

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 12th day of June, 2003.

PRESENT:	Mayor	Karl N. Flagg
	Commissioner	Mary Lawson Brown
	Commissioner	James Norwood, Jr.
	Commissioner	George E. Sanders

ABSENT:	Commissioner	Hernan Azula
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Also Present: City Manager Allen R. Bush, City Attorney Donald E. Holmes, City Clerk Betsy Jordan Driggers, Finance Director Ruby Williams, Police Chief Gary Getchell, Fire Chief Kenneth Venables, Planning Director Adam Mengel, WTP Supt. Mike Felton, WWTP Supt. Platt Drew, Sanitation & Streets Supt. Bernard Williams, Sanitation Foreman Ed Chandler, W & S Supt. Rhett McCamey, Airport Manager Mike Cavello, Golf Pro Tom Kukitz, Main Street Manager Cathy Nagengast.

INVOCATION – The Reverend Ted Stackpole, Pastor; First Assembly of God

PLEDGE OF ALLEGIANCE – Ruby Singleton

APPROVAL OF MINUTES – 5/22/03 workshop & 5/22/03 regular – Commissioner Brown moved to adopt the minutes as read. Commissioner Sanders seconded the motion, which passed unopposed.

DISTINGUISHED SERVICE AWARD – Mayor Flagg and Planning Director Adam Mengel presented Clint Snyder with a Distinguished Service Award in recognition of his ten years of service on the Palatka Historic Preservation Board.

PUBLIC COMMENTS – Ruby Singleton, 1201 S. Kirby Street, said she grew up on the north side of Palatka, and felt the need to bring historical recognition to the Juneteenth Celebration, a traditional celebration of the Emancipation Proclamation. She has organized a Juneteenth celebration for Northside youth at Lefty Turner/Booker Park on June 14, beginning at 11:00. It is intended to education the youth about what freedom really means. She invited each commission to come out and greet the children.

CONSENT AGENDA:

- a. Authorize Acceptance of Bid to finance Golf Course Maintenance Equipment with Bank of America Leasing & Capital for \$55,538.70 for five years @ 2.65%.
- b. Award bid for 15 sets of personal protective clothing to Fisher Fire Equipment of Tampa, FL for \$23,040, per Fire Chief's recommendation.
- c. Approve purchase of emergency generator from Alternative Power Sources per state contract price of \$39,102.00 (100% grant funding) per Fire Chief's recommendation, contingent upon receipt of Emergency Management Preparedness Assistance Grant funds
- d. Adopt Cemetery Rules & Regulations per 5/22/03 workshop
- e. Adopt Summer Workshop & Meeting Schedule (as submitted at 5/22/03 meeting)

Commissioner Brown asked to pull Item (e) from the consent agenda. Commissioner Sanders moved to adopt the Consent Agenda Items a – d as presented. Commissioner Norwood seconded the motion, which passed unopposed.

SUMMER WORKSHOP SCHEDULE - Commissioner Brown said they should try to hold only one budget workshop. She feels like they meet too much during the summer. They are supposed to be on summer schedule, but they end up meeting more, and she questions whether or not anything more is accomplished with all this meeting. They don't have any more money this year that they did last year. Mr. Bush goes over these budgets and pulls them into shape, and meets with department heads. Mayor Flagg said they need to deal with the Commission's adjustments. Commissioner Brown said there shouldn't be that many adjustments; there isn't that much money. Maybe next year when more tax dollars are rolling in there may be more room for discretion, but things are tight now. They can take a closer look at the department's 5-year plans and wish lists then.

Last year they looked at it, but that's all they could do. Commissioner Norwood said he gained a lot from the employees' presentations last year and it gave him an opportunity to advocate for some of those items as money became available throughout the year. Holding more than one workshop is fine with him. Per the question, Mr. Bush said they have done all this in one workshop before. They will take an in-depth look at all these things. The Commission should hold the first workshop, and if they are able to get through all of it, then they won't need a second one. If not, they will have to hold the second one. Commissioner Brown said the folks that work for the city are experts in their fields, as is Mr. Bush. She would rather see them putting their expertise to work rather than sitting in a long meeting with them. They could be out finding a solution to these issues. They can get up and go visit these departments and look at what they need. She is not an expert on the various city departments, and would rather go visit these facilities and talk to the department heads one-on-one. Commissioner Sanders said they need to hold these workshops, and it is essential that department heads be present. They will have Better Place Plan money to spend. They need to use the expertise of their department heads. Mayor Flagg said the elected officials need to hear the vision of the department heads. Mr. Bush has a vision for the entire city. The workshop gives them an opportunity to present their visioning to all of them at once. They should have that opportunity. They all know that the City is strapped for money and the tax base is not as broad as it needs to be. After they present it is when the hard work begins to try to find ways to accomplish this vision. The department heads need an opportunity to re-prioritize after their first budget has been submitted. After further discussion, Commissioner Sanders moved to adopt the Summer Meeting Schedule as presented. Commissioner Norwood seconded the motion, which passed unopposed.

