

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

LEGRA KITCHENS
COMMISSIONER

PHIL LEARY
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

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

AGENDA CITY OF PALATKA June 28, 2012

CALL TO ORDER:

- a. Invocation – The Reverend Don Hanna, Pastor, St. James United Methodist Church
- b. Pledge of Allegiance
- c. Roll Call

APPROVAL OF MINUTES – 6/14/12 regular meeting, 6/14/12 Pre-Budget Workshop, 6/18-19/12 City Manager Interviews, 6/20/12 Developer Interviews

1. PUBLIC RECOGNITION/PRESENTATIONS:

2. PUBLIC COMMENTS - (Speakers limited to three minutes – no action taken on items)

3. CONSENT AGENDA:

- *a. **Grant permission to exceed noise levels** established by Chapter 30, Palatka Code of Ordinances for the 4th of July Activities to include parade and riverfront entertainment from 5:00 p.m. – 9:30 p.m. – City of Palatka, Applicant

- * 4. **RESOLUTION** authorizing the Mayor and City Clerk to Execute and Attest a Government Obligation Contract with PNC Finance for the Lease/Purchase of aeration equipment for the Palatka Golf Club, per recommendation of Bobby Weed, BWGM, and Andy Hartz, Manager/Pro

- * 5. **PUBLIC HEARING/ORDINANCE** – 1001 Husson Avenue - Planning Board Recommendation to amend the Future Land Use Map & Element from RL (Residential, Low Density) to PB (Public Buildings & Facilities) and rezone from R-1A (Residential – Single Family) to PUD/PBG-1 (Planned Unit Development/Public Buildings & Grounds) – Moseley School Warehouse – Putnam County School District, Applicant

- a. **ORDINANCE No. 12 – 27** to amend the Future Land Use Map/Element – Adopt
b. **ORDINANCE No. 12 – 28** to rezone – 2nd Reading, Adopt

- * 6. **PUBLIC HEARING/ORDINANCE No. 12-29** – Planning Board Recommendation to amend the Large Scale Comprehensive Plan Future Land Use Element to add Policy A.1.2.2 extending the timeframe of the Community Redevelopment Area Plan through December 27, 2043 – City of Palatka, Applicant - Adopt

- * 7. **PUBLIC HEARING/ORDINANCE No. 12-30** to amend Chapter 94-151 of the Municipal Code to allow outdoor pistol ranges in M-1 Zoning Districts – 2nd Reading, Adopt

AGENDA - CITY OF PALATKA

June 28, 2012

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- * 8. **ORDINANCE** – Historic Preservation Board recommendation to revise Chapter 54, Article III (Planning, Historic Districts) historic preservation regulations pertaining to inventory of historic properties, public participation, rules of procedure, and reporting activities to the State Historic Preservation Board, with the intent of meeting minimum standards for Certified Local Government as designated by the federal and state governments – 1st reading
- * 9. **PUBLIC HEARING/ORDINANCE** – Planning Board Recommendation to amend the Future Land Use Element of the Adopted Comprehensive Plan to remove height limits from Future Land Use Map categories (Policy A.1.9.3) – **Authorize transmittal of Draft Ordinance to state agencies for review** – Staff Initiated/City of Palatka, Applicant
- * 10. **DISCUSSION** regarding an agreement between the City of Palatka and Georgia-Pacific Corporation for the construction and operation of a proposed Environmental Education Center
- * 11. **DISCUSSION** regarding Developer Responses to March 2, 2012 Request for Proposals – Downtown Palatka Redevelopment Opportunity, Phase I
- 12. **ADMINISTRATIVE REPORTS**
 - *a. City Manager Semifinalist Interviews - Results
- 13. **COMMISSIONER COMMENTS**
- 14. **ADJOURN**

*Attachment **Separate Cover

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

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

Upcoming Events:

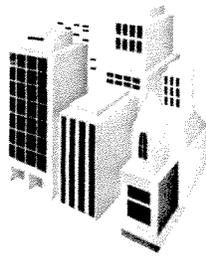
July 4, 2012 – City Offices closed to observe Independence Day
July 12, 2012 – Budget Workshop
August 23 – 25, 2012 – FLC Annual Conference
Sept. 3, 2012 – City Offices closed to observe Labor Day

Board Openings:

Code Enforcement Board:	2 Vacancies (Architect. & Alt.)
Planning Board	2 Vacancies
Library Board	1 Vacancy
Tree Committee	1 Vacancy
Historic Preservation Board:	1 alternate

*Agenda
Item*

3a



CITY OF PALATKA
Betsy Jordan Driggers
City Clerk
201 N. 2nd Street
Palatka FL 32177
Phone: 386-329-0100
Fax: 386-329-0199
e-mail: bdriqqers@palatka-fl.gov

Memorandum

To: City Commission & Staff
From: Betsy Driggers, City Clerk
Date: June 22, 2012
Re: 4th of July Celebration

The 4th of July Celebration is considered a city-sponsored event. The City sponsors the Fireworks Display, Downtown Palatka organizes the Parade, and the Arts Council organizes the entertainment at the Riverfront Park as part of the Summer Arts Concert Series. A list of events follows this memorandum.

The Special Events Committee as met regarding this event as required and a permit for fireworks has been issued by the Fire Marshal. A copy of this is attached. This event requires permission to exceed allowable noise levels. Please grant permission to exceed allowable noise levels during the duration of these scheduled events for the City of Palatka 4th of July Fireworks Celebration.

4th of July Fireworks Information

Music	Amphitheater	Band ~ "The Company"	5pm-8pm
	Grassy Area in front Of the Presbyterian Church	Band ~ "Dean Parish & Friends"	5pm-8pm

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Parade Starts at 7pm The parade route is 11th – 2nd & St. Johns Avenue
For more information on the parade or to be in the parade please call Sam Deputy 328-4021

Fireworks Starts at 9pm



**Palatka Fire Department
100 North 11th Street
Palatka, Florida 32177**



**Mark H. Lynady
Fire Marshal**

**Office/Fax: 386-329-0122
E-Mail: palatkafm@yahoo.com**

June 12, 2012

**Fireworks by Santore, Inc
P.O. Box 364
Bunnell, FL 32110**

Mr. Santore,

I have reviewed your application for fireworks permit/outdoor displays in reference to the firework show scheduled on July 4, 2010, at the Palatka riverfront. Your application shows that you more than meet the distance requirements for our spectators. The same distance shall be met for the boat spectators. Our department will have a dedicated engine to stand-by for on- shore emergencies at the city dock prior to the beginning of the show. Your application has been approved and your company shall meet the requirements of NFPA 1123 and NFPA 1126.

If you have any questions or concerns please contact my office.

Sincerely,

**Mark H Lynady
Fire Marshal**

Certificate of Insurance

111537

Issue Date: 5/7/2012

PRODUCER
 Deborah Merlino
 Combined Specialties International, Inc.
 205 San Marin Drive, Suite 5
 Novato, California 94945

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR LATER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
 Fireworks by Santore, Inc.
 18 Hargrove Grade
 Palm Coast, FL 32137

INSURER A: Underwriters, Lloyd's London

INSURER B:

INSURER C:

INSURER D:

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES INCLUDING, BUT NOT LIMITED TO THOSE FOLLOWING: LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS, ADDITIONAL CONDITIONS AND EXCLUSIONS. 1) THE INSURANCE EVIDENCED BY THIS CERTIFICATE IS LIABILITY INSURANCE ONLY, IT IS NOT A BOND OR ANY FORM OF SURETY AGAINST WHICH SOMEONE OTHER THAN "INSURED" MAY ASSERT A CLAIM OR BRING ANY ACTION. SUBJECT TO POLICY TERMS, CONDITIONS, DEFINITIONS AND EXCLUSIONS THE INSURANCE ONLY INDEMNIFIES AN INSURED AGAINST CERTAIN LEGAL LIABILITY. 2) THE INSURANCE DOES NOT COVER CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE OF THE NAMED INSURED'S SHOOTER(S) ASSISTANT(S) OR ANY OTHER PERSON(S) INCLUDING ANY VOLUNTEER(S) PARTICIPATING IN ANY WAY IN ANY DISPLAY OR SPECIAL EFFECT PERFORMED OR EXECUTED BY THE NAMED INSURED. 3) COVERAGE DOES NOT APPLY TO CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE ARISING OUT OF THE INSURED'S FAILURE TO FOLLOW NFPA OR OTHER APPLICABLE REQUIREMENTS, LAWS OR RECOMMENDATIONS, INCLUDING THOSE RELATING TO POST DISPLAY OR SPECIAL EFFECT SEARCHES OR CLEAN UP.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (DD/MM/YY)	POLICY EXPIRATION DATE (DD/MM/YY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE	CSI-326834-11	9/15/2011	9/15/2012	EACH ACCIDENT	\$5,000,000
					MEDICAL EXP (any one person)	\$5,000
					FIRE LEGAL LIABILITY	\$50,000
					GENERAL AGGREGATE	\$5,000,000
					PRODUCTS-COMP/OPS AGG	\$1,000,000
	AUTOMOBILE LIABILITY ANY AUTO ANY OWNED AUTO SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Each accident)	
					BODILY INJURY (Per Person)	
					BODILY INJURY (Per Accident)	
					PROPERTY DAMAGE (Per person)	
	EXCESS LIABILITY FOLLOWING FORM				EACH ACCIDENT	
					AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY OTHER LIMITS	
					E.L. EACH ACCIDENT	
					E.L. DISEASE-EA EMPLOYER	
					E.L. DISEASE-POLICY LIMIT	
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

City of Palatka; Putnam County and Trident Pontoons are Additional Insured as respects the July 4, 2012 (RD: TBD) 1.3G Fireworks Display from a barge on the river

CERTIFICATE HOLDER

City of Palatka
 201 N. 2nd Street
 Palatka, FL 32177

CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

Deborah M. Merlino

AUTHORIZED REPRESENTATIVE

*Agenda
Item*

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BWGD-MANAGEMENT, INC.

MEMO

TO: BETSY DRIGGERS

FROM: BWGD-MANAGEMENT, INC.

REGARDING: AERIFIER PURCHASE FOR GOLF COURSE

DATE: JUNE 22, 2012

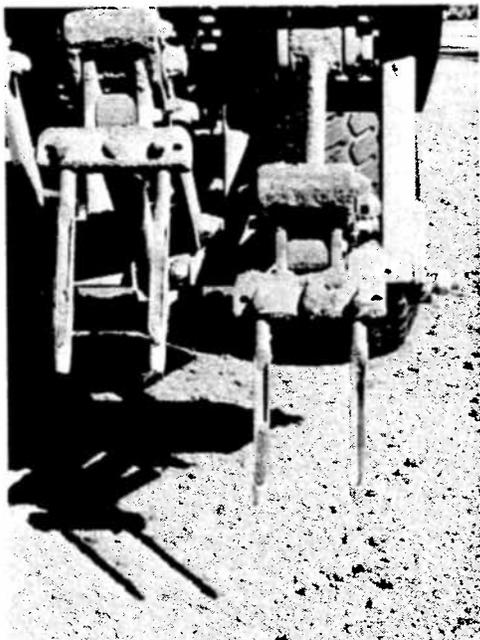
In our continued efforts to improve the condition of the greens, we have often stressed the importance of aerifying. Aerifying is the act of punching open holes into the soil profile in order to mechanically remove material from the subsurface. Aerifying increases air circulation, relieves compaction, and allows better sand to be drug into the cores. All of these steps remediate the soil profile, encourage root development and improve the health of the plant. These attributes directly mitigate some of the issues we believe are impacting the health of the greens, including water quality and restricted subsurface drainage.

Currently, the golf course does not have its own aerifier. In order to perform any aerification, we outsource the work to a third party contractor at a cost of \$2,000 per aerification. In the upcoming FY2013, we have budgeted for 3 aerifications, for a total of \$6,000. This is a typical schedule, but not sufficient for what we believe is required to remediate the subsurface profile on Palatka Golf Club's greens.

By purchasing the City's own aerifier, we will have far greater flexibility in how and when we aerify, including:

- The ability to aerify more frequently and more aggressively at no additional cost.
- The ability to change the diameter of the tines and tighten the spacing, allowing more material to be removed from the subsurface profile more quickly.
- The ability to be self-sufficient at the golf course, instead of relying on the schedule, skill and standard of a third party.

The attached quote indicates that, on an annual basis, the cost to finance the purchase of the aerifier over 4 years is slightly less than the current cost to outsource 3 aerifications to a third party. After for years, the piece of equipment will be owned outright at no additional cost. We recommend purchasing the aerifier in order to realize the advantages outlined above.



. Above: These pictures illustrate the aerification process. The tines extend nearly 9" into the profile



Left- The wide spacing (4-5") of the contract aerification holes can be tightened greatly with our own aerifier, accelerating the remediation of the subsurface condition on the greens.

Right: Finished condition, following topdressing. This coarser sand works down into the aerification holes to improve the subsurface profile.

RESOLUTION NO. 9-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE/EQUIPMENT FINANCE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLC; AUTHORIZING THE LEASE/PURCHASE OF AERATION EQUIPMENT FOR THE PALATKA GOLF CLUB THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Commission of the City of Palatka, Florida (the "City") as follows:

Section 1. Findings. It is hereby ascertained, determined and declared that:

(a) The City deems it necessary, desirable and in the best financial interest of the City and its inhabitants that it enter into an agreement with PNC Equipment Finance, LLC (the "Obligee"), to provide for the lease and purchase of aeration equipment essential to the governmental, municipal or public purposes or functions of the City or to the services the City provides its inhabitants.

(b) The City has an immediate need for aeration equipment for the welfare of its citizens, and it is in the best financial interest of the City that the Equipment be acquired pursuant to the Lease/Purchase Agreement.

(c) The City is authorized and empowered by the Constitution and laws of the State of Florida, including particularly Chapter 166, Florida Statutes, and other applicable provisions of law (the "Act").

(d) The City is authorized and empowered by the Act to enter into transactions such as those contemplated by the Government Obligation Contract and to fully perform its obligations thereunder in order to acquire the Equipment.

(e) The aeration equipment and lease financing is being purchased pursuant to State of Florida contract pricing; therefore no separate competitive bid process is required.

Section 2. Authorization of Execution and Delivery of Government Obligation Contract.

The Lease/Purchase Agreement,, substantially in the form attached hereto, with such omissions, insertions and variations as may be approved on behalf of the City by the Mayor, such approval to be evidenced conclusively by the Mayor's execution thereof, is hereby approved and authorized. The City hereby authorizes and directs the Mayor and City Clerk to execute and attest the

Lease/Purchase Agreement and deliver the same to the Lessor. All of the provisions of the Lease/Purchase Agreement, when executed, dated and delivered by or on behalf of the City as authorized herein and by or on behalf of the Lessor, shall be deemed to be part of this Resolution as fully and to the same extent as if incorporated verbatim herein.

Section 3. Authorization of Leases of the Equipment. The lease of the Equipment pursuant to the contract agreement, as set forth on and described in the Lease Agreement (together with the Equipment described and associated therewith under Exhibit A), is hereby approved. The City hereby authorizes and directs the Mayor and City Clerk to execute and attest and deliver the same to the Lessor. All of the Schedules, as well as the Certificate of Acceptance, when executed, dated and delivered by or on behalf of the City as authorized herein and by or on behalf of the Lessor, shall be deemed to be part of this Resolution as fully and to the same extent as if incorporated verbatim herein.

Section 4. General Authority. The Mayor, the City Clerk and the officers, attorneys and other agents and employees of the City are hereby authorized to do all acts and things required of them by this Resolution or desirable or consistent with the requirements hereof for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Lease/Purchase Agreement and Exhibits, and they are hereby authorized to execute and deliver all certificates and documents which shall reasonably be required by the Lessor to effectuate the transactions described herein, including without limitation the documents described in Exhibit A, the Payment Schedule, the Certificate of Acceptance and Certificate of Incumbency.

Section 5. Severability of Invalid Provisions. If any one or more of the covenants, agreements or provisions of the Resolution shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements and provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements and provisions of this Resolution, and shall in no way affect the validity of any of the other covenants, agreements or provisions hereof.

Section 6. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the Palatka City Commission this 14th day of June, 2012.

CITY OF PALATKA

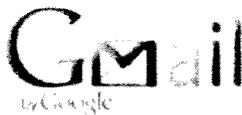
By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CONTENTS:

CITY ATTORNEY



Shaun Smock < runtberg@gmail.com >

Fwd: Wesco Turf Quotation - Palatka Golf Club

Bobby Weed < bweed@bobbyweed.com >

Thu, May 10, 2012 at 4:30 PM

To: Woody Boynton < wboynton@palatka-fl.gov >

Cc: cmonti@bobbyweed.com, Andy Hertz < aheartz@pga.com >, runtberg@gmail.com

Woody:

The Toro Pro Core 648 is a multi-functional aerifier needed at Palatka Golf Club to assist/replace an operation that is currently being contracted out. We presently have three contract aerifications scheduled this summer at \$2,100 each or \$6,300 for the year. This is an annual expense that is a required maintenance practice.

The quote attached for the Toro 648 is for \$21,143.98 and can be structured as follows:

- a 36 month buyout for \$644.89 per month or \$7,738.68 per year for three years, or
- a 48 month buyout at \$493.97 per month or \$5,927.64 for four years.

It should be noted the current Ryan Aerifier that is on the equipment inventory is close to 30 years old and is well-beyond its useable life expectancy. The new Toro Pro Core 648 would allow more flexibility to aerify more frequently and has attachments to assist with cultural practices on a year round basis. The current contract basis does include picking up the plugs from the aerifier as part of the contract prices, whereas purchasing the Toro Pro Core 648 would require our own labor to clean up after the aerification process. I would suggest scheduling the inmate crew to assist in this time-consuming process in advance as the current labor force at golf maintenance is incapable in performing this process on a course-wide aerification process.

Therefore, it is our recommendation the City of Palatka purchase the Toro Pro Core 648 to assist in more frequent aerifications of the putting greens, green surrounds and tees. The Toro Pro Core 648 should have a 8-10-year effective, useable life expectancy. We have identified one of the problems with the greens as having poor subsurface drainage, particularly in the top 4-inch profile (based on soil core samples and lab results). This piece of equipment will provide the ability to modify the profile over time of the top 4-inches, improving infiltration rates and promoting a better root system.

Please contact our office with any questions,

Bobby Weed

Bobby Weed Golf Management

 Palatka 032212.qt PC648 - Net 30, 48 & 36 CSC.pdf
36K

June 21, 2012

Woody Boynton
Palatka Golf Club
1715 Moseley Avenue
Palatka, FL 32177

Dear Woody Boynton

Thank you for your interest in Wesco Turf. Per your request, I am pleased to submit the enclosed quotation. This quotation meets or exceeds and ANSI Safety Specification. Toro Commercial Equipment carries a two-year or 1500 hour warranty. Toro Landscape Contractor Equipment carries a one-year limited warranty. **Pricing is valid for thirty (30) days**
Time of delivery may vary; please check when placing order.

State Contract Number - 760-000-10-1 - Lawn Equipment

Ordering Information

Please make all purchase orders out to :

**Wesco Turf, Inc.
Attn: Florida State Contract
300 Technology Park
Lake Mary, FL 32746**

Payment Information

Please send checks to :

**Wesco Turf, Inc.
P.O. Box 300006
Duluth, GA 30096-0300**

Should you have any further questions regarding this proposal, please do not hesitate to contact me or our office. My direct phone number and email is listed below for your convenience. Once again, thank you for your consideration of Wesco Turf.

Best regards,

Bill Wallace

Territory Manager
Commercial Division
Lake Mary
(321) 403-1074; bill.wallace@wescoturf.com

TORO



2101 Cantu Court, Sarasota Florida 34232-6242

300 Technology Park, Lake Mary Florida 32746

7037-37 Commonwealth Avenue, Jacksonville, FL 32220

June 21, 2012

Woody Boynton
Palatka Golf Club
1715 Moseley Avenue
Palatka, FL 32177

Dear Woody Boynton,

Per your request, I am pleased to submit a quotation on the following equipment.

State Contract Number - 760-000-10-1 - Lawn Equipment

Qty.	Model	Description	MSRP	Discount	State Contract Price
1	09200	ProCore 648	\$ 23,644.00	21%	\$ 18,678.76
3	09739	Needle-Tine Head Set	\$ 537.00	21%	\$ 424.23
1	120-1052	Turf Holder **PP	\$ 65.11		\$ 65.11
2	120-1047	Turf Holder **PP	\$ 113.58		\$ 113.58
3	09796	4 Tine 3/4" Head Set	\$ 537.00	21%	\$ 424.23
1	120-1046	Turf Holder **PP	\$ 60.19		\$ 60.19
2	120-1045	Turf Holder **PP	\$ 78.36		\$ 78.36
30	100-3621	Titan Needle Tine 5/16", 8mm, 5" L **PP	\$ 123.30		\$ 123.30
24	108-9128	Titan Hollow Tine 3/4" Mount, .300" (3/8") ID / .460" O	\$ 103.44		\$ 103.44
24	108-9168	Titan Side Eject Tine 3/4" Mount, .500" (5/8") ID / .660"	\$ 154.80		\$ 154.80
1	09220	Windrower Kit	\$ 451.00	21%	\$ 356.29
1	09234	Rear Roller Kit	\$ 711.00	21%	\$ 561.69
Total Price for 1 Unit			\$ 26,578.78		\$ 21,143.98

PNC Equipment Finance - Municipal Conditional Sales Contract	
Equipment Total	\$ 21,143.98
State Sales Tax (0% + 0% County Surtax)	tax exempt
Total to Finance	\$ 21,143.98
48 monthly payments at approximately	\$ 485.47

***** A \$ 250.00 Documentation Fee will be included with the first payment.**

Please note: All lease payments are approximate and subject to credit approval. First payment in advance. Estimated lease payments are subject to financial conditions at the time the lease is booked. Wesco Turf is not responsible for any fluctuations in lease rates resulting in higher payments.

Please indicate your acceptance of this quote as an order by signing below and returning via fax to Wesco Turf, Inc. at 941.487.6889. Please include your preference for Height of Cut where applicable.

Date

Woody Boynton
Palatka Golf Club
June 21, 2012
Page Two of Two

The above quote meets or exceeds ANSI Safety Specification. Toro Commercial Equipment carries a two-year or 2500 hour warranty. Terms: Net 30

The preceding pricing is valid through June 30, 2012, not including Florida Sales Tax, after which time new pricing would have to be submitted. Also included in the pricing is training as needed for your Service Technicians. Time of delivery may vary; please check when placing order. All payments are subject to state and local taxes, if any.

Thank you for considering Wesco Turf, Inc. for your equipment needs. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

WESCO TURF, INC.

Bill Wallace

Territory Manager
Commercial Division
Lake Mary
(321) 403-1074; bill.wallace@wescoturf.com

PND/tgd
Florida State Contract
Email: bweed@bobbyweed.com



Sample

MONTH/DAY/YEAR

Sample Application dba Test
400 Asbury Road
Cincinnati, OH 45255

RE: Lease393700002

To Whom It May Concern:

Thank you for choosing PNC Equipment Finance, LLC as your financing source. Enclosed you will find the following documentation:

- Lease Agreement:** Please be sure to sign, print name, insert title and date at the bottom of Page 1.
- Schedule A:** Please initial at the bottom of the page.
- Certificate of Acceptance:** Please date (Paragraph b), sign and insert title.
- Request for Insurance:** Please note the page detailing instructions regarding the certificate of insurance required under the terms of the lease.
- Payment Schedule:** Please sign, print name, title and date in the lower left hand corner of the page.
- Certificate of Incumbency:** Please have all authorized signers (including the individual who signed the documents) sign in the middle section of this document. Please have the Corporate Secretary or Assistant Secretary complete the bottom section of the document. If you have a corporate resolution available, please include that with the return of your documents.
- Verbal Confirmation Form:** Please complete and return.
- Invoice:** Please send funds with your signed documentation package.
- Notification of Tax Treatment Form:** Please complete and return.

We appreciate this opportunity to serve you and look forward to working with you in the future. Should you have any questions before returning the documents, please feel free to call me at 800-263-9499. Please return the completed documentation via the enclosed Federal Express shipping label to PNC Equipment Finance, LLC, 995 Dalton Avenue, Cincinnati, OH 45203. Thank you.

Sincerely,

P.S. Please utilize us for all your equipment financing needs. We finance golf cars, clubhouse equipment as well as turf maintenance products.

Sample

Lease Agreement

PNC
EQUIPMENT FINANCE
995 Dalton Avenue • Cincinnati, OH 45203
With Questions call: (800) 263-9499 FAX TO: (888) 888-3696

For Office Use Only
Lease Number: 393700002
Rental Commencement Date: _____

Lessee Information

Lessee's Full Legal Name
Sample Application dba Test

Street Address
400 Asbury Road Hamilton County Cincinnati, OH 45255

Location of Equipment
400 Asbury Road Hamilton County Cincinnati, OH 45255

Equipment

See Schedule A for Equipment List

Initial Term of Lease (Months)
60

Amount of Each Rental Payment:
\$3,745.85, plus applicable taxes.

Payment on invoice could be different based on applicability of sales and use tax.

End of Lease Options: Lessee shall have the following options at the end of the Initial Term, provided the Lease has not terminated early and no event of default under the Lease has occurred and is continuing: 1) Purchase the equipment for \$1.00.

Payment Period: Monthly Quarterly Other _____

PRORATED RENTS WILL BE DUE FROM THE DATE OF DELIVERY UNTIL THE RENTAL COMMENCEMENT DATE.

Advance Payments

Security Deposits will be refunded upon expiration of the Lease provided Lessee is not in default of any of the terms and conditions of the Lease.

