

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 22<sup>nd</sup> day of April, 2004.

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

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 - Sister Mamie Bryant, Pastor; Holy Temple of God

PLEDGE OF ALLEGIANCE - John Sheppard, YMCA

APPROVAL OF MINUTES – 4/8/2004 - Commissioner Brown moved to adopt the minutes as submitted. Commissioner Azula seconded the motion, which passed unopposed.

PUBLIC RECOGNITION:

FIRE DEPARTMENT PROMOTIONS - Fire Chief Ken Venables introduced five promoted Firefighter personnel. They are Lt. Mark Lynady, Fire Marshall; Lt. Ronnie Collier; Engineer Mike Fishburn; Explorer Lt. Clint Dixon; and Explorer Lt. Andy Owen. Mayor Flagg administered the Oath of Office to them collectively.

POLICE DEPARTMENT PROMOTION - Police Chief Gary Getchell administered the Oath of Office to Lt. Reno Fells, who was promoted to Lt., from the rank of Sgt. Lt. Fells was joined by his wife and family.

DISTINGUISHED SERVICE AWARDS - Mayor Flagg presented Distinguished Service Awards to James Vickers in recognition of his two years of service as Chairman of the Palatka Housing Authority Board, and Mr. Charlie Anderson for his one year of service as Resident Representative.

INTRODUCTION - Mayor Flagg introduced John Shepard, Putnam County YMCA. Mr. Shepard said he is looking forward to bringing quality programs to Putnam County's youth and adults, and presented a personal YMCA pin to Jeff Norton and Mayor Flagg.

Student of the Month - April, 2004 - Commissioner Norwood joined Mayor Flagg in presenting certificates of achievement to the following area students for academic excellence, leadership, citizenship and attendance at their respective schools:

Brittany Lewis	Beasley Middle School
Billy Joe Shinn	Browning-Pearce Elementary School
Freddie Taylor	Central Academy School of Excellence
Chloe' Robbins	Childrens' Reading Center
Farrellton Young	E. H. Miller School
Michael Hibbs	James A. Long Elementary School
Mary Beth Hurst	Jenkins Middle School
Zachary Boynton	Kelley Smith Elementary School
Lapage J. Clark	Mellon Elementary School
Jeremy Graff	Moseley Elementary School
Amy Eller	Palatka High School
Jonell Williams	Peniel Baptist Academy
Yvan Moore	River Breeze Elementary School

PUBLIC COMMENTS

Sam Deputy, 917 Carr Street, Palatka, thanked the Commission and especially Vice Mayor Brown and Betsy Driggers for their participation in the Rowing Regatta Welcome Spaghetti Dinner for the rowing regatta kids and chaperones. He thanked Jeff Norton and his crews for painting the downtown light poles and hanging the flower baskets. He

invited the Commission to attend a Downtown Merchants meeting with Congressman Mica on Wednesday; they will have lunch, hear him speak and make requests on behalf of Downtown Palatka.

Leonard Freeman, 422 River Street, Downtown Palatka, Inc., said they had their team kickoff meeting, and the six teams are busy and have been meeting in their groups. They are looking forward to getting the recommendations back, possibly within 45 days. The discussion has been lively and the ideas are flowing freely.

CONSENT AGENDA:

- \*a. Approve Law Enforcement Trust Fund Monies Expenditure in the amount of \$5,508.14 for crime prevention materials
- \*b. Authorize execution of Staging Area Agreement with FP&L for use of abandoned Kay Larkin Airport Runway as a staging area for their disaster training exercise.
- \*c. Approve Craggs Construction Co. Change Order No. 1 in amount of \$3,000 for removal of dead tree on #8 Fairway at Palatka Golf Club.
- \*d. Approve contribution of \$1,000 for SJRWMD Putnam County Watershed Action Volunteer Program, per 2003/04 Budget Expenditure/Social Services
- \*e. Appropriate \$405.00 from Contingency for repairs to "Old Horse Trough" on Courthouse Lawn, per request from Women's Club of Palatka, to cover ½ cost of repairs.

