

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 23rd day of June, 2005.

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

ABSENT: 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, Public Works Director Woody Boynton, Parks Supt. Jeff Norton, Main Street Manager Cathy Butler

INVOCATION - Police Chief Gary Getchell

PLEDGE OF ALLEGIANCE - Gary Massey

CALL TO ORDER: Mayor Flagg called the meeting to order and read the following call:

To Commissioners Mary Lawson Brown, Hernan Azula, James Norwood, Jr. and George E. Sanders:

You are hereby called to attend a meeting of the City Commission to be held at the regular meeting place of City Hall, 201 N. 2nd Street, Palatka, Florida, at 5:30 p.m. on Thursday, June 23, 2005.

The purpose of the meeting is to hold the second regularly scheduled June, 2005 City Commission meeting, which was previously cancelled. Please note that the meeting time has been changed to 5:30 p.m.

Issued June 16, 2005 by /s/**Karl N. Flagg**, MAYOR

Receipt acknowledged by:

/s/**Commissioner Mary Lawson Brown**

/s/ **Commissioner Hernan Azula**

/s/**Commissioner James Norwood, Jr.**

/s/ **Commissioner George Sanders**

APPROVAL OF MINUTES - 6-9-05 - Commissioner Azula moved to adopt the minutes as read. Commissioner Brown seconded the motion, which passed unopposed.

PUBLIC RECOGNITION- There was none

PUBLIC COMMENTS - There were none

CONSENT AGENDA:

3(a) Authorize negotiations for the award of a contract to Ayers & Associates for engineering services on the WWTP Capacity Analysis/Operating Permit re-write, per recommendation of RFQ ranking committee;

3(b) Accept Maureen Lyons' resignation from the Tree Committee effective 6/23/05;

3(c) Appoint Carolyn Burde Smith to the Tree Committee to fill the vacancy created by Maureen Lyons' resignation, effective 6-23-05 (sole applicant);

3(d) Appoint Dwight D. Parker to the /Board of Zoning Appeals for a five-year term to expire July, 2010 (sole applicant - interviewed 6-9-05 - 2nd applicant has withdrawn)

Commissioner Azula moved to pass all items on the consent agenda as presented. Commissioner Brown seconded the motion, which passed unopposed.

APPOINTMENT INTERVIEWS:

Five-Year Downtown Redevelopment Planning Team - interviews for two representatives of the Palatka City Commission - Lynda Little Crabill, Ray M. Hall, Allegra Kitchens, and Karen Sagett were present for interviews. Mayor Flagg noted that appointments will be made at the July 21, 2005 meeting.

APPOINTMENTS:

PUTNAM COUNTY LIBRARY BOARD - Applicants were interviewed on 6/9/05. One position; three-year term to expire June, 2008. Commissioner Norwood moved to appoint Susan Ivey to the Putnam County Library Board. Motion died for lack of second.

Commissioner Azula moved to appoint Michael Pivko to the Putnam County Library Board. Motion died for lack of second.

Commissioner Brown said she wants the person whom is appointed to this board to be aware of their responsibilities, and wants to be very clear that whomever is appointed to this Board is the representative of the Palatka City Commission. When the County made the decision to move the Library out to Hwy 20, the City's own representatives did not act in the best interests of the City Commission or the citizens of Palatka. If they need some direction, they can ask Mr. Bush for guidance, or come to the City Commission.

Commissioner Azula moved to recommend to the Putnam County Board of County Commissioners the appointment of Michael Pivko to the Putnam County Library Board. Commissioner Brown seconded the motion, which passed unopposed. Mr. Pivko said he has been a resident of the City of Palatka since 1970; he enjoyed walking to the Larimar Center when it was the Library, and was very disappointed when it was moved. They can look to him to maintain the City's interests.