Terms & Conditions

By signing this Lease, Lessee acknowledges and agrees that: it has read and understands the TERMS AND CONDITIONS OF THIS LEASE; this Lease becomes effective only upon written acceptance by an authorized employee of Lessor; this is a net lease; it cannot terminate or cancel this Lease; it has an UNCONDITIONAL OBLIGATION to make all payments due under this Lease; it cannot withhold, set off or reduce such payments for any reason; it will use the Equipment only for business purposes; the person signing this Lease has the authority to do so and to grant the POWER OF ATTORNEY set forth in paragraph 12 herein; it entered into this Lease rather than purchase the Equipment. THIS LEASE SHALL BE GOVERNED BY THE LAWS OF THE STATE OF OHIO; AND TO THE EXCLUSIVE JURISDICTION OF ANY COURT LOCATED IN THE STATE OF OHIO. YOU EXPRESSLY WAIVE ANY RIGHT TO A TRIAL BY JURY.

Lessee: Sample Application dba Test	Lessor: PNC Equipment Finance, LLC
X	X
Signature	Signature
Print Name: _____	Print Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

THIS LEASE IS NON-CANCELABLE
REST OF PAGE INTENTIONALLY LEFT BLANK

Sample

2. LEASE. Lessee agrees to Lease from Lessor the Equipment or if separately scheduled, the Equipment identified on Schedule A attached and made a part of this Lease.

3. NO WARRANTIES. LESSOR IS LEASING THE EQUIPMENT TO THE LESSEE "AS-IS." LESSEE ACKNOWLEDGES THAT THE LESSOR DOES NOT MANUFACTURE THE EQUIPMENT, LESSOR DOES NOT REPRESENT THE MANUFACTURER OR THE SUPPLIER, AND LESSEE HAS SELECTED THE EQUIPMENT AND SUPPLIER BASED UPON LESSEE'S OWN JUDGMENT. LESSOR MAKES NO WARRANTIES, EXPRESS OR IMPLIED, NOR WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE. LESSEE AGREES THAT REGARDLESS OF CAUSE, LESSOR IS NOT RESPONSIBLE FOR AND LESSEE WILL NOT MAKE ANY CLAIM AGAINST LESSOR FOR ANY DAMAGES, WHETHER CONSEQUENTIAL, DIRECT, SPECIAL, OR INDIRECT. LESSEE AGREES THAT NEITHER SUPPLIER NOR ANY SALESPERSON, EMPLOYEE OR AGENT OF SUPPLIER IS LESSOR'S AGENT OR HAS ANY AUTHORITY TO SPEAK FOR LESSOR OR TO BIND LESSOR IN ANY WAY. LESSOR TRANSFERS TO LESSEE FOR THE TERM OF THIS LEASE ANY WARRANTIES MADE BY THE MANUFACTURER OR SUPPLIER UNDER A SUPPLY CONTRACT.

4. ORDERING EQUIPMENT, DELIVERY AND ACCEPTANCE. If Lessee entered into any purchase or supply contract with any supplier, Lessee assigns to Lessor Lessee's rights under the supply contract, but none of Lessee's obligations, except for the obligation to pay for Equipment if it is accepted by Lessee according to the terms of this Lease. If Lessee has not entered into a supply contract, Lessee authorizes Lessor to enter into a supply contract. Lessee shall arrange for the delivery of the Equipment to Lessee. Lessee shall inspect the Equipment immediately upon Lessee's receipt of the Equipment to determine if it is in good working condition. The Equipment will be deemed irrevocably accepted by Lessee upon the earlier of: (i) the date of delivery of the Equipment to Lessee unless Lessee notifies Lessor in writing, within 10 days after equipment delivery, of Lessee's non-acceptance or (ii) the delivery to Lessor of a signed Certificate of Acceptance of Leased Equipment if requested by Lessor ("Acceptance Date").

5. TERMINATION BY LESSOR. Lessor shall have the exclusive option to terminate this Lease if within 90 days after Lessee has signed this Lease, the Equipment has not been delivered to Lessee, or Lessee has not accepted the Equipment as provided in paragraph 4.

6. TERM AND RENT. The term of this Lease commences upon the date on which the Equipment is delivered to Lessee (whether or not accepted) and ends upon the expiration of the number of months specified on the front of this Lease under "Initial Term of Lease" after the Rental Commencement Date. Lessee authorizes Lessor to insert in this Lease as "Rental Commencement Date" the date when the Equipment is delivered to Lessee or any later date selected by Lessor. The Lessee shall pay as rent either: i) the Total Lease Payment indicated on the front of this Lease or ii) if applicable, the amounts as shown on the Payment Schedule, plus applicable taxes ("Rent"). The first lease payment is due on the Rental Commencement Date, and each remaining periodic lease payment is due on the same day of each payment period thereafter for the initial term of lease. Additionally, Lessee shall, upon demand, pay, as Rent, daily interim rent, on all Equipment subject to this Lease, for the period from the date of delivery of Equipment (or any part thereof) to and including the day immediately preceding the Rental Commencement Date. The daily rent will be calculated on a 360 day year. No portion of any lease payments shall be deemed to constitute payment for any equity interest in the Equipment. If any payment due under this Lease is not paid within 5 days of its due date, Lessee shall pay Lessor a late charge not to exceed 10% of each late payment (or such lesser rate as is the maximum rate allowed by applicable law). Lessee authorizes Lessor to insert in this Lease as "Tax on Lease Payment" and "Total Lease Payment" the appropriate amounts when same are determined by Lessor.

7. EXCESS USAGE AND SUPPLEMENTAL LEASES. (Applicable to Turf Care and Maintenance Equipment Only): At the end of the Initial Term of Lease, Lessee shall pay as Rent to Lessor \$5.00 per hour on each item of Equipment for each hour of use in excess of 900 hours per year. Lessee shall pay such supplemental lease payment within ten (10) days of Lessor's written demand. The hours of use of an item of Equipment shall be determined by the hour meter attached to said item of Equipment. If any such hour meter becomes inoperable or inaccurate, Lessee shall immediately repair or replace same, and shall immediately notify Lessor in writing of such event and of the correct hours of usage for the Equipment during the period of time the hour meter was inoperable or inaccurate. Lessee shall promptly furnish Lessor such information as Lessor may reasonably request from time to time in order to document the hours of usage of the Equipment.

8. EQUIPMENT LOCATION; USE AND REPAIR; RETURN. Lessee will keep and use the Equipment only at the Equipment Location shown on the front of this Lease. Lessee may not move the Equipment without Lessor's prior written consent. At Lessee's own cost and expense, Lessee will keep the Equipment eligible for any manufacturer's certification, in compliance with all applicable laws and in good condition, except for ordinary wear and tear. Lessee will not make any alterations, additions or replacement to the Equipment without Lessor's prior written consent. All alterations, additions and replacements will become part of the Equipment and Lessor's property at no cost or expense to Lessor. Lessor may inspect the Equipment at any reasonable time.

9. TAXES. Lessee shall promptly reimburse Lessor for, or shall pay directly if so requested by Lessor, as additional Rent, all taxes, charges and fees which may now or hereafter be imposed or levied by any governmental body or agency upon or in connection with the purchase, ownership, lease, possession, use, location or relocation of the Equipment, or otherwise in connection with the transactions contemplated by the Lease, excluding, however, all taxes on or measured by the net income of Lessor. Lessee agrees to reimburse Lessor for all personal property taxes immediately upon receipt of Lessor's invoice including without limitation such taxes assessed or arising during the term of this Lease but remitted by Lessor after the termination of this Lease. At Lessor's option, Lessee agrees to remit, along with Lessee's lease payments under this Lease, an amount equal to a percentage of Lessor's reasonable estimate of the personal property taxes that will be assessable against the Equipment. Any such amounts remitted to Lessor will be credited by Lessor against Lessee's obligations under this paragraph. Lessee will remain obligated in the event that such amounts are insufficient to fully reimburse Lessor the actual amount of such taxes and any surplus will be either credited to Lessee's other obligations to Lessor or returned to Lessee. If requested, Lessee agrees to file promptly on behalf of Lessor all requested tax returns and reports concerning the Equipment in form satisfactory to Lessor, with all appropriate governmental agencies and to mail a copy to Lessor concurrently with the filing thereof. Lessee further agrees to keep or cause to be kept and made available to Lessor any and all necessary records relevant to the use of the Equipment and aforesaid taxes, assessments and other governmental charges.

10. PURCHASE OPTION. Lessor hereby acknowledges that Lessee shall purchase the equipment described for one dollar (\$1.00) at lease expiration. In order to exercise the \$1.00 buyout, Lessee must not be in default under any of the provisions of the Lease. Lessee shall file, as party responsible for payment of personal property tax. Lessee shall promptly pay in full for all property taxes levied on or assessed against the Equipment during the Initial Term and all renewals and extensions. Lessee shall provide proof of said filing or payment to Lessor upon request.

11. LOSS OR DAMAGE. Lessee shall bear all risk of loss associated with an item of Equipment, including the theft, destruction, or damage. No such loss shall relieve Lessee from any of its obligations under this Lease. In the event of any loss with respect to particular Equipment, Lessee shall either: (a) place such Equipment in good repair, condition and working order, (b) replace such Equipment with like equipment (of the same year, make, model and accessories) in good repair, condition and working order, or (c) pay to the Lessor the Stipulated Loss Value of such Equipment. The "Stipulated Loss Value" for particular Equipment shall be an amount equal to: (i) the total of all Rent and any other amounts, if any, due with respect to such Equipment as of the date of payment of the Stipulated Loss Value, plus (ii) all future Rent with respect to such Equipment, plus (iii) the then estimated FMV of such Equipment as of the end of the Initial Term of Lease for such Equipment (assuming no loss or damage).

12. INSURANCE. Lessee shall keep in effect an "All Risk (or broad form of)" extended coverage property insurance policy covering the Equipment for its full replacement value or at a minimum, the stipulated loss value. Lessee shall also carry a comprehensive general liability insurance policy or other similar form of third party liability coverage with combined single limits of \$1,000,000 per occurrence and \$2,000,000 in aggregate limits. Such policies shall be in form, amount and with insurers acceptable to Lessor. The property insurance policy shall name Lessor and its assigns as Loss Payee and the general liability insurance policy shall name Lessor and its assigns as an Additional Insured. Each policy shall provide: (a) for no less than thirty (30) days prior written notice of cancellation or non-renewal to Lessor, and (b) that such policy shall not be invalidated as against Lessor or its assigns for the violation of any term of the policy by Lessee. Lessee appoints Lessor as Lessee's attorney-in-fact to request required insurance coverages, make claims, receive payments and execute and endorse all documents, checks, drafts or other instruments necessary or advisable to secure payments due under any policy contemplated hereby. The foregoing shall not relieve Lessee from its obligations to procure the insurance policies required herein, to make timely insurance claims and to otherwise cooperate with insurance carriers and Lessor in seeking insurance coverage and recoveries in connection with the Equipment. Proceeds from any general liability policy shall be made payable first on behalf of the Lessor to the extent of its liability, if any. All policies of insurance carried by Lessee, whether primary or excess, shall be primary as to any policies maintained by Lessor.

If Lessee fails to maintain the required insurance on the Equipment, or provide proof of same to Lessor, Lessor may at its sole discretion, but shall not be obligated to, obtain insurance to protect Lessor's interest in the Equipment. Lessee agrees to pay Lessor for all costs and expenses which Lessor pays or incurs as a result of Lessee's failure to maintain insurance. Without limitation, Lessee specifically agrees that it will pay the monthly insurance charge, as requested by Lessor at the time payment is due. The insurance charge may include, but not be limited to, the insurance premium paid by Lessor, finance charges on the premium (which may be higher than the rate used to determine Lessee's Equipment rental amount); tracking fees; fees for billing and collecting the insurance premium and related charges; administrative fees; and, other fees resulting from the failure to maintain insurance on the Equipment. Lessee acknowledges that Lessor may keep some or all of these insurance charges, including the billing, tracking and other fees; the finance charges; commissions or reinsurance premiums paid to Lessor or an affiliate of Lessor; and, a profit included in any of these charges. Lessee agrees that the premium and insurance charges assessed by Lessor are likely to be higher than the amounts Lessee would pay to maintain insurance on the Equipment as agreed in this Lease. Lessor's election to obtain insurance to protect the Equipment shall not constitute a waiver of Lessee's breach of its insurance obligations, and Lessor reserves all other remedies provided under this Lease or applicable law.

Sample

13. TITLE. Lessor is the owner of and will hold title to the Equipment. Lessee will keep the Equipment free of all liens and encumbrances. If this transaction is deemed to be a lease intended for security, Lessee grants Lessor a purchase money security interest in the Equipment (including any replacements, substitutions, additions, attachments and proceeds).

14. DEFAULT. Each of the following is a "Default" under this Lease: (i) Lessee fails to pay any Lease Payment or any other payment within 5 days of its due date; (ii) Lessee does not perform any of Lessee's other obligations under this Lease or in any other agreement with Lessor; (iii) Lessee or guarantor becomes insolvent, dissolves, or assigns its assets for the benefit of creditors, or enters any bankruptcy or reorganization proceeding; (iv) any guarantor of this Lease dies, or does not perform its obligations under the guaranty; or (v) Lessee undergoes a change in ownership or control of any type, that in the Lessor's judgment, results in a deterioration of Lessee's creditworthiness.

15. REMEDIES. If a Default occurs, Lessor may do one or more of the following: (i) Lessor may cancel or terminate this Lease or any other agreement that Lessor has entered into with Lessee; (ii) Lessor may require Lessee to immediately pay Lessor, as compensation for loss of Lessor's bargain and not as a penalty, a sum equal to the Stipulated Loss Value; (iii) Lessor may require Lessee to immediately deliver the Equipment to Lessor at Lessee's expense; (iv) Lessor or its agent may peacefully repossess the Equipment without court order and Lessee will not make any claims against Lessor for damages or trespass or any other reason; and (v) Lessor may exercise any other right or remedy available at law or in equity. Lessee agrees to pay all of Lessor's costs of enforcing Lessor's rights against Lessee, including reasonable attorney's fees. If Lessor takes possession of the Equipment, Lessor may sell or otherwise dispose of it with or without notice, at a public or private sale, and apply the net proceeds (after deducting all costs related to the sale or disposition of the Equipment) to the amounts that Lessee owes Lessor. Lessee agrees that if notice of sale is required by law to be given, 10 days notice shall constitute reasonable notice. Lessee will remain responsible for any amounts that are due after Lessor has applied such net proceeds.

16. PERFORMANCE OF LESSEE'S OBLIGATIONS BY LESSOR. If Lessee fails to make any payment or perform any act or obligation required hereunder, Lessor may, but need not, make such payment or perform such act or obligation at the expense of Lessee. Any such expense incurred by Lessor shall constitute additional Rent due hereunder and shall be payable by Lessee to Lessor upon demand. Such action by Lessor shall not be deemed a cure or waiver of any default by Lessee.

17. FINANCE LEASE STATUS. Lessee agrees that if Article 2A-Leases of the Uniform Commercial Code applies to this Lease, this Lease will be considered a "finance lease" as that term is defined in Article 2A. By signing this Lease, Lessee agrees that either (a) Lessee has reviewed, approved, and received, a copy of the Supply Contract or (b) that Lessor has informed Lessee of the identity of the Supplier, that Lessee may have rights under the Supply Contract, and that Lessee may contact the Supplier for a description of those rights. TO THE EXTENT PERMITTED BY APPLICABLE LAW, LESSEE WAIVES ANY AND ALL RIGHTS AND REMEDIES CONFERRED UPON A LESSEE BY ARTICLE 2A.

18. ASSIGNMENT. LESSEE MAY NOT ASSIGN, SELL, TRANSFER OR SUBLEASE THE EQUIPMENT OR LESSEE'S INTEREST IN THIS LEASE. Lessor may, without notifying Lessee, sell, assign, or transfer this Lease or its rights in the Equipment. Lessee agrees that the new owner will have the same rights and benefits that Lessor has now under this Lease but not Lessor's obligations. The rights of the new owner will not be subject to any claim, defense or set-off that Lessee may have against Lessor.

19. INDEMNITY. Lessee assumes the risk of liability arising from possession, operation, or use of the Equipment. Lessee shall indemnify, defend and hold harmless the Lessor from any and all claims, costs, taxes, expenses, damages, and liabilities arising from or pertaining to the use, possession, or operation of the Equipment.

20. CREDIT INFORMATION. Lessee authorizes Lessor and its agents to obtain credit bureau reports and make other credit inquiries that Lessor determines necessary. Upon Lessee's written request, Lessor will inform Lessee whether Lessor has requested a consumer credit report and the name and address of any consumer credit reporting agency that furnished a report. Lessee acknowledges that without further notice Lessor may use or request additional credit bureau reports to update Lessor information so long as Lessee's obligations to Lessor are outstanding. Lessee shall at Lessor's request, deliver to Lessor, Lessee's future quarterly and annual reports of financial condition, which reports Lessee represents and warrants shall be prepared in accordance with generally accepted Accounting Principles.

21. FURTHER ASSURANCES. Lessee agrees to promptly, at Lessee's expense, deliver such other reasonable documents and assurances, and take such further action as Lessor may request, in order to effectively carry out the intent and purpose of this Lease.

22. REPRESENTATIONS AND WARRANTIES. Lessee represents and warrants to Lessor that: (i) the making of this Lease by Lessee is duly authorized on the part of Lessee and upon execution thereof by Lessee and Lessor they shall constitute valid obligations binding upon, and enforceable against, Lessee; (ii) neither the making of this Lease nor the due performance thereof by Lessee, including the commitment and payment of the Rent, shall result in any breach of, or constitute a default under, or violation of, Lessee's certificate of incorporation, by-laws, or any agreement to which Lessee is a party or by which Lessee is bound; (iii) Lessee is in good standing in its state of incorporation and in any jurisdiction where the Equipment is located, and is entitled to own property and to carry on business therein; and (iv) all financial information provided by Lessee to Lessor is true, accurate and provides a good representation of Lessee's financial condition. If requested, Lessee shall provide Lessor a Certified Copy of its Corporate Resolutions and or a Certificate of Incumbency in the form provided by Lessor or such other form that Lessor deems acceptable.

23. MISCELLANEOUS. Lessee agrees that the terms and conditions contained in this Lease make up the entire agreement between Lessee and Lessor regarding the Lease of Equipment. The declaration of invalidity of any provision of this Lease and/or Guaranty shall not affect any part of the remainder of the provisions of this Lease and Guaranty. Any change in any of the terms and conditions of this Lease must be in writing and signed by Lessor. Lessee agrees however, that Lessor is authorized, without notice to Lessee, to insert the Lease Number, and to supply missing information or to correct obvious errors in this Lease. Lessee authorizes Lessor to adjust the Amount of Each Lease Payment by not more than 15% if either (i) the final Total Cash Price (which is all amounts Lessor has paid in connection with the purchase, delivery and installation of the Equipment, including any upgrade and buyout amounts) differs from the estimated Total Cash Price, or (ii) comparable U.S. Treasury Note yields increase between the date Lessee signs this Lease and the Acceptance Date. Lessor shall not be obligated to purchase the Equipment if the actual Total Cash Price varies more than 15% from the Total Cash Price listed above. If Lessor delays or fails to enforce any of Lessor rights under this Lease, Lessor will still be entitled to enforce those rights at a later time. All notices shall be given in writing by the party sending the notice and shall be effective when deposited in the U.S. Mail or a nationally recognized overnight delivery service, addressed to the party receiving the notice at its address shown on the front of this Lease (or to any other address specified by that party in writing) with postage prepaid. All of Lessor's right and remedies shall survive and remain in full force and effect and be enforceable after the expiration or termination of the Lease for any reason. It is the express intent of the parties not to violate any applicable usury laws or to exceed the maximum amount of time price differential or interest, as applicable, permitted to be charged or collected by applicable law, and any such excess payment will be applied to Rent in inverse order to maturity, and any remaining excess will be refunded to Lessee. If more than one Lessee has signed this Lease each of the Lessees agree that Lessee's liability is joint and several. LESSEE FURTHER AGREES TO PAY LESSOR AN ORIGINATION FEE ON THE DATE THE FIRST LEASE PAYMENT IS DUE TO COVER THE EXPENSES OF ORIGINATING THIS LEASE.

Sample

E28



995 Dalton Avenue • Cincinnati, OH 45203
With Questions call: (800) 263-9499
FAX TO: (888) 888-3695

Lease Number: 393700002

Schedule A (Equipment)

Quantity	Description	Serial No.
1	Turf	
1	SASTOH, Hamilton, Cincinnati	

Lessee has reviewed the above list of equipment, and agrees the equipment on this Schedule A (Equipment) is accurate and complete.

Lessee (Initial) _____

Sample



CERTIFICATE OF ACCEPTANCE

Lease Number: ~~393700002~~

In compliance with the terms, conditions and provisions of Lease Agreement Number dated _____

("Lease") by and between the undersigned ("Lessee") and PNC Equipment Finance, LLC ("Lessor"), Lessee hereby:

- a) certifies and warrants that all Equipment described in the above-referenced Schedule A or the Lease Agreement ("Equipment") is delivered, inspected and fully installed, and operational as of the Acceptance Date as indicated below;
- b) accepts all the Equipment for all purposes under the Lease and all attendant documents as of this _____ day of _____ (month), 20____ ("Acceptance Date"); and
- c) restates and reaffirms, as of such Acceptance Date, each of the representations, warranties and covenants heretofore given to Lessor in the Lease.

X

Signature

Title

Lessor is hereby authorized to insert serial numbers on the Lease Agreement.

REQUEST FOR INSURANCE

June 6, 2012

Sample Application dba Test
400 Asbury Road
Cincinnati, OH 45255

RE: Lease #393700002 ("Lease Agreement")

Please complete this form and return it to PNC Equipment Finance, LLC along with a copy of your Certificate of Insurance and Insurance Binder, naming PNC Equipment Finance, LLC as lender loss payee and additional insured, as evidence that you have obtained the necessary insurance as required by your Lease Agreement.

As part of the Lease Agreement, you have agreed to keep in effect an "All Risk (or broad form of)" extended coverage property insurance policy covering the equipment for its full replacement value. You are also required to carry a comprehensive general liability insurance policy or other similar form of third party liability coverage with combined single limits of \$1,000,000 per occurrence and \$2,000,000 in aggregate limits. The property insurance policy shall name PNC Equipment Finance, LLC and its successors and/or assigns (ISAOA) as sole Lender Loss Payee and the general liability insurance policy shall name PNC Equipment Finance, LLC and its successors and/or assigns (ISAOA) as an Additional Insured. In addition, such policies shall have a provision stating that the policy cannot be changed or cancelled without 30 days prior written notice to PNC Equipment Finance, LLC.

If you fail to obtain insurance or provide evidence thereof to us, you agree that we may, but shall not be obligated to, obtain such insurance on your behalf and charge you for all costs and expenses associated therewith. Without limiting the foregoing, you specifically agree that if we obtain insurance on your behalf, you will be required to pay a monthly insurance charge. The monthly insurance charge will include reimbursement for premiums advanced to the insurer, finance charges (which will typically be at a rate higher than the rate used to determine your Equipment rental amount), billing and tracking fees, administrative expenses and other related fees. We shall receive a portion of the insurance charges, which may include a profit from such finance, billing, tracking, administrative and other charges.

Please provide the pertinent policy information below in addition to sending PNC Equipment Finance, LLC, copies of the appropriate insurance documents requested above. Thank you for your assistance in this matter.

INSURANCE AGENT INFORMATION:

Name: _____

Policy Number: _____
Expiration Date: _____

Address: _____

Phone Number: _____
Fax Number: _____

Form Completed By: _____

Print Name: _____

Title: _____

Date: _____



995 Dalton Avenue • Cincinnati, OH 45203
With Questions call: (800) 263-9499
FAX TO: (888) 888-3695

Sample

Lease Number: ~~293700002~~

PAYMENT SCHEDULE

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
20__												
20__												
20__												
20__												
20__												
20__												

Plus applicable taxes. Payment on invoice could be different based on applicability of sales and use tax.

This Payment Schedule and its terms and conditions are hereby incorporated by reference into the Lease identified above.

Lessee: Sample Application dba Test	Lessor: PNC Equipment Finance, LLC
X	X
Signature	Signature
Print Name: _____	Print Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

Sample

CERTIFICATE OF INCUMBENCY

The undersigned, duly elected and acting as Corporate Secretary or Assistant Secretary of Sample Application dba Test ("Lessee") hereby certifies:

1. That he/she has the power and authority to execute this Certificate of Incumbency on behalf of Lessee.
2. That the following named person(s) are authorized representatives of the Lessee in the capacity set forth opposite each of their names and that each of their signatures are genuine and correct.
3. That, as of the date hereof, the following named person(s) each have proper corporate power and authority to execute and deliver any Lease Agreement between Lessee and PNC Equipment Finance, LLC, any Lease Schedules pursuant thereto and any other related documents.

<u>Name (print)</u>	<u>Title</u>	<u>Signature</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTE: THE CORPORATE SECRETARY OR ASSISTANT SECRETARY OF THE ORGANIZATION MUST SIGN THIS CERTIFICATE AUTHORIZING THE SIGNER TO SIGN.

I hereby attest that this information is true and correct as of this _____ day of _____, 20__.

