

KARL N. FLAGG  
MAYOR-COMMISSIONER

MARY LAWSON BROWN  
VICE MAYOR - COMMISSIONER

GEORGE E. SANDERS  
COMMISSIONER

JAMES NORWOOD, JR.  
COMMISSIONER

ALLEGRA KITCHENS  
COMMISSIONER



*Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.*

ALLEN R. BUSH  
CITY MANAGER  
BETSY JORDAN DRIGGERS  
CITY CLERK  
RUBY M. WILLIAMS  
FINANCE DIRECTOR  
GARY S. GETCHELL  
CHIEF OF POLICE  
MICHAEL LAMBERT  
CHIEF FIRE DEPT.  
DONALD E. HOLMES  
CITY ATTORNEY

## MINUTES CITY OF PALATKA September 27, 2007

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 27<sup>th</sup> day of September, 2007.

**Present:** Mayor Karl N. Flagg  
Commissioner Mary Lawson Brown  
Commissioner Allegra Kitchens  
Commissioner James Norwood, Jr.

**Absent:** Commissioner George Sanders

Also Present: City Manager Allen Bush, City Attorney Donald Holmes, City Clerk Betsy Driggers, Asst. Clerk Karen Venables, Finance Director Ruby Williams, Police Chief Gary Getchell, Fire Chief Mike Lambert, Fire Marshall Mark Lynady, Parks Supervisor Jeff Norton, Interim Planner Debbie Banks

### CALL TO ORDER:

- a. Invocation – Michael Hudson, Sr. Pastor – Christ Independent Methodist Church
- b. Pledge of Allegiance – Led by Putnam County Clerk of Court Tim Smith
- c. Roll Call

**APPROVAL OF MINUTES** – 9-13-07 - Commissioner Norwood moved to approve the minutes as read. Commissioner Brown seconded the motion, which passed unopposed.

### 1. PUBLIC RECOGNITION

- a. **PROCLAMATION** – Fire Prevention Week – Mayor Flagg read and presented a proclamation designating the week of October 7–13, 2007 as Fire Prevention Week. Fire Chief Mike Lambert and members of the Palatka Fire Dept. were present to receive the proclamation on behalf of all the members of the Palatka Fire Department.
- b. **PROCLAMATION** - Domestic Violence Awareness Month – Mayor Flagg read and presented a proclamation declaring the month of October, 2007 as Domestic Violence Awareness Month. Members of the Board of Directors of the Lee Conlee House Domestic Violence Shelter were present to receive the proclamation.
- c. **RECOGNITION** – Amanda Pace, 2007 National American Miss Florida Pre-Teen. Mayor Flagg recognized Amanda Pace, 2007 National American Miss Florida Pre-Teen, and presented her with a certificate of citizen recognition, flowers and Key to the City Charm.

- d. **STUDENT OF THE MONTH** – September, 2007 – Vice Mayor Brown assisted Mayor Flagg in presenting certificates for academic excellence, leadership, citizenship and attendance to the following students, representing their respective schools:

Annabel Shettel	Beasley Middle School
Janisha Jones	Browning Pearce Elementary School
Duncan Mundy	Childrens' Reading Center Charter School
Zulie Mora	E. H. Miller School
Jess Cameron	James A. Long Elementary
Emma Townsend	Jenkins Middle School
Matthew Hinton	Kelley Smith Elementary School
Frankia Clark	Mellon Elementary School
Trevon Cohens	Moseley Elementary
Abram Jones	Palatka High School
Kaitlin Harrell	Peniel Baptist Academy
Brendan McNaney	River Breeze Elementary School

2. **PUBLIC COMMENTS** - (Speakers limited to three minutes – no action taken on items)  
Lynda Crabill, 609 S. 14<sup>th</sup> St., said the Putnam County History book is making progress and is coming together very well. They will conclude work on October 31<sup>st</sup>. She noted she has learned a lot about the people of Palatka and Putnam County putting the book together.
3. **CONSENT AGENDA:**
- Award bid for Oak Hill West Survey/Cemetery Plat to William B. Snyder in the amount of \$9,400**, per results of RFQ/P, and approve release of \$5,032.58 from Special Cemetery Funds; balance of funding to come from budgeted Better Place Funds – Jeff Norton, Parks & Cemeteries
  - Award bid for Golf Course Roof Replacement to Synergy Construction for an amount not to exceed \$31,990.00** per results of RFP; establish a contingency of not more than \$5,000.00 to replace damaged wood and correct other conditions that will not be visible until the existing shingles are removed; and authorize the city manager to execute a contract for this project – Ken Venables, General Services
  - Authorize Amendment of FY 2006-07 Better Place Funds grant match allocations as follows:**
    - Authorize use of \$25,000 funds budgeted for Bronson House Historic Grant Match, for Bronson House Building Maintenance to use for priority repairs;
    - Authorize use of \$25,000 funds budgeted for Larimer Arts Center Historic Grant Match, for Larimer Arts Center Building Maintenance to use for priority repairs – Jeff Norton, Parks & Cemeteries
  - Authorize acceptance of Highway Safety Grant in the amount of \$21,380 (no match required) – Palatka Police Department
  - Authorize execution of Display Advertising Contract with Palatka Daily news F/Y 10/1/07 – 9/30/08
  - Approve Budget Amendments for F/Y 2006-2007 – Ruby Williams, Finance Director
  - Appoint Eddie Collins to the Zoning Board of Appeals for a five-year term to expire June, 2012 and waive 2<sup>nd</sup> meeting requirement (sole applicant; position formerly held by Marc Spalding)

Commissioner Kitchens moved to approve all items on the Consent Agenda as presented. Commissioner Brown seconded the motion, which passed unanimously.

4. **PUBLIC HEARING** – TRIM Calendar - Adopt Budget and Proposed Millage Rate (8.5). Mr. Bush stated the proposed millage rate of 8.5 represents a –1.77 decrease over the rolled back millage. The proposed budget and ordinances have been on file in the Clerk's office for public review.

**LEVY ORDINANCE No. 07 - 13** – 2007/08 Budget year – 2<sup>nd</sup> Reading, Adopt - The Clerk read an ordinance entitled AN ORDINANCE LEVYING TAXES FOR THE YEAR 2007 TO RAISE THE

NECESSARY REVENUE TO DEFRAY THE EXPENSES OF THE CITY OF PALATKA FOR THE FISCAL YEAR 2007-08 in its entirety. Commissioner Norwood moved to adopt Ordinance No. 07-13 as read. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results: Commissioners Norwood, Kitchens, Brown and Mayor Flagg, yes. Nays, none. The Ordinance was declared passed and adopted on second reading.

