

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 9th day of December, 2004.

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

ABSENT: Commissioner Hernan Azula

Also Present: City Manager Allen R. Bush; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Ruby M. Williams; Police Chief Gary Getchell; Fire Chief Ken Venables; Planning Director Adam Mengel

INVOCATION - The Rev. Charles Rabun, Assoc. Pastor; First Baptist Church of Palatka

PLEDGE OF ALLEGIANCE - The Honorable Tim Smith, Putnam Co. Clerk of Courts

APPROVAL OF MINUTES - 11-11-04 Regular meeting, 11-15-04 called meeting; 11-15-04 workshop. Commissioner Brown moved to adopt the minutes as read; Commissioner Sanders seconded the motion, which passed unopposed.

PUBLIC RECOGNITION:

NORTHEAST FLORIDA REGIONAL AWARDS CERTIFICATES - Mayor Flagg presented a certificate recognizing the City of Palatka's Safety Committee as a finalist for the Excellence in Public Safety award in the NEFRPC Regional Awards for 2004. Chief Venables, Chairman, accepted it on behalf of the Safety Committee

Mr. Bush presented a certificate recognizing Mayor Karl N. Flagg as a finalist for the Harry N. Waldron Regional Leadership Award, NEFRPC Regional Awards for 2004. Mayor Flagg accepted the framed certificate with thanks.

Clerk of Court's Presentation -Tim Smith, Putnam County Clerk of Court, congratulated Mayor Flagg on his Harry Waldron Award. Mr. Smith said he is here tonight with good news. Deputy Clerk Kenny Downs and his staff have been going through old records and found money that was due the City of Palatka. They looked through some statutes and found they were able to give that money directly to the City of Palatka instead of sending it to the State. He presented Mayor Flagg with a refund check in the amount of \$30,618. Mayor Flagg thanked him on behalf of the citizens of Putnam County.

STUDENT OF THE MONTH - November and December, 2004 - Mayor Flagg asked Commissioner Sanders to join him in awarding certificates of achievement to the following students recognizing their academic excellence, citizenship, leadership and attendance at their respective schools:

November Students:

Jacqueline Vaughn,	Browning Pearce Elementary School
Kelli Blankensihp	Children' Reading
Andrew Johnson	E. H. Miller School
Tyler Green	James A. Long Elementary School
Shanequa Poole	Jenkins Middle School
Hunter Hars	Mellon Elementary School
Hau Dang	Moseley Elementary School
Brandi Bookhart	River Breeze Elementary

December Students:

Carl Kight	Beasley Middle School
Kayshia Brady	Browning Pearce Elementary School
Daesean Stephenson	Central Academy School of Excellence
Jessica Anderson	Children's Reading Center
Sam Crowley	E. H. Miller School
Jasmine Waldron	James A. Long Elementary School
Paige Piscitello	Jenkins Middle School

Tara Ponder	Kelley Smith Elementary
Dustin James	Mellon Elementary School
Caitlin Williamson	Moseley Elementary School
Alex Wilson	Palatka High School
Audra Reynolds	Peniel Baptist Academy
Brandon Pauken	Q. I. Roberts Middle School
Arthur Battles	River Breeze Elementary School

PUBLIC COMMENTS - Rev. Leroy Lewis, 308 Rustic Road, Satsuma, said he has lived in Palatka for almost 29 years. He has family members that have to drive in this town to go to work. He has been a minister and pastor of a church all those years. He is here to give his support to the proposed changes to the alcohol ordinance, and said this is not just a bar owners vs. police dept. issue; it is a public issue. The bar owners need to police themselves, and then they won't need extra protection. If bar owners want to pay for protection, they should be able to get it. If they want to work with commissioners and the Mayor, this will be good. Nothing good can come from extending alcoholic beverage sales past 2:00 a.m. One night, coming from the hospital at 2:30 a.m. through Palatka, he met a drunk driver coming down the wrong side of the road while driving home. He prays the ordinance changes can be made and put into practice.

Rev. Dolly Harrell, Pentecostal Revival Center, said she is proud that the City Commission has brought these concerns forth. It will help make Putnam County a better place. They are moving this City out towards Hwy 19 and it comes closer to their church every day. Highway 19 is practically "church road" due to the number of churches on that road. She doesn't want a bar next to their church. The Bible states a church is a holy place. Consider the precious children that stood here tonight. Nothing good comes from a bar or bottle of whiskey, according to the Bible. People have the right to drink, but keep the bars away from the churches.