Lessee
Sample Application
dba Test

Signature of Corporate Secretary or Assistant Secretary

Print Name

Title



995 Dalton Avenue
Cincinnati, Ohio 45203 • Telephone (800) 263-9499

Please Retain for Future Reference
Page No. 1
INVOICE #~~393700002~~
Customer #~~61181~~

INVOICE DATE
6/6/2012

DUE DATE
Upon Receipt

Bill To:

Sample Application dba Test
Attn: Accounts Payable
400 Asbury Road
Cincinnati, OH 45255

Remit To:

PNC Equipment Finance, LLC
Attn: Lease Servicing/ Set Up Processing
995 Dalton Avenue
Cincinnati, OH 45203

INVOICE

Sample

Lease No. 393700002

<u>Initial Charges:</u>	
Monthly Rent - 1 st Month	\$3,745.85
Additional Rent Charge - Last Month	
	*Plus applicable taxes to be billed separately
<u>Initiation Fees:</u>	
Origination Fee	\$0.00
Security Deposit	
PAY THIS AMOUNT	
\$	

Agenda Item

5 a & b

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Adoption of small-scale amendment to Comprehensive Plan Future Land Use Map and Second Reading to amend the Official Zoning Map for 1001 Husson Ave. **DEPARTMENT:** Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. FLUM and Rezoning Ordinances **MEETING DATE:** June 28, 2012
 2. Planning Board minutes excerpts
 3. Other meeting minutes
 4. Planning Board staff reports

ISSUE: This is a request to rezone the School District Annex at the above address from R-1A (Single-Family Residential) to PUD/PBF-1 (Planned Unit Development/Public Buildings and Grounds). The companion amendment would change the Comprehensive Plan land use category from RL (Residential Low) to PB (Public Buildings and Grounds), an action requiring only one public hearing.

The Planning Board recommended denial of the request at their April 3, 2012 meeting, and the Commission at their May 10 meeting determined that the Applicant's agreed-upon conditions had substantively changed to where the item should be remanded back to the Planning Board. At their June 5, 2012 meeting the Planning Board voted 5-1 to recommend approval of the proposed PUD with all of staff conditions, including the condition that the warehouse use cease prior to July 1, 2013 and that all vehicular access be from Husson Ave.

Please direct questions regarding this request to Thad Crowe, 329-0103 or tcrowe@palatka-fl.gov

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 12 -

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 PROPERTIES LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 1001 HUSSON AVENUE, FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) / PBG-1 (PUBLIC BUILDINGS AND FACILITIES) FOR 1001 HUSSON AVENUE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, application has been made by James Padgett, representing the Putnam County School District, owners of said property, to the City for certain amendment to the Official Zoning Map of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including public hearings before the Planning Board of the City of Palatka on April 3, 2011 and June 5, 2012, and two public hearings before the City Commission of the City of Palatka on June 14, 2012, and July 12, 2012, and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. The Official Zoning Map of the City of Palatka, Florida is hereby amended by rezoning the hereinafter described property from its present zoning classification of R-1A (Single-family residential) to PUD (Planned Unit Development) / PBG-1 (Public Buildings and Grounds) for 1001 Husson Avenue. The PUD must comply with development standards set forth in Exhibit 1.

DESCRIPTION OF PROPERTIES:

CENTER ST S/D MB3 P129 LOTS 1 TO 24 INCL BLK A, ALL OF BLKS D + E (EX E 1/2 OF LOT 5 BLK E) (PURCHASING DEPT OF PUTNAM COUNTY SCHOOL DISTRICT) & PT OF ADJ CLOSED STREETS OR225 P351 (Being 1001 Husson Avenue/tax parcel # 12-10-26-1370-0010-0010)

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 28, June 2012.

CITY OF PALATKA

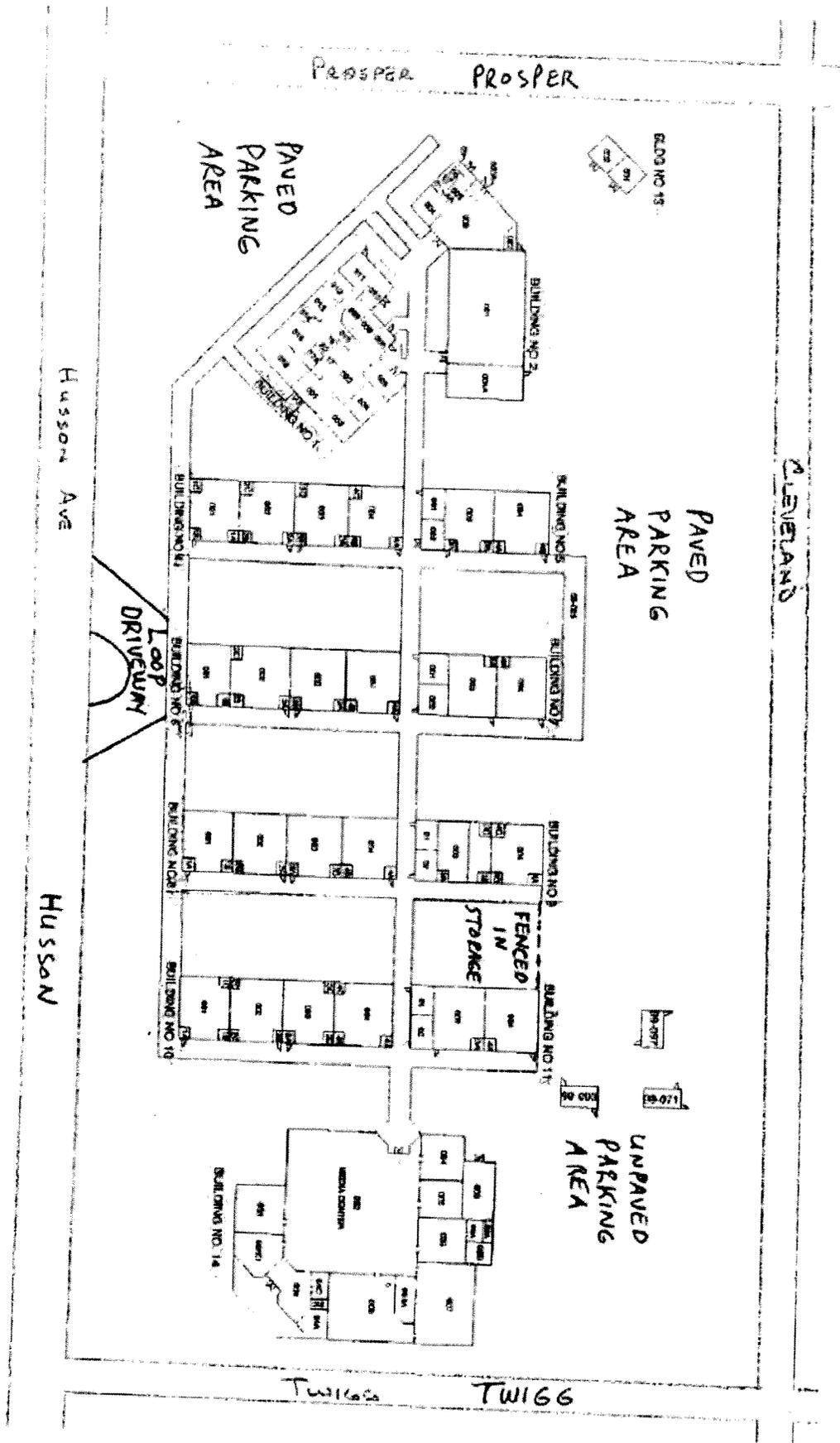
BY: _____
Its MAYOR

ATTEST:

City Clerk

EXHIBIT 1:

1. Surplus vehicles shall not be stored on the property.
2. Surplus sales shall not be held on property.
3. Forklift alarm shall be maintained at the OSHA minimum sound level.
4. Lawn crew's equipment and trailers shall be stored in areas with surrounding high privacy fence.
5. Outdoor hallways will limit items stored in halls (only in case of emergency).
6. All vehicles shall enter and exit the facility from Husson Avenue, and no vehicle access is allowed from Cleveland Avenue, Prosper Street, and Twigg Street.
7. All deliveries shall be made in the Husson Avenue "loop" driveway.
8. The School District Annex is to be utilized for school district offices and training, with accessory and ancillary uses of storage of equipment and materials for the District's custodial and landscaping maintenance functions. The use of a school is also allowable.
9. The warehouse use shall cease by July 1, 2013.
10. Building uses and all other activities are limited to what is shown on site plan.
11. Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.
12. All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.
13. The PUD will allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.
14. Existing trees on the site shall be preserved.



SITE PLAN

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 12 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO THREE PARCELS OF LAND (LESS THAN 20 ACRES IN SIZE) IDENTIFIED AS 1001 HUSSON AVENUE FROM RL (RESIDENTIAL LOW DENSITY) TO PB (PUBLIC BUILDINGS AND GROUNDS), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, Section 163.3187(1(b), Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 120 acres by small scale amendments annually, and

WHEREAS, Section 163.3187(2), Florida Statutes, as amended, provides that small scale development amendments require only one public hearing before the governing board, which shall be an adoption hearing, and

WHEREAS, the Planning Board conducted a public hearing on May 1, 2012 and recommended approval of this amendment to the City Commission, and

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. Adopted Small Scale Amendment

That the Future Land Use Map of the adopted Comprehensive Plan of the City of Palatka is hereby amended to provide that the Future Land Use of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes.

**TABLE 1
ADOPTED SMALL SCALE AMENDMENT**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current</u>	<u>Future</u>	<u>Amended</u>	<u>Future</u>
		<u>Land Use</u>		<u>Land Use</u>	
12-10-26-1370-0010-0010	12.43	RL (Residential, Low Density)		PB Buildings and Facilities)	(Public and)

DESCRIPTION OF PROPERTIES:

12-10-26-1370-0010-0010 CENTER ST S/D MB3 P129 LOTS 1 TO 24
 INCL BLK A, ALL OF BLKS D + E (EX E 1/2
 OF LOT 5 BLK E) (PURCHASING DEPT OF
 PUTNAM COUNTY SCHOOL DISTRICT) & PT OF
 ADJ CLOSED STREETS OR225 P351

Section 2. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 3. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 4. Effective date

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 28th day of June, 2012.

CITY OF PALATKA

By: _____
 Its Mayor

ATTEST:

 City Clerk



CITY OF PALATKA
PLANNING BOARD
MEETING MINUTES
June 6, 2012

Draft copy

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Earl Wallace, Daniel Sheffield, George DeLoach, Joseph Petrucci and Anthony Harwell. **Members absent:** Joe Pickens. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse, and Planning Intern Briana Ozor.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to approve the minutes as submitted for the May 1, 2012 meeting. All present voted affirmative, motion carried.

Chairman Stewart read the appeal procedures and requested that disclosure of any ex parte communication be made prior to each case.

OLD BUSINESS

Case 11-43 Request to rezone from R-1A (Single-Family Residential) to PUD (Planned Unit Development)/PBG-1 (Public Buildings and Grounds) - item remanded to the Planning Board from the City Commission on May 10, 2012
Location: 1001 Husson Ave. (School District Annex)
Owner: Putnam County District School Board
Applicant: James L Padgett, Esq.

Mr. Crowe stated that the City Commission considered this request at their May 10th meeting and after lengthy discussion and public input, the item was remanded back to the Planning Board, as some of the conditions agreed to by the School District had changed, specifically in regards to the length of time for the “sunset” of the warehouse use and for limiting vehicle access to Husson Avenue. He added that he believed it has been established from staff’s testimony and that of the citizens, that while the office use is acceptable the warehouse use is not. He reviewed the conditions and recommended approval subject to the following:

1. Surplus vehicles shall not be stored on the property.
2. Surplus sales shall not be held on property.
3. Forklift alarm shall be maintained at the OSHA minimum sound level.
4. Fenced-in lawn crew’s equipment and trailers shall be stored in areas with high privacy fence.
5. Outdoor hallways will limit items stored in halls (only in case of emergency).
6. All vehicles shall enter and exit the facility from Husson Ave.
7. The School District Annex is to be utilized primarily for school district offices and training, with accessory and ancillary uses of a warehouse and storage of equipment and materials for the District’s custodial and landscaping maintenance functions. The use of a school is also allowable.
8. The warehouse use shall cease by July 1, 2013.
9. Building uses and all other activities are limited to what is shown on site plan.
10. Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.
11. All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.
12. The PUD will allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.
13. Existing trees on the site shall be preserved.

Jim Padgett, representative of the Putnam County School District, thanked the Board for the opportunity for them to come back and clarify some items of confusion and update the board as to some decisions made by the

District since the last meeting. He said that the warehouse use is approximately 15% of the overall use and he believed that the public perception is that the School Board wants to continue the warehouse at this location, which is not the case. He explained that from the very beginning, when people from the community expressed concern and disappointment that there was a warehouse use operating at this property, the District met with concerned citizens and Staff to come up with acceptable compromises and try to come up with something good for the City and the District which has been unsuccessful. He stated that they are trying to transition out of the warehouse use, with the only difficulty being agreement on how soon they could remove this use. He said initially they had requested 60 months to remove the warehouse use, and since that time, they have found a way to relocate the warehouse use within 12 months as recommended by staff and possibly even less time than that, but would request that cushion of the 12 months. He said that they have reviewed and accept all 13 conditions of staff's recommendation. He added that they can comply with all of the conditions, but one of their concerns is that they have adequate access. They would like to have two entrances but they could live with one if they must. He recognized that the City has been patient with them, and they are not in compliance with zoning, through an honest mistake but that they are trying to do everything they can to comply.

Mr. Petrucci asked if they did not close the drive way from Prosper St. how would they prevent trucks from entering there to unload, as he didn't believe it to be so much a problem with cars using that entrance, as it has always been used to access the parking area, as it would be for the trucks coming and going through there.

Scott Gattshall, Putnam County Schools Facilities Director, responded that there is a swing gate there now that would be closed and the trucks would have to back out onto Husson Ave.

Discussion continued regarding possible alternative curb cuts along Husson Ave. for a secondary vehicle access.

Mr. Petrucci asked if provisions had been made to relocate the access for the yard maintenance vehicles from using Kirby Street and the Cleveland Avenue entrance.

Mr. Gattshall answered that they have agreed to all the conditions and with staff recommendations and that when they remove the Cleveland Avenue access they would have to incur costs to put in a driveway to access the rear employee parking and maintenance equipment area.

Robert Cavuoti, 2206 Prosper St., stated that he would not be in favor of an access road along the northern side of the property adjacent to Prosper St.

Mr. Wallace asked if the custodial and lawn maintenance equipment would remain.

Mr. Crowe replied that condition number seven allows for that and that it would have to be screened.

Mr. Padgett explained that at one time, each school had its own janitorial and maintenance staff at each school site for maintenance of the grounds and the athletic fields, now they have teams that go from one school site to another, which is more efficient and cost effective. He believes that there will be a lot less traffic and it will be quieter when the warehouse is gone than when it was a school, with all the staff, faculty, busses, parents and others coming and goings.

Rissi Cherie, 517 S. Francis St., Interlachen, representing the Putnam Citizens Alliance spoke of concerns for property rights and possible future business encroachments from this use. She said that we cannot have a disintegration of family's life, their rights and the right to have a community where you feel comfortable, safe and secure.

Mr. Crowe explained that the uses for the Annex are specifically defined in the PUD.

Mike Lewis, 2313 Prosper Street stated in his opinion the School District overstepped boundaries in setting up the warehouse and that the roads are not set up for the 18 wheel truck traffic. He stated that he does not object to the office and training center.

Janet Cavuoti, 2206 Prosper St., stated that there have been 13 meetings on this request. She suggested that a private citizen not following the law, would not be allowed this much time to correct a violation, but a public entity like the School Board is, and that is not fair. She explained that when she served on a Board and had to make difficult decisions, she would follow the law and feel comfortable that her decision was based on the law. She thanked the Board for their patience and asked that they follow the law.

Mr. Cavuoti gave a brief history of this request and stated that a Planned Unit Development (PUD) is supposed to be "planned" before the use is established. He stated that using this property as office space and an education/training facility would be acceptable, but he is concerned that this warehouse use has already been there three years, and if allowed to continue for another year, they may come back and ask for an extension. He added that if allowed to stay, all traffic should be restricted to Husson Ave.

Betty Jean Bryant, 2016 Kirby St. stated her biggest complaint is the traffic, that they have all kinds of traffic including service trucks along Kirby St.

Mr. Harwell asked if the PUD were denied, could a school resume there.

Mr. Crowe answered yes, with a conditional use approval.

Discussion ensued regarding limiting all deliveries to the loop drive and the possibility of an alternative access road, around the south of the property by the media center, to the rear parking area.

Tom Townsend, School Board Superintendent stated that they want to be good neighbors and they want to be practical and in short, they do not want to spend any more money than they have to – everyone is aware of the financial situation that the School District is under, they are under declining enrollment, but clearly they will do whatever the City Commission asks for.

Motion made by Mr. Sheffield and seconded by Mr. Petrucci, to accept staff recommendations with the following additional conditions: a Twigg Street vehicle entrance is not allowed and all delivery is restricted to the Husson Ave. loop driveway. He said that while he thought this was the best solution, he remained uncomfortable with the precedent of allowing a code violation like this to continue for years and then approve it. Motion carried with five yeas and Mr. Harwell voting against the motion.

NEW BUSINESS

Case 12-23 Request for a conditional use for wall graphics (murals).
Location: 429 Kirby Street (Hammock Hall)
Owner: City of Palatka
Applicant: South Historic Neighborhood Association

Mr. Crowe explained that this is a request for 8 murals to located on the north and east side of the building. He showed an example of existing murals on the south side of the building at this location and a site plan with one

OLD BUSINESS

Case 11-43 Request to amend the Future Land Use Map from RL (Residential Low-density) to PB (Public Buildings and Grounds) and to allow for a Planned Unit Development as an overlay district in the PB category and to rezone from R-1A (Single-family Residential) to PBG-1(Public Buildings and grounds).

Location: 1001 Husson Ave.

Owner: Putnam County District School Board

Applicant: James L. Padgett

Mr. Crowe referred the Board to a PowerPoint slide of an aerial photo of the site that showed the existing buildings, the current vehicular access points and the loading & unloading areas. He said that the property was in a residential land use and zoning district, both of which allow schools. He stated that this is a very complex subject, explaining that the city has been making an effort to put all schools and all public facilities into what is called the Public Buildings (PB) land use category. This property was included in a list of "housekeeping" comprehensive plan amendments developed last year by the former Planning Director. This property was removed from that list and from further consideration at the June, 2011 Planning Board meeting by the Board, based on testimony of nearby residents. He stated that public participation has been a strong element in this and briefly reviewed the following timeline of events;

- July 28, 2011 - the Mayor called a meeting with the residents and the Planning Director.
- August 1, 2011 - onsite meeting with the Mayor, the Schools Superintendent and the residents.
- August, 2011 - School District cited for zoning violation.
- October, 2011 - School District filed an application to change the land use and the zoning.
- February 27, 2012 Staff noticed property owners within 400 feet of the property for a meeting with the Mayor, Planning Director and School District staff to discuss the Planned Unit Development (PUD) and potential PUD conditions, asking for input from the residents as well.
- March 8, 2012 - City Commission, upon the Planning Board's recommendation, approved standards to the PUD Ordinance that would allow a PUD in the Public Buildings Future Land Use Map category, therefore, allowing this application to proceed.
- March 26, 2012 - follow-up neighborhood meeting on draft conditions presented by the School District.

Mr. Crowe said that the Board must use specific criteria in considering this item. He pointed out that within the City's Comprehensive Plan a Future Land Use goal requires that land uses are harmonious with surrounding neighborhoods and there is not conflict between land uses. He discussed compatibility and stated that in terms of impacts, looking at this objectively, the annex use has less of an impact than a school or comparable commercial use, in terms of trips. There are fewer people working there and it is an underutilized site, compared with an active school, a commercial or an office building. However, there are some intangibles that are still important. Some of what the residents have conveyed, and staff believes is legitimate, is that there is a difference between a school and a public facility like the Annex. A school is something that people tend to want in their neighborhood. Kids walk to school, there is kind of a neighborhood bond – a bond that doesn't seem to exist for a detached type of office/warehouse complex, where you don't have those kinds of physiological or aesthetic considerations. These perceptions are harder to quantify but are still important considerations. Some of the tangible issues are the 18 wheelers, the forklifts and the unloading that occurs where residents can see it from their front yards and porches, which create an incompatible land use arrangement. While the impacts may be less from the annex use than from a school or a comparable office use, the aesthetic considerations are important and can't be discounted. Unless there are some standards put in place that work, the office/warehouse would not be compatible. He reviewed the following proposed PUD conditions:

The following are previous commitments made by the School District to address neighbor concerns, activities that shall continue to occur as a requirement of the PUD)

1. No surplus vehicles on property.
2. No surplus sales on property.
3. All signs including front sign to use the language "Putnam County School District Annex."
4. Limit use of front paved area (along Prospect St).
5. Mute forklift alarm to the OSHA minimum sound level.
6. Upgraded alarm system to avoid false alarms.
7. No unused surplus playground equipment along Prospect St.
8. Storage shed behind warehouse continued to be utilized.
9. Modified schedules for deliveries.
10. Fenced in lawn crew's equipment and trailers with high privacy fence.
11. Limited storage of items in halls (only in case of emergency).

Additional conditions of the PUD proposed by the School District:

12. All delivery trucks shall enter and exit the facility from Husson Ave only.
13. The School District Annex is to be utilized primarily for school district offices and training, with accessory and ancillary uses of a warehouse and storage of equipment and materials for the District's custodial and landscaping maintenance functions. The use of a school is also allowable.
14. It is the intent of the School District to continue the warehouse use as an interim use, and when funding becomes available, the use shall be relocated to another property. The warehouse use shall cease within 60 months of adoption of this ordinance.
15. Building uses and all other activities are limited to what is shown on site plan.
16. Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.
17. All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.
18. The PUD should allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.
19. Existing trees on the site shall be preserved.

Mr. Crowe noted that Staff recommended approval of the land use amendment and also of the PUD rezoning with the previously stated conditions, except with the revision of Conditions # 12 and 14 as follows (new language underlined), along with the addition of Condition # 20:

12. All delivery trucks shall enter and exit the facility from Husson Ave. using the loop driveway adjacent to Building # 6. No parking of non-delivery vehicles shall be allowed within this loop driveway. A sign shall be placed at the loop driveway entrance directing such delivery.
14. It is the intent of the School District to continue the warehouse use as an interim use, and when funding becomes available, the use shall be relocated to another property. The warehouse use shall cease within 60 24 months of adoption of this ordinance, with the ability to apply to the Planning Board for not more than two 16 month extensions with conclusive findings by the Board that specific circumstances prevents relocation of the warehouse use and that the interim use as approved is not negatively impacting the neighborhood.
20. At the time of the first extension request the Board shall also evaluate the replacement of the Cleveland St. vehicle entrance with a Husson Ave. entrance and driveway.

Ms. Buck asked how the School District managed to not apply for this back in 2009, was there no due diligence in locating the warehouse there, and she also wanted to know why the City allowed this to go on for three years.

Mr. Crowe stated that he did not want to speak for the School District, and maybe that question could be posed to their representative. He explained that when he came here in February of 2011, his predecessor had composed a list of what was called "housekeeping items" of land use amendments for public properties, which included this property. Several residents including Mr. Cavuoti called him, and concurrently while learning about the warehouse and the violation, the housekeeping items had already been advertised and proceeding to the Planning Board. The Planning Board made what he thought was a rational decision to remove it from the list. At that point and time, the School District was clearly in violation of the Zoning Code and Comprehensive Plan, and Staff then sent a notice of violation. From that point the case was considered a code enforcement issue and handled as such.

Ms. Buck asked if the School Board was fined for being in violation.

Mr. Crowe explained that the violation notice allows for a 30 period where violators either have to come into compliance or file for an application to amend the land use and zoning. The process allows for a 30 day extension. The applicant did file the rezoning and land use amendment applications within that 60 day time period. At that time there was also a pending application to amend the PUD ordinance to allow PUDs in all land use districts, as is called for in the Comprehensive Plan. Since this action would allow for a PUD to be utilized in this case, the application and violation were both considered to be in abeyance until the PUD ordinance application was considered.

Mr. Holmes said that without advocating either side of this request, he wanted a clean record that is based on the legitimate factors that are appropriate for consideration of a land use request. He stated that he didn't believe that the School Board's knowledge or lack of knowledge could be considered, as this is purely a land use decision. He stated that he was a little perplexed about considering economic circumstances in a land use consideration, but if such factors are going to be considered in this case, then that would need to be a consideration from this point forward, for each case and not just for the school board. The factors in the report should be considered but the Board must base their decision on the factors in the code. He asked Mr. Crowe why he had made a recommendation for a time limitation, if it is an appropriate land use now why would it not also be appropriate in two or five years. He added that he would not want to lead off into an area that would allow someone a fruitful area for appeal. He also stated he would not want to see too much time spent on what the school board did in the past on this site, because it is not really relevant to the question of whether this is an appropriate use now and whether the application meets the criteria for the PUD rezoning.

Mr. Crowe commented that he agreed with Mr. Holmes that this request must be treated like any fresh application and that the rezoning decision should be focused on compatibility and the other criteria in the Code. The point of entry for discussion of economic circumstances was, in Staff's interpretation, item f. of the rezoning criteria: "whether changed or changing conditions make the passage of the proposed amendment necessary." In this case changed conditions are locational and funding constraints pertaining to the warehouse, constraints that were not present prior to the economic circumstances of the past four years.

Ms. Buck questioned the Staff analysis regarding impacts on page #8, item d. of the staff report stating that the site is currently underutilized, with relatively low traffic and other impacts. She wanted to know where the happy medium is, as it is generally either way too much or way too little.

Mr. Crowe said that there are a number of considerations on which a planner would base their assessment of impacts such as traffic counts - if this site was compared to an active school or an office complex, it would not generate the traffic of these uses.

Mr. Holmes stated that his concern would be how the time limitation for the warehouse would be justified. He wondered if this would be enforceable if nothing has changed in two years and there are no criteria in the land use code to support that limitation. If the warehouse is compatible now, why would it not be compatible in two years?

Mr. Crowe said that in no way did he believe the warehouse use in itself was a "good fit," adding that he believes that the PUD assigns some controlling factors that will mitigate impacts and thus lessen incompatibility. What is agreed upon is that the warehouse use should be relocated, what is not settled is the timeframe for the removal of the use. He said a sunset provision and certain conditions could be an acceptable compromise.

Ms. Buck asked what difference it would make to change the sign from Warehouse to Annex.

Mr. Crowe said that it is his understanding that this comes from the negotiations between the neighboring residents and School District staff. The residents did not want a sign with the word "warehouse."