**APPROPRIATION ORDINANCE No. 07 – 14 – 2007/08 Budget year – 2<sup>nd</sup> Reading, Adopt.** The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, MAKING AN APPROPRIATION OF MONIES FOR THE OPERATING EXPENSES OF THE CITY OF PALATKA FOR GENERAL ADMINISTRATION OF THE SEVERAL GOVERNMENTAL DEPARTMENTS OF THE CITY, AND FOR CONTRIBUTING TO THE SEVERAL SINKING FUNDS OF THE CITY TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY, AND FOR PALATKA GAS AUTHORITY, FOR AND DURING THE FISCAL YEAR A.D. 2007-08. Commissioner Norwood moved to adopt Ordinance No. 07-14 as read. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioners Norwood, Brown Kitchens and Mayor Flagg, yes. Nays, none. The Ordinance was declared passed and adopted on second reading.

5. **PUBLIC HEARING** – Adoption and Transmittal of Comprehensive Plan Evaluation and Appraisal Report and transmit proposed EAR-based amendments to Department of Community Affairs
  - a. **RESOLUTION** Formally Adopting the Evaluation and Appraisal Report-Based Amendments into the Comprehensive Plan and Authorizing its Transmittal to the Department Of Community Affairs, for adoption

The City Clerk stated a recommendation comes from staff to continue the adoption and transmittal of the Comprehensive Plan Evaluation and Appraisal Report to the October 11, 2007 regular Commission meeting. Commissioner Norwood moved to continue the Public Hearing for the adoption and transmittal of the Comprehensive Plan Evaluation and Appraisal Report and transmit proposed EAR-based amendments to Dept. of Community Affairs to the next Commission meeting October 11, 2007. Commissioner Brown seconded the motion, which passed unopposed.

6. **REQUEST TO RECONSIDER COMMISSION ACTION OF 7/31/07 Terminating Negotiations For Airport Terminal Design/Build Project With AJAX Construction** – Bob Hunter, AJAX Construction - Mr. Hunter presented the Commission a handout sighting several problems in this process as it was conducted (filed). He stated the design criteria package AJAX was given was an impossible task. The original design and elevation drawings had items that would never meet category 5 wind loads. AJAX put together another design that would meet category 5 wind loads, which had a budget of around \$2.3 million. The budget was not specified before the design and GMP had to be turned in. The cost to do one design and GMP was about \$50,000; this could have been avoided if the budget had been disclosed. At a meeting held regarding the budget, they were told they still needed to get more off the cost of the building, but at the same time needed to add two more “lease” spaces. AJAX came back with a third design. When they pointed out that the required tug storage area was very expensive space, it was agreed that the tug space could be used for the lease space. Mr. Hunter stated AJAX assumed they were hired and were working under contract, but now are told they were not under contract, but that AJAX would have to design the building and give a GMP before they would get a contract. They did not know this up front, and had this been disclosed, this may have impacted their decision to keep working on the design. They worked for 6 months without a contract and had no means of a guarantee that if they did everything they were asked to do, specifically design the building and present a GMP, that they would still get a contract. The City Commission awarded this RFQ to AJAX and they continued to work. Weeks would go by without any communication from the City’s engineers because Andrew Holesko, who was their primary contact, went on vacation and was out of town, and they couldn’t get answers to anything. They thought they were on track and had their design down to the budgeted amount, but the

contract that was presented to them said they had to build what was estimated to be a building that would cost over \$5 million to build, for a GMP of \$2.2 million, without anything in the contract to reflect the new plans, changes in the hanger designs, or breakdown of the added alternates. The contract and contract issues were never discussed with them, but AJAX kept working and submitting new designs. AJAX went out on a limb and submitted a letter to Passero Engineering saying they would complete the design for \$107,000 and would guarantee that the design would allow them to give a GMP of \$1,250,000, which was what the final budget was stated to be. If this could not be achieved and a GMP could not be handed to the City saying they could build this for \$1,250,000, the City would not owe AJAX anything for the design. This proposal was never presented to the City or to FDOT. Tonight all they are asking is that AJAX Construction be allowed to finish the job they started. Mr. Hunter stated, to his knowledge, Passero never presented this offer to anyone. Passero then came in with a proposal to complete the design for \$120,000, which is more than AJAX's proposal, and then would put their design out for bids, with no guarantee that their design would come in under or over budget. Mr. Hunter stated because the entire process has been flawed and the total chain of events has not been presented to the City Commission, he is filing a formal protest to the actions taken by the Palatka City Commission on August 30, 2007, removing AJAX Construction, Inc. as design/build contractor for the Palatka Municipal Airport Terminal Project.

Mayor Flagg stated Mr. Hunter's letter is somewhat confusing, in which Mr. Hunter states AJAX does not want to continue with the process, and that the City has not acted in good faith. Mr. Hunter stated they were told they were being recommended to do the hangar project, also, which involves extensive work and a budget to work with. After AJAX pointed out cost-saving revisions that could be made to this plan, Passero said they would provide AJAX with revised plans, but they never did. The next notice they received is they had been terminated from the project altogether. They feel the professional input they gave Passero regarding the hangar project was valuable information for Passero. Their main concern is the terminal project itself, because they have spent six months doing a lot of work on it. He knows AJAX can design and build the terminal for the price stated, and would like the opportunity to do so.

Mayor Flagg asked if Mr. Hunter is saying there are ulterior motives somewhere regarding who and why AJAX was removed from this project? Mr. Hunter responded no; Passero Engineering recommended that AJAX be removed from the project because they felt it wasn't going anywhere because AJAX didn't give them a GMP, but they couldn't give a GMP until they had settled on a design. The final design they did provide was never approved. It was accepted and they were told it looked good and told if they could build this within the budget it could move ahead, but they kept waiting for the contract, which never came. There was never a memorandum of agreement offered. Mayor Flagg asked if Mr. Hunter felt confident he could provide a GMP now, without certain things that they felt were essential earlier? Mr. Hunter stated the last attempt they made to get a contract was when AJAX said they would provide a GMP, but needed to retain control of the design. There was no description of the project at all in the contract they were presented. Mr. Hunter noted that AJAX has never been involved in litigation with an owner, never had an owner sue them, and they have never sued an owner. It is not in their philosophy to do so. They are very careful with their contracts and reach an agreement before they sign any contracts. AJAX tried to sit down and negotiate to get to a point where there was something to sign so they could move ahead. The problem is not that Passero Engineering wanted to take work away from AJAX and give it to themselves, but is with the design/build process; AJAX never had a clear understanding of what Passero was looking for. Passero wanted a design and GMP before AJAX was handed a contract, and AJAX wanted a contract before they spent anymore months working and preparing yet another design. These details were never worked out. Mayor Flagg said the City would like a resolution to this matter along with an airport terminal.

