

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
February 27, 2014

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 27TH day of February, 2014.

PRESENT:

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

Also Present: City Manager Michael J. Czymbor; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Thad Crowe; WWTP Superintendent Brian McCann; 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 John Jacobs, Pastor; St. Peter’s Anglican Church

PLEDGE OF ALLEGIANCE – Commissioner Kitchens

APPROVAL OF MINUTES – 2/13/14 – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION/PRESENTATIONS:

PROCLAMATION – Azalea Days – March 1 & 2, 2014 – Kathy Griffin and Marlene Lagasse, Azalea Festival/Downtown Palatka representatives, were present to accept the proclamation, which was read and presented by Mayor Myers. They presented each commissioner with a festival T-shirt. Mrs. Lagasse said they hope everyone will come out and enjoy the festival, which goes on all weekend long.

STUDENT OF THE MONTH – February, 2014 – Commissioner Kitchens joined Mayor Myers in presenting certificates of achievement to the following students for academic excellence, leadership, citizenship and attendance at their respective schools:

| | |
|----------------|--|
| Lane Singleton | Browning-Pearce Elementary |
| Taylor Murrow | C. L. Overturf, Jr. 6 th Grade Center |
| Delia Marshall | Children’s Reading Center Charter School |

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|-------------------|-----------------------------------|
| Kee'Nila Mckinzie | E. H. Miller School |
| Hannah Parrish | James A. Long Elementary School |
| Haley Beldon | Jenkins Middle School |
| Jozie Reyes | Kelley Smith Elementary School |
| Caleb Bryan | Mellon Elementary School |
| Hannah Gall | Moseley Elementary School |
| Arneishia Grant | Palatka High School |
| Laynie McKinnon | Peniel Baptist Academy |
| Zuma Brown | Putnam Academy of Arts & Sciences |
| Ryan Bosely | Putnam EDGE High School |

2. PUBLIC COMMENTS

Christy Sanford, 312 Dodge Street, said Saturday night behind the 100 Block they will have a showing of the Bartram Trail videos that were produced by Sailforth, a professional production company. This will follow the dedication of the Palatka Bartram Trail Kiosk. She distributed brochures about the Bartram Trail. Mayor Myers said the Bartram Trail is gaining a lot of recognition outside of the community. He noted the work of Ms. Sanford and Sam Carr on this project in conjunction with the Chamber of Commerce and City.

3. CONSENT AGENDA:

- a. **Adopt Resolution No. 2014-10-43** authorizing the execution of a renewal agreement with Dr. Vanessa Townsend & Associates, PA for administration of the City of Palatka Employee Assistance Program (EAP) for the calendar year 2014
- b. **Adopt Resolution No. 2014-10-44** authorizing the execution of Change Order #1 with Miner's Marine Construction, Inc. for Derelict Vessel Removal in the amount of \$11,000, for a total contract amount of \$36,250.00
- c. **Adopt Resolution No. 2014-10-45** awarding the bid for the WWTP 3/4 Ton Utility Truck to Beck Ford of Palatka in the amount of \$28,733.00.
- d. **Adopt Resolution No. 2014-10-46** authorizing the issuance of Special Events Permit #14-19 for the 68th Annual Azalea Festival, setting forth provisions of the permit, authorizing the closure of certain streets to vehicular traffic during Festival events, and setting advance and other permit fees – Downtown Palatka, Inc., applicant
- e. **Grant Permission to exceed allowable noise levels** set by Chapter 30, Article V of the Municipal Code for Special Events Permit #14-21, The Azalea Festival Mayor's Reception, February 28, 2014, 6:00 – 8:00 p.m. – City of Palatka, Applicant
- f. **Grant Special Request Items for Special Events Permit No. 14-09**, Putnam County Chamber of Commerce "B.A.S.S. BassMaster Elite Series Tournament" as follows:
 1. Allow sales/consumption of alcoholic beverages on closed-off section of St. Johns Ave. & Memorial Drive, as well as the northern part of the Riverfront Park as shown on site plan for the BassMaster Elite Series Tournament, March 21 – 23, 2014 from 1:00 p.m. to 7:00 p.m.
 2. Approve request to exceed allowable noise levels on March 20 – 23, 2014 from 6:00 a.m. to 9:00 p.m.
 3. Approve request to place temporary banners throughout the City as noted on application
- g. **Grant permission for sale and consumption of alcoholic beverages on public r/w** for Special Events permit No.14-18, Palatka Main Street "Beer & Wine Sales" (associated with already approved 4th Saturday Downtown Palatka Cruise-In Special Event) – March 22, 2014
- h. **Appoint Roger W. Sandoz** to the Palatka Tree Committee to serve at the pleasure of the Commission
- i. **Recommend to Putnam County BOCC the appointment of Patricia C. Sheffield** to the Putnam County Library Board for the remainder of a three-year term to expire June 30, 2014 and reappointment for a full three-year term to begin July 1, 2014