Chairman Stewart asked the Applicant to come forward.

Scott Gattshall, 4400 N.W. 14th Place, Gainesville, introduced himself as the facilities director for Putnam County School District. He spoke of budget constraints since the market crash that have created extreme economic constraints for the district. He explained that operating the warehouse at this location was an effort to minimize laying people off and other drastic cuts that would have been required. Prior to establishing this warehouse it cost around \$67,000 per year for the warehouse function. Not having to rent warehouse space has allowed the District to save approximately \$220,000 to date and has also saved jobs. This site was not being used and it seemed like a good fit at the time. It is not the District's intention to permanently locate a warehouse here but in fact to eventually reestablish this facility as a school, which would benefit all of the community. The District is not a private business moving into Palatka, setting up shop and wanting to rezone something in a residential district. If the warehouse activities are not allowed to remain at this time there is no space available for storage and if relocation is required the District will have to rent warehouse space, which will come out of taxpayers' money. He said that the deliveries do not even average out to one per day and when the deliveries do come in, it may amount to one or two pallets, as big deliveries go directly to the schools. He also added that when it was a school, the semi-trucks would pull up to the front parking lot to unload but does agree with the suggestion to put an access road around to the back, to a true loading dock. This would assist operations when the Annex is turned back into a school, since the warehouse area would convert to a cafeteria.

Discussion among Board members continued regarding the recommended conditions including noise, the proposed rear driveway and the timeline for the warehouse. Mr. Gattshall said the 60 months is a more realistic timeframe for phasing out the warehouse.

Mr. Robert Cavuoti, 2206 Prosper Street, asked the Board to vote against the request. He said that in October of 2009 he spoke with Debbie Banks regarding his concerns, and she said that the property was not zoned for the warehouse use. He stated that he and his neighbors were not notified of the ordinance changing PUD standards. He referred to a memo between from Mr. Crowe to Elizabeth Hearn, Code Enforcement Officer, stating that while schools are compatible uses with residentially zoned property, the current utilization of this property is not in keeping with the Comprehensive Plan as well as the Zoning Code. Mr. Cavuoti stated that the bottom line is really that the way this was done and the way it has affected their neighborhood, has been a negative experience. He said that a PUD may not be a terrible thing, to kind of tweak the zoning a little bit in some circumstances, but if it negatively impacts the community such as in this case, it would just be wrong. He suggested a compromise could be to rezone the property to R-3 (Multiple-family Residential). This would allow for a low intensity office use (allowed by Conditional Use), but not a warehouse. He appreciated the efforts of the School District to mute

the sounds of the forklifts, and the rewording of the sign from warehouse to annex, but in regard to the sign change he said a duck is a duck. He also commented that the media center generates approximately 50 to 60 cars on any given day, and that traffic should be rerouted as recommended by Mr. Crowe.

Mr. Petrucci asked Mr. Cavuoti how many trucks has he sees delivering supplies and how that compares with when it was a school in terms of traffic.

Mr. Cavuoti explained that on some days there can be 3 to 6 trucks and then none for a day or two. He said there are certain things you would expect to see from a school being there, such as the busses in the morning and in the afternoon, children walking to and from school. When he bought his home the school was already there.

Mr. Pickens reiterated previous comments made by Mr. Holmes regarding the need to focus on the criteria to be considered for a land use consideration. He stated that it appears that with all staff has recommended and all that the School Board has talked about, it does not seem to appease the concerns of the neighbors.

Mr. Wallace asked Mr. Cavuoti what it would take to make the current use compatible.

Mr. Cavuoti replied that the offices and training center are acceptable, but the warehouse is not.

Rissi Cherie, 517 S. Francis Street, Interlachen introduced herself as president of Putnam Citizens Alliance explained that she is here to stand with the neighborhood. She spoke in opposition of the request and explained that Citizens Alliance is dedicated to a better Government, one that works for and protects the people. She stated that she believes that it took a lot of thought and planning to create a Comprehensive Plan for the City and this Plan should not be changed lightly. She believed that this action would be nothing more than spot zoning which is not appropriate in every way for this location. If the City approves to place a warehouse in an established neighborhood that has been there for thirty or more years, then where are the neighborhood's protections from more of this type of thing happening. This is a slippery slope, and if a warehouse is allowed there, then things that are sort of like a warehouse can go there. She urged the Board to vote no to protect these citizens and the rest of the City.

Betty Jean Bryant, 2016 Kirby St. stated that she lived in the neighborhood for over 50 years, and understands that these are tough times. She stated this is a big disturbance for the residential area and agreed that all the traffic should be rerouted off of Husson Ave. She does not believe the warehouse should stay there.

Motion made by Ms. Buck to approve the requests with staff conditions except that the warehouse must be terminated after two years, with no extension. Additionally during that two-year time frame, Staff's recommendation for requiring delivery to take place on the Husson Ave. u-shaped driveway should be utilized. Motion seconded by Mr. Petrucci.

Mr. Holmes said that the Board has two separate items before them and the motion must be couched in the framework of approving or denying those two separate requests.

Mr. Petrucci asked if the PUD would limit this use to what occurs on the site right now, as there were concerns that once the land use was changed the District could do other things. Mr. Crowe said that the PUD would definitely limit activities to the current uses as stated in the approval conditions.

Mr. Petrucci stated that he has driven by this facility several times and has never even realized that this was a warehouse, as there was not a significant amount of traffic to the warehouse at the times that he drove past. He saw this as being a good idea as a temporary place holder, until it could be used as a school again, as long as it did not get elevated to a different level.

Mr. Gattshall stated that the District has safety concerns with locating delivery at the loop driveway since Moseley Elementary School was just across the street.

Mr. Pickens stated that he wanted to explain why he would be voting against the requests, as he worked as the School Board Attorney for many years and has a great affinity for the school district and would want to accommodate them in any way legally possible, especially during these very difficult times. He said that he had an ex-parte communication with the Mr. Townsend. He believes that the decision the District made to do this was one in which the District did not knowingly violate codes and that it was a very frugal, prudent and practical fiscal move. He agreed with a lot of the things that Mr. Holmes has said in that the Board is here to make a land use and zoning decision, most specifically whether or not a warehouse is appropriate in a residential area. He thinks that staff has made a herculean effort at trying to bring the parties together through this mechanism and through dialogue and conversation, including the Mayor and the School District, and he applauded those efforts. He added that of all the things he wished, he wishes that the accommodations that the District was willing to make and the overlays that staff had put together, did appease the neighbors. But in the end the warehouse is not compatible and he will side with the residents that bought near a school. He understood the type of traffic associated with a neighborhood school is a positive thing and that of a warehouse is not and understands the psychological difference between the two.

Ms. Buck withdrew her motion after Mr. Petrucci withdrew his second.

Mr. Sheffield stated that he views this as strictly a land use issue and does not believe that this would be harmonious zoning, and for that reason he was against the request.

Charles Horner, 2019 Kate Street, spoke in opposition to the request, stating that what the School Board is asking the Board to do is to spot zone, this has been going on for years and we do not have quality growth in Putnam County.

Motion made by Mr. Sheffield and seconded by Ms. Buck to recommend denial of the application to amend the Future Land Use Map from RL (Residential Low-density) to PB (Public Buildings and Grounds) and to allow for a Planned Unit Development as an overlay district in the PB category and to rezone from R-1A (Single-family Residential) to PBG-1(Public Buildings and Grounds). All present voted affirmative, motion carried.

NEW BUSINESS

Case 12-19 A request for a Conditional Use for an indoor recreation facility in a C-1 (General Commercial) zoning district.

Location: 702 N. 19th Street
Owner: Makhlou Wasim
Applicant: George E. Moore

Mr. Crowe gave an overview of the request, stating that this property is an existing retail building located on a commercially-zoned property within a residential neighborhood. In the C-1 (General Commercial) zoning district this use is allowed by conditional use. He stated that the request meets the criteria and does not conflict with the Comprehensive Plan. He spoke of some deficiencies with the parking striping, the dumpster screening and the fact that there really is no landscaping to speak of. In terms of compatibility with the surrounding neighborhood, Staff believes that a recreation center that serves children also serves the neighborhood. He also noted that the Police Chief departmental review reported crime problems at that commercial location. He said when evaluating this request, the Board should focus on the use and not the overall property, but once the issue of crime is brought into play, the potential concern is that kids may be impacted. The conditional use criteria

SCHOOL DISTRICT ANNEX NEIGHBORHOOD MEETING
PRICE-MARTIN CENTER
MARCH 26, 2012, 6 PM

In attendance: Betty Jean Bryan, Jimmy Bryan, Janet Cavouti, Robert Cavouti, Phyllis Criswell, Thad Crowe (City Building & Zoning Dept.), Chris Devito (Palatka Daily News), Stephen Euzor, Linda Freese, Scott Gottshall (Putnam Co. School District), Frances Griswell, Chuck Horner, Shirley Horner, Allegra Kitchens (City Commission) Fran Martin, Chelsea Merritt, Vernon Myers (City Commission), Bobby Richardson, Nyta Richardson, Shirley Saunders, Patty Sheffield, Danny Sheffield (Planning Board), Carl Steward (Planning Board).

Mayor Myers opened up the meeting and asked Mr. Crowe to bring everyone up to speed. Mr. Crowe said that the School District had drawn up a list of PUD conditions (shown in italics below). Staff was evaluating the conditions and finalizing the staff report for this item in preparation for next Tuesday's (April 3) Planning Board meeting. The Planning Board provides a recommendation of approval with conditions or denial to the City Commission, which makes the final decision. Mr. Gattshall then went over the PUD conditions.

It is understood that the School District took the following steps to address neighbor concerns, and these activities shall continue to occur as a requirement of the PUD:

- 1. Discontinued locating surplus vehicles on property.*
- 2. Discontinued locating surplus sales on property.*
- 3. Reworded all signs, including front sign, from "Putnam County School District Warehouse" to "Putnam County School District Annex".*
- 4. Limited use of front paved area (along ~~Prospect~~ Prosper St).*
- 5. Muted forklift alarm to the OSHA minimum sound level.*
- 6. Upgraded alarm system to avoid false alarms.*
- 7. Removed unused surplus play area along ~~Prospect~~ Prosper St.*
- 8. Purchased storage shed, placed behind warehouse.*
- 9. Modified schedules for deliveries.*
- 10. Fenced in lawn crew's equipment and trailers with high privacy fence.*
- 11. Limited items stored in halls (only in case of emergency).*

The following are conditions of the PUD.

- 1. All delivery trucks shall enter and exit the facility from Husson Ave.*
- 2. The School District Annex is to be utilized primarily for school district offices and training, with accessory and ancillary uses of a warehouse and storage of equipment and materials for the District's custodial and landscaping maintenance functions. The use of a school is also allowable.*
- 3. It is the intent of the School District to continue the warehouse use as an interim use, and when funding becomes available, the use shall be relocated to another property. The warehouse use shall cease within 60 months of adoption of this ordinance.*
- 4. Building uses and all other activities are limited to what is shown on site plan.*
- 5. Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.*
- 6. All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.*
- 7. The PUD should allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.*
- 8. Existing trees on the site shall be preserved.*

Ms. Cavouti pointed out that it should be Prosper St., not Prospect St.

Mr. Gattshall was asked what type of outdoor storage would occur. He answered mostly old school furniture and added there would not be vehicles or other large equipment.

Mr. Bryant noted that the five-year timeframe to allow for the warehouse use seemed long. Mr. Gattshall replied that this was the result of the poor economy and resulting lack of state funding, which he didn't see getting better soon. He discussed the District's plan for a new central warehouse and bus garage at a site near Jenkins Middle School, which had been partially funded in the past, but there were not sufficient funds to develop the facility.

Ms. Criswell asked what happened to past funding for the new warehouse approved by the previous School Board administration. Mr. Gattshall said that he believed these funds were withheld for a "safety net" for the District.

Mr. Cavuoti pointed out that the playground equipment that had been stored near Prosper Street had been auctioned off, but some fell apart while being removed and remained on the site for a period of time until it was finally cleaned up.

A resident made the point that five years was too long for the warehouse to remain and at the last meeting timeframes ranging between six months and two years were mentioned.

Mr. Cavuoti went over the history of this issue and noted that the Superintendent had told the residents that they would not do anything unless forced to by the City.

Ms. Bryan noted that for several days last week she counted 25 cars coming and going from the Annex back parking lot onto Cleveland Ave., and this was just part of the day. Mr. Gattshall pointed out that when it was a school there was more traffic from school employees. Ms. Bryan responded that when it was a school the traffic consisted of employees arriving at around 8 AM, and then leaving around 4 PM, with no activity between the two times. Now all through the day there is traffic coming and going from the Cleveland St. entrance, which she believes should be closed. Mr. Cavuoti added that the training center gets between 50 to 75 cars for events. He referenced a June 2011 email from Mr. Crowe that noted the presence of an 18-wheeler unloading in the front parking lot and noise of forklifts and the fact that this was a zoning violation. He said that all traffic should access the rear parking areas with a new driveway that could be located between Wings 2 and 3 – there was 30 or 40 feet of space that would allow for this. Mr. Gattshall responded that it would cost \$75,000 to \$100,000 to pave a new road into the back and there was not funding for this.

Mr. Cavuoti noted that the warehouse just should not be there. Mr. Gattshall said that it cost \$60,000-\$75,000 annually to use Matthews Storage for the warehouse, again there was no funding for this.

Mr. Bryant noted that the US Foods 18-wheeler truck was back and had been seen twice last week cutting through the neighborhood to get to the elementary school. Mr. Gattshall noted that the driver had been told not to do this and he would make sure the message got through.

Mr. Euzor said he used to deliver supplies to schools, which got regular deliveries of food, classroom supplies - each school had a warehouse function. A resident pointed out the difference was this warehouse is a central hub on a larger scale.

Mr. Cavuoti said that the neighbors did not want the pocket park and this was recommended by someone who lived two blocks away. Mr. Gattshall said the School District did not have the funding for this park. Mr. Crowe said that this was suggested for the PUD but would not happen unless the neighbors supported it.

Mr. Crowe was asked about some confusion about the PUD already being considered by the City. Mr. Crowe said that this was another issue that involved revamping the PUD ordinance to allow PUDs in public land use categories. This change did allow the use of a PUD for the warehouse. Commissioner Kitchens said that she had opposed this ordinance and had voted against it. Mayor Myers noted that this PUD ordinance change provided the City with more flexibility to deal with development issues and neighborhood protection.

Mr. Crowe again went over the next steps of the Planning Board meeting and then City Commission consideration of this item. Mayor Myers thanked everyone for attending and the meeting ended at 6:55 PM.

Meeting summary by Thad Crowe.



Case 11-43 1001 Husson Ave.

Request to Amend Comprehensive Plan Map from RL to PB, and Rezone to from R-1A to PUD/PBG-1

Applicant: James Padgett on behalf of Putnam County School District

STAFF REPORT

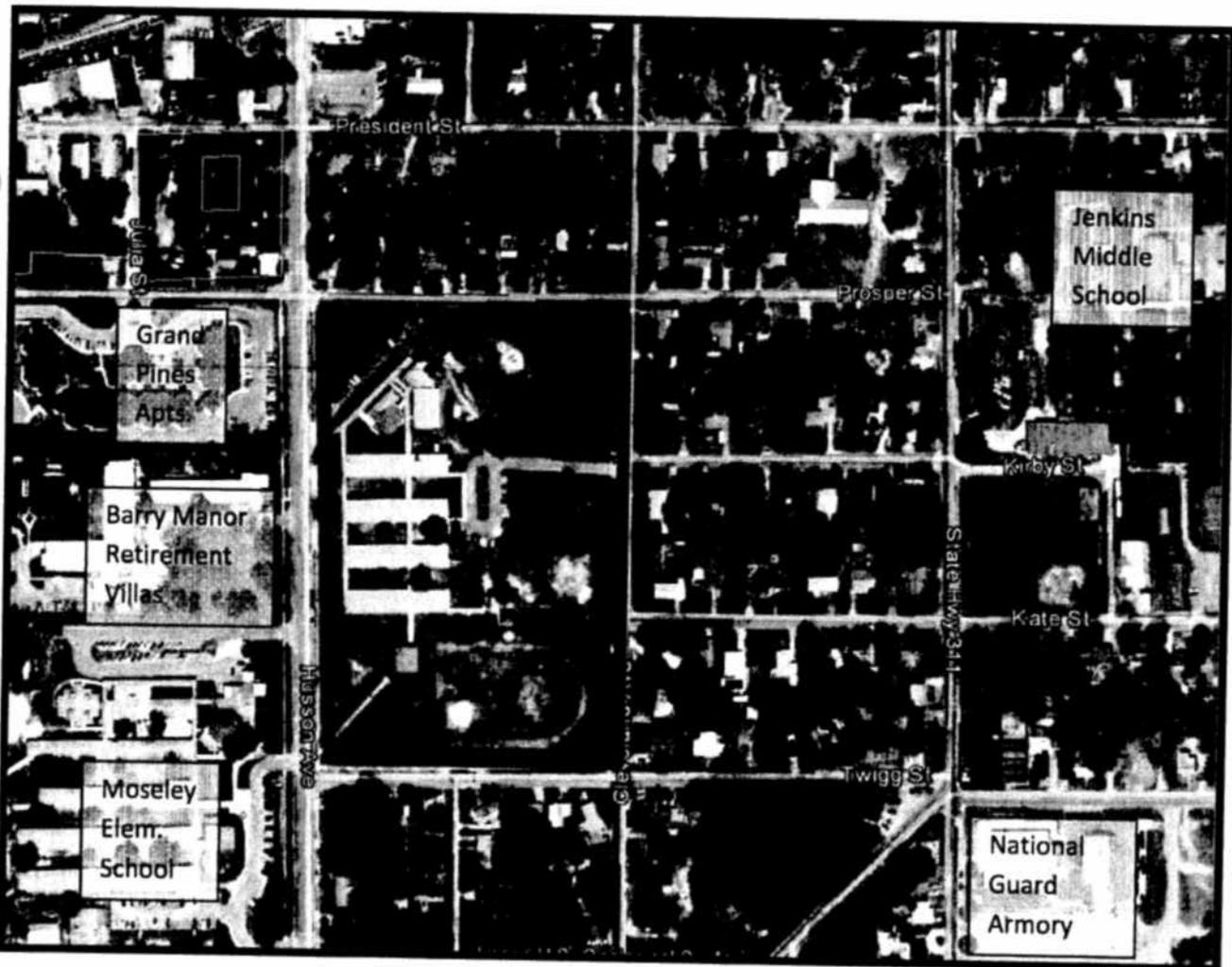
DATE: May 24, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To amend Comprehensive Plan Future Land Use Map (FLUM) from RL (Residential Low Density) to PB (Public Buildings and Grounds) and rezone from R-1A (Residential, Single Family) to PUD (Planned Unit Development)/PBF-1 (Public Buildings and Grounds). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).



*Figure 1:
Property
Location*

APPLICATION BACKGROUND

The Board heard this item at their May meeting, and while members were supportive of a compromise between the School District and adjacent residents, they did not feel that either side had reached consensus and recommended denial of the applications based in particular on the incompatibility of the warehouse use with the adjacent residential neighborhood.

The item went to the May 10, 2012 City Commission meeting (see attached minutes) and after lengthy discussion and public input, the Commission voted 4-1 to remand this matter back to the Board. This decision was based on the premise that the School District was amending their application significantly enough to warrant reconsideration by the Board, specifically in regard to the length of time for the "sunset" of the warehouse function, and possibly for closing the Cleveland Avenue vehicle access.

Staff has repeated the conditions that went to the Planning Board with the exception of the two shaded conditions, which are based on the Commission discussion and the need to firmly resolve residents' concerns. Please note that as this is the School District's application they must agree to these conditions, and if they do not Staff would recommend denial of the rezoning request.

RECOMMENDATION

Staff recommends approval of the Comprehensive Plan Map from RL to PB, and of rezoning from R-1A to PUD/PBG-1 with the following conditions:

1. *Surplus vehicles shall not be stored on the property.*
2. *Surplus sales shall not be held on property.*
3. *Forklift alarm shall be maintained at the OSHA minimum sound level.*
4. *Fenced in lawn crew's equipment and trailers shall be stored in areas with high privacy fence.*
5. *Outdoor hallways will limit items stored in halls (only in case of emergency).*
6. *All ~~delivery trucks~~ vehicles shall enter and exit the facility from Husson Ave., specifically from the loop driveway, and the Cleveland and Prosper Streets vehicle exits shall be closed.*
7. *The School District Annex is to be utilized primarily for school district offices and training, with accessory and ancillary uses of a warehouse and storage of equipment and materials for the District's custodial and landscaping maintenance functions. The use of a school is also allowable.*
8. *The warehouse use shall cease by July 1, 2013.*
9. *Building uses and all other activities are limited to what is shown on site plan.*
10. *Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.*
11. *All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.*
12. *The PUD will allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.*
13. *Existing trees on the site shall be preserved.*

ATTACHMENTS: CITY COMMISSION MINUTES, 5/10/ 2012
 PLANNING BOARD MINUTES, 4/3/2012
 PLANNING BOARD STAFF REPORT FOR APRIL MEETING
 FUTURE LAND USE AND ZONING MAP
 BUILDING LAYOUT MAP
 APPLICATION PROJECT NARRATIVE
 NEIGHBORHOOD MEETING NOTES

Case 11-43 1001 Husson Ave.

Request to Amend Comprehensive Plan Map from RL to PB, and Rezone to from R-1A to PUD

Applicant: James Padgett on behalf of Putnam County School District

STAFF REPORT

DATE: March 12, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To amend Comprehensive Plan Future Land Use Map (FLUM) from RL (Residential Low Density) to PB (Public Buildings and Grounds and rezone from R-1A (Residential, Single Family) to PUD (Planned Unit Development). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

This property is located in the Husson Ave. corridor in the southwestern part of the City, and comprises a full block bounded by Husson Ave. to the west, Prospect St. to the north, Cleveland Ave. to the east, and Twigg St. to the south.

The property under consideration currently has single-family land use and zoning. The table below shows site and surrounding property use classifications (see also attached maps).

Table 1: Use Classifications

Property	FLUM	Zoning	Existing Use
Site	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	School District Annex
Property to North	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	Single-family residences
Property to South	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	
Property to West	RH (Residential, High Density) PB (Public Buildings & Grounds)	R-3 (Residential, Multiple-Family)	Grand Pines Retirement Home Moseley Elementary School
Property to East	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	

PROJECT ANALYSIS

The old Moseley Elementary School was closed in ??? due to declining enrollment. The building was re-utilized for offices, training and for the District's warehousing function, which had formerly taken place at the Matthews Storage warehouse on Reid St.

While schools are allowed in residential land use and zoning districts, once the school use ceased and the office/warehouse function commenced this constituted a violation of the Comprehensive Plan and Zoning Code. The principal use of the property office (with accessory uses of training and warehousing) requires nonresidential land use and zoning. School District staff has stated that at the time this change occurred they were not aware of the violation. The description of the RL FLUM category in the Comprehensive Plan's Future Land Use Element notes that lands within this land use category are "intended to be used primarily for

housing and shall be protected from intrusion by land uses that are incompatible with residential density.” While schools are considered to be compatible with residential uses, office and warehouse uses are not.

Prior to this Planning Director’s presence, this property was included in a list of “housekeeping” comprehensive plan amendments developed last year by the former Director. At their June, 2011 meeting the Planning Board considered this and other amendments for School District properties that were designed to create Comprehensive Plan Map conformance (as stated schools are allowed in residential land use categories, but for purposes of clarity staff had decided to put school and other public properties in the Other Public Facilities land use category. At this meeting the Board heard testimony from residents living near the warehouse and decided to remove this property from the recommended list of FLUM changes that went on to the City Commission for consideration. Therefore the FLUM amendment that would have been the first step to legitimize the warehouse use went no further.

Before the Planning Board action a formal Code Enforcement complaint was received on June 1, 2011 regarding the School District warehouse at 1001 Husson Ave. Staff visited the site on June 20th and observed that the site was being used for warehouse purposes. On that day an 18-wheeler and a smaller delivery truck were both parked in the driveway in front the building that faces Husson Ave. and Prosper St. and workers were unloading trucks using forklifts. This activity was occurring within around 130 feet of adjacent single-family homes along Prosper Street and the noise of the truck’s idling engines and the beeping of the forklifts was easily heard from those properties. There was also a sign in front of the building noting “School District Warehouse.”

After reviewing all applicable codes, Staff sent two code violation notice letters to the School District (see attached Aug. 5 & Aug 8, 2011 letters) and set a 60-day time period in which the School District either had to cease the warehouse use or apply for a land use amendment and rezoning to allow the Annex activities. The School District’s attorney filed an application for FLUM amendment to PB (Public Buildings and Grounds) and a rezoning application to Planned Unit Development. The PUD zoning was chosen in order to provide the opportunity to reach agreement with the neighborhood on how the Annex might continue to operate with specific conditions of approval. At the time of application Staff was in the process of amending the Zoning Code to allow PUDs in a wider range of land use categories including PB and also to revise the PUD standards to provide for higher quality development and neighborhood protection. The applications remained in the pending category and the code violations stayed until the PUD changes were adopted by the City Commission on March 8, 2012.

Public participation has been an important part of this process. Residents have attended Planning Board and City Commission meetings regarding the Annex FLUM change and the PUD changes. Twelve residents provided input at a meeting with the Mayor and Staff on July 28th, 2011 and following that meeting residents met with the Mayor and School Superintendent twice, once on the property. The Mayor, Staff, School District Facilities Director, and School District Attorney met with residents on February 27, 2012 – a letter noticing this meeting was sent to all property owners within 400 feet of the Annex. A final meeting was held on ? to present draft PUD conditions to residents.