Mayor Flagg suspended the regular meeting and convened the Community Redevelopment Agency to hear the following agenda item:

PURCHASE OF MAIN STREET MANAGER'S COMPUTER – request for allocation of tax increment funds – Commissioner Brown moved to allot up to \$1,000 to purchase a computer for the Palatka Main Street Office, per the City Manager's recommendation. Commissioner Sanders seconded the motion, which passed unopposed.

Mayor Flagg adjourned the Community Redevelopment Agency and reconvened the Palatka City Commission meeting, and continued with the Orders of the Day.

ORDINANCE rezoning neighborhood south of River Street, north of Whitewater Drive, east of S. 13th St., west of S. 10th Street from R-2 to R-1A – City of Palatka - the Clerk read an ordinance entitled **AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTIONS 7 AND 8, TOWNSHIP 10 SOUTH, RANGE 27 EAST; AND PROVIDING AN EFFECTIVE DATE.** Commissioner Brown moved to pass the ordinance on first reading as presented. Commissioner Sanders seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Norwood, Sanders and Mayor Flagg, yes; Nays, none. The ordinance was passed on first reading.

ORDINANCE – Fire Marshal Qualifications – The Clerk read an ordinance entitled **AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BE AMENDED BY REVISING SECTION 34-33(f), FIRE MARSHAL QUALIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.** Commissioner Brown moved to pass the ordinance on first reading as presented. Commissioner Sanders seconded the motion. Chief Venables said this is a housekeeping issue. As it now reads, the current Code restricts the possibilities of who can be hired as Fire Marshal. That position may be opening up soon and he does not feel this belongs in the ordinance. Per the question, a candidate would have to be a certified state firefighter and fire inspector and meet all those other requirements, also. He would like to delete the words "prior to" from the code so that a viable candidate would be able to meet those requirements after hire. Also, it requires 5 and 10 years with a city fire department and at least 3 years at the rank of captain. A captain's rank has no bearing on a qualified fire marshal, and to limit candidates to only those who have worked with a city fire department is too restrictive.

Mayor Flagg said he has no problems with removing the five and 10-year qualifications, but he does not want to compromise the qualifications in order to favor a certain individual. Chief Venables said he and Mr. Bush will develop candidate criteria in order to meet the needs of the City. If they had an internal candidate that is one class away from being certified as a fire inspector, the current language eliminates that person from consideration. Mayor Flagg said he does not want him to already have a person in mind, and these changes are meant to pre-qualify that individual. Chief Venables said that is not the case; the present language channels this position to a specific individual. At present there is only one fire employee who meets those qualifications, and he has said he does not want the job. There is a lieutenant that may be interested, but does not meet current qualifications. Mr. Holmes confirmed that taking the 'prior to' language out means they can hire someone that is neither a certified firefighter nor a certified fire inspector and has no prior firefighting or inspection experience. Chief Venables said he couldn't hire someone that is not a certified Florida State Firefighter, and would not hire someone with no experience into this position. Mr. Holmes said he has to have those two qualifications; a literal reading of the other provisions means that a person has to have those qualifications as of the first day on the job. Chief Venables asked for his recommendation of language. Mayor Flagg said if someone is one or two classes away from being certified they need to take the initiative to go ahead and get qualified. Mr. Holmes said he understood the purpose of the change was to eliminate the five, ten year & captains rank requirements. The language proposed in the ordinance eliminates all those requirements, but does not eliminate the need for the individual to have a current certificate in fire inspection & fire fighting. Chief Venables said he has no objection to leaving the 'prior to' language in there, but they do need to eliminate the five & ten year & captains rank requirements in order to increase the field of candidates. Mr. Holmes said this ordinance does accomplish that and the language is appropriate. Per the question, Chief Venables said he believes the present fire marshal probably did meet those qualifications upon his hire; he has been in that position 19 years and has those qualifications now. He is the only fire marshal the City has ever had. These qualifications were not inserted into the ordinance until after he became fire marshal. Mr. Holmes asked if there is a benefit in making certain that a fire marshal has a certain level of field experience, or should they just have a certificate of competency in fire inspections. Chief Venables said years of experience is definitely criteria that would be part of the job description, but it does not belong in an ordinance. That is something he and Mr. Bush will develop. Mayor Flagg asked that they develop a job description in simultaneously with the adoption of this ordinance, so that the qualifications are in place before they are removed from the Code. Commissioner Norwood asked if concurrence on the hire should come through the Commission. Mayor Flagg said the Commission can bless it, but it should come from Mr. Bush and Chief Venables. They need to know the job description says what it needs to say. Mr. Bush said he can bring back the job description to the next meeting. Mayor Flagg said he does not want anyone accusing them of knowing who will be the next fire marshal before the current fire marshal even retires; he does not want to be accused of customizing the job description to fit one individual. There was a discussion on fire department job descriptions and qualifications. Chief Venables said the intent was to take the qualifications out of the Code; the qualifications are narrower than for other positions, and there are no other position qualifications in the Code. Other position's job responsibilities are in the code, but not experience requirements. This eliminates some very good candidates and 'hamstrings' the city into who they can hire. "Staff" positions are getting harder and harder to fill. It is difficult to convince a career firefighter who has enjoyed a 1 day on/2 day off shift schedule, overtime and holiday pay, to give that up and commit to a 40-hour, 5-day work week with no option of overtime or holiday pay. Commissioner Brown said they don't need to get to where they micromanage who Mr. Bush hires for every position. They don't need to get so technical that they can't find qualified people, or can't promote from within. Sometimes they make rules and regulations to take care of one problem and create another problem in the process. They have made it miserable for some folks with few means to live here. Mayor Flagg said he does not want to hire the person, but wants the Commission to be aware of the criteria so they can be accountable for who gets hired. Commissioner Norwood moved to table first reading of this ordinance until July 24, 2003. Commissioner Brown seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Norwood, Sanders and Mayor Flagg, yes;