Commissioner Kitchens moved to pass all items on consent as presented. Commissioner Leary seconded the motion, which passed unopposed. Commissioner Kitchens recognized the presence of Mr. Sandoz, Tree Committee Appointee, in the audience.

Mr. Czymbor said three of the five derelict boats have been removed. Mr. Griffith said the county has approved up to \$41,000 for the removal of derelict boats.

Mayor Myers complimented Dana Jones, President of the Putnam County Chamber of Commerce, on her hard work in bringing the BASS Bassmaster Elite Tournament to Palatka. This is a significant event for the community.

4. **RESOLUTION No. 2014-10-47** setting City of Palatka Goals/Priorities for 2014/2015 and directing the City Manager to focus the City's resources to accomplish the stated goals – Adopt – The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, SETTING GOALS/PRIORITIES FOR 2014 AND 2015 AND DIRECTING THE CITY MANAGER TO FOCUS THE CITY'S RESOURCES TO ACCOMPLISH THE STATED GOALS/PRIORITIES. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Leary seconded the motion. There being no comments or discussion, a roll-call vote was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Meyers, yes; Nays, none. The Resolution was declared adopted.
5. **FAIR HOUSING WORKSHOP – CDBG FY 2013 Application Cycle – Fred Fox**, Fred Fox Enterprises, St. Augustine, said this is part of the CDBG application process. They held a separate workshop this afternoon for bankers and realtors. This workshop is for the benefit of the public. Both were duly advertised. He distributed a sign-in sheet for participants. He said in the past they've done workshops on the local ordinance. He spoke of the Federal Fair housing Act which was adopted in 1968, which prohibits discrimination in housing on the basis of race or color, national origin, religion, sex, familial status (including children under the age of 18) and the disabled. He has copies of this for those who would like one. HUD (Housing and Urban Development) enforces the Fair Housing Act. This applies to most housing categories and housing transactions. In some circumstances the Act exempts owner occupied homes, structures with four or more units, houses sold without the use of brokers, and private clubs. He went on to describe prohibitions in the sale and rental of housing under the Act. He described housing protection for families with children, which includes pregnant women and those in the process of securing legal custody of a child, or adoption. He noted other prohibitions which apply to those supplying housing to the disabled, such as allowing modifications or guide dogs. Some senior housing and communities are exempt, as they can refuse to sell or rent to families with minor children. Definitions for "senior housing" were provided.

Mr. Fox explained the procedure for filing a complaint with HUD should anyone feel their rights under the Act have been violated. He noted the City has had a Fair Housing ordinance for many years and noted copies of that are available to the public. He listed information on where to file complaints. He also described the process of complaint handling after a complaint is filed, and how it is adjudicated at the federal level. He provided details on Palatka's ordinance, which was adopted in 1983 and amended in 1985 and 1990. Complaints must be submitted to the City within 60 days of the incident; the City will investigate the complaint and if found to be valid, will then forward the complaint to the State's Attorney's office for prosecution.

There was no comment from the commission or audience. The Public Hearing was closed.

PUBLIC HEARINGS:

6. **CDBG FFY 2013 Commercial Revitalization Category Application** for Riverfront Park Improvements – 2nd Public Hearing – Fred Fox, Fred Fox Enterprises. Mayor Myers opened the public hearing.