The Moseley Warehouse is in the RL (Residential, Low Density) comprehensive plan map (land use) category and the R-1A (Single-Family Residential) zoning district. As a standalone use the warehouse use would require

the more intensive OPF (Other Public Facilities) or IN (Industrial) FLUM category. (Lands within the OPF category are intended for use as “potable water, sanitary sewer treatment facilities, transportation, stormwater / drainage control structures, etc.”) However as an accessory use to the main office use, the warehouse use is allowed in the COM or PB category, the latter being preferable if it is intended for public uses like a Schools facility.

Once within the PB FLUM category, the facility would require one of the following three options:

1. a zoning of PBG-1 accompanied by a conditional use for outdoor (warehouse activities) or PBG-2, which allows as permitted uses “public use and/or public service activities which are of a more intense level than the PBG-1 district” (the PBG-1 district allows “public buildings serving the city, county, state or federal government, museums, schools, hospitals, libraries and community centers.”).

The second alternative would be the IN land use category, which would only be useful because it allows for a Planned Unit Development (PUD) zoning (the OPF category does not allow a PUD). A PUD is a “negotiated”/customized zoning district that could provide for special provisions reflected in a potential agreement between the School District and the neighbors.

The issue of compatibility is important and should be explored and defined. The compatibility of schools is attributable to the connection of such facilities with surrounding neighborhoods - as many children walk to school and residents view schools as familiar institutions and benefit from the green space that school facilities provide. While there are hundreds of people housed at schools, most don’t drive and therefore traffic does not impact residential neighborhoods. The traffic that does occur is limited to peak hour times in the morning and mid-afternoon, and by around 3:30 PM and over the weekend schools are empty and quiet, while many other nonresidential uses continue to function.

More specifically, the following additional elements are accepted elements of compatibility, some of which are more measurable than others.

- Development and building scale
- Vehicle and pedestrian impact
- Visual, noise, and other sensory impacts (noise, glare, odor)
- Aesthetic considerations
- Psychological factors
- Property values

The table below attempts to compare the school use and the annex use.

Table 2: Compatibility Table

Compatibility Indicator	School Use	Annex Use
Scale		Same
Vehicle trips - daily	260 ^{1,2}	100 ¹
Pedestrian trips - daily	32	0
Vehicle trip frequency	AM & PM Peak Hours	AM & PM Peak Hours (60 trips), with visitor & staff traffic throughout day
Employees	?	58
Visual impacts	Bldgs/Grounds, School Buses,	Bldgs/Gounds, vehicles, employees,

	vehicles, employees, students	18-wheelers & delivery trucks
Aesthetic considerations	Neighbors do not seem to have concerns	18-wheelers and delivery trucks present an industrial appearance that is out of context with neighborhood
Psychological factors	Neighbors view as positive neighborhood institution	Neighbors view warehouse use negatively, while not objecting to office & training use
Property values	Unknown	

** estimates based on March 7, 2012 traffic counts*

Based on the comparison above the inference can be made that while a school use might present higher traffic impacts and present an appearance and impacts that are out of scale with a residential area, the warehouse use presents aesthetics and psychological factors that negatively affect the neighborhood. The appearance of industrial activities such as the unloading of 18-wheelers, however sporadic that might be, is objectionable to residents. Another factor of neighborhood concern is the cut-through traffic by employees and visitors of the Annex, some of whom are travelling from Beasley Middle School, two blocks west on Prospect St. or Twigg St., or are just avoiding Crill Ave. traffic when travelling from the downtown administration building or other areas. Pertaining to the psychological aspects of this situation, the warehouse activities and neighborhood traffic might have been overlooked as a part of a functioning school, given the connection between the neighborhood and the school, but now that the Annex functions as a use that is disconnected from the neighborhood they are less forgivable.

Since there is no longer an active application to remedy the zoning and comprehensive plan violation that is occurring, we will need applications for a land use amendment to OPF and rezoning to PBG-2. These applications should be filed within a 60-day time period from the receipt of this letter. Once an application for land use and zoning change is filed, the City's Code Enforcement efforts will not proceed until resolution of the requests. Land use amendments and rezonings are acted upon by the City Commission, with a recommendation from the Planning Board.

As a follow-up to the previous letter sent to you regarding this violation of the Zoning Code and Comprehensive Plan, I wanted to further clarify the options available to you given the recent interpretation of this department.

1. Cease warehouse operations within 60 days and utilize the property in accordance with its current land use and zoning, which only allows single-family uses (if the operations continue beyond the 60 days without any actions below taken to appeal the interpretation or remedy the violation the case will be remanded to the Code Enforcement Board and penalties will be assessed).
2. Appeal the administrative interpretation that the warehouse is in violation to the Board of Zoning Appeals.
3. Apply for a Conditional Use permit to re-utilize the property as a school.
4. Apply for the previously mentioned land use amendment and rezoning alternatives (to PB land use and PBG-2 zoning or to IN land use and PID zoning).
5. Apply for an alternative land use category and zoning (such as Residential, Medium Intensity land use and R-3 Multi-Family zoning), which would allow for less-intensive office uses under the Conditional Use permit process.

Future Land Use Analysis

F.S. 163-3187 provides amended criteria for consideration of small scale comprehensive plan amendments under, shown in italics below (staff response follows each criterion, and comprehensive plan extracts are underlined). Please note that while this property exceeds the small-scale amendment threshold of 10 acres, F.S. 163.3187(c)4 provides a Rural Economic Development Incentive for amendments that are up to 20 acres (the property is 12.4 acres in size).

Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.

The application is in keeping with the following objective and policies (underlined) of the comprehensive plan, and does not conflict with other plan elements.

Goal 1 9J-5.006(3)a; F.S.187.201(16)3

Preserve and protect the City's natural resources and quality of life by establishing a pattern of development that is harmonious with the City's natural environment and provides a desired lifestyle for City residents.

Objective A.1.1 9J-5.006(3)(b)1; F.S. 187.201(16)1, 5

Upon Plan adoption, the City shall coordinate future land uses with the appropriate topography, adjacent land uses, soil conditions, and the availability of facilities and services.

Policy A.1.8.1 9J-5.006(3)(c)5

The Land Development Regulations shall include alternative available land use control techniques and programs such as Planned Unit Developments.

Planned Unit Developments may be used to protect safety restricted or environmentally sensitive areas but also may be used to increase the potential for developing water/sewer systems and more effective drainage systems. PUDs also shall benefit from the potential of receiving "density bonuses" for incorporating benefits which serve a public good into the development (See Policy A.1.9.3.8 Overlays).

Policy A.1.8.2 9J-5.006(3)(c)5

The Land Development Regulations shall include provisions for Planned Unit Developments as an optional overlay designation. PUDs shall be permitted within any land use area through land use amendment procedures defined in s. 163.3187, Florida Statutes.

Policy A.1.9.3

Land Development Regulations adopted, to implement this Plan shall be based on the following land use standards:

A. Land Use Districts

5. Public Buildings and Grounds (11 acres)

Lands designated in this category of use include a broad variety of public and quasi-public activities such as schools, churches, government buildings, hospitals, etc. The intensity of development in this land use category,

as measured by impervious surface, shall not exceed 65 percent. The maximum height shall not exceed 40 feet.

Provide analysis of the availability of facilities and services.

The property is in close proximity to a range of urban services and infrastructure.

Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

Provide analysis of the minimum amount of land needed as determined by the local government.

Not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

Demonstrate that amendment does not further urban sprawl, as determined through the following tests.

- ☐ *Low-intensity, low-density, or single-use development or uses.*
- ☐ *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
The location is not a rural area and is within the Palatka urban area.
- ☐ *Radial, strip, isolated, or ribbon development patterns.*
Not applicable since this is not commercial development.
- ☐ *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
Not applicable since this is existing development.
- ☐ *Development that fails to maximize use of existing and future public facilities and services.*
This property is well-situated to utilize existing and future public facilities and services.
- ☐ *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
Given their location with an urban service area, these properties can be efficiently served.
- ☐ *Development that fails to provide a clear separation between rural and urban uses.*
These properties are within an urban area.
- ☐ *Development that discourages or inhibits infill development and redevelopment.*
Not applicable as this property is within a developed urban area.
- ☐ *Development that fails to encourage a functional mix of uses.*
- ☐ *Development that results in poor accessibility among linked or related land uses.*

Rezoning Analysis

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff response follows each criterion).

1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change is in conformity with the comprehensive plan.

As previously noted, the application is in keeping with the following objective and policies of the comprehensive plan, and does not conflict with other plan elements.

b. The existing land use pattern.

The properties are existing uses and are consistent with current County and proposed City single-family residential FLUM and zoning designation.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

Properties in the vicinity that are in the City have zoning that is either single-family or two family. The character of the neighborhood is generally single-family.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

As existing single-family uses, impacts to City facilities will be marginal.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

See response to c. above.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

Conditions have not changed.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

The change will not adversely affect living conditions as the uses are compatible single-family uses in regard to the surrounding neighborhood.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

i. Whether the proposed change will create a drainage problem.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

Not applicable as these are existing uses.

k. Whether the proposed change will adversely affect property values in the adjacent area.

See response to g. above.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Not applicable as these are existing uses.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Providing a zoning designation to a property that is compatible with the existing use and surrounding neighborhood is not a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Not applicable as the City single-family zoning will be the same as the current County zoning.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

See response to g. above.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Not applicable due to existing use.

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.

Not applicable.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of Case 11-30 and 11-34: annexation, amendment of future land use map category to RL, and rezoning to R-1A for 2908 and 2920 Kennedy St. (separate motions for each property).

Case 11-43

Request for FLUM Amendment from RL to PB & Rezoning from R-1A to PUD

1001 Husson Ave.

Applicant: James Padgett, PCSD

STAFF REPORT

DATE: February 28, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

Staff held a neighborhood meeting on February 27 with neighborhood residents and representatives of the School District. Some progress was made on building a consensus for PUD conditions, but more work needs to be done. Staff will meet with School District staff next week to try to resolve outstanding issues and then reconvene the neighborhood group for a final meeting. Those involved supported the tabling of this issue until the Board's April meeting to allow for ongoing discussions and a possible resolution of issues.

Recommend tabling item until April 3, 2012 meeting.

*Agenda
Item*

6

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Adoption for Comprehensive Plan
Amendment adding Future Land Use
Element policy extending CRA through
December 27, 2043

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
2. Planning Board Minutes Excerpt
3. Planning Board Staff Report

MEETING DATE: June 28, 2012

ISSUE: The Community Redevelopment Agency (CRA) and Commission are also considering a companion resolution to extend the CRA timeframe for the same time period. The request passed on first reading at the May 10th Commission meeting. The proposal is in keeping with the City's Comprehensive Plan.

The ordinance was transmitted to state agencies for review and has come back to the Commission for final adoption.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

This instrument prepared by:
Thad Crowe, AICP
Planning Director
City of Palatka

ORDINANCE NO. 12 - 28

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA, PROVIDING FOR
NEW POLICY A.1.2.2 OF THE FUTURE
LAND USE ELEMENT OF THE ADOPTED
COMPREHENSIVE PLAN TO EXTEND THE
COMMUNITY REDEVELOPMENT AREA PLAN
THROUGH DECEMBER 27, 2043,
PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 163.3184(3), Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, the Planning Board conducted a public hearing on May 1, 2012, and recommended approval of this amendment to the City Commission, and

WHEREAS, Section 163.3184(3)(b)1., Florida Statutes, as amended, provides that the City Commission may transmit the proposed amendment ordinances and supporting data and analysis to state reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body, and

WHEREAS, Section 163.3184(3)(b)2., Florida Statutes, as amended, provides that state agencies, in response to the City's transmittal, shall provide comments to the City of Palatka regarding adverse impacts on important state resources and facilities by the amendments, and

WHEREAS, the City Commission properly transmitted this amendment to state agencies and did not receive adverse comments from said agencies, and

WHEREAS, Section 163.3184(3)(c)1., Florida Statutes, as amended, provides that the City Commission shall hold a second

public hearing to adopt the amendment within 180 days after receipt of agency comments,

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. Adopted Amendment

That the creation of Policy A.1.2.2, to be inserted into the Future Land Use Element of the adopted Comprehensive Plan of the City of Palatka, is hereby created as shown below.

Policy A.1.2.2

The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan's original sunset of December 27, 2013 has been extended by the Agency and the City Commission to continue with an amended sunset of December 27, 2043.

Section 2. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 3. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 4. Effective date

This Ordinance shall become effective thirty-one (31) days after notification by the state land planning agency notifies the City of Palatka that the plan amendment is complete, or if timely challenged when the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED AND ADOPTED by the City Commission of the City of

Palatka on this 28th day of June, 2012.

CITY OF PALATKA

BY: _____
Its Mayor

ATTEST:

City Clerk



PLANNING BOARD MEETING MINUTES MAY 1, 2012

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Vice-Chairman Earl Wallace, Daniel Sheffield, George DeLoach and Anthony Harwell. **Members absent:** Kenneth Venables, Joe Pickens, Sharon Buck and Joseph Petrucci. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve the minutes as submitted for the April 3, 2012 meeting. All present voted affirmative, motion carried.

Chairman Stewart mentioned the appeal procedures and requested that disclosure of any ex parte communication be made prior to each case.

OLD BUSINESS

Case 11-42 To consider an administrative text amendment to the Future Land Use Element of the Comprehensive Plan to extend the Community Redevelopment Area Plan through November 10, 2043 (Policy A.1.2.2)

Mr. Crowe stated that this is a pretty straightforward amendment to the Comprehensive Plan which is intended to recognize the Community Redevelopment Area (CRA) and Plan and to allow for the extension of the program for 30 years. He added that there are three separate tax increment financing districts within the overall CRA; the Central Business District, the North Historic District, and the South Historic District. He said that all of the notice requirements have been met for the extension and the next step, should this item get the board's recommendation for approval, will be to go to the City Commission for transmittal to state agencies for review and then for final adoption.

Mr. Harwell asked who establishes the guidelines for the tax increment financing (TIF) funds.

Mr. Crowe said the CRA is comprised of the City Commission and several other members.

Mr. Holmes added that the distribution of TIF funds is subject to the statutes, which state that funds can only be spent by for a project that is within the district and that the expenditure has to be something that was contemplated within the adopted CRA plan. He explained that there are currently some pretty clear rulings on how the money is to be spent and to whom it is given to from the State Attorney General's office.

Discussion continued regarding the accumulation and distribution of the CRA funds.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve the request. All present voted affirmative. Motion carried.

NEW BUSINESS

Case: 12-21 To consider Adoption of amended Flood Map as part of Future Land Use Map series of the Comprehensive Plan

Mr. Crowe explained that this is a housekeeping measure that we really have to do. The Future Land Use Map has a series of maps, one being a Flood Plains Map. This map stems from Federal Emergency Management Administration (FEMA) flood zone maps. FEMA is systematically updating flood maps across the country and our update occurred in February. The City also recently replaced its existing Floods Code with the new model code, developed by FEMA, which conforms to the Florida Building Code regarding rules for construction and

Case 11-49
Request to Amend Comprehensive Plan Text
(CRA Timeframe Extension)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: April 23, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to the Comprehensive Plan that would add new Future Land Use Element Policy A.1.2.2 to extend the Community Redevelopment Area Plan through December 27, 2043. Public notice included legal advertisement.

APPLICATION BACKGROUND

The City Commission adopted its Community Redevelopment Area Plan through resolution for the central business district, North Historic District, and South Historic District in 1983-1984. At that time the Community Redevelopment Agency (CRA) was also established. The Community Redevelopment Plan was updated and adopted by the CRA in 2009. The CRA "sunssets" in 2013, and in order to approve and adopt an extension it is necessary to create a Comprehensive Plan amendment and a resolution. The proposed Comprehensive Plan amendment will be located in the **Future Land Use Element** identified as **Policy A.1.2.2**. Per Florida Statutes, since the CRA Plan was adopted by a resolution, any amendment to the CRA Plan must also be adopted by a resolution.

PROJECT ANALYSIS

The purpose of the CRA program is to revitalize downtown Palatka and the surrounding historic neighborhoods. An important funding source for the program is tax increment financing (TIF). TIF established a base year in which property value was determined, and increased tax revenues beyond that year went into the CRA's TIF fund. TIF funds must be used for specific redevelopment purposes that are authorized in the CRA Plan including streetscape projects, signage, landscaping, parking improvements, park infrastructure, and assistance to property owners in the form of improvement grants and loans. CRA-funded programs include façade and building improvement grants and Riverfront Park improvements in the downtown and painting and other residential exterior improvement grants in the North and South Historic Districts.

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan.

This text amendment represents the antithesis of sprawl as it encourages redevelopment in the City's historic urban core. Furthermore, the amendment is in keeping with the following Objective and Policies of the Comprehensive Plan.

Objective A.1.6 9J-5.006(3)(b)7

Upon Plan adoption, the City shall discourage urban sprawl. Land Development Regulations shall be adopted that implement the following policies:

Policy A.1.6.1 9J-5.006(3)(c)

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 9J-5.006(3)(c)3

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

These policies support the revitalization strategies of the CRA program.

STAFF RECOMMENDATION

This proposed text amendment is in keeping with the Comprehensive Plan. Staff recommends approval of Case 11-49, CRA Timeframe Extension.

Attachments: CRA Extension Ordinance and Resolution

*Agenda
Item*

7

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

2nd
ITEM: ~~First~~ Reading - request to amend Zoning Code to allow for outdoor pistol or rifle ranges as conditional use in the M-1 (light industrial) zoning district DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS: 1. Draft Ordinance
2. Planning Board minutes excerpt
3. Planning Board staff report

MEETING DATE: June 14, 2012

ISSUE: Currently outdoor shooting ranges are not allowed in any zoning district, including the M-1 zoning district, a district in which the Police Department's existing range is located. Staff believes that this use is acceptable under certain conditions in this intensive zoning district. This change would allow for the use as a conditional use, which requires Planning Board approval and requires that compatibility and other criteria be met.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

*passed on 1st reading
6-14-12*

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 12 -

AN ORDINANCE OF THE CITY OF
PALATKA, FLORIDA AMENDING AMENDING
SECTION 94-151 TO ALLOW OUTDOOR
PISTOL OR RIFLE RANGES AS A
CONDITIONAL USE IN THE M-1 (LIGHT
INDUSTRIAL) ZONING DISTRICT;
PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, application has been made by the Building and Zoning Department for certain amendments to the Zoning Code of the City of Palatka, Florida, and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Planning Board of the City of Palatka on June 5, 2012, and two public hearings before the City Commission of the City of Palatka on June 14, 2012, and June 28, 2012; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. Zoning Code Section 94 shall be amended as follows.

SECTION 94-151. - *M-1 light industrial district.*

(a) through (d): no changes

(e) *Conditional uses. (Conditional uses are permissible after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses in the M-1 district are as follows:*

(1) *Automotive service stations and truckstops, provided that all structures, including underground storage tanks, are placed not less than 30 feet from any property line. Points of access and egress shall be located not less than 20 feet*

- from the intersection of street lines.
- (2) Bulk storage of flammable liquids subject to the provisions of city or state fire codes.
 - (3) Radio and television transmitting towers.
 - (4) Temporary storage yards for materials to be recycled; provided such storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall not less than six feet high.
 - (5) Any industrial use not specifically permitted or prohibited which is otherwise lawful.
 - (6) Child care facilities.
 - (7) Planned Industrial Developments (PID).
 - (8) Outdoor pistol or rifle ranges.

Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 28th day of June, 2012.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

Case 12-34 Administrative request to amend Zoning Code Sec. 94-151 to allow outdoor pistol or rifle ranges as a conditional use in the M-1 (Light Industrial) zoning district.

Mr. Crowe stated that currently outdoor pistol or rifle ranges are not allowed any district in the City, and only indoor pistol ranges are allowed in the C-2 zoning district, making the current shooting range non-conforming. He said it would be acceptable in certain cases to allow for outdoor shooting ranges, as there is a need for such a use both for public and private firearms owners and that the M-1 zoning district is more intensive and a more appropriate zoning district for this use. The proposed amendment will allow this use through the conditional use process only in the M-1 district. He added that the conditional use process requires a careful evaluation of the location for the use, an important factor given the potential noise impacts of the use as well as issues pertaining to potential soil contamination by lead from bullets.

Motion made by Joseph Petrucci and seconded by George DeLoach to approve the request. All present voted affirmative. Motion carried.

Case 12-29 Administrative request to amend Zoning Code Sec. 94-200 to require that in the case of outdoor promotional sales and temporary goods or commodities sales, sales shall be limited to items that are customarily offered for sale by the principal use which occupies the property where the sale is to be held, and that only the business or entity occupying the principal structure may sell such merchandise.

Mr. Crowe gave a brief overview of the request, stating that the Zoning Code is pretty tough on outdoor activities. There are four types allowed; farmers markets, outdoor promotional sales, special event sales, the sale of seasonal or temporary goods and commodities. He explained that several comments were made by local businesses and citizens and a request was made by the City Commission for staff to look into revising the regulation to protect local businesses from out-of-town interest. Staff approached this change from a zoning standpoint, with regulations that tie outdoor activities to the principal use. He said this amendment would only apply to outdoor promotional sales and temporary goods and that the sale would have it be tied to the business in which the temporary sale is taking place, and would be limited to items that are customarily offered for sale by the principal use. He recommended approval of the request, exempting local financial institutions such as Credit Unions or Banks from the requirement that the products for sale be sold at that property, but they would still have to be a sponsor or be in charge of the sale.

Motion made by Daniel Sheffield and seconded George DeLoach to recommend approval of the amendment to the City Commission with staff recommendations. The vote was four yeas and two nays. Motion carried.

Case 12-33 Administrative request to amend Comprehensive Plan Future Land Use Element Policy A.1.9.3 to remove height limitations for structures within future land use map categories.

Mr. Crowe advised that the Zoning Code and the Comprehensive Plan do not match do not match in terms of height limitations and that the Comprehensive Plan is really a vision document and the development standards are a more appropriate place for these types of details.

Motion by Joseph Petrucci and seconded by Anthony Harwell to approve the request as submitted. All present voted affirmative. Motion carried.

The Board asked that Mr. Crowe research the Zoning height limitations and bring back to the Board at a later date for consideration.

Case 11-49
Request to Amend Comprehensive Plan Text
(CRA Timeframe Extension)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: April 23, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to the Comprehensive Plan that would add new Future Land Use Element Policy A.1.2.2 to extend the Community Redevelopment Area Plan through December 27, 2043. Public notice included legal advertisement.

APPLICATION BACKGROUND

The City Commission adopted its Community Redevelopment Area Plan through resolution for the central business district, North Historic District, and South Historic District in 1983-1984. At that time the Community Redevelopment Agency (CRA) was also established. The Community Redevelopment Plan was updated and adopted by the CRA in 2009. The CRA “sunssets” in 2013, and in order to approve and adopt an extension it is necessary to create a Comprehensive Plan amendment and a resolution. The proposed Comprehensive Plan amendment will be located in the **Future Land Use Element** identified as **Policy A.1.2.2**. Per Florida Statutes, since the CRA Plan was adopted by a resolution, any amendment to the CRA Plan must also be adopted by a resolution.

PROJECT ANALYSIS

The purpose of the CRA program is to revitalize downtown Palatka and the surrounding historic neighborhoods. An important funding source for the program is tax increment financing (TIF). TIF established a base year in which property value was determined, and increased tax revenues beyond that year went into the CRA’s TIF fund. TIF funds must be used for specific redevelopment purposes that are authorized in the CRA Plan including streetscape projects, signage, landscaping, parking improvements, park infrastructure, and assistance to property owners in the form of improvement grants and loans. CRA-funded programs include façade and building improvement grants and Riverfront Park improvements in the downtown and painting and other residential exterior improvement grants in the North and South Historic Districts.

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan.

This text amendment represents the antithesis of sprawl as it encourages redevelopment in the City’s historic urban core. Furthermore, the amendment is in keeping with the following Objective and Policies of the Comprehensive Plan.

Objective A.1.6 9J-5.006(3)(b)7

Upon Plan adoption, the City shall discourage urban sprawl. Land Development Regulations shall be adopted that implement the following policies:

Policy A.1.6.1 9J-5.006(3)(c)

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 9J-5.006(3)(c)3

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

These policies support the revitalization strategies of the CRA program.

STAFF RECOMMENDATION

This proposed text amendment is in keeping with the Comprehensive Plan. Staff recommends approval of Case 11-49, CRA Timeframe Extension.