Nays, none. The ordinance was tabled. Mr. Bush and Chief Venables said they will bring job qualifications back to the next regular meeting on July 24.

LEASES – Palatka Duplicate Bridge Center and Putnam County Scholarship Fund, Inc. – Village Recreation Center – 3 years beginning August 1, 2003 – Per the question, Mr. Bush said these buildings fall under the realm of the Parks Department, and they should be making annual inspections. The City does major renovations, and the interior is the responsibility of the lessor. The City replaced this roof recently. Commissioner Sanders said he would like a report from the Parks Supervisor of the condition of all city-owned buildings at the next meeting, including plumbing, electrical, ceiling and roof. Mr. Bush said B&Z should be involved in that extensive an inspection. Mayor Flagg said Item 4, Use of Premises, says the premises should be used solely as a meeting place for the regularly scheduled scholarship fund business. That is precise. A person cannot sublease, based on this language. If these buildings are being sublet, what is the remedy? Mr. Bush said they will have to bring those requests to the Commission for approval. When this new lease is executed, it will be made clear that all other activities will have to cease unless they have specific permission. They are restricted to using this building for their club's meeting purposes. Commissioner Sanders said any money from the subletting of this building should come to the City. Mayor Flagg said if you are leasing a building from the city for \$1 per year and you are subletting it for \$300 a month, why shouldn't you have to give the City the money? Mr. Bush said that was happening, and that is the reason for the new lease. Mayor Flagg said they need to come straight out and say this building cannot be sublet. Mr. Holmes said the Depot lease contains a clause that prohibits sub-letting, and that same clause can be inserted into this and the Bridge Club's lease. This will eliminate any gray areas. Per the question, assignment and subletting are two different things. This is particularly appropriate for a group they are leasing a building to for \$1 a year. They should not be able to profit from the lease of the building. The benefit should go to the taxpayers. Mayor Flagg said Mr. Bush can handle this; the Commission does not want them renting out to other clubs or organizations. They can insert the assignment/subletting language to paragraph 15 (nee 12), which covers all these issues. Mr. Holmes said they should strike the language about withholding consent, because the commission has every right to withhold consent. The last sentence of paragraph 8 of the Depot lease should have a period after subletting and the rest of the sentence should be struck. Commissioner Norwood said no organization should be allowed to make a profit off sub-letting a tax-payer owned building, which they are provided at no cost, out to other organizations. The language should prevent that from happening. If it is still going on after this lease is signed, then the City Manager should have the right to take care of it and not have to wait for a city commission meeting. They have no way of knowing where that money goes or what it is being used for. Commissioner Brown said if anyone is going to make money off leasing a city-owned building it should be the City. Whatever they make off that building should have to come to the City. Mayor Flagg said they can't use that building as a 'fundraiser.' They should have income other than through subletting to take care of the building. Commissioner Norwood said if they get into this, other clubs will want the same option. They don't have buildings to give each club to use as a fundraiser. Mr. Holmes said if the Commission finds that the scholarship foundation serves some public purpose then they can lease this building to them for a nominal rate, even though the same lease is not available to others, but are they willing to give them the discretion as to who the building is sublet to and for what purpose, whether public or private? This property is still being used for a lease not specifically approved by the City. Mayor Flagg said if the building is not doing the City any good and is just a liability, they should sell it to them and be done with it. After further discussion as to language, Commissioner Brown moved to execute a 3-year lease with the Palatka Duplicate Bridge Club and the Putnam County Scholarship Foundation, Inc. for a portion of the Village Recreation Center, and insert the language on 'subletting/assignment' contained in the Train Depot Lease (par. 8) into paragraph 15 of both leases, and revise the last sentence by putting a period after the word 'subletting' and deleting the remainder of that sentence. Commissioner Norwood seconded the motion, which passed unopposed after a roll-call vote. Commissioner Brown asked if this will have any bearing with the proposed riverboat lease; it also will be leased to a non-profit for \$1/year. Mr. Bush said that will be a completely separate item, and these two items are not the same. Commissioner Norwood asked that a copy of the revised leases be distributed to the Commission.