Thomas Harvey, 103 Karen Drive, Palatka, said he wishes to speak to the item on consent about hiring a consultant. He does not know why they need to pay a consultant to do this as the Fire Chief can do it. He does not understand why they need an assessment study done, or a fee assessed on every piece of property in town. He owns quite a few properties in town, and this will be a problem for him. He does not feel this is something that is needed. His homes and properties are safe and fire proof. They are paying out more money than they need to pay. If they are going to assess things, the Fire Chief can do it. They can try charging property owners fire fees only if the fire department is called there to fight a fire.

Michael Shazel, 1905 Oak Street, said he has worked for the City Sanitation Department almost three years. Everyone watches them while they work. There are many problems with the garbage trucks, which the employees get the blame for, such as liquid leaking out and causing odors due to faulty seals. Everyone sees the problems and they talk about the problems, but no one does anything about it. He wants to know why they can't do anything about the problems with the trucks.

CONSENT AGENDA:

- a. Award bid for consultant to develop Fire Assessment Fee Program to Burton & Associates, Inc. for an amount not to exceed \$30,500, per RFP results;
- b. Approve Law Enforcement Trust Fund Expenditure of \$5,054.00 for Crime Analysis and Graphics Workstations for Northeast Florida Investigative Support Center at Palatka PD.
- c. Authorize executive of Mutual Aid Agreement between City of Jacksonville Beach and City of Palatka for Police Personnel for Super Bowl XXXIX related activities
- d. Concur on reappointment of Vernon Myers as Fifth Member of Police Officers' Pension Board for a two-year term exp. 12/31/06;
- e. Reappoint Sue Roskosh, Carl Stewart and Margaret Willis, all incumbents & sole applicants, to the Palatka Planning Board for three-year terms to expire 12/31/07;
- f. Reappoint Jeremy Alexander as the Palatka City Commission's Representative to the Putnam County Better Place Plan Advisory Committee for the 3-year term beginning January 1, 2005;
- g. Appoint Citizens Advisory Task Force for CDBG 2005 Community Development Grant Application Cycle per staff recommendation; Larry Beaton, Bob Beacham, Allegra

Kitchens, James Williams, Marjorie Tooley Shanks, and Commissioner Liaison George Sanders;

- h. Approve Utility Fund/WTP/WWTP Capital Improvement Projects/5-year CIP for submission to FDEP, per City Manager's recommendation;
- i. Approve donation of city-owned real property to Habitat for Humanity, Inc. for home construction; Parcel #37-10-26-26850-3490-0010 (on Washington St. between 19th & 20th Streets) and Parcel No. 42-10-27-6850-2890-0400 (on Dunham St. between 15th & 16th Streets);
- j. Authorize execution of contract with Dr. Steven P. Dingfelder & Associates for an Employee Assistance Program benefit for \$3,100/year (\$20.00 per full-time permanent employee)

Commissioner Sanders moved to pass all items on the Consent Agenda as presented. Commissioner Norwood seconded the motion, which passed unopposed.

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
 – 2005 Cycle - Fred Fox with Fred Fox & Associates said this is required as part of the process. They are winding down the grant on the Reuse project and expect to close it out next month. DCA has not set the due date for applications for next year's round, but they need to get the process started and be ready. Tonight he will give them some suggestions on possible projects and they can take public input on those. He will work with City Staff to develop the application, present it to the CATF, and bring it back before the Commission at the 2nd public hearing. The funds for these projects come through the DCA, who administers the program at the State level.

The City is eligible to apply for \$750,000 in one of four categories; Housing rehabilitation, which rehabs or replaces owner-occupied structures for low- to moderate-income families. You have to bring these homes up to code compliance. If they find lead-based paint they have to correct it, and if a house needs to be replaced, they have to replace it with another home. There is a \$350,000 match requirement. One option would be to approach the County for SHIP funds towards the required match. The match is a 'points match,' and you can use in-kind matching, but you will need some cash match to be competitive. 20% of total CDBG funds are in the Housing program.

The next category is Neighborhood Revitalization. The grant they are finishing up now is in this category. This includes public works projects like extending water or sewer lines, upgrades to the WTP or WWTP, drainage projects, etc. Community centers are allowable but are not competitive. Public works projects fall into this category. 40% of all CDBG funds come from this category. Last year, \$33 million was distributed statewide. Congress has cut that back by 10% this year. The match to this grant is \$350,000.

The next is Commercial Revitalization, which is downtown redevelopment. Primarily this covers street-scaping within the CRA area adjacent to non-residential properties, underground utilities, purchasing land developing parking lots, and facade renovations. The match on that is \$375,000. Underground utilities, purchase of parking lots or facade renovation fall into this category. If all of these three projects were applied for, they would have to be prioritized. If the #1 project is not fundable, they will automatically look at #2, the #3, etc. until one is funded.

