

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

ELWIN C. "WOODY" BOYNTON, JR.
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 December 18, 2008

Proceedings of a special called meeting of the City Commission of the City of Palatka, Florida, held on the 18th day of December, 2008

PRESENT: Mayor Karl N. Flagg
Commissioner Mary Lawson Brown
Commissioner Allegra Kitchens
Commissioner Vernon Myers

ABSENT: Commissioner James Norwood, Jr.

Also Present: City Manager Elwin C. Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Planning Director Jim Lee; and Assistant Planning Director Debbie Banks

CALL TO ORDER – Mayor Flagg called the meeting to order at 5:30 p.m. and read the following Call, dated November 13, 2008:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, VERNON MYERS
AND JAMES NORWOOD, JR.:

You are hereby notified that a special called meeting of the Palatka City Commission is called to be held on Thursday, December 18, 2008, at the regular meeting place of the Palatka City Commission at City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 5:30 p.m.

The purpose of the meeting is to consider 2nd reading on Ordinance to Suspend Impact Fees and 2nd reading of five Large Scale Comprehensive Plan Amendment Ordinances.

/s/ Karl N. Flagg, MAYOR

The following Commissioners acknowledged receipt of a copy of the foregoing notice of a special meeting on the 13th day of November, 2008.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Vernon Myers
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

INVOCATION – Commissioner Allegra Kitchens

PLEDGE OF ALLEGIANCE – Donald E. Holmes, Esquire

Mayor Flagg asked if it is proper to act on Agenda Item #'s 2 and 3 on the agenda as advertised, as the Meeting Call did not list Item #'s 2 and 3. City Attorney Holmes said that because the agenda was properly advertised, it is legal and considered noticed to the public.

1. **PUBLIC COMMENTS/RECOGNITION**

John Vogt, President, North Historic District Neighborhood Association, said the minutes of the 12/11/08 CRA Meeting indicate there was discussion regarding whether or not there was proper notice given to the public of a 11/15/08 N. Historic District Neighborhood Association meeting. He introduced an archive copy of the Palatka Daily News dated July 12, 2008, which advertised the July 15, 2008's N. Historic District Meeting, which specifically stated there would be discussion of TIF fund expenditures. Mayor Flagg read the advertisement aloud and noted it for the record.

2. **CONSENT AGENDA:**

- a. **Recommend the Appointment of Sara D. Pines to the Putnam County Library Board** for a partial term to expire June 30, 2010 (sole applicant) - Commissioner Brown moved to appoint Sara D. Pines
- b. **Adopt Recommendation of Community Redevelopment Agency for allocation of TIF funds** for f/y 2008-09, per action taken at 12/11/08 CRA Meeting – City Manager
- c. **Award bid to Riverside Builders of Putnam County, Inc. in the amount of \$211,160.00** for 2008 Water Works Renovation Project - City Manager
- d. **Authorize execution of EAP Contract with Dr. Steven P. Dingfelder & Associates, Inc.** in the amount of \$3,140.00 for Employee Assistance Program Services for 2009 – City Manager

Mayor Flagg asked for and received concurrence from the Commission to take up each Consent Agenda item separately, upon the request of Commissioner Kitchens.

Appointment of Sara D. Pines to the Putnam County Library Board for a partial term to expire June 30, 2010 (sole applicant) - Commissioner Brown moved to appoint Sara D. Pines to the Library Board as recommended. Commissioner Kitchens seconded the motion, which passed unopposed.

Adopt Recommendation of Community Redevelopment Agency for allocation of TIF funds for f/y 2008-09, per action taken at 12/11/08 CRA Meeting –Commissioner Kitchens requested the City Attorney be present at all future CRA meetings in case legal questions come up. Commissioner Brown noted there was discussion concerning whether or not certain items were in the Plan, as one of the CRA members had concerns on this. They had to have a budget done prior to the end of the year and the Plan is being reworked now by the CRA-CATF. She asked if this tentative allocation is being approved provided the Plan is modified to accommodate these proposed expenditures. Mr. Boynton said that is correct. Commissioner Kitchens said they have had a Plan in place for some 20 years. Commissioner Myers moved to accept the recommendation of the Community Redevelopment Agency's 12/11/08 to allocate TIF funds for the CBD, North and South Historic District Funds for f/y 2008-09. Commissioner Kitchens seconded the motion, which passed unopposed.