TRAIN DEPOT INTERMODAL LEASE – Yellow Cab of Putnam County – Mr. Bush said the amount of Annual Rent in paragraph 3 should read \$1,800. Mr. Holmes said Paragraph #8 should remain as-is, as this is a different situation. Yellow Cab is paying rent for this building. Commissioner Brown moved to execute the lease with Yellow Cab of Putnam County for intermodal services at the Amtrak Train Depot. Commissioner Norwood seconded the motion, which passed unopposed upon a roll-call vote. Charles Wellborn, Yellow Cab, also noted that the paragraph numbers skipped #12, and should be renumbered. Per the question, a group is meeting on Monday to plan the grand re-opening. It can be occupied now. Mr. Wellborn said once the lease is signed they can be ready to move in within 10 days. Mr. Bush said they have yet to purchase the furniture for the facility.

CSX PROPERTY PURCHASE – Mr. Bush said sometime ago he approached CSX about the sale of several parcels of property. After some back-and-forth, CSX has given him a firm proposal on a price for four parcels of property; two they have wanted for some time and two additional parcels they may or may not have a future need for. His memorandum details the history and offer (filed.) The price is very good and he would like concurrence to follow through with acquisition of the property. He has been trying to negotiate a reasonable price on these properties for quite some time. CSX has made it clear that this is a ‘walk-away’ deal, in that if the city purchases them, CSX will have no further liability for them, environmental or otherwise. A good environmental audit will determine if there is going to be a problem with it. Commissioner Brown said there is funding for Brownfield grants, which can be applied for. CSX can apply for it, also. Mr. Bush said if they find a problem before the purchase the State will direct CSX to clean it up. Mayor Flagg said they can sell off what they don’t want, but they need to go ahead and take all four properties as a package. Commissioner Brown said the priority is on the original two parcels. Mr. Bush said the City had a commitment on some grant funds for purchase of this property, but the State had to have that money committed last month. They are looking for other grant funds now. Commissioner Brown moved to give the City Manger concurrence on pursuing the purchase of four parcels of land from CSX Corporation. Commissioner Sanders seconded the motion, which passed unopposed.

FLC ANNUAL CONFERENCE VOTING DELEGATE – Commissioner Brown moved to appoint Commissioner Sanders as the 2003 conference voting delegate for the City of Palatka. Commissioner Norwood seconded the motion, which passed unopposed.

ADMINISTRATIVE REPORTS:

Fire Chief Ken Venables said today the Fire Department received training in Sexual Harassment avoidance and creating a positive working environment. Sgt. Fells conducted the class.

Chief Venables said the City’s Safety Appreciation Luncheon is tomorrow at the Price Martin Center. They are serving ribs and chicken from 1:00 – 3:00 p.m. and hopes the Commission can come and help serve the employees.

There were no further Administrative Reports.

COMMISSIONER COMMENTS:

There were no Commissioner Comments.

There being no further business to discuss, the meeting was adjourned at 7:30 p.m. upon a motion by Commissioner Brown, seconded by Commissioner Norwood.

CITY CLERK

MAYOR