HISTORIC PRESERVATION BOARD - Interviewed 6/9/05; one Real Estate Exp. Representative and One Alternate; three-year terms to expire 6/2008. Commissioner Azula moved to appoint Lynda L. Crabill as the Real Estate Exp. Rep. and Lynn Braddy as the alternate on the Palatka Historic Preservation Board for three-year terms to expire June, 2008. Commissioner Brown seconded the motion, which passed unopposed.

FIREFIGHTERS' PENSION ORDINANCE REVISIONS - Mr. Bush handed out copies of a revised ordinance, noting the original ordinance had a multiplier of 3.2%. It is his desire to put all funds on an equal footing with a 2.5% multiplier. After talking with the Firefighter Pension Board attorney, she has proposed a second ordinance that meets all stipulations he requested in his detailed cover letter. One part he questions somewhat is the effective date of September 30, 2001, but he understands that is to pick up all retirees that have been frozen at the old rate. Commissioner Azula moved to advertise the newer ordinance for first reading at the July 21 meeting. Commissioner Brown seconded the motion, which passed unopposed.

RESOLUTION - Keep Putnam Beautiful Tree Planting Grant - The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, IN SUPPORT OF KEEP PUTNAM BEAUTIFUL'S APPLICATION FOR A KEEP AMERICA BEAUTIFUL/CINGULAR WIRELESS COMMUNITY IMPROVEMENT GRANT FOR TREE & SHRUB PLANTING AND CLEAN-UP TO BENEFIT THE CITY-OWNED PARK AT 12TH & RIVER STREETS AND OSCEOLA CREEK. Commissioner Brown moved to pass the Resolution as presented. Commissioner Azula seconded the motion. Commissioner Norwood said they have been doing a good job of going out and getting grants, and setting up maintenance schedules. He questioned who picks up maintenance after the three years is up. Mr. Bush noted much of the plantings on this grant would be low-maintenance items. This will only improve this area, as it has not been paid much attention in the past. He hopes they do the same for another park on River Street. The majority of the maintenance will be trimming and mowing. Commissioner Brown said some of the schools have horticultural programs, and should be approached about maintaining these parks as a project. Commissioner Norwood said these are all good projects, but they need to think about the associated costs down the road. Mr. Bush said they also maintain the adjacent playground. The basketball and tennis nets were taken down due to the noise they generated in the area. This will beautify the park. Commissioner Norwood said he is simply saying they need a plan.

Commissioner Azula said the City was recently criticized about not maintaining the Larimar Arts Center as "landlords" but the City leases those buildings out for \$1/year. Whoever leases those properties is responsible for the maintenance and upkeep. The next alternative is to lease these buildings for market value so there will be funds coming in for upkeep. This needs to be made clear to the newspaper, which has made these

criticisms recently and in the past. The City is not a bad landlord; there is difference. There being no further discussion a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, and Mayor Flagg, Yes; Nays, none. Resolution #7-144 was declared adopted.

ORDINANCE 05-31 - Rezoning 331 US Hwy 17 North - 3 Diamonds Development, LLC - 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 SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. There being no further discussion a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-31 was declared adopted.

ORDINANCE 05-32 - Rezoning 7341 Crill Avenue -Imatiaz & Shamim Bhatti, owners - 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 SECTION 9, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. There being no further discussion a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, and Mayor Flagg, Yes; Nays, none. Ordinance #05-32 was declared adopted.

ORDINANCE 05-33 - Amending Code Chapter 94 pertaining to Buffers between different zoning classifications - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA; TO AMEND THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO BUFFERS BETWEEN USES OF DIFFERING ZONING; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DETERMINATION OF REQUIRED BUFFERS; PROVIDING FOR CATEGORIES, MAINTENANCE, AND TIMING OF INSTALLATION OF BUFFERS; PROVIDING FOR EXCEPTIONS, MODIFICATION, AND VARIANCES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. There being no further discussion a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, and Mayor Flagg, Yes; Nays, none. Ordinance #05-33 was declared adopted.