The fourth category is Economic Development; this is to benefit a 'job creator' such as the Lowe's or Wal-Mart project water extension project. Currently he is not aware of any of these types of projects pending in the City of Palatka. This category opens each year and remains open until all funds are obligated on a first-come, first-serve basis. Mayor Flagg opened the public hearing for public input.

Allegra Kitchens, 1027 S. 12th Street, said all three categories are very important. Many homes need rehabilitation and neighborhoods need revitalization.

Sam Deputy, 917 Carr Street, reminded the Commission that Downtown, Inc. has asked for a priority on this grant to purchase a lot on St. Johns Avenue at 6th Street for parking. It is currently parking, and they would like to see it stay that way. It is up for sale by Prosperity Bank. Also, they need money for a business incubator program to help out in minority business sections.

Mr. Fox said in economic development, you have to have that 'business creator' as your partner in the application, and you need at least 22 or more jobs minimum; it could be more than one business. The grant will fund the infrastructure improvements needed to help the business locate in the target area. Mr. Bush asked if various groups could make a presentation to the CATF for prioritizing; Mr. Fox said the City can handle that process any way they wish.

Commissioner Norwood asked if they can combine drainage and commercial revitalization. They have been talking about closing the Madison Street drainage, and there is a piece of property adjacent to that with no infrastructure. They need a grocery store on the Northside. The only way they can encourage a developer is to get the infrastructure in place. He favors combining the two. Mr. Fox said Neighborhood Revitalization is typically a drainage project. Drainage needs are governed by the benefit to low-to-moderate income people that are served. For example, they would have the City's engineer define a basin as being drained by that project. They would survey a percentage of the households, depending on the number of households, and would need at least 62.5% of those households to be low-to-moderate income, and 30% as very low income to qualify. That could be done anywhere. After fees, they would be left with around \$950,000 per project. If they use \$500,000 for the drainage project, they can use the remaining for a totally separate neighborhood revitalization project in another part of town provided it meets the criteria. They can combine those two on the application. Within the Commercial Revitalization category, everything they do has to be within the CRA. Drainage is allowable, but not as competitive as the underground utilities, street-scaping, facades and parking lots. Per the question, he said low to moderate income in Putnam County for a family of four is around \$28,000. In the target area, 62.5% of the households need to fall at or below that threshold in order to qualify for points.

Commissioner Brown said they haven't done housing in some time, and asked if the number of people asking for housing grants has dropped. Mr. Fox said a number of years ago the program had a large demand for Economic Development, so they took 20% of the funds from the Housing category and moved it there. They always receive more applications than funds to cover them. If they want to look at Housing, the City will first need to meet with the County to get SHIP funds for points and matching. The process is very involved and costly. If a house is too far gone, they have to replace the house. It is very involved. Per the question as to prioritizing and how much of the money has to be spent in the specific grant area, Mr. Fox said they have to define their primary projects, which they need to be very conservative on. If they go overboard on the primary projects and the costs run more than the grant, the City will have to come up with the rest of the money. Then they can list alternative projects, which have to be in the same category.

Mayor Flagg asked if the CATF can hear from the entire community and then set the priorities based on a points system based upon formulas, calculations and percentages that are pre-set. Mr. Fox said if they desire, the CATF can hold a public meeting and come back with recommendations, but typically they take suggestions from the Commission at the first public meeting. Mayor Flagg said the next public hearing can be a joint session at the regular meeting, and they can take public input. Mr. Fox said they can develop a neighborhood application with the central focus being the drainage project, or they can develop a Commercial application with the focus being whatever they wish it to be, and they would then prioritize and submit both applications, and see which one gets funded. Or they can hold a joint meeting. Commissioner Brown said she started out on the Task Force, and the people sat down and surveyed different areas as to needs. At one time Mr. Bush went with them door to door when they were doing housing. She is a housing person. Commissioner Norwood has been talking about drainage for several years. Mr. Fox said both of these would be very competitive projects. Mayor Flagg said they know this is very competitive, and they will rely on Mr. Fox's expertise. They want the best combination of projects they can get. It is clear, cut and dried as to where the points will come from. Commissioner Brown noted Palatka's ability to get CDBG grants has really put them on the map; Palatka gets more CDBG money than normal. Mayor Flagg closed the public hearing.