Andrew Holesko, Passero Associates, Airport Engineers, stated the airport terminal project is a good project and a needed project for both the City and the Airport, and he firmly believes that it is going to be both a beautiful and very successful project for the City. Whether the City takes an action tonight to continue with Passero Associates to prepare the formal design and bid document to take the project from

30% to 100% design, which they are working on right now, or to stop tonight and continue with AJAX, either action is fine with Passero Associates. Passero's focus is to help the City bring its terminal building project to fruition; they are here to help the City do that in whatever way the City dictates. If the City wants AJAX to continue with the design/build process, Passero will work with them to successfully conclude the project. He has exchanged more e-mails with Mr. Hunter than any current contractor or proposed contractor that he has worked with in his 20 years in this business. He agrees there is a "catch-22" here; AJAX is looking for that commitment in order to provide the City with the details, and Passero is looking for the details so they can make a recommendation to the City to move forward. He distributed a design/build process schedule outlining the milestones, which takes the project from January 13, 2007, when the City put the design/build project out to advertise for proposals, through today, noting that advertisement stated the City reserves the right to reject any and all proposals and to waive all informalities and regularities or to re-advertise for proposals. This is standard language, added to deal with situations such as they are faced with today. On January 29, 2007 a mandatory pre-proposal meeting was held, which is the first opportunity bidders have to ask questions. On February 6, 2007 the issued addendum 1 in response to bidder questions and clarifications. On February 23, 2007 the City received 2 Design/Build qualifications submittal, as was required of any prospective bidder. On March 5<sup>th</sup> Passero provided a review and recommendation on the two Design/Build qualifications submittals, stating both submitters were qualified to bid. March 16<sup>th</sup> was the deadline for bidder questions and clarifications. A week later Passero issued a second addendum in response to questions and clarifications. On April 19<sup>th</sup>, after granting two additional extensions to the Design/Build, proposals were due in City Hall. AJAX bid \$2,385,000 for a 6,800 SF terminal building, and provided an alternate deduction to reduce the building from category 5 to category 3 in the amount of \$32,000. The other bidder, MEA, bid \$5,000,000 for the same building, and their alternate 1 deduction is \$3,382,550.

Mr. Holmes asked if, when talking about a deduction for a category 3 building, if that meant it was intended that bidders were to bid a category 5 building, but contractors could submit an alternate to downgrade the building to withstand category 3 winds, and if each of the contractors offered a deduction for that modification? Mr. Holesko responded that was correct. Mr. Holmes noted that the original bid package did specify a category 5 building. Mr. Holesko concurred, saying on April 26, 2007 the Airport Advisory Board reviewed proposals and ranked AJAX as the number 1 choice for the City. On May 24<sup>th</sup> Passero and City staff met to review proposals and follow up with a request to AJAX to provide value engineering and other modifications, because the building is obviously well above what the City has assigned for the project. On June 1, 2007 an e-mail was sent to Allen Bush, Karl Flagg, Roland Luster of FDOT, Gene Lampp with the FDOT and Glenn Ball to confirm the major points of discussion that were agreed to at the meeting of May 24, 2007, one being that FDOT staff confirmed the requirement that the airport terminal building be designed and constructed to withstand category 5 hurricane winds. This requirement would have a significant impact on the increased cost of the building. Secondly, the building would be modified from a two-story structure down to a one-story structure, as this modification would significantly reduce the cost of the building. Third, the functional areas of the second floor would be relocated to the east section of the first floor -- specifically the conference room and professional office spaces would now be developed on the eastern section of the building. Forth, the building would retain its centered peaked roof, a rustic lodge theme and an open great room within the main public area in the center of the terminal building. Fifth, the City would provide an updated request to the FAA to pursue \$150,000 in funding for the terminal building, plus FAA funding for the access road, parking and relocation. Sixth, Passero met with the City Finance Director to create and update the financing plan for the building, access road, parking and apron. One component of the financial plan would be to identify private funding from the City with a loan backed by the expected revenue of the upcoming annual revenue projections. Seventh, with approval of FDOT, the T-Hanger Project proposals would be added and negotiated with the selected Design/Build contractor and the admission of these components of the terminal project would provide the benefit of a lower total cost of the three major building components, which will minimize redundant administrative costs. Finally, Mr. Holesko would be meeting with Bob Hunter of AJAX the following Tuesday morning and would give an updated project scope. On June 5, 2007, Passero met with AJAX and provided proposed revisions for consideration because the terminal is

now proposed as one-story only. From June to August, 2007, Passero and AJAX exchange over 40 e-mails regarding project scope, cost and draft agreements, with no agreement reached regarding the scope, schedule and the cost on the overall projects. On July 17, 2007, the City, AJAX and Passero attended a cost review meeting at the airport; there had been minimal specific progress made since June, and an updated one-story building concept was provided by JRA. Mr. Holesko noted the level of detail on the updated design was not such that they could bring any recommendation of award to the City of Palatka. On July 25, 2007, the City and Passero staff traveled to AJAX offices in Ocala for an additional scope review/cost review meeting, during which Passero provided additional detailed clarifications and responses to questions.

