

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

LEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

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

AGENDA CITY OF PALATKA October 28, 2010

CALL TO ORDER:

- a. SEE SPECIAL AGENDA – STUDENTS IN GOVERNMENT
- b. Roll Call

APPROVAL OF MINUTES – 10/14/10

1. PUBLIC RECOGNITION/PRESENTATIONS:

- a. PROCLAMATION – City Government Week – October 24 – 30, 2010
- b. DISTINGUISHED SERVICE AWARD – Kenny Downs
- c. CITY OF PALATKA VETERANS OF ARMED FORCES PERSONNEL RECOGNITION
- d. STUDENT OF THE MONTH – October, 2010 – Mayor Flagg & Vice Mayor Brown

Branden Bennett	Beasley Middle School
Jerome Strong	Browning Pearce Elementary School
Emily Ritch	Children's Reading Center Charter School
Robert Grimes	E.H. Miller School
Deneriya Greene	James A. Long Elementary School
Lauren Futch	Jenkins Middle School
Slaten Sweeting	Kelley Smith Elementary School
Shekia Thomas	Mellon Elementary School
DaeSean Stephenson	Moseley Elementary School
Elizabeth Smith	Palatka High School
Tiera Cleveland	Peniel Baptist Academy

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

3. CONSENT AGENDA:

- *a. Authorize execution of Amendment #2 to a contract with Ayres Associates in the amount of \$15,000 for engineering, plans and bidding assistance for the WWTP Reuse Project Ph IV
- *b. Authorize execution of contract with Ayres Associates in the amount of \$25,500.00 for engineering services for drainage improvements at St. Johns Ave. at 15th St. (FEMA HMPG Grant)
- *c. Issue Class A Special Event Permit for River Blues Festival – per staff recommendations:
 1. Class 'A' Permit for Festival Area Nov. 20 & 21, 2010; 10:00 a.m. – 6:00 p.m.
St. Johns Avenue from 2nd Street through 8th Street
 2. Grant Noise Ordinance Exception during festival hours Nov. 20, 2010; 10:00 a.m. – 6:00 p.m.
(no amplified sound on Sunday, Nov. 21, 2010; 12:30 p.m. – 6:00 p.m.)
Sunday, 11/21/10 prior to 12:30 p.m.)
 3. Close St. Johns Avenue from 2nd Street to 8th Street during festival hours to parking and vehicular traffic.
 4. Set Fees – Class A Permit Fees (2 days @ \$100.00/day); police Security Fees @18.00/hr. per officer for both required and requested security, Green roll-out bins @ \$15.00, Deodorizer @ \$15.00/gallon, and festival to pay all Putnam County Tipping Fees. Estimated fees to be determined and paid prior to festival. Actual fees to be determined after close of Festival.

201 N. 2ND STREET • PALATKA, FLORIDA 32177

AGENDA - CITY OF PALATKA
October 28, 2010
Page 2

- * 4. **PRESENTATION** – Planned Vegetation Management – Tim Wilson, Senior Arborist/Forester, and Jeff Womble, Major Accounts Manager, FPL
- * 5. **PLANNING BOARD APPOINTMENTS** – Appointments for two (2) at-large positions (applicants interviewed at 10/14/10 meeting) Applicants: Joseph Michael Petrucci
Joe Pickens
Clem Saccareccia
- */**6. **REQUEST TO APPROVE AND ACCEPT THE FINAL SUBDIVISION PLAT for Parcel #37-09-26-0000-0060-0082**, consisting of 9.99 acres of property at the northeast corner of Comfort Rd and Crystal Cove Drive east of US Hwy 17 – Environmental Consulting & Design, Agent for Thirty-Ninth Avenue Professional Center, Inc., owner/petitioner - Planning Board Recommendation to Approve and Accept – Tabled August 26, 2010
- * 7. **REQUEST to Issue Permission** to exceed noise levels established by Chapter 30, Palatka Code of Ordinances to John Lyon, owner, Steamboat Willies, from 10:00 p.m. until 1:00 a.m., for the following dates: October 29, November 5, November 12, November 19 – 21 (St. Johns River Blues Festival dates), November 26, November 27, 2010
- * 8. **RESOLUTION** urging citizens to vote in opposition to Florida Constitutional Amendment No. 4 requiring ballot initiatives for all Comprehensive Plan Amendments, no matter the size, per Florida League of Cities Legislative Agenda Request – Adopt
- * 9. **ORDINANCE** amending Chapter 78 of the Code of Ordinances pertaining to Business Tax Receipts to levy a tax on all insurance companies doing business in the City, regardless of their permanent location – 2nd Reading, Adopt
- * 10. **ORDINANCE** repealing Ordinance #87-14 (Chapter 38 of the Code of Ordinances) and adopting the City of Palatka Flood Prevention Ordinance – 2nd Reading, Adopt
- * 11. **ORDINANCE** amending Chapter 94 of the Code of Ordinances to allow sidewalk displays for businesses in the Central Business District – 2nd Reading, Adopt
- 12. **ADMINISTRATIVE REPORTS**
- 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:

October 30 – Halloween Trick-or-Treat 6 pm – 8 pm
November 11 – City Offices closed for Veterans' Day
November 18 & 19 – FLC Legislative Conference in Orlando
November 25 & 26 – City Offices closed for Thanksgiving Holiday
December 23 & 24 – City Offices closed for Christmas Holiday
December 31, 2010 – City Offices closed for New Year's Holiday
January 3, 2010 7:30 p.m. – Oath of Office Ceremony

Board Openings:

Code Enforcement Board	1 Vacancy (Gen. Contractor)
Fire Pension Board	1 Vacancy ("5 th member")
Tree Committee	1 Vacancy
Historic Preservation Board:	1 alternate/1 w/ Legal Experience

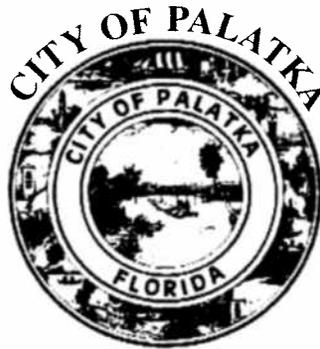
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**SPECIAL AGENDA
JROTC CADETS IN GOVERNMENT
CITY OF PALATKA
October 28, 2010**

1. CALL TO ORDER:

- a. **Invocation – JROTC Cadet Chaplain**
- b. **Pledge of Allegiance – Presentation of Colors**
- c. **Roll Call: Presentation of Honorary "Cadets In Government" City Officials**

Commission:

Appointed Officials:

2. SPECIAL BUSINESS:

- a. **JROTC Cadets in Government**
 1. **Proclamation – PHS Junior ROTC Cadet Corps Day – November 5, 2010**
 2. **Motions**

3. ADJOURN SPECIAL MEETING: Return Gavel to Mayor Flagg

Whereas, city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

Whereas, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

Whereas, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

Whereas, Florida City Government Week is a very important time to recognize the important role played by city government in our lives; and

Whereas, during Florida City Government Week, the City of Palatka has joined with the Florida League of Cities and its member cities to teach students and other citizens about municipal government through a variety of different projects and information; and

Whereas, Florida City Government Week offers an important opportunity to spread the word to all citizens of Florida that through their civic involvement they can shape and influence this branch of government which is closest to the people.