Award bid to Riverside Builders of Putnam County, Inc. in the amount of \$211,160.00 for 2008 Water Works Renovation Project, per results of RFP – Commissioner Kitchens moved to award the bid for the 2008 Water Works Renovation Project as recommended. Commissioner Brown seconded the motion, which passed unopposed.

Authorize execution of EAP Contract with Dr. Steven P. Dingfelder & Associates, Inc. in the amount of \$3,140.00 for Employee Assistance Program Services for 2009 – Commissioner Myers moved to authorize execution renewal of the EAP Contract per the City Manager's recommendation. Commissioner Kitchens seconded the motion. Mayor Flagg asked how the City knows they are getting the best quality of service possible from this provider. Commissioner Kitchens said the provider states he is responsible for supervisor training and monthly reporting, among other things, and asked if this is being done.

Chief Getchell said his employees have used the services under this contract and those that do go are very satisfied. He has worked with EAP plans and issues and has found Dr. Dingfelder and his associates to be extremely professional. He seems to be more in tune with employees. He and his staff are on call 24/7, so if issues do come up, all they have to do is make a phone call. His staff is readily available. He does provide Supervisor training for use of these services. They do receive feedback. The Clerk said Dr. Dingfelder does send a monthly report. There being no further discussion, the motion passed unopposed.

3. **RESOLUTION** authorizing the issuance of a half-cent sales tax revenue note in an amount not to exceed \$1,393,000 to finance the cost of water metering equipment and authorize the award of the note to the successful bidder – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE ISSUNCE OF A NOT EXCEEDING \$1,393,000 HALF-CENT SALES TAX REVENUE NOTE TO FINANCE THE COST OF WATER METERING EQUIPMENT FOR THE CITY'S WATER SYSTEM; APPROVING A FORM OF LOAN AGREEMENT AND RATIFYING THE CITY'S SOLICITATION OF COMPETITIVE PROPOSALS; AUTHORIZING AWARD OF THE NOTE TO THE SUCCESSFUL BIDDER FOLLOWING SOLICITATION OF COMPETITIVE PROPOSALS; PLEDGING THE CITY'S SALES TAX REVENUES TO SECURE PAYMENT OF THE NOTE; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the Resolution as read. Commissioner Kitchens seconded the motion. Commissioner Myers asked if they always contemplated the ½ cent sales tax being appropriated for this. Mr. Boynton said this is the back-up funding mechanism for this Note, in the event this money is not available in the Utility Fund. They have every intention of using the revenue in the utility funds to repay this Note. Mrs. Williams said this is the back-up needed to satisfy the covenant requirements of the Note, to ensure the payments will be made. This is similar to other notes pledged to the Utility Fund. Commissioner Myers said he has no issue with this, but this is the first he's seen that the ½ cent pledge would be made. Mayor Flagg asked why the Utility Fund is not mentioned. Mrs. Williams said utility funds are pledged for a variety of loans and at least one bond issue. In order for this note to go through, they had to secure it with alternative revenue sources. When you pledge utility funds, you have to meet a certain rate covenant. In order to avoid this, they had to pledge part of the ½ cent sales tax. Another rate covenant could mean an increase in utility rates. This will help prevent that. Mayor Flagg asked if they feel the Utility Fund revenue will cover this. Mrs. Williams said she believes the Utility Fund will cover this payment. If they don't have the funds to cover all payments now due and owing, plus 2-1/2%, in the fund, they will have to raise rates. If they pledge utility funds as the primary source of payment, then that would trigger rate covenants, which would result in mandatory rate increases. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers and Mayor Flagg, yes; Nays, none. Resolution # 8-54 was declared adopted.

