

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 July 11, 2013

Proceedings of a Regular meeting of the City Commission of the City of Palatka, Florida, held on the 11th day of July, 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, and Main Street Manager Charles Rudd

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

INVOCATION – The Reverend John Miles, Pastor; First Church of God of Florahome

PLEDGE OF ALLEGIANCE – Police Chief Gary Getchell

APPROVAL OF MINUTES - 6/27/13 Regular meeting - Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

Community Recognition: 2013 Fireworks Sponsors – the following sponsors were recognized:

Florida Power & Light	Palatka Daily News	Azalea Health
Badcock Home Furnishings	Bradley's Steak and Seafood	City Shippers
Bates, Hewitt & Floyd Insurance/Coldwell Banker – Ben Bates	Clay Electric Cooperative	Carr, Riggs & Ingram
Conlee-Snyder Mural Committee	Georgia-Pacific Corp.	Cracker House Sauces, Inc.
Dunkin Donuts/Baskin Robbins	Human Resources Development Services	Gottago of Putnam County
Ginn Financial Group, Inc.	Johnson-Overturf Funeral Homes & Crematory	
Income Tax Service	Mathews Moving & Storage	Lavinia Moody
Masters Funeral Homes	Palatka Health Care Center	Pilot Club of Palatka
Palatka Men's Golf Association	Publix Supermarkets	Dr. Richard Perallon
Producers Ace Hardware	Sentry Termite & Pest Control, Inc.	River Villas, Inc.
Richard Morris Light Hauling	Singleton Subway #4631, Inc.	Sunset Point Car Wash
Singleton Subway #13431, Inc.	Robert E. Taylor, AIA, Architect, Builders & Developers	WTRP
Sunrise Primary Care		
Republican Women's Network of Putnam County		

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

3. **CONSENT AGENDA:**

- a. **Adopt Resolution No. 2013-9-134** approving the Contract Agreement with Professional Firefighters of Palatka Local 2992 for the term 10/1/13 through 9/30/16 and authorizing its execution
- b. **Adopt Resolution No. 2013-9-135** authorizing the Police Department's application for FY2013 Edward Byrne Memorial Justice Assistance Grant (Countywide Solicitation) funds in the amount of \$15,341 for the purchase of computers and surveillance equipment – no match required
- c. **Adopt Resolution No. 2013-9-136** authorizing the Police Department's application for FY2013 Edard Byrne Memorial Justice Assistance Grant (Local Solicitation) funds in the amount of \$10,986 for the purchase of computers and tasers – no match required
- d. **Adopt Resolution No. 2013-9-137** authorizing the execution of a brokerage agreement with Brown & Brown (Daytona) for Property/Casualty Agent of Record Services
- e. **Adopt Resolution No. 2013-9-138** authorizing the execution of a Brokerage Agreement with Bates & Hewitt, Inc. for Employee Benefits Agent of Record Services
- f. **Make the following Code Enforcement Board appointments:**
 - Johnny M. Brown to Member with Architectural Exp, term expiring Sept. 2015 (currently Alternate)
 - John Lyons to Member with Sub Contractor Exp. Term expiring Sept. 2014 (currently Alternate)
 - Col. Andrew M. Kiley (Ret) as Alternate, term expiring September, 2015
 - Darcy W. Phillips as Alternate, term expiring September, 2014
- g. **Amend the City Commission Summer Meeting Schedule** to set the Budget Workshop on July 18, 2013 at 2:00 p.m. and move the regular July 25 meeting to July 18, 2013, per FY 2013/14 TRIM Calendar

Items 3(d), (e) and (f) and (g) were pulled for discussion. Commissioner Brown moved to approve Consent Agenda Items 3(a), (b) and (c) as presented. Commissioner Kitchens seconded the motion, which passed unopposed.

3(d). **Resolution No. 2013-9-137** authorizing the execution of a brokerage agreement with Brown & Brown (Daytona) for Property/Casualty Agent of Record Services – Adopt - Commissioner Brown said she has a problem with paying someone to provide brokerage services for the City. The League has an insurance trust; they founded it so that cities can get a fair quote on insurance. The City of Palatka was a founding member of the Trust. Counties are now being served by the Trust; they now insure Putnam County. Brown & Brown is in direct competition with the Florida League of Cities. She does not believe they need to look elsewhere. The League is a full-service agency; they even have a Fraud division which has been very diligent in catching and prosecuting those who are committing insurance fraud.

