking at, is the cost to deliver services and repay bonds. When you borrow money, you have to cover your debt. He agrees that they should disregard rates other community charge as that's not relevant. What's relevant is setting rates to cover their cost to deliver services. Commissioner Brown noted she's not happy with raising rates, but it has to be done, as they have to pay their bills.

Marcia Lane, 210 E. Forest Park Drive, said she's heard many times tonight that the Commission didn't receive the back up for the document until just before the meeting. As to raising fees, this was not brought up to her as a voter. She asked when the utility rates were raised last; she said they were raised last year. They need to realize that Commissioner Kitchen is correct. \$6.00 per month is a lot of money to some people. They need to pay fiscal attention to what they are doing. They just sold a piece of property for a price lower than it's worth. To continually raise taxes by rates and fees is wrong. They call this a fee but it is a tax. The Commission discusses the budget around 4:00 or 4:30 in the afternoon when people work. They need to hold them when people can come. The power point presentation was great, but people need to see this at a reasonable time of day.

Mayor Myers said revenues have to exceed expenditures. You have to pay for the service you deliver. They have to keep a positive rate of return and a reserve, and the only way they can do that is to raise the rates. Commissioner Norwood asked if there is any other way to cover operating costs of utilities other than raising rates or taxes. Mr. Czymbor said you either increase revenue or decrease costs. The Commission wants to give raises to and provide health insurance and pensions to employees, and those are expenditures. You have to pay electricity. You do everything you can do decrease costs, and look at revenue sources. They could increase the cost to property owners that are outside the City to use services; right now it's 25%; they could legally go up to 50%. They have done a good job of preparing a fiscally conservative budget. This is a nominal rate increase. People come in and ask why their water is brown; it is because they don't have the millions of dollars necessary to replace 100+ year old infrastructure. Commissioner Norwood said they are beginning to annex those enclaves that they are currently providing services to and need to continue to bring those in.

Commissioner Brown moved to reconsider the motion made to exclude water sewer & garbage from this Ordinance. Commissioner Kitchens seconded the motion, which passed unopposed. Commissioner Kitchens moved to pull water, sewer and garbage out for a separate vote. The motion died for lack of a second.

Commissioner Leary moved to approve the ordinance as read. Commissioner Norwood seconded the motion. There being no further discussion, a roll call vote was taken, which yielded the following results: Commissioners Brown, Leary, Norwood and Mayor Myers, yes; Commissioner Kitchens, no. The ordinance was declared passed on first reading by a margin of four to one.

9. **ORDINANCE** amending Chapter 78, Taxation, Article II, Electricity and Gas Tax to provide for a flat rate of taxation for sales of electricity & cooking and heating gas – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA BY REVISING SECTION 78-31, TAXATION, ARTICLE II, ELECTRICITY AND GAS TAX, TO ESTABLISH A CONSISTENT PERCENTAGE OF TAX ON SALES OF ELECTRICITY AND COOKING & HEATING GAS IN THE CITY OF PALATKA; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading a read. Commissioner Brown seconded the motion. There being no comment or discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The ordinance was declared passed on first reading.
10. **ORDINANCE** amending Chapter 94, Zoning Code, to allow Sandwich Signs for special events in the Downtown Zoning District – 1st Reading – The Clerk read an ordinance entitled AN

ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING ZONING CODE SECTION 94-161(J)(2) AND 94-162(J)(2) TO ALLOW SANDWICH SIGNS FOR SPECIAL EVENTS WITH LOCATION STANDARDS AND TIME LIMITATIONS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Leary seconded the motion.

Jerry Hafner, 122 Hilty Lane, E. Palatka, said he's speaking for Charles Rudd, Main Street Manager, and read a letter from Mr. Rudd which stated he supports this to allow signs a month before annual events, a week before monthly events, and a day before weekly events. This will allow them to support special events. Commissioner Kitchens said people have been putting up those signs and Mr. Rudd puts those up under a sidewalk wares ordinance; he received a permit to do this. Mr. Holmes made sure the City will not be liable for accidents under that ordinance. When downtown merchants want to put signs or anything out on the sidewalk they are required to indemnify the City for doing so. She asked if there is a way to cover the City in the case of tripping over one of these signs. Mr. Holmes said the City has sovereign immunity; anyone can trip on the right of way and can sue the city. Someone can sue the City over tripping over a sign. The City has insurance and there are limitations on awards. Commissioner Kitchens said this ordinance allows what the City already allows, but this allows signs to go up a month before events. This concerns her. She does not mind them going up a few days before the event.