PUBLIC HEARING – 2005 CDBG FAIR HOUSING WORKSHOP – Mayor Flagg opened the public hearing. Mr. Fred Fox, Fred Fox Enterprises, said the City receives points on a CDBG application for holding Fair Housing Workshops. They are required to hold two; one

before the Commission for the public, and one for real estate professionals. The City passed a Fair Housing ordinance #83-41 on December 8, 1983, which was amended December 12, 1985 and again on Sept. 27, 1990. This ordinance says if anyone feels that they have been discriminated against by a lender, real estate professional, or apartment/rental management, or been denied housing due to age, race, color, religion, sex, birthplace, handicap, familial status or national origin, they can file a written grievance with the City Commission. The City will then investigate and hold a hearing and if they determine the charges are accurate, they can turn the complaint over to the State Attorney. The public can also go to the State or Federal Government, if they feel the need. Mayor Flagg asked the Clerk to post the Fair Housing ordinance at the entryway at entrances to City Hall and the Annex building.

Per the question, Mr. Fox said an ordinance is already in place. Commissioner Norwood requested a copy of the ordinance so he could read and understand it, and said he won't have time to do that tonight. Mayor Flagg said they all need to look at it to determine if there are any revisions. Per the question, Mr. Fox said there will also be a workshop for professionals at a date not yet determined. This workshop will also suffice for the annual workshop. Per the question, Mr. Fox said there have been two revisions; one 1985 where they added 'physical or physically handicapped' and again in 1990 where they added 'familial status'. Mayor Flagg noted these amendments are Federal requirements, and this commission adopts that language as those mandates come up from time to time. There has been no local reason to amend the ordinance.

Mayor Flagg closed the Public Hearing.

RESOLUTION 7-129 - Fire Tax Fee - The Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Sanders seconded the motion. Chief Venables said this is a non-binding resolution to preserve the City's right to institute a Fire Service Fee, should the Commission so desire to impose one. If this were not in place, the Tax Collector and Appraiser would have to give their approval before the City could levy such a fee. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Resolution 7-129 was declared adopted.

ORDINANCE 04-40 - Florida Fire Prevention Code - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING AND REPLACING ARTICLE III OF CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA IN ITS ENTIRETY; TO AMEND THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO THE ADOPTION OF THE FLORIDA FIRE PREVENTION CODE AND THE LIFE SAFETY CODE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on 2nd reading as presented. Commissioner Sanders seconded the motion. Fire Chief Ken Venables said this is a housekeeping issue; it doesn't change what they are doing, but brings their Code up to date. This is the enforcement code the Fire Marshal uses for inspections of new and renovated buildings. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance #04-40 was declared adopted.

ADMINISTRATIVE REPORTS

ALCOHOL ORDINANCE - City Manager Allen R. Bush said the Commission received a draft revision of the Alcohol Ordinance, and has held a public workshop, where they received considerable input. As a result of this and other input, he has made some recommendations. The commission will receive a revised draft ordinance in January. He has distributed a memorandum as to why he felt these changes were appropriate (filed). The distance requirements in the County's ordinance do not lend themselves to the proximity of buildings in the City. He is recommending no change to the current setbacks. He will direct

the Planner to make these changes to the proposed ordinance, which will come back before the Commission in January for discussion and public input. As to times for alcohol sales, he has looked at the ordinances in surrounding counties, and will recommend that on Sunday through Thursday, all sales of alcoholic beverages, whether for on or off premises consumption, cease at 1:00 a.m., and at 2:00 a.m. Friday (Saturday a.m.) and Saturday (Sunday a.m.).

Mayor Flagg stressed the point that all they have received as of now is a draft ordinance from the Planning Department, and this memo of recommendation from the City Manger. This commission has not made any suggestions or recommendations as to setbacks or times. This is an over-all public issue; it is not a "bars vs. police department or churches" issue. This goes to the public interest and public safety, and that is their charge. They cannot be lead by rumors, and need to look at what is good for this community. Ordinances and laws that other municipalities and the County have in place work for them. They need to do what works for Palatka. They can decide whether to leave things as they are or move things forward. Mr. Bush said when the first draft went out, the City took public input; the 2nd draft the Commission will receive is a result of that public input. Mayor Flagg asked if he can have an administrative recommendation by the first meeting in January. Mr. Bush said he will have an ordinance prepared before that with the recommendations he has made tonight, and asked them to come to him individually to discuss them. Mayor Flagg asked to schedule a first reading for the 27th of January. He noted there will be no need to discuss this issue in a public forum until that date. The 2nd reading will be scheduled for the 10th of February. He received commission concurrence on setting those dates as a time certain for public hearings on proposed changes to the Alcohol Sales ordinance. Commissioner Norwood thanked Mr. Bush for putting together his recommendations, which were thoughtful and appropriate. The distance requirements are adequate, but they need to make certain the entire ordinance meets the needs of all the residents of the City.