NOW, THEREFORE, BE IT PROCLAIMED by the City Commission of the City of Palatka, Florida as follows:

Section 1. That the City of Palatka does encourage all citizens, city government officials and employees to do everything possible to ensure that this week is recognized and celebrated accordingly.

Section 2. That the City of Palatka does encourage educational partnerships between city government and schools.

Section 3. That the City of Palatka does support and encourage all city governments to actively promote and sponsor "Florida City Government Week, October 24 – 30, 2010."

Commissioners:
Mary Lawson Brown
Allegra G. Kitchens
Vernon Myers
James Norwood, Jr.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

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October 5, 2010

Mr. Kenny Downs
2020 Ashebrooke Lane
Palatka FL 32177

Dear Mr. Downs:

On September 23, 2010, the Palatka City Commission met during regular session and accepted your resignation from the Palatka Code Enforcement Board with sincerest regrets. The citizens of Palatka, City administration and staff benefited greatly from your many years of dedicated service and leadership as a member and Chairman of this Board. We wish you good fortune in your future endeavors.

Florida Statutes requires you to file a Form 1F Final Statement of Financial Interests, with the Supervisor of Elections within 60 days of your leaving public office. A copy of this form is enclosed for this purpose. If you have any questions regarding this form, please contact Betsy Driggers, our Clerk, and she can provide assistance.

The Palatka City Commission would like to extend an invitation for you to appear at its October 28, 2010, 6:00 p.m. meeting in order to present you with a Distinguished Service Award in appreciation for your dedicated service to the citizens of Palatka. Please RSVP to me as to whether or not you will be available to attend this meeting. The City Commission and staff appreciate your dedicated service, community leadership and your dedication to good government.

Sincerely,

Elwin C. "Woody" Boynton, Jr.
City Manager

Enclosure

*Agenda
Item*

3a

October 20, 2010

Mr. Elwin C. "Woody" Boynton, PE
City Manager
City of Palatka
201 North 2nd Street
Palatka, Florida 32177

Re: Wastewater Treatment Facility Modifications/Reuse System Expansion
Amendment #2
Ayres Associates Project No. 30-1604.00

Dear Mr. Boynton:

As requested and in accordance with our previous discussions, please find attached our scope and fee submittal for the value engineering, plans modifications, and bidding assistance for the improvements at the City of Palatka Wastewater Treatment Plant. The previous bids came in over budget and value engineering and plan modifications were necessary to reduce the construction costs. If you have any questions or comments regarding this amendment or any of the documentation submitted please feel free to give me a call.

Sincerely,

Ayres Associates Inc

Daryl R. Myers, PE
Project Manager

Enclosure

cc: File

1.0 SCOPE OF SERVICES

The following will present our scope of services for the value engineering of the improvements at the City of Palatka (City) Wastewater Treatment Facility (WWTF) to bring the project under the budget remaining for the project. The project is funded through a cost share agreement through the St. Johns River Water Management District

2.0 PHASE II – VALUE ENGINEERING BIDDING ASSISTANCE SERVICES

This scope of work is to provide value engineering for the proposed improvements to bring the project construction costs to within the City's remaining budget for this project. Services will include renewing the operating permit and completion of construction plans and specifications for the upgrades/improvements to the treatment and distribution capacity at the WWTP.

Task 1.1 WWTP Value Engineering Plan Revisions

Prepare design drawings, specifications, and other documents needed for the construction of the proposed upgrades and improvements necessary at the WWTP to meet the requirements of the documents prepared for the new operating permit that approved by the FDEP. The upgrades and/or improvements to the reclaimed water system at the WWTP will include:

- **New/upgraded reuse filters**
This task will include plan modifications for the new filters and details necessary to comply with the FDEP operating permit and the Class I reliability standards.
- **New chlorine contact chamber**
This task will include plan modifications for a revised chlorine contact chamber and details necessary to comply with the FDEP operating permit and the Class I reliability standards.
- **New reclaimed water pump station**
This task will include plan modifications and details for the reclaimed water pump station. This will include a new pumps and a redesign of the reuse water system within the plant.

Task 1.2 Bidding Assistance

Completed design drawings and specifications will be assembled for bidding purposes. The following provides a list of tasks to be performed during the bidding phase of this project.

Prepare bid advertisement
File invitation to bid in one (1) major local newspaper to run one time
Coordinate plan sales and maintain bidders list
Conduct one (1) pre-bid meeting with interested contractors and City
Address requests for information from bidders
Issue any necessary addenda during bidding
Tabulate and evaluate bids
Provide recommendation for contract award to City

City of Palatka, Florida
Wastewater Treatment Facility Modifications
Reuse System Expansion - Amendment #2

WORK BREAKDOWN SUMMARY	LABOR CATEGORIES / HRLY BILLING RATES										TOTAL	
	PR	PM	ENG PE	ENG III	ELEC ENG	CADD	Clerical					
	\$ 165.00	\$ 135.00	\$ 115.00	\$ 95.00	\$ 110.00	\$ 75.00	\$ 45.00					
1.1 WWTP Value Engineering												
Reuse Filters Plans & Details			4		4	16						\$2,100.00
Chlorine Contact Chamber Plans & Details			4		4	16						\$2,100.00
Bid Plans & Specifications			4									\$460.00
Subtotal	0	0	12	0	8	32					0	\$4,660.00
1.2 Re-Bidding Assistance												
Advertise Project in Newspaper		2										\$270.00
Coordinate Plan Sales/Bidders List		8										\$1,080.00
Pre-Bid Conference		4										\$540.00
Address RFI's from Bidders		20	10		8	10						\$5,480.00
Issue Addenda		8									8	\$1,440.00
Bid Evaluation & Recommendation		4									2	\$630.00
Subtotal	0	46	10	0	8	10					10	\$9,440.00
Reimbursable Costs												
Reimbursables (Mileage, Shipping, Printing, Copying)												\$900.00
TOTAL - ENGINEERING & REIMBURSABLE COSTS												\$15,000.00

*Agenda
Item*

3b

October 20, 2010

Mr. Elwin C. "Woody" Boynton, PE
City Manager
City of Palatka, Florida
201 North 2nd Street
Palatka, Florida 32177

Re: Hazard Mitigation Grant Program
St. Johns Avenue / Oak Street Drainage Improvements

Subject: Scope & Fee Proposal

Dear Mr. Boynton:

Ayres Associates is pleased to present our scope of services and fee proposal for this drainage project. This scope of work is professional engineering services for drainage analysis and drainage improvement construction plans along St. Johns Avenue from Moseley Avenue to 15th Street.