Commissioner Brown moved to pass the consent agenda as submitted. Commissioner Sanders seconded the motion, which passed unopposed.

PRIDE OF PALATKA, INC. LEASE DISCUSSION - William L. Townsend, 200 Reid Street, Representing Pride of Palatka, Inc., said he has been asked by his client to prepare a lease for them with the City of Palatka and he wants to clarify some points and get some guidance from the Commission. The lease would deal with two items: 1) leasing land and space on the City Dock, and 2) the boat itself, which is to be purchased through the present FDOT grant. He understands his clients have located a promising boat, but there is nothing in writing as yet. They need to reach an agreement on their status and the steps necessary to see this to fruition. The legal description he provided is for a non-exclusive lease; it is simply for a joint lease of the land area. He understands there have been prior discussions about Pride of Palatka's use of the concession stand, and he intends to include that in the lease for ticket and souvenir sales.

Mayor Flagg and Mr. Bush noted that when you are talking about dock space, there are DEP requirements to deal with, also. Mr. Townsend said the City does not have to be exposed to any liability in reference to a boat, new or used, while the lease documents are being prepared. He noted that Mr. Bush provided him with a copy of the grant this afternoon, and he has not had an opportunity to read it through. Mr. Bush said the City is responsible for seeing that the money is spent according to the application. The first thing as he understands it is the group that utilizes the boat has to come up with a budget that includes the purchase price of the Boat, which will go to FDOT, who is administering the Grant. Once that approval comes back from FDOT, it goes to the City, who then proceeds. Mr. Townsend said that step could be taken on parallel tracks with the development of the lease. Once DOT gives its approval, the City can go ahead and put the deposit on the Boat. Mr. Bush said you can't spend anything until you have DOT-Lake City approval. Commissioner Brown said they brought this up now because they have a broker who is actively looking for boats; the \$300,000 was awarded last year and they have until June to spend the money. The group decided to start with a smaller boat intended to provide ferry service, which they can purchase with part of the \$300,000. It will give them an idea of what it would take to work with a larger boat. They intend to use the concession stand for ticket & souvenir sales and the like, and as a multi-use information center. The boat will go to Murphy's Island, Welaka, Crescent City and other destinations. It will bring many things with it to Putnam County. They want to be part of the international scene, and this will attract folks from all over the world. So far they have spent very little money on this effort; everyone has pretty much worked pro-bono. It will help revitalize the entire town. Mr. Bush referred Mr. Townsend to Grant item 6-10 which refers to the budget requirements. If they can put in a lump sum and call it "boat", and DOT will approve it, that's fine, but they may want to see something more. Mr.

Townsend said he knows several folks on the FDOT Lake City Staff and he will be glad to touch base with them as well, but the #1 issue is to get the FDOT issue ironed out.

Mayor Flagg said he sees four issues: acquisition, dock space, concession stand and real property issues. The acquisition of the boat is being regulated by FDOT; the commission has no jurisdiction over that. They need to talk about dock space, which is tied to DEP approval and needs to precede anything; Mr. Bush said the Commission can grant Pride of Palatka a non-exclusive lease dependent upon DEP concurrence. Commissioner Brown said the Commission has already granted permission for them to use the concession stand some months ago. She spoke to Mario Taylor, NE District Director of FDEP yesterday, who assured her that if we send him a letter, his staff will work with them. There are statutory issues that make provisions for this type of issue. Mr. Bush said the permit specifically states boats are only allowed to dock less than 48 hours, but that can probably be worked through. Mr. Townsend said if they put a deposit on a boat, it can sit in escrow until this can be worked out, but at least it won't be sold out from underneath the group. Mayor Flagg agreed that there have been discussions on allowing them to use the concession stand, whether it was exclusive or non-exclusive. Mr. Holmes cautioned the Commission to recall the material they received reference the AG's opinion on nominal leases. One consideration was the non-profit status of the lessor, and the other is that it has to benefit the public. Pride of Palatka sounds as though it passes those tests. Mr. Townsend said it is similar to St. Augustine's arrangement. Commissioner Norwood asked if there is another non-profit group that wants to use the concession stand. Mr. Bush said other than the band boosters around the 4th of July, the building sits vacant and is under-utilized.