4. **PUBLIC HEARING** – Ordinance suspending the collection of Impact Fees for Parks and Recreation, Fire and Rescue, Roads and Law Enforcement for a period of two years – 2nd Reading, Adoption – Commissioner Kitchens moved to pass this ordinance on 2nd reading as read. Commissioner Brown seconded the motion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers and Mayor Flagg, yes; Nays, none. Ordinance No. 8-20 was declared adopted. Mayor Flagg said they need to advertise that the impact fees have been suspended and Palatka is ready to do business.
- * 5. **PUBLIC HEARING** – Ordinance adopting four (4) text amendment to the Capital Improvement Element of the Comprehensive Plan, a transfer of \$50,000 for a City-wide Transportation Study from FY 2007-08 to FY 2008-09, amending policies to require concurrency review at the development order or permit stage of development, and six (6) Future Land Use Map and Future Land Use Element amendments as follows:
- a. Tract of Land N. of St. Johns Avenue, S of Palatka Municipal Airport; W of the City Industrial Park and E of CR 309-C – Planning Board Recommendation to amend the Future Land Use Map and Future Land Use Element from County Industrial to City Industrial (PB #01-07) – Putnam Co. Port Authority; Stag II Palatka, LLC; Sykes Realty, Inc. and Pcbp LLC, Applicants
 - b. 417 North SR 19 – Planning Board recommendation to amend the Future Land Use Map and Future Land Use Element from County Urban Service to City Commercial (PB #04-05) – Home Depot, USA, applicant
 - c. 500 N. SR 19 – Planning Board Recommendation to amend the Future Land Use Map and Future Land Use Element from County Urban Service to City Commercial (PB#03-01) – Lowe’s Home Centers, applicant
 - d. 3010 Browns Landing Road – Planning Board Recommendation to amend the Future Land Use Map and Future Land Use Element from County Agriculture (A2) and County Urban Reserve (UR) to City Other Public Facilities – City of Palatka, Applicant
 - e. 6805 & 6883 St. Johns Avenue – Planning Board Recommendation to amend the Future Land Use Map and Future Land Use Element of the City of Palatka from City Agriculture to City High Density Residential (PB #07-06) – Arbor Place Partners LLP and Central Management Co., applicants
 - f. 607 S. Moody Road – Planning Board Recommendation to Rescind Ordinance #99-07 and readopt an ordinance to amend the Future Land Use Map and Future Land Use Element of the Cit of Palatka from Commercial (COM) to High Density Residential (HDR) 0- PD 98-36, Barrington Apartments Ltd. Partnership - Adopt

Mr. Lee said this public hearing is for an adoption on 10 amendments to the Comp Plan, both Map and Text Amendments. Nine of the 10 are per DCA requirements. The last one is for Arbor Apartments near the Industrial Park. Late yesterday DCA indicated, with the recent changes in the Statute, that the City should split these changes and adopt them in two separate ordinances. DCA’s position is that the capital improvements element needs to be adopted and sent to DCA before the City can do any future land use amendments. This is different from the earlier agreement. Mr. Lee noted he distributed an e-mail from DCA representatives that states their position (filed). The ordinance they have before them, Ordinance No 8-22, was advertised as part of ordinance 08-21, which was advertised for hearing tonight, per DCA’s recommendation. Following approval of Ordinance No. 08-22, he will send it to DCA. The capital improvements element needs to be adopted by DCA before any land use amendments can be done. They are very close to having everything in compliance. This ordinance, No. 08-22, should be amended to reflect two minor scrivener’s errors to the section numbering, namely on page 3, line 21, change Section 5 to Section 4, and on line 27 change Section 6 to Section 5. He recommends adoption of the new ordinance #8-22 and then continue the rest of this public hearing and the rest of the items on Ordinance 08-21 to a special meeting called for December 30, 2008. Mayor Flagg asked what happens to the transfer of the \$50,000 for the transportation study funding. Mr. Lee said that is part of the ordinance in front of them today. This ordinance moves the \$50,000 allocated for the