General Objective

The general objective of this project is to provide a drainage analysis and construction plans for closed drainage collection system along St. Johns Avenue, where there currently is none. The closed drainage collection system will alleviate roadway flooding for the design storm event. This project is funded through the Florida Department of Emergency Management's Hazard Mitigation Grant Program (HMGP) and will involve two phases of work. The first phase is completion of drainage study/design and permitting for the proposed improvement. The second phase will be construction of the proposed improvements. Once the design phase is complete the Florida Department of Emergency Management (FDEM) will review the design and opinion of probable construction cost estimate and perform cost-benefit analysis to determine whether the construction phase can be funded.

Project Description

This project is located on St. Johns Avenue between Moseley and 15th Street. This segment of roadway has two stormwater inlets over a length of 1,000 linear feet of roadway and is the primary reason for the roadway flooding during storm event. The lack of stormwater inlets causes the stormwater runoff to spread across the travel lane and impede the flow of traffic. This project will determine and provide the correct stormwater inlet spacing as well as the correct size of stormwater collection system piping for a design storm event. Engineering/design of drainage improvements will comply with the latest applicable sections of the Putnam County Land Development Code and FDOT design and construction standards.

This project will be designed to convey the runoff from a 10-year design storm event to an existing collection system on 15th Street at the intersection with Oak Street.

Scope of Services

The Scope of Services for the project involves the tasks as listed below:

Phase I – Preliminary Engineering

Survey

Ayres Associates will obtain topographic survey information for construction plans development in accordance with the applicable standards. The survey will establish control for the project and sufficient topographic information to delineate drainage basins. Above ground evidence of utilities along this corridor will be located as well as existing drainage collection features. No right-of-way mapping or legal descriptions will be provided under this scope of work.

Phase II – Design

Drainage Design / Plans Production

Design phase services will include the preparation of plans and specifications for the construction of the drainage improvements. Drainage analysis / design and plans preparation will include:

- (a) Drainage Design/Analysis. Collection/Conveyance Systems design. Drainage design will be in accordance with the applicable sections of the Putnam County Land Development Code as well as FDOT Drainage Manual.
- b) Drainage Plans. Plan sheets, notes, and details sufficient for construction of proposed improvements. The index of drawings for plan set will generally include, but not necessarily be limited to the following:

- A. Key Sheet
- B. General Notes
- C. Project Layout
- D. Drainage Map
- E. Plan and Profile
- F. Drainage Structures
- G. Drainage Details
- H. Utility Conflicts
- I. Erosion & Sedimentation Control Details
- J. Stormwater Pollution Prevention Plan

Where applicable, information can be combined on drawing sheets

Permitting Requirements

During the HMGP grant application Ayres Associates contacted the St. Johns River Water Management District (SJRWMD) to determine if a permit will be required. A telephone conversation with a representative of the SJRWMD indicated that a permit will not be required for this project. A permit determination letter along with a set of preliminary design plans and calculations will be forwarded to the SJRWMD for review. A determination of "no permit required" is expected for this project, since this project does not meet any of the permitting thresholds under 40C-42.026, FAC.

Project Submittal Requirements

60% Design Plans: Three (3) sets of half-sized (11" X 17") drawings will be furnished to the City for review and comment. The drawings will be marked-up and returned for inclusion in follow-on design work. At the 60% completion point, the plans will generally include the index of drawings listed above as well as an opinion of probable construction costs.

100% Design Plans: Three (3) sets of half-sized (11" X 17") drawings and draft specifications will be furnished to the City and FDEM for final review. These drawings will be marked-up and returned for inclusion in the Final Submittal. This may include a meeting with and site visit by the FDEM for review of the project. An opinion of probable construction costs will be submitted with the 100% plans and specifications.

Final Submittal: Comments received from the City and FDEM on the 100% submittal will be incorporated in the plans and specifications. Five (5) sets of half sized (11" X 17") drawings and specifications will be signed and sealed and furnished to the City for their records.

Project Reporting Requirements

Consultant will prepare for submittal to FDEM quarterly reports during the design phase of this project.

Time Schedule

Within ten (10) days after Notice to Proceed (NTP), Ayres Associates will update the schedule provided with actual dates based on the NTP date.

Fee

The total lump sum amount to complete the work is \$25,500.00.

Additional Services

There are no additional services anticipated during the design phase. Should additional services be requested or required, mutually agreed scope, terms, and conditions will be established prior to any work being initiated.

Acceptance

If this proposal is acceptable to you, a signature on the enclosed copy of this letter and initials on the contract terms and conditions will serve as our authorization to proceed.

Proposed by Consultant:

Ayres Associates Inc



Daryl R. Myers, PE
Project Manager

David K. Kemp, PE
Vice President

Accepted by Owner:

City of Palatka, Florida
Owner's Name

Signature

Elwin C. "Woody" Boynton, PE
Name

City Manager
Title

Date

City of Palatka, Florida
Hazard Mitigation Grant Program
St. Johns Avenue / Oak Street Drainage Improvements
October 20, 2010

WORK BREAKDOWN SUMMARY	LABOR CATEGORIES / HRLY BILLING RATES						TOTAL
	PR	PM	ENG PE	ENG EI	CADD	Clerical	
	\$ 195.00	\$ 135.00	\$ 100.00	\$ 85.00	\$ 70.00	\$ 45.00	
Phase I - Preliminary Engineering							
Supplemental Survey (Subconsultant)							\$5,370.00
Subtotal							\$5,370.00
Phase II - Design							
Drainage Design	0	8	8	16	8	0	\$3,800.00
60% Plans	0	4	8	20	40	0	\$5,840.00
Permitting	0	2	4	0	0	0	\$670.00
100% Plans	0	4	0	8	20	0	\$2,620.00
Final Plans	0	2	8	8	8	0	\$2,310.00
Specifications/Final Bid Documents	0	0	16	0	0	0	\$1,600.00
Cost Estimates	0	2	0	4	0	0	\$610.00
Project Reporting	0	8	0	0	0	2	\$1,170.00
Meetings	0	8	0	0	0	4	\$1,260.00
Subtotal	0	38	44	56	76	6	\$19,880.00
Subtotal - Preliminary Engineering & Final Design	0	38	44	56	76	6	\$25,250.00
Reimbursable Costs	Quantity	Unit	Unit Cost				
Mileage	200	MI	\$0.500				\$100.00
Shipping/Postage	1	LS	\$50.00				\$50.00
Plan Printing	100	SHTS	\$1.00				\$100.00
Subtotal - Reimbursable Costs							\$250.00
TOTAL - ENGINEERING & REIMBURSABLE COSTS							\$25,500.00