Attachments: CRA Extension Ordinance and Resolution

*Agenda
Item*

8

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: First Reading - request to amend Planning Code to amend various sections of Historic Preservation ordinance

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS:

1. Draft Ordinance
2. CLG Ordinance checklist
3. Historic Preservation Board minutes excerpt
4. Historic Preservation Board Staff Memo

MEETING DATE: June 28, 2012

ISSUE: The City Commission has directed Staff to pursue Certified Local Government designation, which is a formal partnership with the Florida State Historic Preservation Office and the National Park Service. The City already meets most criteria for CLG designation, such as a base level of protection for designated local historic properties through a design review program for renovation and new construction in historic districts, an inventory of historic properties, and an active historic preservation board. CLG designation also requires a number of elements within a City's historic preservation ordinance. Staff has developed draft revisions to address these elements, and these revisions were reviewed by the Historic Preservation Board at their June 7 meeting, receiving a recommendation of approval from this board. The revised ordinance is attached with this memo, with underlining indicated new text. The CLG checklist is also included with references to the ordinance.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

Certified Local Government Ordinance Internal Checklist

APPLICATION FOR CERTIFICATION

B.1. Requirements of Ordinance

Requirements	Ordinance Citation
a) Purpose clearly stated	<u>Sec. 54-71(a), (b)</u>
b) Authority for appointment of suitable commission	<u>Sec. 54-76(a)</u>
c) Criteria for designation of historic properties clearly defined (shall be based on and consistent with the criteria used by the National Register)	<u>Sec. 54-77(2)</u>
d) Clearly defined process for designation of historic properties including the consequences of designation	<u>Sec. 54-77</u>
e) Boundaries for historic districts and individual properties identified in the ordinance are clearly established	<u>Sec. 54-81</u>
f) Authority for the Review Commission to review and render a decision on all proposed alterations, demolitions, relocations, and new construction within the boundaries designated by the ordinance or which directly affect designated properties	<u>Sec. 54-78</u>
g) Provisions for the delay of demolitions, but not for the indefinite stay of a demolition	<u>Sec. 54-79(b)(4)</u>
h) Criteria for the review of proposals for alterations, new construction, relocations and demolitions clearly set forth in the ordinance (alterations shall achieve the purpose of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings)	<u>Sec. 54-79</u>
i) Provisions for enforcing decisions	<u>Sec. 54-73(c)</u>
j) Penalties for non-compliance	<u>Sec. 54-73</u>
k) Specific time frames for reviews	<u>Sec. 54-78(b)</u>
l) Right of appeal	<u>Sec. 54-74</u>
m) Specific time frames for consideration of development proposals	<u>Sec. 54-78(b)</u>

B.2. Commission

Requirements	Ordinance Citation
a) Minimum of five (5) members (minimum of three (3) members if a population less than 10,000) (Not Applicable)	<u>Sec. 54-76(c)</u>
b) Area of geographic responsibility coterminous with the boundaries of local jurisdiction	<u>Sec. 54-71(a)</u>
c) Appointments made by appropriate local official or appropriate governing body	<u>Sec. 54-76(c)</u>
d) Commission members residents of the jurisdiction which they serve	<u>New Sec. 54-76(c)</u>
e) Terms of office staggered	<u>New Sec. 54-76(d)(5)</u>
f) Terms of office at least two (2) years, but not more than five (5) years	<u>Sec. 54-76(d)(1)</u>
g) Provisions by appropriate local official or appropriate governing body to fill vacancies within sixty (60) days	<u>New Sec. 54-76(d)(5)</u>
h) Provisions for at least four (4) meetings per year at regular intervals	<u>New Sec. 54-76(e)(5)</u>
i) Provisions for recording minutes of each meeting	<u>New Sec. 54-76(e)(4)</u>
j) Provisions for Commission to attend pertinent informational or education meetings, workshops and conferences	<u>New Sec. 54-76(f)(13)</u>
k) Provisions for Commission review of proposed National Register nominations within its jurisdiction	<u>New Sec. 54-76(f)(14)</u>
l) Provisions for seeking expertise on proposals or matters requiring evaluation by a profession not represented on the Commission	<u>New Sec. 54-76(f)(15)</u>
m) Staff sufficient to undertake the requirements for certification and carry out delegated responsibilities	<u>New Sec. 54-73(c)</u>
n) Rules of Procedure adopted by Commission	<u>Draft developed</u>
o) Commission responsibilities complementary to those of the State Historic Preservation Office	<u>New Sec. 54-76(f)</u>

B.3. Survey and inventory of Historic Properties

Requirements	Ordinance Citation
a) Provisions to initiate and continue an approved process of identification of historic properties within the jurisdiction of the Commission (inventory materials shall be compatible with the Florida Site File)	<u>New Sec. 54-76(f)(16)</u>
b) Provision to maintain a detailed inventory of designated districts, sites and structures within the jurisdiction of the Commission	<u>New Sec. 54-76(f)(16)</u>
c) Inventory material open to the public	<u>New Sec. 54-76(f)(16)</u>
d) Provisions to update inventory materials periodically	<u>New Sec. 54-76(f)(16)</u>
e) Assurance that duplicates of all inventory materials will be provided to the State Historic Preservation Office	<u>New Sec. 54-82(5)</u>
f) Provisions to encourage the Commission members to participate in survey and planning activities of the Certified Local Government	<u>New Sec. 54-76(f)(17)</u>

B.4. Public Participation

Requirements	Ordinance Citation
a) Provisions that Commission meetings will be publicly announced	<u>New Sec. 54-76(e)(1)</u>
b) Provisions that Commission meetings will be open to the public	<u>New Sec. 54-76(e)(4)</u>
c) Provisions that Commission meetings will have a previous advertised agenda	<u>New Sec. 54-76(e)(4)</u>
d) Provisions to make meeting records available to the public	<u>New Sec. 54-76(e)(4)</u>
e) Provisions that all Commission decisions will be given in a public forum	<u>New Sec. 54-76(e)(4)</u>
f) Rules of Procedure adopted by the Commission must be available for public inspection	<u>New Sec. 54-76(f)(11)</u>
g) Provisions assuring that appropriate local officials, owners of record, and applicants shall be given a minimum of 30 calendar days and not more than 75 calendar days prior notice to Commission meetings in which to comment on or object to the listing of a property in the National Register	<u>New Sec. 54-77(6)</u>
h) Objections by property owners must be notarized to prevent nomination to the National Register	<u>New Sec. 54-74</u>
g) Provisions for public and owner notification for designation and project reviews	<u>Sec. 54-77(3)</u>
j) Provisions for public hearings for designations and project	<u>New Sec. 54-78(e)</u>

B.5. Satisfactory Performance

Requirements	Ordinance Citation
a) Provide the State Historic Preservation Officer with thirty (30) calendar days prior notice of all meetings	<u>New Sec. 54-82(1)</u>
b) Submit minutes of each meeting to the State Historic Preservation Officer within thirty (30) calendar days	<u>New Sec. 54-82(2)</u>
c) Submit record of attendance of the Review Commission to the State Historic Preservation Officer within thirty (30) calendar days after each meeting	<u>New Sec. 54-82(2)</u>
d) Submit public attendance figures for each meeting to the State Historic Preservation Officer within thirty (30) calendar days of each meeting	<u>New Sec. 54-82(2)</u>
e) Notify the State Historic Preservation Officer of change in Commission membership within thirty (30) calendar days of action	<u>New Sec. 54-82(3)</u>
f) Notify State Historic Preservation Officer immediately of all new historic designations or alterations to existing designations	<u>New Sec. 54-82(4)</u>
g) Submit amendments to ordinance to the State Historic Preservation Officer for review and comment at least thirty (30) calendar days prior to adoption	<u>New Sec. 54-82(7)</u>
h) Submit an annual report by November 1 covering activities of previous October 1 through September 30	<u>New Sec. 54-82(6)</u>
i) Information to be included in annual report (at a minimum) <ol style="list-style-type: none"><li data-bbox="172 1220 683 1262">1) A copy of the Rules of Procedure<li data-bbox="172 1262 805 1304">2) A copy of historic preservation ordinance<li data-bbox="172 1304 683 1346">3) Resume of Commission members<li data-bbox="172 1346 610 1388">4) Changes to the Commission<li data-bbox="172 1388 553 1430">5) New Local designations<li data-bbox="172 1430 610 1472">6) New National Register listings<li data-bbox="172 1472 1187 1514">7) Review of survey and inventory activity with a description of the system used<li data-bbox="172 1514 854 1556">8) Program report on each grant-assisted activity<li data-bbox="172 1556 610 1598">9) Number of projects reviewed	<u>New Sec. 54-82(6)</u>

C.1. Procedures (Certification material contained in this submission)

Requirements

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| a) A written assurance by the chief elected local official that the local government will fulfill all of the requirements of certification | Yes |
| b) A copy of the local legislation | Yes |
| c) A map of the area of jurisdiction of the Commission with any and all existing designated historic districts and individual historic properties clearly identified | Yes |
| d) A copy of the Commission's Rules of Procedure | Yes |
| e) Resumes for each member of the Commission | Yes |
| f) Resumes for Commission staff members | Yes |

Certification

I hereby certify that I have read the Florida Certified local Government Guidelines and agree to comply with all terms and conditions set forth therein.

Vernon Myers, Mayor

This instrument prepared by:
Thad Crowe, AICP
201 N 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 54 OF THE MUNICIPAL CODE (PLANNING, HISTORIC PRESERVATION) OF THE CITY OF PALATKA, FLORIDA PERTAINING TO INVENTORY OF HISTORIC PROPERTIES, PUBLIC PARTICIPATION, RULES OF PROCEDURE, AND REPORTING ACTIVITIES TO THE STATE HISTORIC PRESERVATION BOARD, WITH THE INTENT OF MEETING MINIMUM STANDARDS FOR A CERTIFIED LOCAL GOVERNMENT AS DESIGNATED BY THE FEDERAL AND STATE GOVERNMENTS, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined it is in the best interests of the City of Palatka to partner with the State of Florida State Historic Preservation Office and the National Park Service as a Certified Local Government; and

WHEREAS, the Certified Local Government program requires the local historic preservation ordinance to meet certain minimum standards pertaining to the inventory of historic properties, public participation, and reporting activities to the State, and the City has determined that such changes are also in the best interests of the City of Palatka; and

WHEREAS, application has been made by the Building and Zoning Department, to the City for such amendments to the Planning Code of the City of Palatka, Florida; and

WHEREAS, all the necessary procedural steps have been accomplished, including a public hearing before the Historic Preservation Board of the City of Palatka on June 7, 2012, and two public hearings before the City Commission of the City of Palatka

on June 28, 2012, and July 21, 2012; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendment should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

- Section 1. That the portion of the City of Palatka Municipal Code designated as Chapter 54, Article III (Planning, Historic Districts) shall be amended as shown in the attached Exhibit 1.
- Section 2. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.
- Section 3. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.
- Section 4. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 22nd day of March, 2012.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

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Sec. 54-71. - Intent and purpose of article.

(a) The structures within the city provide visual evidence of the city's significant role in the economic, political and architectural development of northeast Florida, wherein the city for a substantial period in the 19th and 20th centuries occupied a prominent place in a regional tourist and industrial economy. The city has provided the state with political, economic and social leadership, whose values and position is reflected in the structures its members sponsored. The historic districts and sites of the city represent in the homogeneity of their architectural forms the city's legacy of prominence and possess a distinctiveness of character in the visual interrelationship and congruity of their separate elements, the maintenance of each of which is vital to all.

(b) In recognition of the importance of the city's heritage:

(1) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historic, cultural and aesthetic merit are in the interest of the health, morals, prosperity and general welfare of the people of the city. Therefore, the purpose of this article is to:

a. Effect and accomplish the protection, enhancement and perpetuation of districts, structures and sites which represent distinctive elements of the city's cultural, social, economic, political and architectural history;

b. Foster civic pride in the accomplishments of the past;

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- c. Enhance the city's appeal to visitors and thereby support and stimulate the economy;
- d. Protect and enhance property values as a means of stabilizing historic districts and sites of the city; and
- e. Promote the use of historic districts and sites for the education, pleasure and welfare of the people of the city.

(2) It is further declared that the purposes of this article are to:

- a. Retain and enhance those properties which contribute to the character of the historic districts and to encourage their adaptation for current use and to ensure that alterations of existing structures are compatible with the character of the historic districts; and
- b. Ensure that new construction and subdivision of lots in historic districts are compatible with the character of the historic districts.

(Code 1981, § 14-51)

Sec. 54-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means all construction, demolition, relocation or change in appearance of the exterior of a structure. This includes but is not limited to major landscaping; using different roofing or siding material; replacing, eliminating or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, dormers or other ornamentation; or internal alterations. This shall not include repainting with the same or a similar color, but may include extreme variation in color if such repainting is visible from a public right-of-way.

Area means a clear or open space of land, the enclosed space or location on which a structure stands or could stand.

Board means the historic preservation board of the city created by this article.

Certificate of appropriateness means a document evidencing approval of the architectural review board for work proposed by an applicant.

Commission means the city commission.

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Demolition means the act or process of removing all or part of a structure.

Designation report means a document that establishes and defines the historic character and significance of the proposed district, setting forth the criteria upon which the designation and boundaries are based and describing improvements of significance to the district. The report identifies exterior features of each structure that contribute to the district. The report includes a map that identifies the boundaries of the district. The boundaries shall in general circumscribe all appropriate properties that contribute to the significance of the district.

District means a geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Ordinary maintenance or repair means work done to prevent deterioration of a structure or to correct any minor deterioration or decay of a structure or any part thereof by restoring the structure as nearly as practicable to its condition prior to such deterioration or decay.

Relocation means the moving of a structure to a new location or position.

Resources means districts, sites, buildings and structures.

Site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains a historical or archeological value regardless of the value of any existing structures.

Structure means a work made up of interdependent and interrelated parts in a definitive pattern or organization. Constructed by man, it is often an engineering project large in scale.

(Code 1981, § 14-52)

Cross reference- Definitions generally, § 1-2.

Sec. 54-73. - Enforcement; penalties.

(a) *Stop work orders.* A stop work order shall be issued by the building official in any case where work has commenced or preparation for work has commenced, if no certificate of appropriateness has been obtained where one is required by section 54-78. The stop work order shall be issued to the owner, the occupant, or any person commencing work or preparation for work in violation of this article. The stop work order shall remain in full force and effect until a certificate of appropriateness has been

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obtained or it has been determined by the board that no certificate of appropriateness has been obtained where one is required by section 54-78

(b) *Penalties.*

(1) Any person who violates any provision of this article shall be punished as provided by section 1-10

(2) Any person who files with the board any application or request for a certificate of appropriateness and who refuses to furnish, upon demand by the board, any information relating to such application or request, or who willfully makes any false statement in such application or request, or who, upon such demand, willfully furnishes false information to the board, shall be punished as provided by section 1-10

(c) Administration. The Planning Director shall implement and enforce this ordinance, and shall have knowledge in the areas of historic preservation and planning.

(Code 1981, § 14-58)

Sec. 54-74. - Appeals.

Any person aggrieved by a decision of the board may, within 15 days thereafter, apply to the city commission for a review of the board's decision. Such application must be filed with the city manager in writing. Objections by property owners to National Register nomination(s) must be notarized to be included in the record.

(Code 1981, § 14-59)

Sec. 54-75. - Relationship of article to comprehensive plan.

This article implements and furthers the following objectives and policies of the city comprehensive plan 2005:

(1) 2.1, Future land use element:

- a. Policy A.1.4.
- b. Policy A.1.5.
- c. Policy A.1.5.1.
- d. Policy A.1.5.2.
- e. Policy A.1.5.3.
- f. Policy A.1.5.4.

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g. Policy A.1.5.5.

h. Policy A.1.9.3.

(2) 2.2, Housing element:

a. Objective C.1.5.

b. Policy C.1.5.1.

c. Policy C.1.5.2.

d. Policy C.1.5.3.

(Code 1981, § 14-60)

Sec. 54-76. - Historic preservation board.

(a) *Established.* There is hereby created an historic preservation board of the city.

(b) *Purpose.* The responsibility for carrying out the aims of the article and for preserving and enhancing the character of the districts and sites is hereby invested in the historic preservation board.

(c) *Membership; compensation of members.* The board shall be composed of seven members and one alternate. Members shall be appointed by the city commission and the majority of members shall be residents of the City. Whenever possible, with preference given to property owners within the designated historic districts, the members shall include:

- (1) An architect;
- (2) A property owner within the North Historic District;
- (3) A property owner within the South Historic District;
- (4) A representative of the Putnam County Historical Society;
- (5) A contractor;
- (6) A real estate broker; and
- (7) An attorney.

Members shall be selected on the basis of their interest in preserving historic districts and sites, and they shall serve without compensation.

(d) *Term of members; removal of members; vacancies.*

- (1) All members are appointed for three-year terms.

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(2) Members may be reappointed for consecutive terms.

(3) The city commission may remove members for just cause.

(4) If a vacancy occurs, a new appointment shall be made by the city commission for the unexpired term within 60 days.

(5) Members shall have staggered terms of office. Four members shall begin their terms in the month of November and remaining members shall begin their terms in the month of March.

(e) *Officers; meetings.*

(1) At their first meeting, the appointed board members shall elect officers, who shall serve for terms of one year.

(2) A majority of the members of the board shall constitute a quorum.

(3) The board shall adopt rules for the transaction of its business and consideration of petitions or applications. The rule-making power of the board shall not be final. All rules or regulations will be submitted to the city commission for review prior to final adoption.

(4) All meetings of the board shall be publicly announced and open to the public, with a previously advertised agenda, and all decisions of the board shall be made at such meetings. A and a public record shall be kept of the board's resolutions, proceedings and actions and made available to the public.

(5) The board shall meet at least four times per year at regular intervals at the call of the chairperson and at such times as a majority of the board may determine.

(6) The board may call special meetings according to the rules and procedures adopted by the board.

(f) *Duties.* The board shall carry out a historic preservation program that is complementary to that of the State Historic Preservation Office. It shall be the duty of the board to:

(1) Recommend to the city commission, by means of designation reports, the establishment of historic districts and sites.

(2) Review petitions for certificates of appropriateness required under section 54-78

(3) Develop programs to stimulate public interest in urban/neighborhood conservation and participate in the adaptation of existing codes, ordinances, procedures and programs to reflect

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policies and goals designed to conserve historic districts and sites.

(4) Explore and advise property owners concerning funding and grant sources which might be available for the identification, protection, enhancement, perpetuation and use of historic, architectural, archaeological and cultural resources.

(5) Cooperate with the agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect the concerns and policies expressed in this article; and assist, as a consultant, in the development of proposed and future land use plans.

(6) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement and preservation of resources designated under this article.

(7) Advise the city commission concerning the effects of local governmental actions on resources designated or that appear to qualify for designation under this article.

(8) Conduct regular public meetings and call special meetings.

(9) Recommend to the building official the issuance of a stop work order when it appears that there has not been compliance with the requirements of section 54-78

(10) Otherwise further the objectives and purposes defined in section 54-71

(11) Develop rules and procedures necessary to implement its powers and duties consistent with the provisions of this article, and make these rules and procedures available for public inspection.

(12) Report to the city commission concerning the board's activities at least once a year.

(13) Attend pertinent informational or educational meetings, workshops and conferences when possible.

(14) Review proposed National Register nominations within the jurisdiction of the board.

(15) Seek expertise on proposals or matters requiring evaluation by a professional not represented on the board.

(16) Continue identifying historic properties and maintain a detailed inventory of designated districts, sites and structures within the jurisdiction of the board and compatible with the Florida

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Master Site File. Update inventory materials periodically and allow inventory materials to be open to the public.

(17) Participate in historic survey and planning activities.

(18) Give all board decisions in a public forum.

(Code 1981, § 14-53; Ord. No. 02-01, § 1, 1-10-2002; Ord. No. 09-25, § 1, 5-28-2009; Ord. No. 09-34, § 1, 8-27-2009)

Sec. 54-77. - Procedure for creation of districts and sites.

The city commission shall designate by ordinance historic districts and sites, utilizing the following procedure:

(1) Such designation shall be considered upon recommendation from the historic preservation board acting upon its own discretion or upon petition from a property owners.

(2) The recommendation of the board, in the form of a designation report, shall be based on an adequately documented comprehensive survey performed according to the general standards established by the state historic preservation office and shall adhere to the guideline criteria established for listing in the National Register of Historic Places. The historic district recommended by the board shall be one possessing particular historic, architectural or cultural significance, which:

a. Is associated with events that have made a significant contribution to the broad patterns of our history;

b. Is associated with the lives of persons significant in our past;

c. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d. Have yielded, or may be likely to yield, information important in prehistory or history.

(3) The recommendation prepared by the historic preservation board shall be preceded by a public hearing conducted by the board at which any property or agent or attorney may appear. Such public hearing shall provide for the following:

a. Notice of the public hearing shall be given at least 15 days in advance of the hearing date.

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b. The owner of the property for which the historic designation is sought, or his agent or attorney designated by him in his petition, shall be notified by mail. Notice of the public hearing shall be advertised in a newspaper of general circulation in the city at least one time at least 15 days prior to the public hearing. Notice shall be given by certified mail to all owners of property within 150 feet of the boundary lines of the property for which the historic designation is requested; provided, however, that where the applicant is the owner of land not included in the applicant's application and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 150-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application. For purposes of this provision, owners of adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the city. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto.

(4) The board shall submit its recommendation in the form of a designation report to the city commission within 60 days from the date of the public hearing. The recommendation shall be advisory only and shall not be binding upon the city commission.

(5) Upon receipt of the recommendation and designation report from the board, the city commission shall hold a second public hearing with notice to be given pursuant to the provisions of general law.

(6) The appropriate local officials, owners of record, and applicants shall be given a minimum of 30 calendar days and not more than 75 calendar days prior notice of board meetings in which to comment on or object to the listing of a property in the National Register.

(Code 1981, § 14-54)

Sec. 54-78. - Certificate of appropriateness required; procedure for issuance.

(a) *Submission of plans.* A certificate of appropriateness shall be required to erect, construct or alter a structure or sign located or to be located in a historic district. Every application for a certificate of appropriateness shall be accompanied by plans for the proposed work. As used in this section, the term "plans" shall mean drawings or sketches with sufficient detail to show interior and exterior architectural design of the structure or sign (both before and after the proposed work is done in the cases of altering, repairing or demolishing a structure), including proposed materials, textures and colors, and the plat plan or site layout,

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including all site improvements or features such as walls, walks, terraces, paintings, accessory structures, signs, lights, awnings, canopies and other appurtenances. Such plans shall be promptly forwarded by the building official to the board.

(b) *Review of plans; action by board.* The board shall hold a public hearing at its regularly scheduled meeting or a special meeting to promptly review such plans and shall render its decision on issuing a certificate of appropriateness on or before 60 days from the date that plans are submitted by the building official to the board.

(c) *Notification of decision; issuance of building permit.*

(1) Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant and the building official of the decision of the board. If the board shall have approved the plans, and has issued a certificate of appropriateness, and if all other requirements of the city have been met, the building official may issue a permit for the proposed structure or sign. If the board shall have disapproved the plans, the building official shall not issue such permit.

(2) In a case where the board has disapproved the plans, and denied a certificate of appropriateness, the secretary of the board shall furnish the applicant and the building official with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.

(d) *Failure of board to review plans.* If no action upon the plans submitted to the board by the building official has been taken upon the expiration of 60 days from the time specified in subsection (b) of this section such plans shall be deemed to have been approved and such applicant shall receive a certificate of appropriateness. If all other applicable requirements of the city have been met, the building official may issue the permit.

(e) *Notice of public hearing.* Notice of the public hearing shall be given at least 10 days in advance of the public hearing. The owner of the property for which the conditional use is sought, or his agent or attorney designated by him in his petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the conditional use is sought. Notice shall be given by mail to all owners of property within 150 feet of the boundary lines of the property for which the conditional use is requested; provided, however, that where the applicant is the owner of land not included in the applicant's application and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 150-foot requirement shall

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be measured from the boundaries of the applicant's ownership, including the land not covered by applicant's application. For purposes of this subsection, owners of adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the city. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto.

(Code 1981, § 14-55)

Sec. 54-79. - Criteria for decisions on certificate of appropriateness.

(a) *General considerations.* In reviewing an application for a certificate of appropriateness, the board shall consider the design and appearance of the structure, including the interior, front, sides, rear and roof; materials, textures and colors; and plot plan or site layout, including features such as walls, walks, terraces, plantings, accessory structures, signs, lights, awnings, canopies and other appurtenances. The decision to issue or not to issue the certificate shall be based on the conformance of the proposed work to the Secretary of the Interior's Standards for Rehabilitation. When reviewing a certificate of appropriateness for relocation of a structure, consideration will be given to the immediate surroundings and to the district in which it is located or to be located. The board shall not exercise any control over land use, such as is governed by the zoning ordinance, or over construction, such as is governed by the building code, unless such control is within the intent and scope of this article.

(b) *Specific rules governing decisions.* Before approving the plans for any proposed structure or signs located or to be located in a district, the board shall find:

(1) In the case of a proposed alteration or addition to an existing structure, that such alteration or addition will not materially impair the architectural or historic value of the structure.

(2) In the case of a proposed new structure, that such structure will not, in itself or by reason of its location on the site, materially impair the architectural or historic value of a structure on adjacent sites or in the immediate vicinity.

(3) In the case of a proposed new structure, that such structure will not be injurious to the general visual character of the district in which it is to be located.

(4) In the case of the proposed demolition of an existing structure, that the removal of such structure will not be detrimental to the historic and architectural character of the district, or that,

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balancing the interest of the city in preserving the integrity of the district and the interest of the owner of the property, approval of the plans for demolition is required by considerations of reasonable justice and equity; in the latter event the board shall issue an order postponing demolition for a period of not to exceed three months. If the board concludes that the demolition should be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to appear before the board to offer any evidence he may desire to present concerning the proposed order. Within the period of postponement, the board shall consult with the Putnam County Historical Society board of directors and others to ascertain what the city or other agency or organization may do to preserve such structure and shall make recommendations to that effect to the city commission or otherwise cause the structure to be preserved. This article shall not apply to any permit for demolition which had been applied for, in proper form, prior to the effective date of the ordinance from which this article is derived.

(5) In the case of any proposed new or altered sign, that the sign will not materially impair the architectural or historic value of any structure to which it is attached, or any adjacent structure, and that such sign is consistent with the following provisions:

a. Within the district, signs protruding into or overhanging the public right-of-way are permitted subject to removal on 30 days' notice if the city actually requires the space for any public purpose. Such signs must be of a character and size consistent with maintenance of the district. Existing overhanging signs are hereby approved and will not require further board approval.

b. Rooftop signs are prohibited. Provided the business for which the sign is erected continues to function, existing signs violating this provision may continue in use for a period of five years. Upon application to and approval by the board, such existing signs may be permitted to remain in place for a longer period if the board finds that the sign is consistent with the district.

c. Whirling or flashing signs are prohibited, but may be installed as special exceptions, after application to and approval of the board, if the board finds that such sign is consistent with the block where it is to be erected. Existing whirling or flashing signs shall be subject to the same rules as are set out in this section for rooftop signs.

d. On application to and approval of the board, rules relating to the number and size of signs may be waived for grand openings,

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special sales, seasonal promotions, going out of business sales and similar occasions.

(c) *Form of decision.* Every decision of the board, in passing upon plans for structures or signs located or to be located in the district, shall be in the form of a written order stating the findings of the board, its decision and the reasons therefor.