Commissioner Norwood asked who represented the City in that meeting? Mr. Holesko stated Glenn Ball, Airport Manager. Mr. Holesko noted that was a very productive meeting. Between August 1<sup>st</sup> and 14<sup>th</sup> AJAX requested a design development final design and construction contract, yet there was still no final scope agreed upon at that time. He noted this goes back to the same catch 22 he talked about earlier. Passero Associates could never bring a recommendation and final contract to the City to consider without that guaranteed maximum price and the scope. AJAX was proposing the price, but never the scope and a design that Passero could review to agree upon. There is no sheet that says, "here's all the plans." They only saw full rolled up drawings with the original proposal for the category five, 6,800sf building. All they have is an updated exterior elevation of the building and an 11" x 17" drawing of a floor plan. On August 6 - 7, 2007 AJAX formally requested a \$25,000 design-development fee from the City; Passero concurred and recommended the \$25,000 fee agreement to the City. FDOT representatives requested Mr. Holesko come to their Jacksonville office to talk about the chronology of the project going all the way back from January and further, also going back to 2006, prior to letting the project out for bids. Next, the FDOT requested a meeting at City Hall, which occurred seven days later on August 23<sup>rd</sup>. This meeting occurred at City Hall, with meeting minutes prepared by Passero. On August 27<sup>th</sup> Passero submitted meeting minutes in letter format to the City. Mr. Holesko read a few items from the summary of that meeting. On August 30<sup>th</sup> the Palatka City Commission voted not to execute the \$25,000 design development with AJAX, and directed Passero to prepare 100% design documents, as the project is no longer going to be design/build. From August 30<sup>th</sup> to present, AJAX has disputed the City's, FDOT's and Passero's actions. Mr. Holesko noted that AJAX provided some good recommendations to the City during the Design/Build process, but unfortunately there still is no guaranteed maximum price. Although the building is not agreed upon, they do agree on the concept of the building, but not on what it is going look like, cost, or when it will be built.

Mr. Holmes asked Mr. Holesko if Passero has ever prepared bid specs or participated in a bid award that was of a "design/build" nature. Mr. Holesko responded they have. Mr. Holmes stated it is his understanding that traditionally someone designs a project to significant details and then that design is put out for bid. The people who are bidding on the construction phase have the detailed design documents to look at and submit their build bids based upon those specifications. Mr. Holesko stated that is what happens in a traditional bid process. Mr. Holmes asked and Mr. Holesko confirmed that this is not what this bid was intended to do; it was intended to be a deal where the City puts out a contract to somebody and that somebody is going to design it and build it. Mr. Holesko confirmed that the first bid from AJAX and from other bidder, MEA, were design/build bids. The AJAX bid was \$2,385,000 for a 6,800 SF building, meaning they were going to design it for that and build it for that and it was going to come in at that price. MEA bid \$5,000,000 for the same project and with the same understanding that they would provide detailed plans and build the terminal for that price. Mr. Holmes asked and Mr. Holesko confirmed that specifications the bidders had already received gave the bidders enough detail that they were supposed to know what they were bidding on, and that the additional pre-bid conference and the time frame allowed for questions would allow the bidders to ask any question they felt they needed to have answered in order to for them to submit a bid that they were prepared to stand by. Mr. Holesko added that the issue of the terminal building being a category 5 building was a troubling issue to both bidders.

Mayor Flagg inquired if it was troubling because it was originally to be a two-story building? Mr. Holesko stated it was, because it is not a standard industry request, and as Mr. Hunter knows, the structural capability of a building designed to withstand category 5 winds is a big deal. Passero talked with MEA during the process and they did not want to build and be selected for a category 5 building. They bid \$5,000,000 with the hope that the DOT would see the large numbers and relax the requirement from a category 5 to category 3, which is why they proposed a category 3 building at only about \$1.6 – \$1.7 million. When that happened, AJAX became the recommended bidder at \$2.3 million for a category 5 building.

Mr. Holmes inquired if it is still their intent that the building be able to withstand category 5 winds; Mr. Holesko said it is. Mr. Holmes stated it sounds like the bid process was going fine until the point when no bid came in within the budget; Mr. Holesko concurred. Mr. Holmes summarized that the City couldn't award a bid on either of the two submissions, as there weren't sufficient funds available to build and design either proposal. The process was originally begun with the idea of providing the bidders with a concept on the kind of building the City was looking for, but bidders were not given a budget to work within. No bid was received within the budget; therefore, the concept didn't work. Mr. Holesko concurred. Mr. Holmes asked why, at that point, they didn't acknowledge the process wasn't working and abandon it, and re-bid using the traditional method by designing the project first and then taking bids based upon cost of construction? Mr. Holesko stated at that point, time was an issue, so they decided to sit down with AJAX and try to get the design and cost where they needed to be.

Mayor Flagg inquired as why they were reluctant to declare the budget up front. Mr. Holesko stated there are pieces of the terminal building that are revenue generating, primarily the leased space inside the building, that affects how much money the City will have available to build it. The financing of the building is tied to its size; if they cut off a revenue-producing piece, it affects the budget, based upon revenue generation. They tried to work with the City Manager and Finance Director to determine the revenue stream for the new terminal building, T-hangers and bulk hangers. Mr. Holmes asked if that was the point Passero started to talk with AJAX about coming up with a design/building plan within a budget, but didn't know exactly what the budget was? Mr. Holesko said they knew they had a window of between \$1.25 – \$1.5 million range. Mr. Holmes asked if Mr. Hunter was told when the bids were opened what the estimated budget was? Mr. Holesko said Mr. Hunter was informed early in the process, at least by June or July of 2007, that the budget was between \$1.25 – \$1.5 million, but couldn't say the exact date. At the same time they had a grant request for multi-modal funds from Federal DOT in Washington, and didn't know if they were going to provide \$500,000 or zero; they had yet to hear. Mr. Holmes stated he does not know how the task was even doable at that point if they didn't know how much money they had to spend. Mr. Holesko stated they are working towards a number.

Mr. Holmes stated, in his view, he does not think anyone was acting in bad faith. There may be more misunderstanding here than any one person's intent to create a problem for anyone else. Mr. Holmes asked if, at any point in time after Passero started to talk to AJAX about the process that was about to embark on, if AJAX said, before they went any further, that they wanted to make it clear they wanted a contract before they spent money in the design process and how much money was being talked about for a budget. Mr. Holesko stated those general discussions occurred continuously, and the response back and forth was the same catch 22 he mentioned at the start. Mr. Holmes asked if, at any point, did AJAX bring in a design and amount? Mr. Holesko stated no; he, Mr. Bush and Mrs. Williams talked constantly about the project, the scope and the cost.