Mayor Myers noted even though Brown & Brown is soliciting quote from other agencies on behalf of the City, The League will be providing a quote too. Mr. Czymbor said this only allows Brown & Brown to receive quotes; the only way the Broker will receive payment is if the City chooses coverage brokered through Brown & Brown. This only allows the City to get competitive quotes.

Commissioner Kitchens said she checked with Mr. Reynolds and he said the City has never had an issue with the League. Ms. Driggers, who actually works with the League on insurance matters, can probably provide other insight. They've apparently never had any problems with the League. Commissioner Kitchens read the motion from the discussion in May regarding the selection of Brown & Brown as Broker, which stated the resolution should allow the City to acquire competitive quotes from everyone, including the League of Cities. The resolution before

them tonight doesn't say anything about the League being able to quote. They specifically said they would adopt a resolution to accept Brown & Brown as Agent of Record, but that the League would also be allowed to quote. Mr. Czymbor said that's stated in the contract under item 5(e). Florida statute gives municipalities the right to obtain quotes from all Trusts. Commissioner Kitchens asked why they are switching agents. Mr. Czymbor said FMIT is an insurance provider. Brown & Brown is a broker and agent of record. They will help the City review its coverage and will solicit quotes from FMIT as well as PIGIT, which are both trusts. As to who did this for the City last year, no one did this. The City has not actively gone out for quotes on property & casualty insurance for many years.

Mayor Myers said the League of Cities' FMIT does wonderful work, but the City should limit not limit itself to purchase this coverage from the League just because they are the League. If the City can get a better price from someone else, they should seek that. They need to get the most cost effective use of the taxpayer's dollar on behalf of the citizens. Commissioner Brown said the County just placed its coverage through the Florida League of Cities. Mayor Myers said it's probably because they got a better rate from the League

Mr. Holmes said Commissioner Brown has stated she wishes to recuse herself from voting on this matter. She has no personal interest in the insurance company and does not own stock in one of the companies. She just sits on the Insurance Trust Board of Directors for the League. She doesn't want to vote due to the appearance of a conflict.

Commissioner Norwood said they are members of the League of Cities and pay for their services. It doesn't make sense to pay for these services and then solicit other quotes and pay for those, too. Competition is good, but they can go with the League at any time and there will be no fees paid to Brown & Brown if that happens. They are members of the League and they need to support that organization. Commissioner Brown said if they go with another insurance company they will lose benefits they now enjoy.

The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING A BROKER SERVICES AGREEMENT WITH BROWN & BROWN (DAYTONA) AS THE CITY'S AGENT OF RECORD (BROKER) FOR PROPERTY & CASUALTY INSURANCE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALATKA, FL. Commissioner Norwood moved to adopt the resolution as read, provided the City will still be able to obtain quotes from the League of Cities. Commissioner Kitchens seconded the motion. The Clerk noted this Resolution does not contain that passage because this Resolution only addresses the Brokerage Services Agreement with Brown & Brown. The Resolution passed in June contains the passage that states the City retains the right to solicit a quote from the League of Cities. That passage is also contained in the Contract that this resolution authorizes. There being no further discussion, a roll-call vote was taken, which yielded the following results: Commissioners Leary, Norwood and Mayor Myers, yes; Commissioner Kitchens, no, with Commission Brown recusing. The motion was declared passed by a margin of three in favor, one opposed, one recusal. Mr. Holmes stated the contract they just approved contains the caveat that if the City purchases coverage from the League, no brokerage fees will be paid to Brown & Brown. The previous resolution contains the caveat allowing the City to solicit and purchase coverage directly from the Florida League of Cities.

- 3(e). **Adopt Resolution No. 2013-9-138** authorizing the execution of a Brokerage Agreement with Bates & Hewitt, Inc. for Employee Benefits Agent of Record Services – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING A BROKER SERVICES AGREEMENT WITH BATES & HEWITT (PALATKA) AS THE CITY'S AGENT OF RECORD (BROKER) FOR EMPLOYEE BENEFITS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALATKA, FL.