ORDINANCE 05-34 - Amending Chapter 94 to amend the acreage requirements for Planned Unit Developments - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING SECTION 94-233(A) OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA; TO AMEND THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO THE MINIMUM ACREAGE REQUIREMENTS FOR CONSIDERATION OF A PLANNED UNIT DEVELOPMENT (PUD) FROM TEN (10) ACRES TO TWO (2) ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on second reading for adoption. Commissioner Brown seconded the motion. There being no further discussion a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, and Mayor Flagg, Yes; Nays, none. Ordinance 03-34 was declared adopted.

TAX INCENTIVES FOR HISTORIC RENOVATIONS - Jack Trendler, 513 Emmett Street, said last year he made a brief presentation of a concept of a commercial real estate tax incentive program as a means to create a catalyst to promote redevelopment of downtown. Since that time he has presented this to Palatka Main Street and Downtown Palatka, Inc., and County officials. This proposes to phase in real estate taxes that have been raised due to renovation over a period of five years. It will attract more commerce

and revitalize downtown. One of the most important features is that it does not rely on grants nor does it deplete existing tax revenues; it simply defrays the raising of taxes on a particular piece of property. This same program was very successful in the City of Philadelphia. There is an existing state statute that allows for tax abatement of this type. They are attempting to submit a plan that may or may not completely conform to the State's guidelines; the terminology in State Statute is not clear, and is subject to interpretation. In order to implement this plan they may need help from State legislators to amend existing legislation. They recently met with Rep. Joe Pickens to determine what type of assistance they can look forward to. They discussed two main ideas: Either amend the existing statute, or create new legislation. They felt the path of least resistance is to amend existing statute. They are asking the Commission to work with the Florida League of Cities on this, and to draft a letter to the FLC to place this on their legislative agenda for the upcoming legislative session.

Cathy Butler, Palatka Main Street, said they've spoken to the Florida League of Cities and the State/County Associations and have had a good response. They will be contacting Florida Main Street in Tallahassee on this, also, to garner their support. They feel strongly that this is a workable program. Commissioner Brown said it is a terrific idea. She sits on the FLC Board of Directors, and will be happy to meet with them on this so that she can garner further support from the League. They can also lobby current legislators. Commissioner Norwood moved to authorize the City Manager to draft a letter to the Florida League of Cities to ask for support of the Downtown Palatka Commercial Real Estate Tax Incentive Plan. Commissioner Azula seconded the motion. Mayor Flagg requested a roll-call vote, with the following results: Commissioners Azula, Brown, Norwood, and Mayor Flagg, Yes; Nays, none. Commissioner Norwood thanked Vice Mayor Brown for asking citizens to look for ways to come up with incentives for redevelopment, as this is the result of her request.

FLC ANNUAL CONFERENCE VOTING DELEGATE - Commissioner Norwood moved to appoint Commissioner Sanders as the City of Palatka's voting delegate at the 2005 FLC Annual Conference in Orlando. Commissioner Azula seconded the motion, which passed unopposed.

Commissioner Norwood moved to appoint Vice Mayor Brown as Alternate voting delegate for the City of Palatka at the 2005 FLC Annual Conference in Orlando. Commissioner Azula seconded the motion, which passed unopposed.

ADMINISTRATIVE REPORTS:

City Clerk Betsy Driggers passed out a memorandum with attachments reference new elections legislation, and read the memo into the record. The City has an election coming up in November and December, and she has been notified by Susan McCool, Supervisor of Elections, that unless the City has passed an ordinance 'opting out' of early voting, the City will be required to hold "early voting" for fifteen days prior to all elections, per FS 101.657. According to Mrs. McCool, this will create an additional expense of \$6,360 just for poll workers. There are only two places she can designate for early voting, either her office or City Hall, and if she must designate City Hall, that's another matter altogether.