Jeff Norton, Parks Supt., said the building is not being utilized at all. Sometimes other clubs like Kiwanis and Band Boosters use it for special events and the like. No other non-profits have requested it. Commissioner Norwood said he is concerned that no one else will be able to use it and it will still be under-utilized. Mr. Townsend said they can build a provision into the lease to cover that. Mr. Holmes said the AG frowns upon very long-term leases for nominal consideration, which almost amount to a conveyance of the property. An exclusive lease does not mean it won't qualify. Mayor Flagg said Jeff and Mr. Bush can work that issue out. Mayor Flagg asked why it is necessary to have a lease on the real property. Mr. Townsend said he was asked to prepare it because Ms. Kitchens told him this was as previously discussed. They will need use of the dock to put up a ramp for loading and unloading; they need a space that the public does not have access to during certain times. The dock space issue is not non-exclusive. If there is no need to put it in the lease, he will leave it out. Commissioner Brown said they probably need to designate a space that can be fenced off so that no one can vandalize the boat while it is docked. Mr. Townsend said there will have to be a secure perimeter around the area the boat is moored. It is more practical to make it the same place each time it is docked. Mayor Flagg said Pride of Palatka can make that request when he brings back a draft.

Commissioner Azula said they are discussing a matter that is not clear; he believes Mr. Bush, Mr. Holmes and Mr. Townsend should sit down, come up with the draft, and then they can discuss it. They can spend all night coming up with ideas, but in the end they'll end up instructing these three gentlemen to work it out and come back. Otherwise, they aren't accomplishing much. Mr. Bush said these issues will all be spelled out in a comprehensive lease agreement. If the boat is purchased, the City will have liability in the interim between the purchase and the time the lease agreement is executed. Commissioner Brown said they are looking at a starter boat now; they are going to Key West this weekend to look at a boat, and they need to know if they can proceed at least as far as putting down a down payment. Taylor Douglas' brother is looking for a boat for them now, and has advised them that they need to be ready to put down a deposit when they find a suitable boat. Mr. Townsend agreed that he needs to sit down with Mr. Bush and Mr. Holmes to work up a lease. They also need to work on parallel tracks; if the City authorizes a down payment on a boat, the City will not be saddled with any liability in the interim. Mayor Flagg said the Commission can't hold up the funds; the FDOT can if the project budget is not set. That is what they need to do first. Mr. Holmes asked if a boat is bound by a deposit, is the contract for purchase between the City of Palatka and the seller? Mr. Bush said the city is the Agent and the only entity that can spend the money; the boat will be in the City's name. Mr. Holmes asked if the City is involved in the

selection of the boat? Also, if the boat is in the City's name, whether the boat is in Palatka or Key West, the City will have liability from the time it becomes the City's property, so they will have to come up with something to cover the interim time. Mr. Townsend said they want to draw up this contract to the City's specifications. Time is getting short; they need to proceed on parallel tracks. It will have to come down to a final vote, and all these problems can be worked out in the process. If it is all right to go forward on the concept, that's fine. Mr. Bush said if the City purchases the boat, it can also use part of the \$300,000 to purchase the insurance. Commissioner Brown said the League has already found a company that will insure the boat; they will have to have insurance concurrent with the purchase. They want to be very careful. They need permission from the Commission to spend the money. Once they put a binder on the boat they will come back with pictures, a report, etc. to get the City's blessing. They need to do this before June; they'd like to have the boat back here by the end of May in time for Crab Festival. They need to be prepared to put a deposit on this boat if it is suitable. Mayor Flagg asked if someone from the City is going to accompany them to look at the Boat. Mr. Townsend said the Commission can appoint anyone to act as their representative. They can appoint the City Manager if they want to. Mayor Flagg said the person marketing the boat probably has a photo/spec package available. Mr. Holmes asked Mr. Townsend to clarify his requests; he understands that the first step is FDOT approval on the budget; this has to be done before anything else can be done. If the City were going to do this itself, they would still have to have a budget in place. Mr. Bush said they will call first to be certain this is so; they could just show all the money going towards the purchase of the boat. Mr. Townsend said they can treat this as a separate issue; the purchase of the boat is separate from drawing up the agreement, but they can be done concurrently in his opinion. He is on a learning curve with this.