Mr. Hunter said, regarding the deduct of \$32,000 for the category 3 option, they were told to design a category 5 building, which involves a lot of structural engineering. Two weeks prior to the bid deadline they were asked to also provide a deduction to take the building down to a category 3. They had no time for new structural engineering; the only calculation they were able to obtain was from the window company, who said they could take off about \$30,000, and the roof company, who said they could remove some of the clips for about \$2,000. They had no time to get brand new structural engineering and pricing

on steel and concrete, etc. for a category 3. He compared it to someone asking for a price to build a Sherman tank, and then saying at the last minute to add a deduct to make it a Suburban. They designed what was called for in the design criteria; there was no time for a second design. At this time, Passero is asking for \$120,000 to do a complete design, while AJAX is only asking for \$107,000. Mr. Holmes asked Mr. Hunter if they incurred some of the cost when they submitted their original bid, which included detailed plans; Mr. Hunter stated they submitted everything in the original bid. Mr. Holmes stated they expended those cost with the understanding they may not be low bidder because that is the nature of a bid. Every contractor works within that process. Mr. Hunter stated AJAX actually didn't actually incur cost themselves; they get costs from people that do structural, mechanical and electrical work with the understanding that they will do the work if AJAX is awarded the contract. AJAX did spend staff time of about a month and a solid two weeks constantly getting this or that, and spent time obtaining the plans. Mr. Hunter confirmed this work was done for the first bid. Mr. Holmes said AJAX was not being "strung along" by the City or anyone else after that first bid opening. Mr. Hunter stated after the bid opening they were asked to get the cost down, so they submitted a new floor plan and some calculations on the steel, and then took the plans to the subcontractors to provide their estimates. Had they done a new design with new specs, new plans and new everything, they would have had another \$50,000 into it. Mr. Holmes stated at that point he agrees that AJAX has gone to a lot of trouble, but at the same time, they had the option of saying they wouldn't do any more work without a flat number to work from. Mr. Hunter said they did that, with this being the end result. They have been working on this for six months and still don't have a contract. The City Commission voted to select them to design and develop this building, but they still don't have a contract. Mr. Holmes stated AJAX did not get to that point until August. Mr. Hunter stated they had a meeting July 17<sup>th</sup> and said they were a lot closer, and at the July 25<sup>th</sup> meeting they said they if they could do it for the \$1.25 million design, they think they are there. They never received anything that said, "Yes this is the final design," or anything that said, "This is the budget." They were waiting for something that said they were on target before they spent another \$50,000 of their money. They asked for a little more control over the design and in return they would give them a building and the GMP. They wanted some assurance that if they did what they said they would do, they would be paid up to that point, and they never got that assurance. He thought they were still negotiating on that and never received answers, even with all the e-mails they exchanged. He never got an answer on any of the contracts he submitted. He was told to bring one to the meeting, but it was never discussed. They had many unanswered questions.

Mayor Flagg asked if both parties are an impasse, or if a resolution is possible. Mr. Bush said there are options, one being that the City could honor the contract if Passero receives the required information, which is the final design document and paperwork; the second is to continue the design process with Passero. Commissioner Norwood asked what contract they are talking about. Mr. Bush said although AJAX has done a lot of work on this project, there is no contract at this time.

Per Mr. Holmes' question regarding where FDOT stands on the matter, Mr. Hunter stated there was a big discrepancy between what DOT is telling him and what they are telling Passero; at one time, Mr. Parks at FDOT asked him why AJAX was doing so much work without a contract. Mr. Holmes stated, in all fairness, Mr. Hunter is the only one who can answer that question, and then commented he did not know how AJAX could go as far as they did without a contract.

Mr. Bush stated he brought the \$25,000 contract to the Commission. He received that request from the engineers. Mr. Bush asked Mr. Hunter the purpose of the \$25,000 contract. Mr. Hunter said that was to pay for the design development criteria and basics. AJAX wanted something in writing saying they were working for the City. They knew it was risky to be putting out that kind of money without any kind of evidence that they were even hired other than the action of the City Commission. Mayor Flagg commented that they felt hired but knew they were not officially hired. The action that the Commission took for the \$25,000 was never consolidated into a signed document. Mr. Hunter stated AJAX wants to do the job and they feel like they can do it for the quoted amount, and that the design is down to a point now where it can be done for that amount. Before they actually did another round of designs, he would

like something in their hands saying they have the project and will be paid for their work; he also understands Mr. Holesko's position on not having anything to bring to the Commission.

Mr. Holmes asked Mr. Holesko if FDOT was committed to the Design/Build phase being handled by two separate firms? Mr. Holesko stated he did not think they would have a problem with it, in light of the events of the last 30 days. He believes FDOT will concur with whatever the City Commission and staff decide to do. Mr. Holmes said Passero is the City's Engineer, and asked if Passero has a recommendation as to whether or not the City would be better served by separating the design and the construction phases on the project. Mr. Holesko stated if the City continues with Passero and they put a traditional design on the street for bidding, he believes that building is going to be very similar essentially to what he believes AJAX and their team would propose to the City and build for a similar price. Mayor Flagg recommended bringing Passero, AJAX and the City Attorney and City Manager together to discuss what can be done to create a win-win situation. Mr. Holmes stated he believes everyone was acting in good faith throughout this process.

Commissioner Norwood moved to bring principals from AJAX and Passero, the City Manager and City Attorney together to bring a resolution back to the Commission. Commissioner Brown seconded the motion. There being no further discussion a roll call vote was requested and taken with the following results: Commissioners Norwood, Brown, Kitchens and Mayor Flagg, yes. Nays, none. Motion carried. Mayor Flagg noted the Commission would like a 24-hour turn-around on a meeting date.