*Agenda
Item*

3c

MEMORANDUM

TO: MR. BOYNTON, CITY MANAGER
FROM: JEFF NORTON, PARKS & RECREATION MANAGER
SUBJECT: NOISE VARIENCE
DATE: 10/20/2010
CC: BESTY DRIGGERS

A Special Events permit was submitted from Billy Ennis for a "River Blues Festival" event to be held on Nov 20th -21st, 2010.

The hours for the River Blues Festival event are:

- Saturday November 20th, 2010 10am until 6pm
- Sunday November 21st, 2010 10am until 6pm

This event will require a noise variance for the following:

- Saturday November 20th, 2010 10am until 6pm
- Sunday November 21st, 2010 12:30pm until 6pm

This event is also requiring street closures for the Streets listed below during the River Blues Festival hours:

- 2nd and St. Johns thru 8th and St. Johns Avenue.

I recommend the "Noise Variance and Street Closures" be approved for this event.

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

Jeff Norton

*Op5 plan
on Friday*

APPLICATION # 10-42

- (circle one below)
- CLASS A PERMIT – Filing Deadline: 90 days prior to event
- CLASS B PERMIT - Filing Deadline: 30 days prior to event
- CLASS C PERMIT - Filing Deadline: 14 days prior to event

**CITY OF PALATKA
APPLICATION FOR USE OF PARKS, RECREATIONAL AREAS,
RIVERFRONT PARK AND OTHER AREAS WITHIN THE CITY LIMITS**

1. NAME AND ADDRESS OF APPLICANT/ORGANIZER
Palatka Downtown Blues Festival

CONTACT PERSON Billy Ennis TELEPHONE 325-5454
937-3882 cell FAX # _____

2. NAME AND ADDRESS OF PERSON, CORPORATION OR ASSOCIATION SPONSORING THE ACTIVITY, IF DIFFERENT FROM ABOVE

CONTACT PERSON _____ TELEPHONE _____
FAX # _____

3. PLEASE CHECK ONE: NON-PROFIT FOR PROFIT

4. DESCRIPTION AND/OR NAME OF PROPOSED ACTIVITY St. Johns River Blues Festival - A River of Blues

4. DATE & HOURS OF DESIRED USE: Nov 20th + 21st, 2010 10am-1pm

5. PORTION FOR WHICH PERMISSION IS DESIRED (City Dock, Amphitheater, Gazebo, etc.)
2nd Street to 8th Street on St. Johns Avenue

6. REQUEST FOR ROAD CLOSURES: 2nd Street to 8th Street on St. Johns Ave.

7. REQUEST FOR NOISE VARIANCE (Dates and Times): Nov. 20th 10am-1pm; Nov. 21st 1230pm-1pm

8. REQUEST FOR ALCOHOL VARIANCE: _____

9. ESTIMATE OF ANTICIPATED ATTENDANCE 9,000 per day

7. NUMBER AND TYPE OF AUXILIARY VEHICLES/EQUIPMENT _____

8. ARTICLE IV SPECIAL EVENT ORDINANCE: FEES

CLASS A:	<u>X</u>	\$100.00 up to 10,000 in attendance per day	CLASS B:	_____	\$75.00 per day
	_____	\$150.00 10,000 – 40,000 in attendance per day	CLASS C:	_____	\$25.00 per day
	_____	\$200.00 – 40,000 – 80,000 in attendance per day			PLUS 7 % Sales Tax

Any private entity/business(es) who are holding a function on private property that impacts neighboring businesses/residents within the City limits and, impacts City services will be assessed a fee amount accordingly.

Number of Days 2 Fee Required (Yes/No) Yes Check Enclosed? NA

9. OTHER COSTS : Fees will be determined at the pre-assessment meeting with the organizers and the City Department Heads.

10. Arrangements for police services are **REQUIRED** for fishing tournaments with 70 boats or more. Fishing Tournaments and other large event organizers are required to arrange for auxiliary vehicle/trailer parking per accompanying guidelines

IMPORTANT INFORMATION

THIS FORM IS INTENDED FOR RESERVATION PURPOSES ONLY AND DOES NOT CONSTITUTE PERMISSION FOR USES DISALLOWED UNDER PALATKA'S MUNICIPAL CODE. PERMISSION GRANTED FOR USE OF PUBLIC PROPERTY COVERS MUNICIPAL PARK AREAS AND OTHER AREAS WITHIN THE CITY LIMITS. IT **DOES NOT** INCLUDE PERMISSION TO CLOSE PUBLIC STREETS OR HINDER PRIVATE PROPERTY. **Organizers are required** to contact the City of Palatka Parks Department office at 386-329-0100 for pre-planning purposes. ORGANIZERS/APPLICANTS WILL BE NOTIFIED WITHIN 30 DAYS OF ANY COMMENTS THEY MAY HAVE PERTAINING TO THIS EVENT'S ANTICIPATED IMPACT WITHIN THE CITY LIMITS.

Acceptance of your application should in no way be construed as final approval or confirmation of your request.

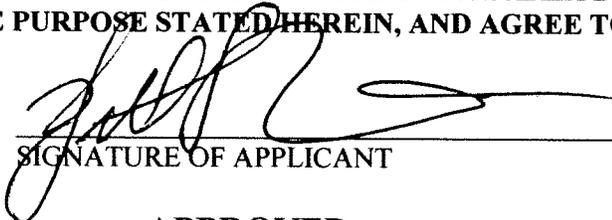
Sec. 50-145. Any person or organization granted permission shall be bound by all park/city rules and regulations and all applicable ordinances as fully as though the same were inserted in this document, except for such rules and regulations as may be waived by such document or the City Commission.

Sec. 50-146. The person or persons to whom permission for use of city property is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permission shall have been issued. Event liability insurance, naming the City of Palatka as an additional insured, is required prior to public events. Event liability insurance naming the City of Palatka as an additional insured is also required if a private event is taking place that will impact the City and the use of City Services.