Allegra Kitchens, Pride of Palatka, said it was their understanding that the City wanted a lease between the City and Pride of Palatka; she advised Mr. Townsend that they had already had conversations about the dock space and concession. Per his request, she furnished him a general legal description of the entire lot, but the lease will specify that the lease only covers the concession stand and boat dock space. Mr. Bush has attended many of their meetings and has been invited to go with them to see this boat. He has a standing invitation to go with them anytime. Mr. Bush said he does not have a professional knowledge of boats; there are professionals available that can give an appraisal on a boat just like any piece of real estate. Ms. Kitchens said their broker is doing just that.

Mr. Holmes said they should probably sit down and come up with a draft lease, and talk about issues like maintenance, money for maintenance, etc. that need to be ironed out. In looking at the grant, the budget is the driving force. Ms. Kitchens said they have working budgets, business plans, operating plans, etc. and can pull them out for anyone to see. Commissioner Sanders said they need someone like a surveyor to look at the boat prior to purchase. Ms. Kitchens said they have already contacted a marine surveyor. Commissioner Sanders said they have naval architect, a boat captain, and other boat owners on the committee. They plan to spend part of the money on maintenance. The Feasibility Study stated if all they did were weddings, it would support the boat. They already have tours planned, and other things. There are a number of things in motion. They also have looked at coast guard certifications. Also, the broker is very knowledgeable. She has asked Mr. Bush and Mr. Norton to go with them to look at the boat. If they can't put a deposit on a boat, they don't want to drive 8 hours down to look at it and back, and have made a trip for nothing. Mr. Bush said a lot depends upon their communication with FDOT. Commissioner Brown said they are already working on the budget. Commissioner Azula said all he sees on this item is discussion on a land description for the lease. He is not clear as to why they are discussing the purchase of the boat. They need a surveyor to say it's a good boat and worth the purchase price, who is not associated with Pride of Palatka or City of Palatka, who can give a professional and qualified statement. Mr. Townsend clarified it is his understanding that they will sit down and work out a draft ordinance to bring back before the Commission. Many points have been clarified tonight. Mayor Flagg said Mr. Bush and Mr. Holmes will negotiate with the designated representative from Pride of Palatka. If that designated representative is Commissioner Brown, she can't vote on the issue. Commissioner Brown said she does

not intend to vote on the issue. Consensus to have Mr. Bush and Mr. Holmes sit down with Mr. Townsend to draft a lease, to come back to the Commission at a future meeting.

ORDINANCE - Police Pension - removing Military Time Credited Service Restrictions - 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, REVISING THE POLICE OFFICERS' PENSION PLAN BY DELETING PARAGRAPH (4) FROM SECTION 2-250.160, INTERVENING MILITARY SERVICE; CREDITED SERVICE; AND BY REVISING SECTION 2-250.165(b), NON-INTERVENING MILITARY SERVICE; CREDITED SERVICE, REMOVING THE EXCLUSION OF CREDITED MILITARY SERVICE THAT COULD BE USED TO OBTAIN A BENEFIT FROM ANOTHER RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. A roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance 04-09 was declared passed.