Thad Crowe, Planning Director, said it is the interpretation of the Building Dept, who is the agency charged with interpretation of sign code, that the sandwich signs apply to businesses, not floating signs for special events. This provides uniformity for special events. Mayor Myers noted this is a clarification issue and has to do with signs put up by organizations other than businesses. There being no further discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Leary, Norwood and Mayor Myers, yes; Commissioner Kitchens, no. The ordinance was declared passed on first reading by a margin of four to one.

11. **ORDINANCE** amending the Comprehensive Plan Future Land Use Element to allow residential uses in Community Redevelopment Areas with Commercial Land Use Designations – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING FUTURE LAND USE ELEMENT POLICY A.1.9.3.A.2 OF THE COMPREHENSIVE PLAN TO ALLOW FOR RESIDENTIAL USES WITHIN COMMERCIAL ZONING DISTRICTS THAT ARE ALSO COMMUNITY REDEVELOPMENT AREAS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to adopt the ordinance on single reading as read. Commissioner Brown seconded the motion. There being no comment or discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The ordinance was adopted.
12. **ORDINANCE** amending the Chapter 94, Zoning Code, to allow residential uses in the C-2 Zoning District within Community Redevelopment Areas – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ALLWOING RESIDNETIAL USES IN THE C-2 ZONIGN DISTRICT WITHIN COMMUNITY REDEVELOPMENT AREAS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance on second reading as read. Commissioner Kitchens seconded the motion. There being no comment or discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The ordinance was adopted.

13. **ORDINANCE** adopting regulations for non-consensual towing of vehicles from private property – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ESTABLISHING LOCAL REGULATIONS AND PROFESSIONAL STANDARDS FOR NON-CONSENSUAL TOWING OF VEHICLES PARKED ON PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance on second reading as read. Commissioner Brown seconded the motion. There being no comment or discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The ordinance was adopted.
14. **REQUEST TO LOCATE FM ANTENNAE ON RADIO TOWER** at Palatka Fire Department – Alex Sharp, President, Downtown Palatka, Inc., 900 St. Johns Avenue, said there are two things that are holding up a staff recommendation on this request; they need a memorandum of understanding, which he has asked that Mr. Holmes draft, as DPI would agree with whatever contingency the city would ask for. They are performing a test on the frequencies on the Tower to see that they don't interfere with existing broadcast antenna; their engineer is performing that test. He asked they either table this until September 26 to allow him to present these reports, or allow this based upon a positive report back from the engineer. Commissioner Norwood moved to table the item to a time certain of September 12, 2013. Commissioner Kitchens seconded the motion, which passed unopposed.
15. **CITY MANAGER & ADMINISTRATIVE REPORTS**
REPORT ON MEETING WITH PCSD SUPERINTENDENT CRISWELL - Mr. Czymbor said he and Mayor Myers met with Supt. Criswell and the School Board's attorney as well as School Board Commissioner Cummings. This was an opportunity for the Superintendent to talk about her needs for City response to law enforcement issues, knowing the School District has its own police department and contract for services with the PCSO. Chief Getchell also attended the meeting. The City explained they were looking for clarification as to response for Law Enforcement services on school properties. This was a very productive meeting. They expressed their concerns, needs and expectations. They are looking for an Interlocal Agreement which will clarify all parties' responsibilities. They will bring that back before the commission. Mayor Myers added they will bring back a mutually acceptable agreement.

The Clerk said the City is conducting employee training on Sexual Harassment Laws on Wednesday 9/18 at the Price Martin Center. Employee training is scheduled for 11:00 am and supervisor training will take place at noon. The Commission is invited and encouraged to attend.

The Clerk said the City will host the September meeting of the NE Florida League of Cities meeting on Thursday evening, 9/19 at the Golf Club.

16. **COMMISSIONER COMMENTS**
 Commissioner Kitchens said individual citizens have a right to freedom of speech and it is unfortunate they were not able to let people speak to the issue of the Church's appeal tonight.
- Mayor Myers commended everyone for their conduct during the appeal.
17. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:58 p.m. upon a motion by Commissioner Brown.