7. **REQUEST FOR FINAL PLAT APPROVAL** for Subdivision of Parcel #12-10-26-9130-0010-0001 – Ashbrooke Estates – Kenny and Susan Downs, owners - Mr. Kenny Downs, 2020 Ashbrooke Lane, was present. A plat drawing was presented to the Commission for their review. Debbie Banks, Interim Planner, said Staff recommends approval. Commissioner Kitchens asked Mr. Downs why he made it four lots instead of two. Mr. Downs responded because there was room for four lots. Commissioner Kitchens stated she understands Mr. Downs' home is on one lot, and a house is planned for another lot, and asked what his plans are for the other two lots. Mr. Downs said he has no plans at this time, but may put a personal garage on one. This is a 'home place.' Commissioner Brown moved to approve the request for final plat approval of Subdivision of Parcel #12-10-26-9130-0010-0001 – Commissioner Kitchens seconded the motion. A roll call vote was requested and taken, with the following results: Commissioners Brown, Kitchens, Norwood and Mayor Flagg, yes. Nays, none. Motion carried.
8. **ORDINANCE** vacating and closing a portion of Ruth Street between Moseley Avenue & S. 18<sup>th</sup> Street – Putnam County School Board, applicant - 1<sup>st</sup> Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, CLOSING VACATING, AND ABANDONING THAT PORTION OF RUTH STREET LOCATED IN BURT'S SUBDIVISION LYING SOUTH OF BLOCKS 11 AND 12 AND NORTH OF BLOCKS 10 AND 13 AND RESERVING REQUIRED UTILITY EASEMENTS, WITHIN THE CITY OF PALATKA, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading. Commissioner Kitchens seconded the motion. Per Commissioner Norwood's question, Ms. Banks stated the school board is going to build on the portion that is being closed. The other portion that is not being closed is where the school parking lot is located. The neighboring property owners do not want the street closed, although the School Board does want it closed; the Planning Board voted to close only that portion of Ruth Street. Mr. Bush noted that it was never used as a street and has always been treated as school property. There being no further discussion, a roll call vote was taken, with the following results: Commissioners Norwood, Kitchens, Brown and Mayor Flagg, yes; Nays, none. The Ordinance was declared passed on first reading.
9. **ORDINANCE** setting forth new water rates both inside and outside the city limits – 2<sup>nd</sup> Reading, Adopt - 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 APPENDIX "A" TO SECTION 86-314 AND APPENDIX "A" TO

SECTION 86-315 THEREOF, PROVIDING NEW WATER RATE SCHEDULES EFFECTIVE OCTOBER 1, 2007, BOTH INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt Ordinance No. 07-15 as read. Commissioner Brown seconded the motion.

Mr. Daniel Ziem, Sr., 401 Olive Street, the City lowered the taxes but then raised the water rate and sewer rate. This \$2.00 will be costly for him. He is against raising the rates.

Askew Vickers, 207 N. 18<sup>th</sup> Street, asked if there was going to be an increase in the rates after the new sewer plant is built? Mr. Bush stated none is anticipated at this time; the City received an 85% Grant to build the new plant. Mayor Flagg said the rate increase is not related to the construction of the new plant, the rate increase is related to the cost of doing business and operating the utility. Mr. Vickers asked if the City is charging them now for something they are going to do later on. Mr. Bush stated every year the cost of operating a utility system goes up, which necessitates an occasional increase. At some point the increases have to be passed on to the utility customer.

Commissioner Kitchens stated she voted against this because, while \$2.00 on the total bill may not seem like a lot to some people, there are some senior citizens that only receive social security and won't receive an increase in their monthly check until January, 2008. When their bill increases by \$2.00 that may mean they can't purchase a \$2.00 prescription, and she can't, in good conscience, vote on the increase. Mayor Flagg noted those seniors on City water and sewer won't have to be shocked and surprised by having to replace a well or a septic tank, which would be much more than \$2.00 a month. The City can be proud of the quality of the water and the improvements that are currently happening as well as those planned for the future, because there are people outside the City limits whose wells and septic systems have failed, and they are in a serious dilemma. He would rather be in a \$2.00 dilemma than one you can't set a budget amount on.

Commissioner Brown noted it's hard to vote for a rate increase, but they have to find a way to pay for these services. You have to have water and sewer, no matter what. The cost providing water and sewer has gone up, like everything else; the City wants to make sure the health and safety of the citizens are taken care of. There being no further discussion, a roll call vote was taken, with the following results: Commissioners Norwood, Brown and Mayor Flagg, yes; Commission Kitchens, no. The ordinance was declared passed and adopted by a vote of 3 in favor, 1 against.

10. **ORDINANCE** setting forth new sewer rates both inside and outside the city limits – 2<sup>nd</sup> Reading, Adopt - 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 APENDIX "A" TO SECTION 86-344 AND APPENDIX "A" TO SECTION 86-345 THEREOF, PROVIDING NEW SEWER CHARGES EFFECTIVE OCTOBER 1, 2007, BOTH INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt Ordinance No. 01-16 as read. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioner Norwood, Brown and Mayor Flagg, yes; Commissioner Kitchens, no. The motion passed by a vote of 3 in favor, 1 against, and the Ordinance was declared adopted.
11. **ORDINANCE** setting forth new utility fees – 2<sup>nd</sup> Reading, Adopt - 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 APPENDIX "A" TO SECTION 86-285 AND APPENDIX "A" TO SECITON 86-312(3) THEREOF, PROVIDING NEW UTILITY LATE PAYMENT FEES, RECONNECTION FEES, AND SERVICE CHARGES EFFECTIVE OCTOBER 1, 2007, BOTH INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt Ordinance No. 07-18 as read. Commissioner Norwood seconded the motion. Commissioner

Brown as to the last time these rates were raised. Mr. Bush stated it was in the early 1990's; the fee has never been increased. There being no further discussion a roll call vote was taken with the following results: Commissioners Kitchens, Norwood, Brown and Mayor Flagg, yes. Nays, none. The Ordinance was declared adopted.

Daniel R. Ziem, Sr., 401 Olive Street, asked if this \$2.00 late fee is in addition to the \$2.00 already added on. Mayor Flagg stated this is not a cost of service increase, but is a late payment fee assessed after 20 days. The late payment fee is now \$4.00.

12. **ORDINANCE** setting forth new cemetery fees – 2<sup>nd</sup> Reading, Adopt - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 22, CEMETERIES, SEFTION 2, CEMETERY FUND, AMENDING THE AMOUNT OF FUNDS FROM THE SALE OF EACH ADULT GRAVE SPACE TO BE SET ASIDE INTO THE SPECIAL CEMETERY FUND; AMENDING APPENDIX A (FEE SCHEDULE) OF THE MUNICIPAL CODE OF THE CITY OF PALATKA AS IT PERTAINS TO FEES AND OTHER CHARGES RELATING TO CHAPTER 22, CEMETERIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt Ordinance No. 07-17 as read. Commissioner Norwood seconded the motion. A roll call vote was taken with the following results: Commissioners Kitchens, Norwood, Brown and Mayor Flagg, yes. Nays, none. The ordinance was declared adopted.
  