RESOLUTION authorizing submission of a Small Cities CDBG Application and committing \$125,000 leverage funding for the project – Adopt – The Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT IN THE COMMERCIAL REVITALIZATION CATEGORY TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2013, AND AUTHORIZING THE USE OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) FOR LEVERAGE FUNDING FOR SAID GRANT. Commissioner Norwood moved to adopt the resolution as read. Commissioner Brown seconded the motion.

Fred Fox, Fred Fox Enterprises, said the application has two activities; the first is to reconfigure and renovate the parking lot at the end of Short Laurel Street, which will have 60 spaces. The cost budgeted from grant funds is \$460,000. The second activity is to relocate the existing pedestrian mall along the riverfront, estimated at \$205,000 in grant funds. Amounts for matching funds and administration & engineering were shown on a PowerPoint presentation.

There being no comments or discussion, Mayor Myers closed the public hearing. A roll-call vote on the motion was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Meyers, yes; Nays, none. The Resolution was declared adopted.

RESOLUTION authorizing the implementation of Community Development long and short term objectives – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE IMPLEMENTATION OF THE LONG TERM AND SHORT TERM OBJECTIVES OF THE CITY OF PALATKA COMMUNITY DEVELOPMENT PLAN. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Leary seconded the motion. Mr. Fox said this is part of the application submission process. The short term objectives apply to the grant itself. The long term objective is to make the community a safer place to live. There being no comment or discussion, the public hearing was closed and a roll-call vote on the motion was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Meyers, yes; Nays, none. The Resolution was declared adopted.

7. **CDBG FFY 2013 Neighborhood Revitalization Category Application** for Water Lines Replacement – 2nd Public Hearing – Fred Fox, Fred Fox Enterprises. Mayor Myers opened the Public Hearing.

RESOLUTION authorizing submission of a Small Cities CDBG Application – Adopt – The Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT IN THE NEIGHBORHOOD REDEVELOPMENT CATEGORY TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FEDERAL FISCAL YEAR 2013. Commissioner Kitchens moved to adopt the resolution as read. Commissioner Brown seconded the motion.

Fred Fox said this is a separate application. They can apply for grants in each category, but they can only receive one of these grants. They believe the park improvements application will be more successful and have given that application a higher priority. This is for the replacement of water lines bounded by St. Johns Avenue, Twigg Street, portions of 9th Street and the railroad tracks/11th Street. The Flood and Drainage budget is \$600,000; engineering is budgeted at \$90,000 and administration at \$60,000. The city is not required to supply a match. There being

no comment or discussion, a roll-call vote on the motion was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Meyers, yes; Nays, none. The Resolution was declared adopted.

RESOLUTION authorizing the implementation of Community Development long and short term objectives – Adopt – A RESOLUTION OF THE CITY OF PALATKA AUTHORIZING THE IMPLEMENTATION OF THE LONG TERM AND SHORT TERM OBJECTIVES OF THE CITY OF PALATKA COMMUNITY DEVELOPMENT PLAN. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Kitchens seconded the motion. Mr. Fox said the short term priority is to replace the water lines, and long term priority is to make the city a safer place to live. There being no comment or discussion, the public hearing was closed and a roll-call vote on the motion was taken, which yielded the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Meyers, yes; Nays, none. The Resolution was declared adopted.

Christy Sanford, 312 Dodge Street, asked for clarification that the first priority is for the Riverfront Park and the second priority is the replacement of lines. Commissioner Kitchens said the CATF prioritized the water line project first. Mr. Griffith said the water lines grant doesn't have a good chance of scoring higher than the Park Improvements Grant Application, but they are putting it together for submittal and will resubmit during the next cycle.

8. CITY MANAGER & ADMINISTRATIVE REPORTS

Mr. Czymbor said Chief Lambert has been working with ISO for some time on a detailed analysis of the water distribution system, record keeping, dispatch and training at the Fire Department, and they were notified that they are going to receive a report on recalculation of the City's ISO Protection Class rate at the end of March. They are optimistic that the City's ISO rate will go down, which will result in a reduction of property insurance rates when they renew their policies.

Mr. Czymbor said the March 13 Commission meeting will be held at the Price Martin Center due to the anticipated crowd for the Downtown Overlay first reading. This is being done at the request of several commissioners.