ARTICLE V NOISE CONTROL Sec. 30-101 – 30-109: Permission for use of city property does not grant an automatic exemption to exceed maximum allowable noise levels. Complaints of adverse effects upon the community or surrounding neighborhood may result in revoking permission for use of City property for this activity.

10. CERTIFICATION: I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS UNDER WHICH THE CITY OF PALATKA HAS GRANTED PERMISSION FOR USE OF THE AREA DEFINED ON PAGE ONE OF THIS APPLICATION FOR THE PURPOSE STATED HEREIN, AND AGREE TO BE BOUND BY SAME.

10/20/10
DATE


SIGNATURE OF APPLICANT

APPROVED:


SPECIAL EVENTS COORDINATOR 10/20/2010
DATE


CHIEF OF POLICE 10/20/2010
DATE

RETURN TO:
JEFF NORTON
SPECIAL EVENTS COORDINATOR
201 N. 2nd Street
Palatka, FL 32177

COPIES TO:
Parks Dept.
Police Dept.
Fire Dept.
Sanitation Dept.
City Clerk

Downtown Palatka, Inc.
Keep Putnam Beautiful
Chamber of Commerce
Palatka Daily News

(FOR ADDITIONAL INFORMATION PLEASE CALL THE PARKS DEPARTMENT OFFICE AT 386-329-0100.)



CITY OF PALATKA PLANNING MEETING PRE-EVENT ASSESSMENT LIST

To be completed by Special Events Coordinator

Meeting Date: _____ Special Events Coordinator: _____

<input type="checkbox"/> Site Sketch Provided <input type="checkbox"/> Tentative Schedule of Events	Event Classification: Class A <input type="checkbox"/> Class B <input type="checkbox"/> Class C <input type="checkbox"/>
--	---

To be completed by applicant with typewriter or print legibly in dark ink.

Name of Special Event/Production: ST. JOHNS RIVER

Type of Event: MUSIC, ARTS, CRAFTS

Type of Event Activities (concerts, street dances, races, contests, competitions, regattas, arts/crafts displays, still/motion picture production, etc. – attach separate listing if necessary) _____
Blues Competition

Location of Event: Downtown Palatka

Requested dates and times of events (not including set-up and tear down):

	Date	Day	Begin	End	
Event Day 1	11/19/10	Friday	6 AM/PM	— AM/PM	Setup
Event Day 2	11/20/10	Saturday	10 AM/PM	6 AM/PM	
Event Day 3	11/21/10	Sunday	10 AM/PM	6 AM/PM	
Event Day 4	—	—	— AM/PM	— AM/PM	
Set-up for event will begin on (Date)	11/19/10		at (time) 6 PM		
Break down will be completed by (Date)	11/21/10		at (time) 10 PM		

Event Sponsor/Organization St. Johns River Blues Festival, Inc.

Name of Promoter: _____ Tax Exempt No.: 27-3358694

Fee Worksheet (to be completed by Special Events Coordinator)

"Class A" Event	"Class B" Event
Daily Fees (see fee schedule) \$ _____	Daily Fees \$75.00/day
Security Fees @ \$18.00/hr/officer	Security Fees @ \$18.00/hr/officer
Green Container Fees @ \$15.00/container	Green Container Fees @ \$15.00/container
Refundable Deposit \$500.00	Public Works Employees @ \$10.00/hr (no charge during normal working hours)

Special Event Permit Fees \$ 100⁰⁰ Per day x 2 days \$ 200⁰⁰

Law Enforcement (City)
Police Officer(s) \$ 18.00 per hour x _____ hours \$ _____

of personnel _____ Total # of hours _____

Public Works Services (Class B only – no charge during regular working hours)
Parks Personnel # _____ x _____ hrs. @ \$ 10.00 per hour \$ _____

Sanitation Personnel # _____ x _____ hrs. @ \$ 10.00 per hour \$ _____

Utilities Dist. Personnel # _____ x _____ hrs. @ \$ 10.00 per hour \$ _____

Sanitation Equipment Fee
green roll-out containers of containers _____ x \$ 15.00 per container \$ _____

Additional Charges (list)

_____ \$ _____
_____ \$ _____

Refundable Deposit \$500.00 Required? (circle one) Yes No \$ _____

TOTAL SPECIAL EVENT FEES (Sponsor/Promoter) \$ _____

To be completed and submitted by applicant prior to meeting with city staff.
City staff will amend checklist as necessary.

APPLICANT INFORMATION:

Name: St. Johns River Blues Festival, Inc
Telephone: 386 3255454 Fax: — Cellular: —
Address: 714 St. JOHNS AVE, PALMIRA, FL 32177

Name: William S. Ennis
Telephone: — Fax: — Cellular: —
Address: SA ME AS ABOVE

Other contacts/Keyholders:

Name: Clem Saccoreccia Telephone: 325-3469
Cellular: — Fax: —

Name: JOHN KEY Telephone: 385-3646
Cellular: — Fax: —

Estimated Peak Number of Participants (each day of event):
Day 1 — Day 2 5000 Day 3 5000 Day 4 — Day 5 —

Type of special effects to include pyrotechnics, explosives, discharging weapons, hazardous materials and/or incendiary devices to be used :
NONE

Number and proposed location of fire protection services: _____

Inspection(s) - Date and time requested: _____

Emergency medical services: Ambulance Location(s) (note on site map): _____

Number of EMS Personnel required: _____

Number and proposed location of portable toilets: (note location on site map)
6 - 3 NEXT TO EACH STAGE

- Carnival location (if any) (note location on site map) NONE
- Number of sanitation roll-out containers required: NONE
- Location of parking/transportation services, if any: NONE
- Type Transport Vehicles (Van, buses, etc.): NONE
- Location of security and emergency vehicle parking on site: PROSPERITY BANK
PARKING LOT
- Public street barricades/street closures/detours: (note locations on site map) Mid 200
BLK TO EIGHTH ST.
- Temporary Parking, directional Signage needed: NONE
- Main emergency vehicle access to site (location – also note on site map): _____
- Location of proposed temporary structures, fences, grandstands, bandstands, judges stands, bleachers, hospitality tents, booths, etc. (note on site map) PROSPERITY BANK / PUTNAM COURT HOUSE. TWO STAGS
- Number and proposed location of vendors, concessions and/or Sponsor/Promoter(s) stands (note on site map): 80-100 vendors
- Number and location of static/mobile displays (note on site map): NONE
- Location of event staff management (headquarters): PROSPERITY BANK
PARKING LOT
- Staff Uniform Identification: BADGES / STAFF T-SHIRT-BLK
- Main sound system location: PROSPERITY BANK / COURT HOUSE
- Number and location of special activities (launching areas, animal attractions, amusements, car shows, parade routes, competition courses, etc.): NONE