(d) *Recommendations for changes in plans.* The board shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the board.

(Code 1981, § 14-56)

Sec. 54-80. - Proper maintenance of structures required.

Neither the owner of, nor the person in charge of, a structure within a historic district shall permit such structure to fall into a state of disrepair which may result in the deterioration of exterior appurtenances or architectural features so as to produce or tend to produce, in the judgment of the board, a detrimental effect upon the character of the district as a whole or the life and character of the structure in question.

(Code 1981, § 14-57)

Sec. 54-81. - District boundaries.

(a) *North historic district.* The boundaries of the north historic district shall be as follows:

Palatka North Historic District

(Note: For purposes of this description, the town plan is assumed to be oriented due north/south.)

A tract of land lying in the city more particularly described as follows: Beginning at an intersection of the southerly line of BK 66 P 462, and the westerly shore of the St. Johns River; thence run westerly along the southerly line of said BK 66 P 462 to the easterly Right-of-Way (R.O.W.) of North First Street; thence southerly along said R.O.W. to intersect with the easterly projection of the southerly line of BK 79 P 285; thence westerly along said projection to the southwest corner of BK 174 P 176; thence northerly along westerly line of said BK 174 P 176 to the southerly R.O.W. of Madison Street; thence westerly to the northwest corner of Block 5 as platted in Dick's map of Palatka in MB 2 P 46; thence southerly along the westerly line of Block 5 and extended to intersect with the southerly

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R.O.W. of Main Street; thence westerly along said R.O.W. to intersect the westerly R.O.W. of North Fourth Street; thence northerly along said R.O.W. to intersect the southerly R.O.W. of Madison Street; thence westerly along said R.O.W. to intersect the westerly R.O.W. of North Fifth Street; thence northerly along said R.O.W. to intersect a westerly projection of the northerly line of Block 20 (a.k.a. Merry Days resubdivision of part of Block 20 as platted in MB 1 P 100); thence southeasterly along said projection and along northerly line of said Block 20 to the westerly R.O.W. of North Fourth Street; thence southeasterly to the easterly R.O.W. of North Fourth Street at a point that is the westerly projection of the northerly line of OR 118 P 611; thence along said projection to the northeast corner of said OR 118 P 611; thence southeasterly to intersect the easterly R.O.W. of North 3rd Street and the north boundary of Sunny Point subdivision as platted in MB 3 P 180; thence northeasterly, southeasterly and southwestwesterly along said Sunny Point subdivision to the most northerly corner of BK 149 P 21; thence southerly along the easterly line of said BK 149 P 21 and extended to the northwest corner of BK 211 P 245; thence easterly along northerly line of said BK 211 P 245 and extended to the easterly R.O.W. of North Second Street (also being the westerly line of BK 228 P 250); thence southerly along said R.O.W. to the southwest corner of said BK 228 P 250; thence easterly along said R.O.W. to the southwest corner of said BK 228 P 250; thence easterly along the southerly lines of BK 228 P 250, BK 214 P 267 and BK 218 P 278 to the southeast corner thereof; thence southerly along the westerly line of BK 160 P 169, BK 174 P 589 and BK 159 P 35 to the southwest corner thereof; thence easterly along the southerly line of BK 159 P 35 and extended to the easterly R.O.W. of North First Street; thence northerly along said R.O.W. to the northwest corner of BK 139 P 584; thence easterly along the northerly line of said BK 139 P 584 to intersect the westerly shore of the St. Johns river; thence southerly along the westerly shore of said river to intersect the southwest corner of BK 66 P 462, being the point of beginning, and to close.

(b) *South historic district.* The boundaries of the south historic district shall be as follows:

Palatka South Historic District

A tract of land lying in the city more particularly described as follows: Beginning at the intersection of the westerly shore of the St. Johns river and the easterly projection of the southerly right-of-way (R.O.W.) of St. Johns Avenue; thence westerly along said projection to intersection with the westerly R.O.W. of Memorial Parkway (formerly known as South First Street); thence southerly and southwestwesterly along said R.O.W. to intersect with the northeast corner of BK 159 P 271; thence northwestwesterly along the northerly line of said BK 159 P 271 to intersect with the easterly R.O.W.

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of South Second Street; thence northerly along said R.O.W. to intersect with the easterly projection of the northerly line of Lot 8 Block 12 as platted in Dick's map of Palatka in MB 2 P 46; thence westerly along said projection to the southeast corner of Lot 4 Block 12; thence northerly along the easterly line of said Lot 4 and Lot 3 to the northeast corner of Lot 3; thence westerly along the northerly line of said Lot 3 to the easterly R.O.W. of South Third Street; thence southwesterly to intersect the westerly R.O.W. of South Third Street and the northeast corner of BK 137 P 358; thence westerly along the northerly line of said BK 137 P 358 and extended to intersect the easterly line of Lot 4 Block 14; thence southerly to the southeast corner of said Lot 4; thence westerly along the northerly lines of Lots 2 and 3 of Block 14 and extended westerly along the northerly lines of Lots 2, 3, 4, Block 25, Lots 2, 3, 6 Block 28, Lots 1, 4, 5, 8, 9, 12 Block 38, Lots 2, 3, 6 Block 54, Lots 2, 3, 6 Block 63 to intersect with the westerly R.O.W. of South Ninth Street; thence southerly along said R.O.W. to intersect the northerly R.O.W. of Laurel Street; thence westerly along said R.O.W. to intersect the westerly R.O.W. of South Tenth Street; thence southerly along said R.O.W. to intersect the southerly R.O.W. of Carr Street; thence easterly along said R.O.W. to intersect the westerly R.O.W. of South Ninth Street; thence southerly along said R.O.W. to intersect with the northwesterly R.O.W. of Crill Avenue; thence across Crill Avenue to intersect the northerly corner of Block 146, also being the southwesterly R.O.W. of Morris Street; thence southeasterly along said R.O.W. to intersect the northerly R.O.W. of Emmett Street; thence southwesterly along said R.O.W. to intersect with a northwesterly projection of the southwesterly line of BK 78 P 562; thence southeasterly along said projection and the southwesterly line of BK 78 P 562 and extended to the southerly corner of BK 133 P 252 and continue on same projection to intersect the westerly shore of St. Johns river; thence northeasterly along said river to the point of beginning, and to close.

(Code 1981, § 14-61)

Secs. 54-832-54-110. - Reserved.

Section 54-82. - Coordination with the State Historic Preservation Office.

(1) The State Historic Preservation Officer shall be notified with 30 calendar days prior to all meetings.

(2) Meeting minutes, a record of attendance of the board, and public attendance figures shall be submitted to the State Historic Preservation Officer within 30 calendar days after each meeting.

(3) The State Historic Preservation Officer shall be notified of changes in board membership within 30 calendar days of the action.

EXHIBIT 1
PART II - MUNICIPAL CODE
Chapter 54 - PLANNING
ARTICLE III. - HISTORIC DISTRICTS

(4) The State Historic Preservation Officer shall be immediately notified of all new historic designations or alterations to existing designations.

(5) The State Historic Preservation Office shall be provided duplicates of all inventory materials.

(6) An annual report shall be submitted to the State Historic Preservation Officer by November 1 covering activities of previous October 1 through September 30 containing the following information (at a minimum):

- a. A copy of the Rules of Procedure.
- b. A copy of the historic preservation ordinance.
- c. Resume of board members.
- d. Changes to the board.
- e. New local designations.
- f. New national register listings.
- g. Review of survey and inventory activity with a description of the system used.
- h. Program report on each grant-assisted activity.
- i. Number of projects reviewed.

(7) Amendments to this ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to adoption.

Historic Preservation Board meeting minutes
June 7, 2012 Meeting

Case: HB 12-30

Address: 412 River St.
Parcel Number: 42-10-27-6850-0471-0050
Applicant: Daniel & Jana Wilhite
Request: Certificate of Appropriateness to demolish garage in the South Historic District.

Mr. Crowe said staff has known about this for some time, it originally came to code enforcement as a complaint because it's about to fall down on its own and that staff has been working with the property owner to process this in a timely manner. He noted the structure does not have any significant historical value and recommended approval.

Motion made by Ms. Crabill to approve the demolition of the garage and seconded by Mr. Goodwin. All those present voted affirmative, motion passed.

Case: HB 12-35

Request: Revisions to historic preservation ordinance for compliance with Certified Local Government program.

Mr. Crowe talked about the CLG requirements. He said the application has nearly been completed and will be forwarded for consideration along with the ordinance changes to the Planning Board, and City Commission, which will be followed by mailing the required documentation to Tallahassee.

Motion made by Ms. van Rensburg to approve as presented and seconded by Ms. Crabill. All those present voted affirmative, motion passed.

OTHER BUSINESS Rules of Procedure

Mr. Crowe told the board now is the opportunity to customize, add or change the draft rules of procedure presented in the packet. He added that these are guidelines and not strict ordinance rules.

Motion made by Ms. van Rensburg to adopt the Historic Preservation Board rules of procedure, seconded by Mr. Goodwin. All those present voted affirmative, motion passed.

Other Business continued

Mr. Crowe introduced Ms. Ozor as the Department's new planning intern from the University of Florida and complimented her for helping with the staff reports for this meeting. He said she will be tasked with updating the downtown historic survey.

Other Business Continued

Ms. van Rensburg said she was concerned about the Olive St. issue that recently complained about and turned in to code enforcement for their landscape fence in the front yard.

Mr. Crowe said the ordinance defines a fence as a structure and structures require a certificate of appropriateness. Therefore until the code is changed anyone wanting a fence no matter of its style or use will need board approval. He said the property owner had made application and is scheduled to

MEMORANDUM

DATE: May 30, 2012

TO: Historic Preservation Board members

FROM: Thad Crowe, AICP, Planning Director

RE: Certified Local Government – Required Ordinance Changes

Certified Local Government designation requires a number of elements within a City's historic preservation ordinance. Staff has developed draft revisions to address these elements. The revised ordinance is attached with this memo, with underlining indicated new text. The CLG checklist is also included with references to the ordinance.

Staff presents the revised ordinance to the Board for their review and approval.

*Agenda
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**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Transmittal of Comprehensive Plan Amendment removing height limits from Commercial, Industrial, and Public Buildings and Grounds Future Land Use Map categories

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular Agenda, requiring Commission action

ATTACHMENTS:

1. Draft Ordinance
2. Planning Board Minutes Excerpt
3. Planning Board Staff Report

MEETING DATE: June 28, 2012

ISSUE: This is a staff-initiated comprehensive plan (Future Land Use Element) amendment recommended by the Planning Board at their June 5, 2012 meeting. The change would eliminate height limits in the three future land use map categories (Commercial, Industrial, Public Buildings and Grounds) that have such limitations. The intent is to remove these specific development standards from what should be a broad-based vision document and reserve them for the Zoning Code where are more appropriately housed. On a related note, the Planning Board requested that Staff re-visit height limits in zoning categories to ensure consistency and identify potential development constraints, an item which will be scheduled for the August Planning Board meeting.

Please direct questions regarding this request to Thad Crowe at 329-0103 or tcrowe@palatka-fl.gov

This instrument prepared by:
Thad Crowe, AICP
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 12 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO REMOVE HEIGHT LIMITS FROM FUTURE LAND USE MAP CATEGORIES (POLICY A.1.9.3), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 163.3184, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, the Planning Board conducted a public hearing on June 5, 2012, and recommended approval of this amendment to the City Commission, and

WHEREAS, Section 163.3184(3)(b)1., Florida Statutes, as amended, provides that the City Commission may transmit the proposed amendment ordinance and supporting data and analysis to state reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body, and

WHEREAS, Section 163.3184(3)(b)2., Florida Statutes, as amended, provides that state agencies shall transmit to the City of Palatka comments regarding adverse impacts on important state resources and facilities by the amendments, and

WHEREAS, Section 163.3184(3)(c)1., Florida Statutes, as amended, provides that the City Commission shall hold a second public hearing to adopt the amendment within 180 days after receipt of agency comments, and

WHEREAS, the City Commission properly transmitted this amendment to state agencies and did not receive adverse comments from said agencies,

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. Adopted Large Scale Amendment

That the following policies of the Future Land Use Element of the adopted Comprehensive Plan of the City of Palatka are hereby amended as shown below to provide for the following text change to allow for colleges and universities in the Public Buildings and Facilities Future Land Use Map category.

Policy A.1.9.3

1. no change
2. Commercial (1,210 acres)

Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts, at an overall density of 20 units per acre and subject to additional project density, design and locational standards set forth in these zoning districts (Ordinance # 11-22). *The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel. ~~The maximum height should not exceed 40 feet.~~* Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use. See Policy A.1.3.2.

3. Industrial (258 acres)

Land designated for industrial use is intended for activities that are predominantly associated with the manufacturing, assembly, processing, or storage of products. Industrial land use provides for a variety of intensities of use including heavy industry, light industry, and industrial park operations. Land Development Regulations shall provide requirements for buffering industrial land uses (i.e., sight, access noise) from adjacent land uses of lesser density or intensity of use. The intensity of industrial land

use, as measured by impervious surface shall not exceed 90 percent of the parcel. ~~The maximum height of development shall not exceed 45 feet.~~

4. no change

5. Public Buildings and Grounds (11 acres)

Lands designated in this category of use include a broad variety of public and quasi-public activities such as schools, churches, government buildings, hospitals, colleges and ancillary uses including student residences, administrative offices, and sports facilities, etc and similar uses (Ord. # 12-25). The intensity of development in this land use category, as measured by impervious surface, shall not exceed 65 percent. ~~The maximum height shall not exceed 40 feet.~~

6. Through 9. no change

Section 3. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 5. Effective date

This Ordinance shall become effective thirty-one (31) days after notification by the state land planning agency notifies the City of Palatka that the plan amendment is complete, or if timely challenged when the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 13th day of September, 2012.

CITY OF PALATKA

By: _____
Its Mayor

ATTEST:

City Clerk

through the conditional use process only in the M-1 district. He added that the conditional use process requires a careful evaluation of the location for the use, an important factor given the potential noise impacts of the use as well as issues pertaining to potential soil contamination by lead from bullets.

Motion made by Joseph Petrucci and seconded by George DeLoach to approve the request. All present voted affirmative. Motion carried.

Case 12-29 Administrative request to amend Zoning Code Sec. 94-200 to require that in the case of outdoor promotional sales and temporary goods or commodities sales, sales shall be limited to items that are customarily offered for sale by the principal use which occupies the property where the sale is to be held, and that only the business or entity occupying the principal structure may sell such merchandise.

Mr. Crowe gave a brief overview of the request, stating that the Zoning Code is pretty tough on outdoor activities. There are four types allowed; farmers markets, outdoor promotional sales, special event sales, the sale of seasonal or temporary goods and commodities. He explained that several comments were made by local businesses and citizens and a request was made by the City Commission for staff to look into revising the regulation to protect local businesses from out-of-town interest. Staff approached this change from a zoning standpoint, with regulations that tie outdoor activities to the principal use. He said this amendment would only apply to outdoor promotional sales and temporary goods and that the sale would have to be tied to the business in which the temporary sale is taking place, and would be limited to items that are customarily offered for sale by the principal use. He recommended approval of the request, exempting local financial institutions such as Credit Unions or Banks from the requirement that the products for sale be sold at that property, but they would still have to be a sponsor or be in charge of the sale.

Motion made by Daniel Sheffield and seconded George DeLoach to recommend approval of the amendment to the City Commission with staff recommendations. The vote was four yeas and two nays. Motion carried.

Case 12-33 Administrative request to amend Comprehensive Plan Future Land Use Element Policy A.1.9.3 to remove height limitations for structures within future land use map categories.

Mr. Crowe advised that the Zoning Code and the Comprehensive Plan do not match do not match in terms of height limitations and that the Comprehensive Plan is really a vision document and the development standards are a more appropriate place for these types of details.

Motion by Joseph Petrucci and seconded by Anthony Harwell to approve the request as submitted. All present voted affirmative. Motion carried.

The Board asked that Mr. Crowe research the Zoning height limitations and bring back to the Board at a later date for consideration.

Case 12-31 Administrative request to amend Comprehensive Plan Public Facilities Element Policy D.1.2.1 to provide for exceptions, based on economic development and system efficiency considerations, to the requirement that properties receiving City water or sewer that are contiguous to the city limits be annexed, and the requirement that properties receiving City sewer service be within the City limits.

**Request to Amend Comprehensive Plan Text
Remove Height Limits from Future Land Use Categories
Applicant: Building and Zoning Dept.**

STAFF REPORT

DATE: May 29, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to Comprehensive Plan Future Land Use Element (FLUE) Policy A.1.9.3 removing height limits from Future Land Use Map categories. Public notice included legal advertisement.

APPLICATION BACKGROUND

The following table shows height limits for structures as set forth for FLUM categories as well as for zoning categories.

Table 1: Comprehensive Plan and Zoning Code Structure Height Limits

FLUM category	Height Limit	Zoning Category	Height Limit
Residential	None	R1AA, R-1A, R-1, R-2	35 feet
		R-3, R-4, HD (historic)	None
Commercial	40 feet	C-1A	35 feet
		C-1, C-2, C-3	None
		DB & DR (downtown)	60 feet
Industrial	45 feet	M-1	50 feet
		PID (industrial)	45 feet
Recreation	None	ROS	
Public Buildings and Grounds	40 feet	PBG-1	None
Other Public Facilities	None	PBG--2	
		AP-1 & AP-2 (airport)	Det. By FAA
Conservation	None	CON	20 feet
Agriculture	None	OR	35 feet
All FLUMs		PUD	None

It is not clear why some Future Land Use Map categories have height limits and others don't. The table also demonstrates that FLUM height limits often contradict allowable heights for zoning categories within specific FLUM categories. Since the Comprehensive Plan "trumps" zoning, commercial and public categories that have no height limits would be subject to the FLUM height limit. Notwithstanding the general confusion of these contradictions, the FLUM restrictions could also hamper potential development projects. For example, the St. Johns River State College plans for a performing arts center and residence buildings, both of which would probably exceed the 40-foot height limitation set in the Public Buildings and Grounds category. Or a potential

Downtown or SR 19 multi-story building would be disallowed by the overall Commercial FLUM category 40-foot height limit.

On a more basic level, the Comprehensive Plan is intended to be more of a vision document and should not be “cluttered” up with specific development standards, which are more appropriate within zoning regulations.

For the reasons above, staff recommends that height limits be eliminated for FLUM categories. If the Board is concerned about zoning height limits, staff can revisit these in a future application.

PROJECT ANALYSIS

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan.

This policy change would not further urban sprawl as it merely clarifies that a height limit is a specific development standard more suitable for a zoning code than a comprehensive plan.

STAFF RECOMMENDATION

Staff recommends eliminating height limits in the Commercial, Industrial, and Public Buildings and Grounds Future Land Use Map categories of the Comprehensive Plan.

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**PRESS RELEASE:
6/12/12**



**City of Palatka
201 N. 2nd Street
Palatka FL 32177**

www.palatka-fl.gov

For more information regarding this press release, contact Betsy Driggers, City Clerk; 386-329-0100 ext. 211 or bdriggers@palatka-fl.gov

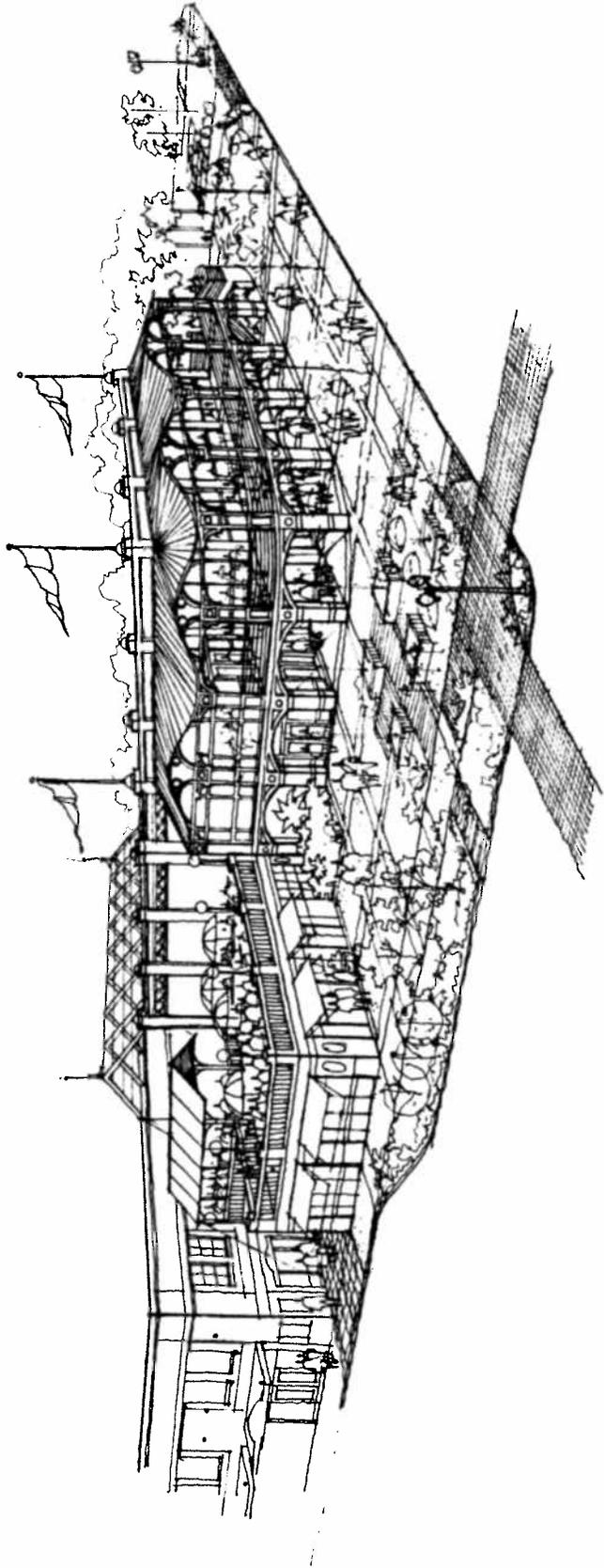
RE: Environmental Education Facility

The City of Palatka, in partnership with Georgia-Pacific Corporation, wishes to invite the public to a presentation to unveil proposed plans for an environmental education facility located on the St. Johns River in Downtown Palatka. This presentation will be held at the Price-Martin Community Center on Wednesday, June, 20, commencing at 6:00 p.m.

The primary focus of this new facility will be to enhance the awareness, knowledge and appreciation of the fascinating history and diverse ecology of the St. Johns River and its system of lakes, creeks and wetlands.

Please join us for this event as we prepare for this exciting Downtown project. For questions regarding this project, please contact Jonathan Griffith at 386-329-0100 ext 230, or via e-mail at jcgriffith@palatka-fl.gov

THE PUBLIC IS INVITED AND ENCOURAGED TO ATTEND.



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The following is a DRAFT of the minutes of the called meeting held on the 20th day of June, 2011. THIS DRAFT IS SUBJECT TO AMENDMENT, CORRECTION AND IS NOT A TRUE AND CORRECT COPY OF THE MINUTES OF THESE PROCEEDINGS.

**MINUTES
CITY OF PALATKA
June 20, 2012**

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 20th day of June, 2012.

PRESENT: Mayor Vernon Myers
 Commissioner Mary Lawson Brown
 Commissioner Allegra Kitchens
 Commissioner Phil Leary
 Commissioner James Norwood, Jr.

Also Present: City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Police Chief Gary Getchell; Fire Chief Mike Lambert; Main Street Manager Charles Rudd,

CALL TO ORDER: Mayor Myers called the meeting to order at 1:00 p.m. and read the following call, issued on June 8, 2012:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND JAMES NORWOOD, JR.:

You are hereby notified a special called meeting of the Palatka City Commission is called to be held at the regular meeting place of the City Commission at City Hall, 201 N. 2nd Street, in the City of Palatka, Florida, to commence at 1:00 p.m.

The purpose of the meeting is to hold Developer Interviews for the Riverview Property Redevelopment Project, Phase I.

/s/ Vernon Myers
Vernon Myers, MAYOR

The following commissioners acknowledged receipt of a copy of the foregoing notice of a special meeting on the 8th day of June, 2012.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Phil Leary
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

INVOCATION – Commissioner Norwood

PLEDGE OF ALLEGIANCE – Led by Mayor Myers

CITY OF PALATKA REQUEST FOR DEVELOPER PROPOSALS, due 6/1/12 - Mayor Myers noted in the RFP, issued 3/2/12 and received 6/1/12, they requested any proposal for the Phase I redevelopment of Palatka's Riverview Property. A set of criteria containing six requirements were set forth in the RFP and those are the criteria these proposals should be evaluated upon. The order of presentation of these submissions were drawn by lot.

Developer Submission – Palatka Vision, in association with Synergy Const. – Charles B. Palmer, 4004 Shady Oak Court, Lake Mary, and Jeff Rawls, 1100 Carr Street, Palatka, were present for Palatka Vision.

Mr. Palmer said he has done almost a billion dollars worth of financing and has personally built around \$250,000,000 in developments, and has paid off those notes. His associate, Gerald Hardage, is a construction manager with many years of experience. His resume is included in the submission package. They also have BJ Miller, a qualified, intelligent individual involved in redevelopment of downtown areas in a number of cities. Her resume is included in the submission. In terms of a general team, the developer side and economic side, they have joined with Jeff Rawls, a local builder/contractor, who loves the City and has done a lot of public work.

Mr. Rawls said Synergy was established in 2001 and has had an office in Palatka since 2003. He moved here in 1988 and Palatka is home for him. They don't publicize a lot of their work they do in the background. They have a lot of talent in their operation. They participate in the Lee Conlee House in many of the building programs and maintenance needs. They've recently teamed up with Home Depot for a Bread of Life project and other community projects. They are a small business certified by HubZone. 35% of their employees live in the HubZone. They hire unskilled labor and teach trades. These are unskilled labor with a desire to work and they learn all aspects of construction. This project is a perfect opportunity to take unskilled, unemployed people and teach them a skill set and offer them a job at the same time, and build a workforce from within the City. There is a lot of work they could be doing if they had skilled labor and the economic resources. The 100 block would provide the perfect environment or unskilled people to learn construction skills. He has spoken with PHA about setting up a construction school, which he would be personally involved with. This would be a large part of that.