Commissioner Kitchens moved to adopt the Resolution as read. Commissioner Norwood seconded the motion. Commissioner Kitchens noted the City also reserved the right to obtain quotes and purchase coverage from the Florida League of Cities without having to pay a brokerage fee to Bates & Hewitt. There being no further discussion and no comments, a roll-call vote was taken, which yielded the following results: Commissioners Kitchens, Leary, Norwood and Mayor Myers, Yes; Nays, none. Commissioner Brown recused. The Resolution was declared adopted on a margin of four in favor, one recusal by Commissioner Brown.

3(f). Make the following Code Enforcement Board appointments:

- Johnny M. Brown to Member with Architectural Exp, term expiring Sept. 2015 (currently Alternate)
- John Lyons to Member with Sub Contractor Exp. Term expiring Sept. 2014 (currently Alternate)
- Col. Andrew M Kiley (Ret) as Alternate, term expiring September, 2015
- Darcy W. Phillips as Alternate, term expiring September, 2014

Commissioner Brown stated Johnny M. Brown is her son so she will recuse herself from the vote. Commissioner Norwood moved to pass the motion on first reading as read. Commissioner Kitchens seconded the motion, which passed four in favor, one recusal by Commissioner Brown.

3(g). Amend the City Commission Summer Meeting Schedule to set the Budget Workshop on July 18, 2013 at 2:00 p.m. and move the regular July 25 meeting to July 18, 2013, per FY 2013/14 TRIM Calendar – Commissioner Norwood said on the 18th he has another board meeting he's committed to attend at 4:15. The Commission meeting begins at 6 pm. He wanted to let the Commission know he will be attending all three meetings, which may make him late for the 6 pm meeting. Commissioner Kitchens moved to amend the Calendar as noted. Commissioner Norwood seconded the motion, which passed unopposed.

PUBLIC HEARINGS:

4. **ORDINANCE** de-annexing property inadvertently annexed into the City of Palatka – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, CORRECTING (DE-ANNEXING) REAL ESTATE INCORPORATED INTO THE CITY OF PALATKA, FLORIDA IN AN ANNEXATION BY ERROR; 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. 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 adopted.
5. **ORDINANCE** amending Zoning Code Text to allow Caretaker or Manager Dwelling Units in C-2 Zoning Districts – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ELIMINATING MULTI-FAMILY HOUSING AND ALLOWING MANAGER OR CARETAKER QUARTERS FOR PRINCIPAL USES IN THE C-2 ZONING DISTRICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on second reading as read. Commissioner Kitchens seconded the motion. There being no discussion or comment, a roll-call vote was taken, which yielded the followings results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The Ordinance was declared adopted.
6. **ORDINANCE** amending Zoning Code Text to eliminate the requirement that conditional uses in R-3 zoning districts be located on a major thoroughfare or highway – 2nd Reading, Adopt – The Clerk read and ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ELIMINATING THE REQUIREMENT THAT ALL CONDITIONAL USES BE LOCATED ON

MAJOR THOROUGHFARES OR HIGHWAYS IN THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT; 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 discussion or comment, a roll-call vote was taken, which yielded the followings results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The Ordinance was declared adopted.