- Number and location of temporary signs/banners: RR BRIDGE/Hwy 70
- Number and location of promotional visual effects: NONE
- Watercraft: NONE
- Aircraft: NONE
- Types & Location of On-Site Advertising (banners, balloons, posters, flyers, air structures, signs, etc.): BANNERS EACH END AND SPONSOR STAGE BANNERS
- Date(s) and times of setup/breakdown: FRIDAY/4 PM - Sunday/10 AM
NOV 19 & 21
- Name(s) and Type of Musical Bands to Perform (dates & times of performances): SEE ATTACHED
- Noise Abatement Requirements: Nov 20, 2010 10 AM - 6 PM
NOV 21, 2010 12:30 PM - 6 PM
- Adjoining Properties Impacted (Notification needed?): _____
- Location, Dates and Times for Alcohol Ordinance Open Container Waiver: N/A
- Alcohol Sale Requirements (Temporary license, commercial establishment license, etc.):
N/A
- Handicapped Accessibility: 7th + St. Johns prosperity bank Car-house Parking

Items Outstanding:

- Outstanding Fees: \$ _____
- Site Plan Sketch
- 501(c)(3) Certificate of Exemption,

- Nonprofit Articles of Incorporation AND Charter AND Mission Statement
- Financial Statement (last audit period)
- Consent Letter (event property): property owners on which Special Event location is held (if not held on city property)
- Fire resistive rating certificates (tents, fabric, etc.)
- Schedule Fire, Building/Electrical Inspections
- Schedule Pre/Post Sanitation Inspections
- Example of Special Event vendor permits provided
- Special Event Certificate of Insurance – City as “Additional Insured”
(if carnival, aircraft or watercraft rides are planned, need certificates from those vendors)
List Certificates required: _____

- Required permits (federal, state, local): _____
- Alcohol License (copy)
- Additional Meeting Required (Adjacent Properties, Special Events Committee, others)
- Musical Band Names/Times
- _____
- _____
- _____

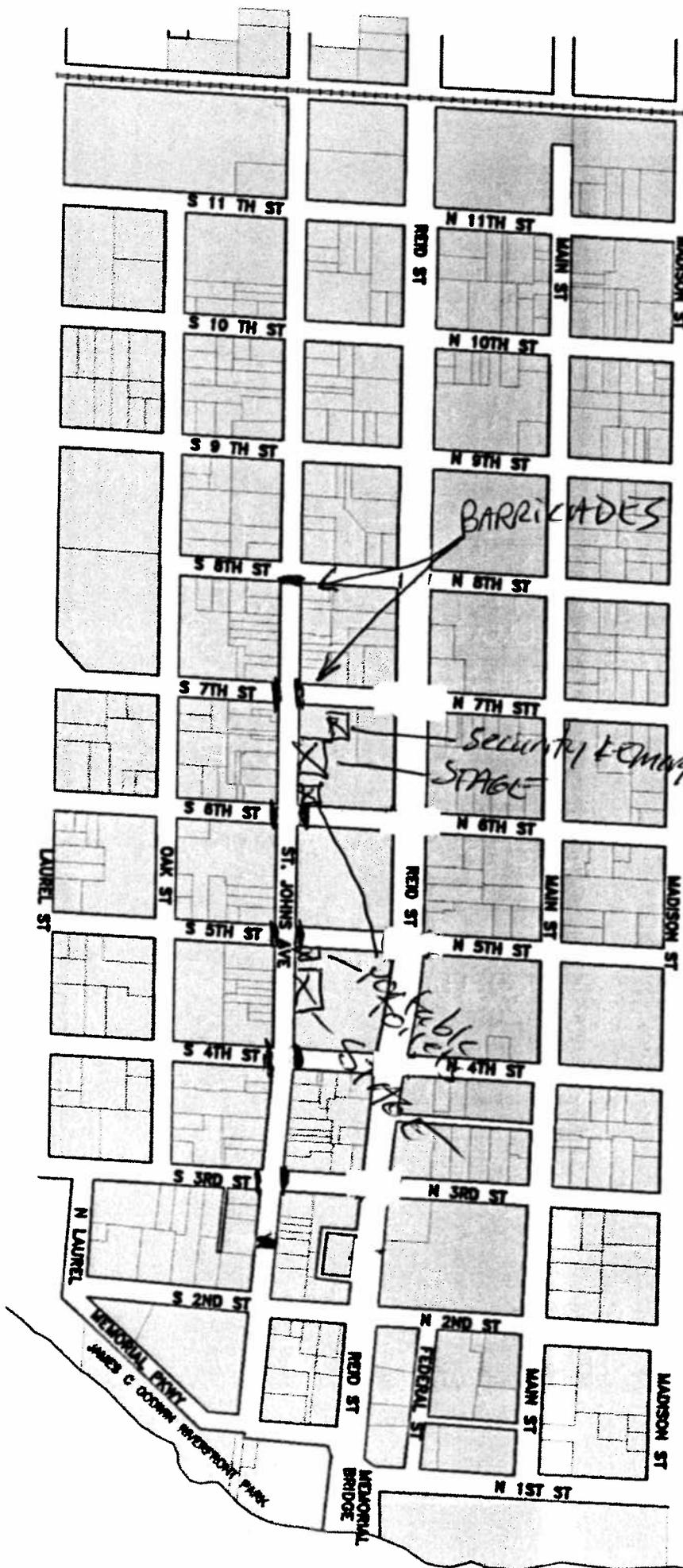
PRE-PLANNING MEETING

Name of Special Event/Production: _____ Date _____

Persons Attending Planning Meeting:

Name	Representing	Position	Phone#

Downtown Palatka



SECURITY & EMERGENCY
STAGE
&
HQ

BARRICADES

SECURITY & EMERGENCY
STAGE

PUBLIC
STAGE

MEMORIAL BRIDGE
JAMES C. OGDEN MEMORIAL PARK

COURTHOUSE STAGE

SATURDAY, NOV. 20TH

- 10 AM - WHISKEY RIVER
- 12 pm - OUT OF THE BLUE
- 2 PM - TROPICAL WHISKEY
- 4 PM - FRANC ROBERT

SUNDAY, NOV. 21ST

- 10 AM - FLORIDA TAZERS (DTB)
- 12 PM - ROCCO BLU (DTB)
- 2 PM - LIL JAKE/SOUL SEARCHERS
- 4 PM - GEORGIA ALLSTARS

DOWNTOWN BLUES

714 ST JOHNS AVE

- FRIDAY, 8 PM - WILLIE GREEN
- SATURDAY, 7 PM - BLUE SMOKE
- SATURDAY, 9 PM - BEN ROBINSON
- SUNDAY, 3 PM - BRIDGET KELLY FIK