Public Works Director - Mr. Bush said he has narrowed the choice of candidates for Public Works director to two; he will interview them on the 16th and hopes a Public Works director will be on board shortly after the first of the year.

Airport Manager - Mr. Bush said Mike Cavella's last day as Airport Manger is tomorrow; they are taking applications for his replacement until January 11. Donna Franklin will be interim manager until a replacement is hired. Mayor Flagg said Mr. Cavello has made great strides in the two years he has been at the helm of the Airport. Commissioner Brown has expressed her concerns to move forward into the International Trade scene, and he worked in that direction.

COMMISSIONER COMMENTS

Commissioner Brown:

- Said last year she attended the FLC Cities of Excellence awards, and believes the City of Palatka has a terrific team working for them and could easily win these awards. She believes Mr. Bush should be nominated for the City Manager's award. He has been a city manager here for far longer than other managers in the state, and he has accomplished quite a bit while he has been here.
- Said the Clerk, Betsy Driggers, has been a dynamo for the City, and is very active in the community. She belongs to clubs and organizations that help others. When the League comes to town, she puts Palatka's best foot forward, and she is one of the reasons Palatka makes such a good impression on visitors. There are many little things she keeps them up on. She does many things she doesn't have to do for love of the community and to make them all look good.
- Said she would like to see Jeff Norton nominated, also. In trying to keep the City up to date, he has gone after and received a number of grants, and this city wouldn't have many of its amenities without the grants he has been able to get. This city has done more than most of the award winners last year, and we didn't apply for these awards. Mr. Bush noted that Chief Venables was appointed to oversee FEMA for the area, which was also quite involved. Commissioner Brown moved to nominate Allen Bush, Betsy Driggers, Jeff Norton, Adam Mengel and Fire Chief Ken Venables and his Safety Committee for the Cities of Excellence Awards. Commissioner Norwood seconded the motion, which passed unopposed. Mayor

Flagg asked Commissioner Brown to get with the Clerk to pull the applications together, with input from the rest of the Commission.

- She wished the Commission a Happy Holiday Season.

Commissioner Sanders:

- Said this Commission has accomplished a lot since January 1, 2004. The Police Department is doing a fantastic job; the Fire Department is running very smoothly. The Safety Committee has cut down the accidents in the City. Mr. Bush has done a great job with the reclaimed water project; it can be expanded to more properties than just the golf course.
- Said he hates to lose the Airport Manager, but has confidence they will pick a good replacement.
- Thanked everyone for their well wishes during his hospitalization.

Commissioner Norwood:

- Asked Mr. Bush to comment on the problems with the Sanitation Department. They know the equipment needs work, and they are addressing those problems, and their employees need to be aware of this. Mr. Bush said fleet maintenance is critical in any department. Problems are not always attributable to the men on the back of the trucks. Many times seals fail and cause water to leak out, and it causes odors. All in all, the sanitation workers do a fantastic job, as evinced after the storm with the debris removal. They have personnel problems from time to time, as do other employers, but on the whole the men do an exemplary job. Commissioner Norwood asked how they are going to address rotating those vehicles. Mr. Bush said the new Public Works director will address fleet maintenance.
- Said this has been a great year for all of them. Staff has done a tremendous job this year, and has taken good care of them. They do many unselfish acts. The citizens of Palatka are to be commended as well; they are patient and allow workers to do their jobs. They are tremendously blessed for their good health and to be able to live in this great city. He thanked Mayor Flagg for the leadership he has provided for the all.

Mayor Flagg:

- Said a lot of developers are visiting the City with high interest. Palatka is on the verge of serious growth. They are studying each developer and their projects closely. They want to be known as a 'user friendly' community that is pro-growth. It is Palatka's "Time" and they need to do what they can to welcome and control the growth that is coming. The spirit of cooperation between city and county government is allowing them to get more things done. They cannot allow themselves to be sidetracked by the "nay sayers;" they need to continue to be accountable to citizens and businesspeople alike. The Planning Department needs to have the tools they need to be successful, as do all the departments of the City.
- Said they are all praying for Commissioner Azula as he continues to convalesce at home from his recent surgery.
- Said he hopes everyone will have a very Merry Christmas.

There being no further business to discuss, the meeting was adjourned at 7:45 p.m. upon a motion by Commission Brown.

CITY CLERK

MAYOR