9. COMMISSIONER COMMENTS

Commissioner Kitchens said she would like to add an emergency item to the Agenda to discuss actions taken by city administration and staff. It has come to her attention that City Manager Czymbor, Main Street Manager Charles Rudd, Projects Manager Jonathan Griffith and Planning Director Thad Crowe have held private meetings with representatives of First Baptist Church regarding amending the Conditional Use permit for 511 St. Johns Avenue granted to the Church by the Planning Board at its January 7th meeting. The First Baptist Church of Palatka made a request for conditional use to occupy 511 St. Johns Avenue and it was granted based upon five conditions at the January 7th Planning Board meeting. During the meeting both parties agreed to those five conditions, and the conditional use was granted by the Planning Board's vote with those stipulations. She read the five conditions out loud from a prepared statement (filed). Sometime after that, Church representatives and Bob Taylor, the project architect, were called to a meeting with the four gentlemen she named wherein Church staff was asked to agree to changes to those five terms. Church representatives were told that if the changes weren't agreed to by February 7th, Staff would appeal the Planning Board's Decision. She read the changes proposed and produced a copy of the changes provided to Church representatives (filed). She believes this to be unethical as well as legally questionable, specifically to go behind the Planning Board's back in an attempt to change their decision, and to use the threat of an appeal to coerce the Church's agreement. Staff is under the direction and authority of the City Manager and he is responsible for Staff's behavior. She would like a reprimand drawn up for the City Manager and stern warning given to Mr. Czymbor and the other three staff members involved. She believes this should be done prior to the next Planning Board meeting. She asked that a written policy be

adopted prohibiting this type of behavior from any member of City staff in the future. She distributed copies of the Planning Board minutes and the document given to First Baptist Church (filed).

Commissioner Leary moved to adjourn. The motion died for lack of a second.

Mayor Myers said these are some very serious charges. He believes Staff was acting in the best interest of the City and on behalf of the Commission. He is not in favor of a reprimand on the designation of unethical conduct. Commissioner Kitchens said she was willing to drop the unethical conduct part, but believes a reprimand is in order. This should have been appealed to the Commission and not negotiated in such a manner.

Commissioner Leary made a point of order, saying this item does not appear on the Agenda and they should not be discussing it. Commissioner Kitchens said she's requested this be added as an emergency item and moved to do so. The motion died for lack of a second.

Commissioner Brown said no one has given her any information on this. She knows they were trying to work things out with the Church. Next time something like this comes up the City Manager should speak to them about it. She hopes they will be better informed in the future on this type of item. For instance, last week someone called her about the new Riverboat terminal building; the design was presented at a Board meeting and an article on it appeared in the newspaper but she knew nothing about it before it appeared in the newspaper. It makes them look bad with the public. She has an appointment with Mr. Griffith to look at the plan tomorrow.

Mayor Myers said it is incumbent upon them as Commissioners to keep themselves informed. He attended that Planning Board meeting. He keeps in touch with Staff and speaks to them on projects. Commissioner Brown noted she does keep in touch with Staff and comes to City Hall on a regular basis. Some things she should be aware of, she reads about in the newspaper first.

Commissioner Kitchens said this came to her attention when she was contacted by a concerned citizen and other elected officials outside of the City about this matter.

Commissioner Norwood asked the City Attorney if they can attend meetings like Planning Board meetings, where they may be called upon to act in an appellate manner on that board's decisions. The City Attorney said he knows of no legal prohibition on it. It does not violate Sunshine.

Mr. Czymbor said he was disappointed that an ethics complaint was not brought to his attention first, before it was brought up in a public meeting, and said he is surprised and shocked that he would hear about this as an emergency item at the end of a commission meeting. He's been very open and honest with the Commission on all matters. He noted Commissioner Kitchens has the right to take this action, as an elected official. He does not conduct his affairs in this manner and does not do that to Staff. He hopes in the future Commissioner Kitchens will extend to him the same courtesy as he extends to her and Staff. Commissioner Kitchens said she is not charging him with an ethics violation, but believes the Commission needs to issue a stern warning that this type of behavior will not be deemed acceptable in the future.

10. **ADJOURN** - There being no further business to discuss, the meeting was adjourned at 7:16 p.m. upon a motion by Commissioner Leary.

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