13. **ORDINANCE** amending Chapter 34, Fire Protection, to change Occupational License to Business Tax Receipt; setting inspection requirements; and abolishing the Fire Self-Inspection Program – 2<sup>nd</sup> Reading, Adopt - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLROIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, CHAPTER 34, FIRE PREVENTION AND PROTECTION, BY AMENDING ARTICLE II, SECTION 34-33(d), FIRE MARSHAL, APPROVAL OF LICENSES AND PERMITS; AMENDING ARTICLE III, FIRE CODES, BY DELETING SECTION 34-65 IN ITS ENTIRETY TO ABOLISH THE FIRE SELF-INSPECTION PROGRAM ESTABLISHED BY ORDINANCE 04-23 ON 9-9-04; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt Ordinance No. 07-19 as read. Commissioner Kitchens seconded the motion. A roll-call vote was taken with the following results: Commissioners Norwood, Kitchens, Brown and Mayor Flagg, yes. Nays, none. The ordinance was declared adopted.
  
14. **DISCUSSION** regarding merits of Code Enforcement Board vs. Special Magistrate - Debbie Banks, Interim Planning Director, said due to increasing difficulty in obtaining board members to serve on City Boards, she would like the Commission to consider enacting a Special Magistrate ordinance and abolishing the Code Enforcement Board. Twice this year this Board has had no quorum, and the two alternate positions have been vacant for several years. Lack of a quorum is a hardship on citizens with business before the Board as well as Staff, as considerable time is spent preparing for these meetings. She really does not want to do away with the Code Enforcement Board, but would like the Commission to know there are other options. If they continue to have a problem getting a quorum to do the business of the City, they have the option of using a Special Magistrate instead of a Code Enforcement Board.  
 Mayor Flagg said he is sure there are positives and negatives associated with this issue, and the Commission needs to consider the efficiency of these options, especially for its citizens. He noted no one is against the current Code Enforcement Board members in any way.

Commissioner Kitchens noted the number of times no quorums for Code Enforcement was recorded on the attendance records for 2006 and 2007; the record shows 3 meetings were cancelled due to lack of quorum and 6 due to "no staff." She knows there was a turnover of staff during that period of time, but it seems that lack of staff is the prevailing issue. She cannot see getting rid of a volunteer board that works for nothing to hire a paid magistrate. She also would not want one person making the decision on her fate unless it happens to be a judge and then only if she opted for that in a court of law. She served on this

board from 1998 to 2005 because she wanted to help. She understands the lack of attendance issue, and has a problem with board members having to reapply after each term; she was personally insulted. A lot of these members may feel the same. They may be part of the reason they don't get applicants for these positions. Mayor Flagg stated this is about options. Commissioner Kitchens noted the City would have to pay a magistrate. Mayor Flagg said whomever violated the code would have to pay the magistrate. Commissioner Brown noted that she'd had a bad experience with a magistrate and feels Boards do more for the City, as they aren't there to punish people, but to get compliance. She is not in favor of a magistrate. She noted they may need to consolidate these boards and not ask members to compete with other applicants if they want to serve another term. Also, the Financial Disclosure scares some folks away. Commissioner Norwood said he believes when City Boards meet they do a very good job of meeting the needs of the citizens, but the business of the City has to be done. It bothers him when a board is supposed to meet and people have taken time to get off their jobs and traveled to get here, and then there is no quorum for the meeting. He noted he is in favor of keeping the Code Enforcement Board, but the Commission needs to monitor the boards to make sure they are being efficient and taking care of the City's business.

Kenny Downs, 2020 Ashbrooke Lane, said this was a complaint when he sat as a City commissioner. He has experience with magistrates in other places. The City can be proud of its boards, which should be an extension of the Commission. When the Commission asks for volunteers, people apply because they think it is prestigious to serve on a board, when there is nothing prestigious about it. You are there for your city and because you love your community; that is what this is all about. Each Commissioner should appoint one person each and two at-large members, and then talk to the people they appoint about the 'job' and responsibilities. A magistrate is going to be very cut and dried. As Chairman of the Code Enforcement Board, he finds they have to work with seniors on their issues. They have brought neighborhoods back through the work of this Board; you can't do that with a magistrate.

Mayor Flagg noted there is a memo from Mrs. Banks for consideration, and this is listed as a discussion item. The intent is not to put the Code Enforcement Board, or members of that Board, on trial. He believes Mrs. Banks has the City's best interests at heart. Citizens sometimes do not understand the law and what is required of them. He understands that the county has converted to a Magistrate, and asked if that system is working or not? Mrs. Banks stated she had talked with two code enforcement officers with the County who are very pleased with their special magistrate, and feel it is working very well. Also, presently the City pays the City Attorney to attend Code Enforcement meetings. A Magistrate's fee is passed along to the Code violator. Presently this Board has two regular member vacancies; if one more person doesn't show up, there is no quorum. She is concerned with doing the business of the City.

Mayor Flagg said he's like to see some additional input from other cities on this issue, and asked to continue this discussion once that information has been gathered.

Commissioner Brown challenged each of the Commissioners to go out and find someone to fill at least the two opened positions and an alternate by the next Commission meeting. She would like feedback from the citizens regarding a special magistrate. The Commission is here to put people first.

Commissioner Kitchens noted that Mrs. Banks had said the cost of the magistrate is absorbed by the citizen, which is even worse than the City going out and hiring someone, because many well-meaning people don't understand the Codes. They may have incurred a fine because they don't have the money to bring their home or lot into compliance. Many of their citizens are extremely poor or elderly, and to make them pay the magistrate's cost is adding undue hardship. Staff tries to help many of the citizens bring their property into compliance before it comes to the Code Enforcement Board. She cannot see adding more burdens to people who are already over burdened.

Robert Griffith, 510 Mulholland Park, said some people have spent thousands of dollars to try meet City Code, but you can walk across the street from City Hall and see City-owned property that is not in

compliance, with weeds and deterioration and unkempt sidewalks. The City expects others to keep up their buildings, but sets a bad example.

Askew Vickers, 207 N. 18<sup>th</sup> Street, concurred with Mr. Griffith. He has tried to get the City to clean up property behind him for many years. If his grass gets over 18 inches in height he gets a notice, but the City's can get knee high. Per Mayor Flagg's question, Mr. Vickers said the property is located between 17<sup>th</sup> and 19<sup>th</sup> Street. Mr. Vickers said he purchased property from another person who was not asked to clean up his property, but as soon as he purchased it he was given a code violation. The person he brought it from owned it for years and never received a notice code of violation.