ORDINANCE - allowing political signs to be erected 50 days prior to the primary election - 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 62-9, POLITICAL SIGNS, TO ALLOW ERECTION OF SIGNS NOT EARLIER THAN 50 DAYS PRIOR TO PRIMARY ELECTIONS; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on first reading. Commissioner Sanders seconded the motion. Commissioners Norwood and Azula asked why this is being done. Mr. Holmes said during a recent meeting they had with a candidate over a particular sign they found the City's ordinance is in conflict with the County's ordinance, which allows candidates to begin erecting political signs 50 days prior to the primary election. This is simply to bring the City's ordinance in line with the County's. Mr. Bush said they have issues with signs each election. If it is a lengthy season and wet, the signs look bad and they get many complaints on them. He would prefer approaching the County about changing their ordinance. Commissioner Azula said he concurs; they want to keep the City clean and political signs clutter it up and are a nuisance; 30 days is long enough to deal with them. No one else has complained about this ordinance. Mayor Flagg said most municipalities don't have the issues they have with enclaves; one block you are in the city, the next block you are in the county, then you are back in the city. They have individuals who are running countywide, statewide, and nationally. They need some consistency and alignment. Our area is much smaller than the County, and our regulations are much easier to change. They need to take care of this issue now, even though there is no municipal election taking place until next year. There are individuals who have been cited over this. There are signs in the river and on the sides of vehicles. There is a lot of ambiguity involved. He hopes they will consider this revision based on that. City employees will have to spend time pulling signs erected by folks who don't know where county boundaries end and city boundaries begin. They can align these ordinances now, and sit down and talk with the County about shortening the time frame later. This is not about who is right or wrong. They can negotiate in good faith after the elections are over. It would be nice if they had a consensus on this. Commissioner Norwood said he has run for both city and county office, and as a candidate it was his responsibility to find out where the boundaries were himself. Now they will be chasing sign violators for 50 days instead of 30 days, and he does not see any reason for it other than making it convenient for candidates. It is the candidate's responsibility to determine where the boundaries are. He can't see compounding the problems they already have with political signs.

Mr. Holmes said they met with City & County code enforcement staff, the Supervisor of Elections and at least one candidate. They were trying to resolve the issue as a stopgap measure to avoid complicated code enforcement issues, especially with the upcoming, hotly contested races. This is the best solution for such a short time-frame, and they felt like code enforcement would spend 20 days longer than necessary trying to chase down signs that are erected in the city illegally. They can put this in place for now and alleviate the complications and burdens on code staff having to chase complaints and signs, and

having to explain the difference between the differing ordinances to each candidate. They already took up a lot of time going over this with just the one candidate. Mr. Bush said they can do this on a one-time basis and then sit down with the county to negotiate further after this election is over. Per the question, Mr. Holmes said they will still need to change the ordinance to change it from 30 to 50 days even for just this election. Mr. Sanders said he is in favor of changing the ordinance for this election as long as they revisit it after the election. Mayor Flagg said they need to look at this as giving consistency throughout the city and county. It takes away the hint of political involvement via removing some signs and not others. The planning departments can get together and work this out, but the City needs to make this change in good faith. Commissioner Brown said she understands that candidates should know where signs should go, but campaign helpers don't always know these things; they are just enthusiastic and happy to help. There being no further discussion a roll-call vote was taken. Commissioners Brown, Sanders and Mayor Flagg: yes. Commissioners Azula and Norwood: no. The ordinance was declared passed on first reading. Commissioner Brown said they need to bring all five municipalities and the county together to work on a uniform ordinance.

**PROPOSED ORDINANCE REVISION - Chapter 42, Law Enforcement - Police Chief** Getchell said this is a housekeeping issue. Chapter 42, Law Enforcement, is outdated. As it is currently written, it has not been followed in many years. It was not being followed when he came here and he has never followed it. He'd like to see it more in line with chapters regulating the Fire Department. He is formally requesting this ordinance be modified or changed, and has drafted a new ordinance which is less restrictive and will bring it in line with current practices. Commission Concurrence to direct the City Attorney to draft an ordinance to be brought back to the City Commission for first and second readings at a future meeting.