7. **ORDINANCE** amending Planning Code Text to allow staff review for Certificates of Appropriateness for exterior changes to historic properties – 2nd Reading, Adopt – 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, ALLOWING FOR STAFF REVIEW FOR ORDINARY MAINTENANCE OF HISTORIC STRUCTURES AND FOR EXTERIOR ALTERATIONS THAT PRESERVE THE ORIGINAL APPEARANCE OF THE HISTORIC FEATURE, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on second reading as read. Commissioner Brown seconded the motion. There being no discussion or comment, a roll-call vote was taken, which yielded the followings results: Commissioners Brown, Leary, Norwood and Mayor Myers, yes; Commissioner Kitchens, no. The Ordinance was declared adopted upon a vote of four in favor, opposed by Commissioner Kitchens.
8. **ORDINANCE** amending Planning Code Text to modify building and fire code enforcement for locally designated historic buildings - 2nd Reading, Adopt - 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, ALLOWING FOR MODIFIED ENFORCEMENT OF APPLICABLE CODES WHERE APPROPRIATE IN THE PROFESSIONAL JUDGMENT OF THE BUILDING OFFICIAL AND FIRE MARSHAL, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on second reading as read. Commissioner Kitchens seconded the motion. There being no discussion or comment, a roll-call vote was taken, which yielded the followings results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The Ordinance was declared adopted.
9. **ORDINANCE** amending the General Employees Pension Plan Investment Guidelines to allow for investments in Master Limited Partnerships (MLPs) – 2nd Reading, Adopt - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY AMENDING THE INVESTMENT POLICY STATEMENT OF THE CITY OF PALATKA GENERAL EMPLOYEES RETIREMENT PLAN TO ADD MASTER LIMITED PARTNERSHIPS (MLPs) AS AUTHORIZED INVESTMENTS; AMENDING SEC. 2-204 INVESTMENT PERFORMANCE OBJECTIVES; AMENDING SEC. 2-205, INVESTMENT GUIDELINES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on second reading as read. Commissioner Kitchens seconded the motion. Commissioner Brown asked what an MLP is. Mayor Myers said it allows for investment in oil and gas pipeline companies. There being no further discussion or comment, a roll-call vote was taken, which yielded the followings results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The Ordinance was declared adopted.
10. **CITY MANAGER & ADMINISTRATIVE REPORTS**
FIREWORKS RESCHEDULING OPTIONS – City Manager Michael Czymbor – Mayor Myers said the Independence Day Fireworks Show was cancelled about 30 minutes prior to the show due to the extreme weather conditions present. This was a safety issue and in the best interest of the citizens to cancel the show. This was added so they could discuss possible dates for

rescheduling. They met the Friday after the cancellation and discussed New Year's Eve. There is precedence on rescheduling fireworks to New Years Eve as this was done once before when the fireworks were cancelled due to a state-wide burn ban. They've discussed other options.

Mr. Czymbor said they've talked about November 29, the Friday after Thanksgiving, following the Christmas Parade, and December 7 at Light the Riverfront. Downtown Palatka is organizing a new event, The Shrimp Festival, over Labor Day Weekend and have asked the fireworks be rescheduled to August 31st. The cost is broken out between the cost of a normal fireworks show and a smaller show. Option A shows the cost of the smaller show and Option B shows the cost of the same show.

Chief Lambert said there is a contract cancellation fee. He's had conversations with the contractor about other options. They can stage the show off the end of the City Dock; this would require smaller shells that wouldn't go as high. He's verified that the show can be done on August 31, November 29, or December 7. Option A would save a lot of money. Mr. Santore said there is no significant difference in the shows. The smaller shells have just as much "wow" factor but don't go as high. The contract with Santore provides for a \$10,800 cancellation fee. Bottom line, they had to stage it whether they set off the shells or not. They still did all the labor as if they were going to set it off, then had to come back and spend all day taking the fuses apart and transporting the shells back to the factory, which is very labor intensive. The contract called for a 60% postponement fee if postponed less than 12 hrs prior to the show.

Commissioner Kitchens said she objects to December 7 as that is Pearl Harbor Day and they should not be celebrating anything on Pearl Harbor Day or shooting off fireworks. This is disrespectful to veterans.

Doc Sweeny, PO Box 35, San Mateo, said the fireworks are to celebrate the 4th of July celebration. December 7th was the start of WWII. September 11th is a less appropriate date. He does not believe December 7th is appropriate.

Sam Deputy, 623 St. Johns Avenue, Palatka, regarding rescheduling the fireworks to the date of the Christmas Parade, the issue would be the movement of people heading east. For this parade they line up at the Riverfront as there is not enough room on 11th Street. The movement would be problematic. He prefers the Labor Day date.