15. **DISCUSSION** regarding revisions to Board Appointment Policy - The Clerk stated she hoped the Commission had had time to review the packet she passed out at the last meeting. She noted she spends a lot of time either talking people into serving on a board, or talking people into staying on a board. She asked the Commission to temporarily suspend the current Board Appointment policy and allow the City to work with the concept of an informal committee consisting of the City Manager, Clerk, one member of the Commission, and the department head associated with the particular board in question, who would interview applicants, make certain they understand their duties and responsibilities, and allow the City Manager to then bring a recommendation before the Commission regarding the appointment of board members, and bring only one applicant per position to the Commission for concurrence. There are other cities that work under this concept. She provided them with examples of cities working with both a formal and informal committee of this nature, but if they appoint a 'board' they will have all the trappings that go along with yet another board. One of the things she would like this committee to do is to look at the present boards and determine what boards are no longer necessary, and what boards can be combined. Mr. Holmes said he didn't think you could create an 'unofficial committee.' Commissioner Kitchens said she thought it would be just staff members and maybe one City Commissioner and that wouldn't be a violation of Sunshine. Mr. Holmes said the Clerk is describing a committee, and even though she is calling it an "unofficial" committee, it sounds like it is an advisory committee and at that point it becomes a Sunshine Law issue.

Commissioner Brown stated she got involved in politics when her husband was asked to serve on a board. He declined, but suggested they talk to her. They should return to their prior method, which was allowing the members of the Commission to bring forth new board members. They put notices regarding openings in the newspaper, but need a way to attract qualified members. As commissioners, they need to go out into the Community and find members that are truly interested in the position, instead of advertising in the newspaper. Some people just need a 'nudge.' Also, in the summer people go on vacation, and people do get sick, so they need to look at alternates for these boards.

Mr. Holmes stated the County Commissioners go out and find someone to appoint to their boards; if they find a willing citizen, they can make that appointment. There are several things in the City's process that is troubling. One is having to publicly 'audition' for the job. People are not comfortable auditioning in front of an audience and TV cameras. The process is embarrassing to some, but gets even worse when there is more than one applicant for the same job. They may both be good people but only one can be chosen, so the other person feels they've been given the 'brand of rejection' by the City Commission and City of Palatka, which is not flattering for them. The Clerk has noted these issues, and after consideration, he sees her point. If he'd applied for a board and was publicly rejected, he wouldn't apply again. Commissioner Brown said she thinks these recommendations should come from the Commission and not a committee. Sometimes just approaching people about taking on the responsibility makes the difference. They need people who are going to be firm but compassionate. It is the Commission's job to go out and, by the next meeting, find some folks they'd like to have serve on these boards.

Mayor Flagg noted the County has districts, and the respective commissioner representing each district has a certain number of people they can appoint to each board. They need to look at their boards by statute and ordinance. The groups need to be balanced. He'd like Staff to review the boards to determine which boards are regulated by Statute, and which are regulated by ordinance or resolution, and bring that

information back to the Commission. His concern is that some individual are not equipped to serve on a board, and are then “baptized by fire.” The City needs to raise the standards. He would like to look at a pool of individuals who have dedicated their time to public service and have been involved with leadership institutes. Commissioner Brown said she knows people need training, but if they have a sincere wish to serve and make a difference and want to help, and have the knowledge of experience, the City should put them to work. Most of the boards deal with facts, but a lot deal with good hard common sense. Mayor Flagg stated he was speaking of more of orientation than prior expertise.

Commissioner Norwood noted the Clerk has asked the Commission to suspend the current policy, and he concurs, due to the reasons cited regarding public interviews. He is personally uncomfortable when there are two or three applicants. They all might be competent individuals, but he can only select one. He’d like to see the Commission act upon the recommendation to suspend present policy. Mayor Flagg said instead of suspending the policy, they should have a revised policy to vote on in two weeks. The intent of the present policy was to meet the person, not intimidate the applicant. Right now, whoever makes the first motion to appoint, that person gets appointed regardless of qualifications. He believes the Commission is moving in the right direction and he would like to review which boards are created by ordinance, and which are created by statute. They also need to determine which seat is to be appointed by which commissioner. The Clerk stated the informal process she is speaking of is used by other cities, and she’s included an example in her information packet. This committee reviews applicants to make sure they understand the requirements of the position, have the opportunity to ask questions and are still willing to serve after they hear what’s involved. They make sure they know when and how often he board meets, the board’s purpose, objectives and responsibilities are, and whether they are require to file financial disclosure with the State. If the applicant comes at the recommendation of a member of the Commission, that’s all the better, because there is an intrinsic value associated with being asked to serve, and it gives value to the appointment.

#### 16. **ADMINISTRATIVE REPORTS**

Mr. Bush announced that the Annual Safety Luncheon is scheduled for Friday, September 29, at 12:00 noon at the Golf Course. The food is being prepared and sponsored by Prosperity Bank.

The Clerk announced that Mayor Flagg and Vice Mayor Brown are Top Five Finalists for the League of Cities’ “Cities of Excellence Awards.” It is quite an honor to make the top finalists for these awards.

Jeff Norton, Parks & Cemeteries, said they will have staff at the cemetery all day Saturday from 8:30 a.m. to 5:00 p.m.

#### 17. **COMMISSIONER COMMENTS**

Mayor Flagg stated he would like to have a commissioner present during the upcoming Special Events workshop. Commissioner Kitchens recommended, and the Commission concurred, to ask Mayor Flagg to attend as the Commission’s representative.

Commissioner Kitchens noted the Friends of Dunn’s Creek State Park, Inc. will be holding an Open House and Trail Ride Saturday October 13<sup>th</sup>. Entrance to the Park is free.

Mayor Flagg stated the Commission needs an update on the process of selecting the next City Manager. Mr. Paul Sharon, the League’s Range Rider, is working with Mr. Bush on this. The next meeting would be a good opportunity for him to come back and update the Commission. They need to get the process down to a “memorandum of understanding” with each of them.

Commissioner Brown said many people are in the DROP plan and there may be some retirements looming; she’d like a list of those. They also need an update on the search for a Planning Director. Mr. Bush said they’ve received applications and are making background checks now.

Regarding a question from the audience on replacing the Airport Manager, Mr. Bush said they are looking at handling that position on a part-time basis, as it was for many years.

18. **ADJOURN** upon a motion by Commissioner Brown and seconded by Commissioner Kitchens at 9:10 p.m.

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105