PROSPERITY STAGE

SATURDAY, NOV. 20TH

- 11 AM - SPHAMMOND BAND
- 1 PM - BLUES LIGHTNING
- 3 PM - THE ALLIGATOR COWBOYS
- 5 PM - KIM RICKS BLUES BAND

SUNDAY, NOV. 21ST

- 11 AM - WAYNE JOHNSON (DTB)
- 1 PM - THE BLUES-O-MATICS
- 3 PM - SHELBY & THE MUSTANGS
- 5 PM - THE A1A BLUES BAND

STEAMBOAT WILLIES

309 ST JOHNS AVE

- FRIDAY, 10 PM - ERIC CULBERSON
- SAT., 6 PM - ALLIGATOR COWBOYS
- SATURDAY, 8 PM - WILLIE GREEN
- SUNDAY, 2 PM - WILLIE GREEN

Agenda Item

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Betsy Driggers

From: Womble, Jeff [Jeff.Womble@fpl.com]
Sent: Wednesday, October 13, 2010 7:21 AM
To: Debbie Banks; Wilson, Timothy; Betsy Driggers
Subject: RE: City of Palatka

Debbie, I am glad we, especially Tim, were helpful. We are both available on Oct 28 to present to the City Commission as well.

Betsy, Can you set Tim and I up on the Oct 28 agenda? Tim can make a 15 min presentation.

Thanks

Jeffrey Womble
Manager, Major Accounts
Off: 386-329-5102
Cell: 352-317-1324

From: Debbie Banks [mailto:dbanks@palatka-fl.gov]
Sent: Tuesday, October 12, 2010 3:08 PM
To: Womble, Jeff; Wilson, Timothy
Subject: City of Palatka

Jeff and Tim,

I just wanted to thank you both for attending the Tree Committee meeting. Although we did not have a quorum, the ones that complain to me the most were present and it was great how well they received the information! A little education goes a long way!

If you know of sample ordinances that good, please forward them to me. The city has one that I have been working to revise (at the committee's request), however, it's not on the top of my list since I have a Comprehensive Plan evaluation going on.

I'm sure Com. Kitchens will have Betsy Driggers (City Clerk) or Karen Venables (Asst. Clerk) contact you concerning your availability for either October 28th or November 16th to address the City Commission.

Sincerely,
Debbie

Debbie Banks
Director of Building & Zoning
386.329.0103 (phone)
386.329.0172 (fax)
dbanks@palatka-fl.gov

Betsy Driggers

From: Debbie Banks
Sent: Monday, October 18, 2010 12:58 PM
To: 'Wilson, Timothy'
Cc: Betsy Driggers
Subject: RE: City of Palatka
Attachments: image001.gif; image002.png

Tim,

A DVD presentation is possible but please get with Betsy Driggers about that and what your needs may be.

Any sample ordinances would be appreciated!

Sincerely,

Debbie Banks

Director of Building & Zoning
386.329.0103 (phone)
386.329.0172 (fax)
dbanks@palatka-fl.gov

From: Wilson, Timothy [<mailto:Timothy.Wilson@fpl.com>]
Sent: Monday, October 18, 2010 12:54 PM
To: Debbie Banks
Subject: RE: City of Palatka

Debbie,

I think I have some examples from other cities on active street tree ordinances.....some likely will not be from Florida, but the content would apply just the same. I will forward once I find them in my files.

I am looking forward to the City Commission meeting on 10/28/10. Is it possible to show a brief DVD at the meeting, which give some background on vegetation management with our company? If not, I can cover the time with hand-outs and questions.

Best regards,

Tim Wilson
Senior Utility Arborist/Forester
North Florida

 
Office: 904-824-7619
Cellular: 904-392-2007

From: Debbie Banks [<mailto:dbanks@palatka-fl.gov>]
Sent: Tuesday, October 12, 2010 3:08 PM

*Agenda
Item*

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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: Palatka City Commission
From: Betsy J. Driggers, City Clerk
Date: October 21, 2010
Re: Planning Board Appointment

Per Commission Policy, an opening on the Palatka Planning Board was advertised and three applicants were interviewed at the October 14, 2010 meeting. As per Commission policy, an appointment is to be made at the subsequent meeting. Therefore, action should be taken to appoint one of these applicants to the Palatka Planning Board to fill two (2) vacancies. One vacancy is for a 3-year term to expire 12/31/13 and one vacancy is for a partial term to expire 12/31/11.

A ballot system shall be used. The sample ballot is shown below. You will receive a copy of this memorandum, which constitutes your ballot, at the beginning of the October 28th meeting. Please turn your ballot in to the City Clerk during recess following Student of the Month presentations at the October 28 meeting.

Please circle one candidate from the three choices below:

Joseph Michael Petrucci

Joe Pickens

Clem Saccarreccia

The two candidates with the majority of votes shall then be appointed. In case of a majority vote tie, both will be declared appointed. In the case of a low vote tie, the applicant receiving the highest number of votes will be declared appointed and his/her name shall be removed from this ballot, and the ballot will be voted again to determine the 2nd appointee.

Following vote tally, please take action to appoint the two applicants with the highest number of votes to the Palatka Planning Board to fill the two vacant seats as follows:

- (1) Appointment to a three-year term expiring 12/31/13**
- (1) Appointment to the remainder of a three-year term expiring 12/31/11**



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: bdriggers@palatka-fl.gov

Memorandum

To: Commission & Staff
From: Betsy Driggers, City Clerk
Date: 10/7/2010
Re: Planning Board Appointments

At this time there are two openings on the Palatka Planning Board due to the resignations of Phil Leary and Randy Braddy. One vacancy is for a three-year term that will expire December, 2013 and one is for the remainder of a three-year term to expire December, 2011. These are at-large positions. There is no requirement for board members to live inside the City Limits.

It is the policy of the City Commission to give preference to Planning Board applicants who either:

1. Live inside the City Limits; or
2. Own commercial property or operate a business inside the City Limits

Attached you will find applications from the following individuals:

1. Joseph Michael Petrucci
2. Joe Pickens
3. Clem Saccareccia
4. ~~Leota D. Wilkinson~~ *withdrew 10-13-10*

Mr. Petrucci and Mr. Pickens live inside the City Limits.

Per Board Appointment Policy, the Commission interviews applicants at this meeting and makes this appointment at the October 28, 2010 meeting.