city-wide transportation study from last year to this year, and removes two projects that are no longer needed in the public school element, and it continues the 5-year time frame. Because of the statute, DCA could potentially issue a notice of non-compliance if the City does not make these amendments to the capital improvements element first. Exhibit A on page 1, Table H-1, moves the \$50,000 for the transportation study to this year's funding, and extends the five-year time frame to 2012/13. Exhibit A on page 2, public schools facilities capital improvements projects, moves that to the five-year time frame and removes two projects in the public school element, which have both been removed by the School District and Putnam County. The only other change is bringing the time frame for the capital improvements program into the new five-year period. Mayor Flagg asked if the ordinance authorizes the transfer, or if it requires other official action for the transfer to take place. Mr. Lee said technically these funds are already in the appropriate City funds. This is being done because DCA indicated the City needs to show funding a city-wide transportation study. This is a reflection of what's in this element so that DCA can see they are looking at concurrency and meeting the requirement for the transportation element.

The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CITY OF PALATKA COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT TO ADOPT THE FINANCIALLY FEASIBLE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENT (FY 2008/09-2012/13) AS REQUIRED BY SECTION 163.3177(3)(b)(1), FLORIDA STATUTES; SETTING FORTH THE AUTHORITY FOR THE AMENDMENT OF THE COMPREHENSIVE PLAN; SETTING FORTH THE PURPOSE AND INTENT OF THE AMENDMENT; IDENTIFYING PLAN ELEMENTS AND SUB-ELEMENTS TO BE AMENDED; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE AND AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance with scrivener's errors to be corrected, i.e. Section 5 corrected to read Section 4, and Section 6 corrected to read Section 5. Commissioner Myers seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers and Mayor Flagg, yes; Nays, none. Ordinance 08-22 was declared passed. Mr. Lee noted Florida statutes require only one reading.

Mr. Lee said his next recommendation is to continue the adoption of the remainder of ordinance 08-21 until 5:00 p.m. on December 20. Per the question, Mr. Holmes said you can table this without bringing it up on first reading; you don't need to read the ordinance in order to table it. Commissioner Brown moved to table adoption of the remainder of Ordinance No. 08-21 that was not adopted under Ordinance 08-22, until a time certain of December 30, 2008 at 5:00 p.m. Commissioner Kitchens seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers and Mayor Flagg, yes; Nays, none. The motion was declared passed.

Mr. Lee said he will transmit Ordinance 08-22 to DCA as soon as possible. DCA has the opportunity to provide feedback, but he does not anticipate feedback or comments on this per his discussions with DCA. DCA just wanted to make certain this action was taken tonight and done prior to the adoption of the future land use amendments. Mr. Holmes asked if they have any particular review timed period. Mr. Lee said on large-scale amendments they will have a 60-day review period. They are safe adopting the large-scale amendments in 11 days. Mr. Holmes asked, if DCA's review period hasn't expired when they adopt Ordinance 08-21, if it is possible to get positive feedback before they adopt this ordinance. Mr. Lee said the e-mail he received from DCA, a copy of which he provided to the Commission, states they will be satisfied with this amendment. This amendment is one DCA specifically asked for. They have done exactly as they have been asked to do throughout this process, and DCA is to the point that they want to move ahead and not re-do old cases. Commissioner Kitchens said she was there while the conversation was taking place between DCA and Building & Zoning officials, and DCA was very explicit on what they expected. She also e-mailed Building & Zoning the County's ordinance, and stated they had not problem with the December 30th adoption date for the remainder of Ordinance 08-21.

6. **ADMINISTRATIVE REPORTS**

The Clerk noted the City's Christmas Party will be held on December 24 at noon, and offices will close at that time. The Clerk noted Judge Hedstrom had confirmed that he will administer the Oath of Office to Commissioners Brown and Norwood during their swearing-in ceremony on January 5, 2009 at 7:30 p.m.

7. **COMMISSIONER COMMENTS** – There were none

8. **ADJOURN** – There being no further business to conduct, the meeting was adjourned upon a motion by Commissioner Brown at 6:30 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