Alex Sharp, 900 St. Johns Avenue, President, Downtown Palatka, Inc. distributed posters advertising the Shrimp Festival. He said they are in the process of putting this festival together. This will be a family affair. This is the Saturday of Labor Day. This would be an appropriate day to showcase Palatka. He is here to answer questions. Any funds made would go to the Merchants Association, and a portion would go to the beautification of the Downtown area. He doesn't see this Festival as having a large "footprint" on Memorial Drive; they want to make it small and centrally located. They are amicable to redirecting traffic that so people will have access to the fireworks.

Mr. Deputy said for the first year the footprint will only be on the east side of Memorial Drive. The time is 11 am to 11 pm. This has been permitted through the City. Mr. Sharpe said they will structure their festival to accommodate the fireworks. This would boost their Festival. It would be beneficial to all. Commissioner Norwood asked how much involvement the City would have in this festival as to cost, noting Mr. Czymbor's presentation on the cost of the city's participation in Blue Crab Festival. Mr. Deputy said after they finalize their plans the fees will be calculated, but at this time they don't have an estimate of those fees. Commissioner Norwood said he wants to understand the cost of the City's participation in this Festival. They don't want to treat one festival more special than the other.

Betsy Driggers, 102 Canal Drive, E. Palatka, a member of Pilot Club of Palatka, said they'd be pleased to have the fireworks held in conjunction with Light the Riverfront. Light the Riverfront has been going on for many years and is traditionally held on the first Saturday in December. This is a celebration of Christmas and the birth of Baby Jesus. She hopes they can overlook that this happens to fall on Pearl Harbor Day. This is their biggest fundraiser of the year. If the City would consider holding the fireworks at Light the Riverfront, they can look at moving it off Dec. 7th if this is the only objection.

Commissioner Kitchens moved to approve Option A for the cost of rescheduling the Fireworks show. Commissioner Brown seconded the motion, which passed unopposed.

Commissioner Norwood moved to reschedule the Independence Day/4th of July Fireworks Show to August 31. Commissioner Brown seconded the motion, which passed unopposed.

Mr. Czymbor said on July 18 the Commission will hold a budget workshop at 2:00 pm and a Commission meeting at 6:00 p.m.

Mr. Czymbor said the Airport Advisory Board has shown a keen interest in the finances of the Airport and are looking at ways to increase revenues and decrease costs. They've discussed bringing a customs agent to the Airport. Commissioner Brown asked a discussion on a customs agent be placed on the next Commission Agenda. This would facilitate International Trade. Several cities have them. There was consensus to put this on the August 8 meeting agenda.

Mr. Crowe said there are two appeals pending on Planning Board cases. One is for the denial of the homeless feeding program at St. Marks Episcopal Church, and the other is the North Historic District Neighborhood's appeal of the issuance of a conditional use permit for a school for St. Marks Episcopal Church. The Church has withdrawn its appeal on the denial of the "soup kitchen" use and he is expecting the NHD Neighborhood to withdraw its appeal on the school use.

Chief Lambert said the City is preparing for an ISO inspection in August; they haven't had one done in 12 years. This is scheduled for August 26. This usually takes 2 – 3 days. They hope to lower the Fire Protection Class rating for the City.

11. **COMMISSIONER COMMENTS**

Commissioner Norwood asked if relationships between the City of Palatka and other governmental entities are good. He's hearing about strained relationships between other government entities, specifically the County and the School Board. They want to be sure they are cultivating relationships. Commissioner Kitchens said she's heard the same thing. They have a LOGIC meeting coming up and this would be a good time to discuss this. Mayor Myers said they want to foster good relations with all governmental entities; however, sometimes what is good for the citizens of Palatka may not be the best thing for citizens of other entities. They need to look out for their own citizens. If they have concerns, they should sit down with the City Manager and discuss those. Commissioner Brown said sometimes it's a matter of communication. They all need to work cooperatively when possible.

Commissioner Norwood asked who is paying for the maintenance of the Trails throughout the City. Mr. Crowe said it is his understanding that once in place it belongs to the City. This will be part of the City's public works program. Mayor Myers asked Mr. Crowe to look into this.

12. **ADJOURN – There being no further business to discuss, the meeting was adjourned at 7:00 p.m. upon a motion by Commissioner Kitchens.**