At this time, the City uses the County's voting equipment, which now includes touch screen with audio ballot counting machines. Mrs. McCool has notified the City of Palatka that we must use these machines if we use the County's vote counting equipment in our elections, by federal law. Audio ballots will cost around \$750, and 'technical support' personnel could cost around \$4,000, since we may need to bring in someone from Deibold Election Systems out of Texas. Her staff is currently training on these systems, but may not be certified by the time our elections are held. Also, the cost of the Optical Scan ballot has increased to around \$4,000; these are the ballots that are scanned into the Black Boxes, which have been used in recent elections. If a municipality wants to 'opt out' of using the Supervisors of Elections' vote counting machines, the only other option is to count by hand. If the Commission chooses to pass an ordinance opting out of either the early voting or use of the Supervisor of Elections machinery, it has to be done by September 1. These costs are per election. According to Mrs. McCool, there have also been discussions amongst County officials to begin charging a fee to municipalities for the use of their vote counting equipment. Another option would be for the City to pass an

ordinance bringing their election dates in line with the County, State and Federal Government, which would eliminate much of these costs.

Mrs. Driggers said they have spoken with Mr. Holmes about this. Commissioner Azula asked how quickly they would need to act if they were to move the upcoming elections in line with the County's. Mrs. Driggers said if the Commission decides to do so, they will need to extend all of their terms one year. At this time, the Supervisor of Elections is pre-qualifying candidates for the November/December elections. Mr. Holmes said it may require a charter amendment, and that would have to go to a public vote. They need to look up the Charter to determine what should be done. The City of Interlachen tried to make a charter amendment to do just that, and it failed. The elimination of early voting is an ordinance, and he can have one done fairly quickly; he has provided one for Interlachen. Extending terms and changing election terms may not be so easy. Commissioner Azula said they discussed this several years ago when Mr. Hedstrom was City Attorney; it came down to a vote of the City Commission. Commissioner Brown asked that it be investigated and brought back to the next meeting. After consulting the Charter, Mr. Holmes said the Charter specifically states when elections will be held, so the Charter will need to be amended. Mrs. Driggers said she would have to go back and pull the ordinance submitted by the prior City attorney, but candidates have been pre-qualified for the November/December elections. Mayor Flagg said he is running for election this year; the City Attorney can research the issue on early voting, but there will be an election this year. They need to deal with the cost aspect. Mrs. Driggers noted they also need to deal with the issue of use of the Supervisor of Elections' voting equipment. The alternative is to hand count. Mayor Flagg said they are not hand counting anything; they need to be progressive in their actions. They need to look at their options at the next meeting.

Christy Sanford, 312 Dodge Street, said it seems that the cost of renting the Supervisor of Elections' equipment seems high as a ratio of cost per vote cast, and asked for a clarification of the cost. Mrs. Driggers said the extra cost per election for ballots, etc. is around \$15,000, and that's a high estimate.

COMMISSIONER COMMENTS:

Vice Mayor Brown said former Commissioner Carl Nixon, who was made an "honorary Citizen" of Palatka, passed away, and his funeral is Saturday.

Commissioner Azula said it has come to his attention that there are still some bars that are still open until 3 - 4 a.m. At least one bar has been cited for staying open late. They need some enforcement on this issue.

Gary Getchell, Chief of Police, said when they enforce the ordinances, they are accused of picking on bars, and when they don't enforce them, they are accused of being lax. They understand that some bars that are remaining open are closing their front doors and letting people in through the rear entrances. He has addressed this with his staff. Last weekend they made bar inspections, and almost arrested some bar owners. They got matters worked out through negotiations & discussion. It is rumored around town that at least one bar owner has stated he will not be following the ordinance. When they see violations, they will write them up and notify the Division of Alcoholic Beverages. Mayor Flagg said this Commission supports the law that has been passed. If people choose to not follow the law, or if they intend not to, Chief Getchell should do what he needs to do and notify the State Beverage Agency. He does not need to ask the Commission's permission to enforce the law. Obviously, they'd like to have voluntary compliance. Chief Getchell said during this past weekend, no one stayed open past the established closing hours.

There being no further business to discuss, the meeting was adjourned at 6:40 p.m. upon a motion by Commissioner Norwood.

CITY CLERK

MAYOR