Mr. Palmer said they did not respond with a specific set of buildings, plans, etc. What this does is says that they certainly feel that the 100 block is the 'keystone' to the City. The whole focus is to do something appropriate with those buildings. In a general sense they should be retained. They feel this building can be rehabbed; the questions is whether or not you can retain the whole buildings, which would make it eligible for historic tax credits, or just retain the facade, which does not enable retention of those credits. They did a walk through study which gives some sense of the level of work involved. He has spoken to their investors and bankers and some of the downtown merchants, and couldn't get a grip on the economics. Economic times have changed. Their proposal calls for a public/private working relationship where they and the City both put dollars into this and do a current social economic demand analysis. They feel they need to focus on low to moderate income housing. This needs to be an economic stimulus for the City. If they work on the 100 block buildings and ignore the rest of downtown, they do not see where the service is. 70% of all consumer retail spending takes place after 6 pm. After 6 pm shopping and the economy goes outside the City. They can put some establishments in that building that will provide an economic stimulus. Students won't bring an economic stimulus downtown. Women make up 80% of consumer spending. They need to bring the spending back into the City.

Their proposal is to form a public purpose workshop to bring current economic data to the table to entice 3rd parties to invest in the project.

Commissioner Leary asked if they read the RFP, as all the things he is talking about is supposed to be submitted with the Plan. They don't need an economics 101 class; they need bricks and mortar proposals and he does not see that in his proposal. Mr. Palmer said that is because their belief that just rehabbing or replacing the 100 block buildings won't satisfy the City's long terms needs nor benefit the downtown merchants. To spend a current market feasibility study and then come back to the City is not an economic process any more. It used to be when they made lots of money on developments; this doesn't work today. He suggested if they want to move forward, his recommendation is to keep them on a very tight leash, create deadlines and keep them accountable. Synergy Construction would love to be part and parcel of the construction. He understands the point of view, but believes it not to be realistic.

Commissioner Kitchens said she is not a Planner. They set forth the requirement of the RFP and expected those to be answered. The basic requirements have been met in the past. She complimented Mr. Rawls on his construction talents, and Mr. Rawls and Mr. Palmer on meeting Criteria #1, Design Request – the proposed development shall not encompass any of the Riverfront Park. On items 2, 4, 5 and 6, those weren't complied with. It may be unrealistic, but this is what they requested. As for financing, she understands that times are tough, she is also concerned about various liens in some of their backgrounds and wonders how that would affect their ability to receive loans. They have received background information on both developers and she would very much like the City Attorney to be here to address these points. If they vary from what the RFP says, they need to resubmit this to everyone and ask all groups to come in with the same request for general information.

Commissioner Brown said Mr. Rawls does a great job. She expected more of a vision for the 100 Block. They have studied these blocks and the Downtown extensively; there is lots of data available. They've had people come in and get public opinion. They need to see a visionary plan and a finance plan. People are tired of the wait. If they don't get innovative and visionary, they will remain stagnant. They wanted to see how they could finance this. The City has some ways of participating in this, but they have to come up with a finance plan. Until they see that, she doesn't see how they can pass this along and wait further.

Commissioner Norwood complimented Mr. Rawls on the design of the Annie Mae Spells apartments and is excited to hear of his proposed construction training program. As to the proposals, he agrees with the Commission that it is incomplete. He wants to understand if they understood if the 100 block would be an obstacle, why they didn't give an alternate proposal for development? Mayor Myers noted they stated they were in favor of retaining parts of the building. Mr. Rawls said the thought was if they retain the façade on 2nd Street & St. Johns Avenue, you can build apartments on the 2nd floor and build a restaurant in the tall building having mixed use downstairs. This would start an evolution that works its way up St. Johns Avenue. If the entertainment district begins at 4th Street and goes east to the river, that would revitalize the area, similar to what Deland has done. No one wants the big square footage buildings any more. They could put 3 – 4 million into it but never get that money out of it. You could put student housing there, but that won't generate revenue. They wanted to not rethink the RFP. If they had more time they would have been better prepared. They wanted to suggest forming a partnership and synergize the development. They are a small piece of a large puzzle. They want to at least express that part of the development. Banks have CRA money available. They need a consensus from the City and public on what the City wants, instead of proposing something.

Commissioner Leary said he admires Mr. Rawls work as a general contractor. They've run out of time. The City has no money. They are going into next year's budget in a deficit. If they had a clean slate, without those buildings, he'd hoped he'd give both scenarios – one with, one without. He doesn't think they can accept this proposal. Mr. Rawls said they pulled this together in a short period of time. They want to be involved. If they have local talent interested in working on the 100 block, whatever they decide, they should let that happen.

Mayor Myers paraphrased, this is an expression of interest on their part, rather than a formal response. Commissioner Kitchens said the College has no intention of doing student housing downtown. There is no truth to the rumor that the college wants to partner with a developer to put student housing downtown. Whether students live downtown is up to them. She asked if they received a copy of the structural analysis from S&K Construction done late last year? That is available and could give them some insight. They aren't voting on anything today; this is an information gathering session. At a later date they will decide to accept or reject any or all proposals.

Mayor Myers thanked them for their interest. Mr. Rawls said he's seen engineering studies. Engineers all have different opinions. You can build a steel skeleton inside the walls; you can keep the bricks and mortar. As a builder he builds what he's asked to build. If he's asked for design information, he can provide that. He thinks the buildings can be rebuilt. No one is going to put a lot of money into this project because they won't get their money back. If all they are going to do is the 100 block, that won't help much. Mayor Myers said they have to start somewhere. People are tired of the studies. The City has no seed money to facilitate any more studies. He always envisioned retail on the bottom and residential on top. Retail opening on 2nd Street and fronting the rear of the block. As developers, they have to cost it out, run projections on revenues on apartments and retail, and price it out to see if it's economically viable, and that's what they are looking for. All of St. Johns needs help and they are making progress. They are starting with the 100 block. There is an announcement tonight regarding an environmental education center that will be built on the corner of St. Johns & Memorial Dr. This is the smallest piece of the redevelopment. They thought they would start with the smallest piece of the redevelopment concept.

Mr. Palmer said his point is they can run those figures; he's done that for a living for 40-50 years. He's use to going in with heavy-duty current socio-economic data. They have to spend 15 – 20 thousand for that, plus architectural renderings. This is a long, involved process. To separate Palatka Vision from Synergy, they'd like to be involved as a developer and Synergy would like to be involved as a contractor. If they give the Riverfront Developer folks the opportunity to move forward, he suggests they keep a short contractual leash on them. The economy has gotten no better; he doesn't know how they will finance this. If they can say they can do it, by all means accept their proposal. Synergy would be glad to build whatever they want built, and they will be glad to work on the developer side.

Commissioner Leary thanked him for making the point that nothing has changed financially; the money is just not there. This is the point he's been making for some time. Mr. Palmer said there is a lot of public funds to do public housing; he suggests they keep a tight rein on contract benchmarks. Commissioner Kitchens said they aren't making any decision today, and they are still in the running for consideration.

RECESS – 1:45 p.m.

RECONVENE – 2:00 p.m.

DEVELOPER SUBMISSION – Riverfront Development Group, LLC – Corky Diamond, 329 River Street, Palatka, business, 113 Seashell, St. Augustine, FL residence,

introduced Rob O'Leary, one of his team members and a professor at St. Johns River State College, and created all of the drawings they've submitted.

Mr. Redd, who put together the plans, could not be here. He distributed a supplement to the RFP, stating he is not amending the RFP, but supplementing the information. Commissioner Kitchens asked what the difference is. Mr. Diamond said they are supplementing as stated in his response. It talked about providing specific information, specifically cash flow and costs. This specifically speaks to that information. They responded to the RFP point-on. They specifically started with the design statement. Today their sole focus is on the 100 Block. They provided a construction plan, developer entity, and in their response they said if they are fortunate enough to be selected they would submit the backup. Mayor Myers said they can't consider any of the supplemental information.

Mr. Diamond said in their response they said they would provide financial data. They are here today to speak to the restoration of the 100 block building. Their plans are on the Boards, and this contains no new information.

Mayor Myers said the RFP stated they are to address six specific criteria. Mr. Diamond said Mr. Redd could not be here today. He put together the Plan they are referring to. This plan was approved on March 25, 2010. Commissioner Kitchens said the exception of the Plan was not approval of the Plan; each portion of the development has to come back to the Commission as each portion is proposed. Mr. Diamond read from the minutes and said he understands the master plan is conceptual. They want to work through the steps of the Plan. They plan to only talk about the plan for the 100 Block. They've talked to two different parties that want to be placed in the 100 block in the sodded area, which contains .47 acres, or 19,000 square feet. They understand there are to be plans unveiled for a building this evening.

They created an LLC, a single-purpose entity, for the purpose of developing the 100 block only. They put 30 of these together over the years. This is totally owned by Jerry Diamond, his father. This team and team members are very successful people in this field. This is as strong as any team ever assembled for this purpose. He read a letter from Mr. Redd into the record extending his apologies for not being present today as he was required for a court appearance. This was a letter of support for this company and support of his endeavors. They look forward to being a planning/design partner with Riverfront Developers LLC. Mr. Diamond said they have been partnering with Mr. Redd for many years on various projects.

They have spoken particularly about how they will go about renovating these buildings. The materials he submitted, but that won't be read, state the economic forecasts for keeping these buildings solvent. They aren't here to talk about obtaining studies, but to talk about how to finance this redevelopment. They propose to do this by having a college presence. On Nov. 2011 the City Commission said at the top of their legislative priorities said their #1 goal is to bring the college downtown. They finally obtained a special purpose designation on the Riverfront. The designated funding the College has received, or has been earmarked for, is for PECO funds. The SJRSC is one of many colleges set with this funding mechanism. Where they don't have it on this list is in the downtown corridor in this list of designations. Mr. Leary said the legislature has not funded PECO for any colleges in the last two years, and don't plan to. This application is incomplete and doesn't meet the requirements of the RFP. Mr. Diamond said he didn't understand the process, but was here now to tell them they are financially capable of financing this redevelopment. They tried to craft the response in broad terms. They thought there would be a narrowing down process. They are ready willing and able to address each part of this. They have met with the college and handed them a lease. They want to be downtown and the City wants them downtown. Working together they can bring them downtown. Commissioner Leary said he spoke with Mr. Pickens about this, who says differently. He's looked at thousands of diagrams on this. He asked if

they have a Letter of Credit stating they have funds. Mr. Diamond says he's met with TD Bank, who states when the City gives them a contract, to come back to them with that. They cannot just have a letter of credit before a contract or letter of acceptance, they cannot do that. If they are selected, they can negotiate a contract based upon the old lease and work out a contract in one day. They can then go back to the Bank and get commitment letters, and be ready to go. Their goal and plan is to begin before the holidays. Leary said it is his experience that developers have financing in place before the development is accepted. Commissioner Kitchens said they are not voting to accept or deny anyone today. As to Commissioner Leary's statements, she agrees that the six elements were not complied with, at least entirely. As to capitalization of the project, it states the respondent should provide an outline of how the proposed financing will be obtained, and goes on to flesh that out. If he wasn't sure what would be required, he could have contact city representatives. She has spoken to Mr. Pickens and Ms. Miller who has said they are only interested in putting some classrooms in downtown, but have not made any commitment to any developer.

Mr. Diamond asked to speak to the \$3 million they've referenced in their opening statement letter. It's not that they didn't understand the RFP, but they thought they would be given the opportunity to provide specifics at a later date. Their letter states the funds they would be using. He read from the Construction Plan, page 3, paragraph B, speaks to their direction. The projected cost is contained in the opening line of the letter, after "Dear Mr. Myers." Since that time they've come up with hard numbers. They need an opportunity to explain the process; they are not consultants and don't go out and try to raise capital and farm this out. You just can't have a letter of credit before a contract. They believe in less than 90 days of the date they execute a contract, they can have a letter of commitment. Mayor Myers said the letter says absolutely nothing specific. Any financing is going to encompass any of those sources as an option. Mr. Diamond said they have three different avenues to fund this with. Mayor Myers said these are vague. Mr. Diamond said they thought they could bring a more in-depth response, should they be selected. They stated they would bring forward a specific development response.

Commissioner Norwood said he understands what they are saying, but at this point they can't accept new information. The response doesn't meet all of the criteria of the RFP. He understands they said they'd provide more refined information at a later date, but that's not what they asked for.

Criteria # 1 - Design Concept – Mayor Myers said he submitted plans for the 100 Block. Commissioner Kitchens said he speaks of other additions to the "master plan" that encompasses private property as well as public property in the form of 5 additions, including a waterfront restaurant and two other buildings. They also state the redevelopment of the 100 block is the first phase of their proposal. They have included more than the 100 Block. Mr. Diamond said the reason they included that is because in the executive summary, it encourages new ideas and concepts for new development. At the end of the day their sole focus is the 100 block. He wants to talk about that specific goal. They are a group partnership and are financially sound and capable, have a pro-forma cash flow and are able to renovate those buildings.

Development Team – Mayor Myers said this speaks for itself.

Construction Plan – financing, construction commencement and build-out schedule. Mr. Diamond said this is specifically addressed. Mayor Myers said this contains no financing strategies other than the vague references.

Project commencement date states they will commence the day after the permits are issued by the City. Mr. Diamond said they are fortunate that the City has gone through the process of negotiating a contract that is acceptable, although that contract was with the last developer. Commissioner Kitchens said they didn't like everything in the CDP project, and it will come back to the Commission for final approval. Mr. Diamond said

they don't have a lot of issues with the CDP contract and believe they can iron out small differences in a short time.

Completion – they state it will be complete within six months. Mr. Diamond said their partner in a project down south was Lenar Homes. They built five houses in three months. They have a local gentleman here who is a licensed contractor, Lon Seibert, who has a crew of 20 men, who do nothing but historic renovations. They have two crews planning to work on this development per day. They want to have college housing ready in the Fall of 2013.

Developer Entity - Commissioner Kitchens said they required an organizational chart, all parties have been identified, but there is no chart. Mr. Diamond said none of the partners are owners. The LLC is solely owned by his father. He is a managing member. Mayor Myers noted the organization chart is an LLC

Financing – Mayor Myers said they've addressed this. Mr. Diamond asked if they will ever be allowed to look at this information. Mayor Myers said they can't today but can in the future.

Capitalization – provide a basic outline of projected cost and proposed financing of same – Mayor Myers read the provisions of the requirement. He stated that is what they were looking at.

Item 6 – City Participation – Commissioner Kitchens stated the nature of the City's proposed participation shall be stated. The City is willing to consider participating in the process, it notes the City is not in a position to participate monetarily. It states if the developer contemplates any participation that should be outlined. Commissioner Kitchens said the proposal states the LLC won't look to the City for financing, and that goes on to list other avenues of participation, including City participation. Mr. Diamond said he copied the RFP under 'negotiation for agreement." The RFP talks about negotiations of an agreement on page 9. This talks about the review process; looking at the specific development they specifically talk about these elements. They are not asking for City participation. All they want is cooperation in moving forward.

Commissioner Kitchens said she reserves the right to question further.

Mayor Myers said they have two proposals. They will evaluate them based upon the responses to the RFPs and today's interviews. They will make a decision to accept one or reject both on the July 12 agenda. Mr. Diamond asked, when they are evaluating the responses, will they be able to look at the information he provided today? Mayor Myers said they can't accept anything further unless they extend the same courtesy to the other respondent. They have to be fair. Commissioner Norwood said they can't consider new data until they decided whether they can accept one or the other. They can decide whether or not to accept supplemental information at the July 12 meeting.

Mr. Diamond thanked the Commission for the opportunity to submit. If there was a mistake in not providing this information, it is his. He has the financial wherewithal to develop this block. He has the capability. Mayor Myers stated he appreciates Mr. Diamond and his group's interest and thanked him for his work. Commissioner Kitchens said they have to ask the hard questions; they aren't trying to embarrass anyone. They work for the citizens. Mr. Diamond said he hopes for an opportunity to answer more questions.

Adjourn upon a motion by Commissioner Norwood at 3:55 p.m. Seconded by Commissioner Brown.

*Agenda
Item*

12a

The members of the City Manager Interview Committee recommend the following five City Manager semi-finalist candidates to the City Commission for Finalist interviews.

They are, in alphabetical order:

Mike Czymbor

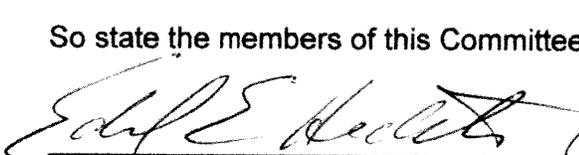
Gary Getchell

Clarence Hulse

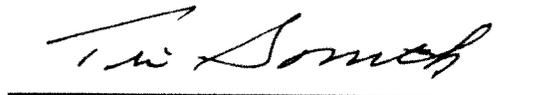
Kraig McLane

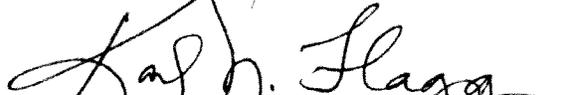
Robert (Bobby) Payne

So state the members of this Committee this 19th day of June, 2012.


Edward E. Hedstrom, Chairman


Donald E. Holmes, City Attorney

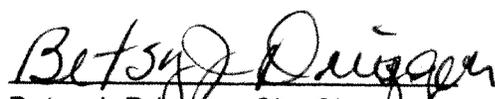

Tim Smith


Karl N. Flagg


Allen R. Bush


Art Leary

ATTEST as to signatures:


Betsy J. Driggers, City Clerk

**THE FOLLOWING IS A DRAFT COPY OF THE MINUTES OF THE PROCEEDINGS
OF A CALLED MEETING OF THE PALATKA CITY COMMISSION HELD ON JUNE 18
AND 19, 2012**

**MINUTES
CITY OF PALATKA
CITY MANAGER INTERVIEWS
June 18 & 19, 2012**

Proceedings of a called meeting of the City Commission of the City of Palatka, Florida, held on the 18th day of June, 2012.

PRESENT:	Mayor	Vernon Myers
	Commissioner	Mary Lawson Brown
	Commissioner	Allegra Kitchens
	Commissioner	Phil Leary
	Commissioner	James Norwood, Jr.

Also Present: City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers;

Also Present: Citizens Interview Panel Members Edward E. Hedstrom, Karl N. Flagg, Allen R. Bush, Tim Smith, Art Leary and Donald E. Holmes.

Mayor Myers opened the meeting at 9:00 a.m. based upon the following call, dated June 8, 2012:

**TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND
JAMES NORWOOD, Jr.:**

You are hereby notified that a special called meeting of the City Commission is called to be held at the regular meeting place of the City Commission at City Hall, 201 N. 2nd Street, in the City of Palatka at 9:00 a.m. Monday, June 18, 2012, and continuing at 9:00 a.m. Tuesday, June 19, 2012.

The purpose of the meeting is to participate in the interview process with the semifinalist candidates for the position of City Manager.

/s/ Vernon Myers
Vernon Myers, MAYOR

The following Commissioners acknowledged receipt of a copy of the foregoing notice of a special meeting on the 8th day of June, 2012.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Phil Leary
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

The following candidates were scheduled for interview on Monday, June 18, 2012:

1. Clarence Hulse 9:00 a.m.
2. Kraig McLane 10:00 a.m.
3. Judith Jankosky 2:00 p.m.
4. Bobby Payne 3:00 p.m.
5. Gary Getchell 4:00 p.m.

The following candidates were scheduled for interview on Tuesday, June 19, 2012:

1. Michael Czymbor 1:00 p.m.
2. Andrew Hyatt 2:00 p.m.
3. John Perez 3:00 p.m.

The Clerk notified the Committee that Ms. Jankosky had notified her she had a municipal emergency come up and would be unable to interview on Monday. Discussion ensued regarding a rescheduling.

The following questions were asked of each Candidate by the Citizens' Panel:

1. Please take a few minutes to tell us about yourself. (3 minutes)
2. Why are you leaving your current position, and what attracts you to this position?
3. Are you familiar with the City of Palatka and the operations of its government?
4. How would you describe your management style? Give some examples of how this relates to your dealings with the public, the staff, the Commission and civic groups.
5. What do you feel are your greatest strengths? Weaknesses?
6. Describe "leadership" and "motivation." How would you handle a situation where an employee exhibited a "bad" attitude, and/or was disrespectful of the public, or of the Commission?
7. Describe your first steps upon assuming responsibility for this position. What do you hope to accomplish in the first year?
8. How should the City Manager relate to the Palatka community as a whole, as well as to individual residents and groups?
9. Describe your experiences with economic development and growth management.
10. Describe your experience in formulating and implementing a budget or capital project.

11. Are you familiar with funding sources for municipal government? Describe some examples of acquiring additional funding sources for economic development and infrastructure projects.
12. In these challenging economic times, how do you propose to attract business to move into the City Limits?
13. Are you familiar with historic preservation strategies, Community Redevelopment Agency/Area (CRA) concepts and use of Tax Increment Financing (TIF) Funds for economic development, restoration and infill?
14. What experience have you had working on an intergovernmental or interagency basis? Describe your experience working with the State and Federal government, County government, councils of government, and other units of local government.
15. The city manager is always on call. In addition to regular City Hall office hours, the city manager is required to work some evenings and weekends for meetings, events and emergencies. Are you able, and prepared, to work a variety of hours, and put in the time necessary to fulfill the duties of this position?
16. What other question did you expect, or hope, that we would ask, and what is your response?
17. (Closing) Do you have any questions of us?

Additional questions for individual candidates follow:

9:00 a.m. – Clarence Hulse:

Mr. Holmes said it looks like most of Mr. Hulse's job tenure has been 2 – 3 years with a high of six years, and a few one year stints, and asked him to explain why he's had so many jobs since 1994.

Mr. Bush asked if he's had to put together a budget while facing a large deficit and had to make cuts?

Mr. Hedstrom asked, with reference to his leaving one of his positions to go into private business, what was that business?

10:00 a.m. – Kraig McLane

Mr. Hedstrom asked Mr. McLane if he currently supervises anyone now, or has in one of his past positions?

Rev. Flagg asked Mr. McLane how he would deal with a Commission that was split on an issue?

Mr. Hedstrom said Mr. McLane's entire working career seems to be with SJRWMD, and there is a vast difference between SJRWMD and the City. SJRWMD is an autonomous group, has more freedom to govern itself and is not directly answerable to the average citizen. In municipal government, that is totally different and opposite. He asked whether he has that opposite mindset, and if he can change it, and if that would create a

problem? If it is a problem, how would he address it? And is he prepared to answer to the citizens?

Mayor Flagg asked what he sees as Palatka's greatest challenge, or barrier, to future success?

3:00 p.m. – Robert (Bobby) Payne

Mr. Holmes asked what position Mr. Payne would take if a member of the Commission did not support the position of the Commission as a whole and came to him and voiced that opposition?

Mr. Bush asked if Mr. Payne could not only take direction from a governing body, but also suggest strategies and direction to that body?

Mr. Smith asked what strategies he would use to keep existing business as well as entice new business?

4:00 – Gary Getchell

Mr. Holmes asked him how he would handle the transition from the role of Chief of Police, from role of perceived "naysayer," to City Manager, who is a facilitator and whose role it is to overcome obstacles, and how he would handle working with the public?

Mr. Smith asked how many employees are with the Police Department.

RECESS - The meeting was recessed at 5:00 p.m. Mayor Myers stated interviews would resume at 1:00 p.m. on Tuesday, 2/19/12.

RECONVENE - Mayor Myers called the meeting back into session at 1:00 p.m. on Tuesday, June 19, 2012, and resumed with the Orders of the Day.

1:00 p.m. – Mike Czymbor

Mr. Holmes asked Mr. Czymbor what were the issues surrounding his departure from Fernandina Beach; specifically, the issue between him and the three Commissioners who were the catalyst for his decision to voluntarily resign his position in Fernandina Beach.

Mr. Holmes asked why he thinks his family would be happy in Palatka?

2:00 p.m. – Andrew Hyatt

Mr. Smith asked the population of Andrews (his current city) and the amount of its annual budget.

Mr. Holmes asked if they have something comparable to a Sunshine Law in Tennessee?

3:00 p.m. – John Perez

Mr. Holmes asked how many employees he now supervises?

Mr. Bush asked if, in his current position, he answers to the City Manager or is a consultant to the City?

Mr. Holmes noted his wife and child are with him today, and asked if they've all had a chance to look around Palatka, and asked whether or not they would be happy relocating here? And if it would be his intent to live in Palatka?

Mr. Smith complimented him on the fact he'd brought his family with him to the interview.

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Interviews were concluded at 3:55 p.m.

The citizen members of the Committee commenced deliberation regarding ranking of the candidates. Mr. Hedstrom noted they are charged with giving the City Commission five names for finalist interviews, in no particular order or ranking of candidates.

The first vote yielded the following results:

Mr. Czymbor, and Mr. Hulse received six votes. Mr. Getchell and Mr. Payne received five votes. Mr. Hyatt and Mr. McLane were tied with four votes.

The second, tie-breaker vote between Mr. Hyatt and Mr. McLane yielded Mr. McLane as the fifth and final finalist chosen.

Members of the Committee signed off on their five chosen finalists and the original copy was provided to the Clerk for the record. The Clerk was asked to notify the five finalists and the Press.

The Clerk stated as this committee had fulfilled its duties in accordance with the instructions from the Commission and had chosen the five finalists for interview, they were discharged and the Committee was sunsetted.

There being no further business to conduct, the meeting was adjourned at 4:50 p.m.