#### ADMINISTRATIVE REPORTS

Fire Chief Ken Venables:

- Read his memo (filed). Their federal grant request for funds for fire prevention and public education was denied due to lack of funding; however, they have been notified that they received FEMA funding through DCA for the generator. The generator has been ordered for the Kay Larkin Station.
- Said the City has been awarded an official designation as a Type IV Urban Search and Rescue Team from Disaster Preparedness. The Department will receive \$20,000 worth of training for the staff. The response area will be Putnam County, which they respond to now.
- In working with the Division of Forestry, they have constructed the first "Fire Danger Level Warning" sign, which sits facing north on Reid Street behind the PD. Mayor Flagg asked if that vantage point affords the best visibility; Chief Venables said they placed it so people can see it going in either direction, but it is best seen while stopped for the trains.

City Manager Allen Bush:

- Said tomorrow City Hall will be closed to replace the carpet and tile in the foyer and water department. They are trying to accomplish this with as little disruption as possible. Customers can pay bills, etc. next door at Building and Zoning, where a temporary water office will be set up in the Main Street Office. He would like the Commission to declare the old carpet as surplus so it can be disposed of. Commissioner Brown moved to declare the carpet that will be removed from City Hall during renovations tomorrow as surplus for disposal. Commissioner Azula seconded the motion, which passed unopposed.

#### COMMISSIONER COMMENTS:

Commissioner Sanders:

- Thanked everyone for their concern and prayers while he was in the hospital. He had a good medical report on Monday.

Commissioner Brown:

- Said she has noticed that they have had a different way of doing agendas during the past few months, and thinks they all need an opportunity to sit in on pre-agenda meetings. She understands that Sunshine Laws apply to this meeting if more than one of them attends. She's like to see each of them scheduled for these meetings in turn so they can get a better feel for the process.
- Said the League has asked them to watch for certain legislative agenda items, specifically constitution amendments. She has a brought back a 'watch list', which she will copy and place in their boxes.
- Said The North American Heritage Rivers program will hold a conference in Jacksonville next month, and one of the workshops involves a bus trip to Palatka for a barbeque and to listen to a professional speaker talk about the history of the waterfront. This will take place on the lawn of the Bronson-Mulholland House the afternoon of May 12. The River Navigator would like all of them to serve as hosts for the event. She is gathering items for a goody bag from merchants and area organizations to give to the 50 or so participants that will be there. She asked all the commissioners to come down and greet the participants.

Mayor Flagg:

- Noted the Clerk has put out a news release reference the city facility tour on April 29, which begins at 10:00 a.m. That is also the time for the groundbreaking ceremonies for the new Prosperity Bank branch office at SR 19 & St. Johns Avenue. He asked for and received consensus to begin the tour at 10:30 a.m. due to the conflict.
- Said per the request from the Vice Mayor on pre-agenda meetings, he is not aware of anyone's efforts to keep certain items off the agenda. He participates in pre-agenda meetings because he is the moderator of the Commission meetings. He also takes that opportunity to visit with staff. Consensus is reached by all on whether or not something needs to go on the consent agenda. If the Clerk receives a request from someone without any supporting information with it, it is her duty to inform that person that the request cannot be placed on the agenda without the proper supporting information. If she does not receive the supporting information by the agenda deadline, the city attorney cannot review it in time for the meeting. Anyone has the authority to pull anything from the consent agenda. The Clerk, City Manager and Attorney decide what goes or stays; he does not know that anything that goes on at these meetings will change if he does not attend them. Commissioner Brown said she would still like to attend one of these meetings. Mayor Flagg said they can advertise the meetings and open them up to the Commission and the public if that is what she wants.

There being no further business to discuss, the meeting was adjourned at 8:15 p.m. upon a motion by Commissioner Norwood

---

CITY CLERK

---

MAYOR