*Applicants interviewed
10-14-10*

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

ANNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

WYNNE C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD P. HOLMES
CITY ATTORNEY

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the PLANNING BOARD Board.
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: JOSEPH MICHAEL PETRUCCI (Must be at least 18 yrs. old)
Residence 2425 GOLF DRIVE PALATKA, FL Phone: 386-328-0608
(911 Address) 2425 GOLF DRIVE PALATKA, FL Fax: _____

Business Name _____ Phone: _____
& Address _____ Fax: _____

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 2425 GOLF DR. PALATKA, FL 32177

E-mail: Jmp1024@YAHOO.COM Daytime Phone: 386-336-1615

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

25 YEARS ENGINEERING EXPERIENCE AS DRAFTER/
DESIGNER AND ASSOCIATE ENGINEER WORKING IN
ARCHITECTURAL, CIVIL, PIPING, AND STRUCTURAL STEEL
AREAS. WAREHOUSE SUPERVISORY EXPERIENCE, VARIOUS
PART-TIME SERVICE JOBS, SURVEYING EXPERIENCE IN U.S. AIR F.

OTHER COMMENTS OR INFORMATION:

I HAVE AN INTEREST AND DESIRE IN SEEING
PALATKA GROW AND THRIVE, WHILE MAINTAINING ITS
CHARACTER.

AGREEMENT: by filing this document, I agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections within thirty (30) days of my appointment, and each year thereafter, covering my term of appointment.

Joseph M Petrucci 1/6/10
SIGNATURE OF APPLICANT DATE

Applicants will be interviewed by the Palatka City Commission during regular public meetings.

KARL N. FLAGG
MAYOR - COMMISSIONER
MARY LAWSON HIGGINS
VICE MAYOR - COMMISSIONER
ALLEGRA KITCHENS
COMMISSIONER
VERNON MYERS
COMMISSIONER
JAMES NORWOOD, JR.
COMMISSIONER



ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER
BETSY JORDAN DRIGGERS
CITY CLERK
RUBY M. WILLIAMS
FINANCE DIRECTOR
GARY S. GETCHELL
CHIEF OF POLICE
MICHAEL LAMBERT
CHIEF FIRE DEPT.
DONALD B. HOLMES
CITY ATTORNEY

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

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the Planning Board.
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: Joe Pickens (Must be at least 18 yrs. old)
Residence 2041 Country Club Terrace Phone: 386-937-1563
(911 Address) Palatka, FL 32177 Fax:
Business Name St. Johns River State College Phone: 386-937-1563
& Address 5001 St. Johns Ave., Palatka, FL 32177 Fax:

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: P.O. Box 1374, Palatka, FL 32178

E-mail: Pick021@Earthlink.net Daytime Phone: 386-937-1563

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

See Attached Resume

OTHER COMMENTS OR INFORMATION:

AGREEMENT: by filing this document, I agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections within thirty (30) days of my appointment, and each year thereafter, covering my term of appointment.

[Signature] SIGNATURE OF APPLICANT 10/6/10 DATE

Applicants will be interviewed by the Palatka City Commission during regular public meetings.

Joe H. Pickens

2041 Country Club Terrace, Palatka, FL 32177

(386) 937-1563

pick021@earthlink.net

Education	Juris Doctorate <i>University of Florida, Gainesville, Florida</i>	1983
	B.A. Degree in Government/History, magna cum laude <i>Wofford College, Spartanburg, South Carolina</i>	1980
	Admitted to practice law in the States of Alabama and Florida	1984

Career Highlights & Accomplishments

- | | |
|--|------------------|
| Attorney at Law, Putnam County, Florida | 1985-
Present |
| <ul style="list-style-type: none">• Maintained general practice of law in Northeast Florida, including, specifically, Putnam, Clay and St. Johns Counties, with primary office in Palatka, Florida. | |
| General Counsel, The School District of Putnam County, Palatka, Florida | 1987-
2005 |
| <ul style="list-style-type: none">• Seventeen years as general counsel to the Putnam County School District. During this seventeen years developed a comprehensive knowledge and understanding of the operations of a large, multi-campus Florida public education system.• Provided legal advice and consultation to the five elected school board members, the elected superintendent of schools, administrative staff and other personnel regarding the legal aspects of the operation of an 11,500+ student school district consisting of 19 campuses with over 1,400 employees and an annual budget in excess of \$160 million.• Attended and supervised at regular and special meetings of the school board, student disciplinary hearings and collective bargaining executive sessions.• Served under 3 different elected school superintendents and more than 15 different elected school board members—the one constant in the frequently changing composition of the board and administration.• Participated in all facets of the administration of the school system through representation of the superintendent and board members on matters including student discipline, purchasing, construction, attendance reapportionment, employee discipline and other personnel matters, collective bargaining, and the budgetary process. | |
| General Counsel, North East Florida Educational Consortium, Palatka, Florida | 2001-
Present |
| <ul style="list-style-type: none">• Served as general counsel and consultant to Florida's largest regional educational consortium. The consortium's 13 Florida public school districts, plus the Florida School for the Deaf and the Blind and the P. K. Yonge Developmental Research School have a total student enrollment in excess of 75,000 FTE. The consortium employs 100 persons with an annual budget of nearly \$55 million.• Attended consortium board meetings. Advised the Executive Director and board member superintendants on all legal matters to come before them. | |

- Represented the consortium in a variety of legal matters including correspondences, contract negotiations and preparation and review of all matters in litigation.
- Provided individual legal representation and/or consultation to individual superintendents of several of the member districts on matters pertaining to student discipline, personnel issues, Government in the Sunshine requirements, and other matters.

Special Counsel to the President, *St. Johns River Community College, Palatka, Florida*

2005-
Present

- Prescribed responsibilities include: attendance at meetings of the Board of Trustees, attendance at staff administrative meetings as requested by the president, telephone and office conferences with the president and administrative staff, general research, document drafting, correspondence on behalf of the president and the college as directed by the president.
- Represented the president and the college at numerous public functions and speaking engagements.
- Consulted with and provided advice to the president on a wide variety of matters, including development of the college's budget for 2005-2006, 2006-2007, 2007-2008 and 2008-2009.
- Provided counsel to the President on personnel matters, construction projects, athletic programs, dual enrollment issues, and other issues.
- As special counsel to the president, the opportunity to work with and learn firsthand from the dean of Florida's community college presidents, Dr. Robert L. McLendon, Jr., was provided. This was a unique and incredible opportunity which provided knowledge and understanding about virtually every facet of the administration and operation of St. Johns River Community College and the state community college system.

Representative, Florida House of Representatives, *Palatka, Florida*

2000-
Present

- Representation of the approximately 133,000 constituents of Florida House District 21 in the state legislature.
- Chaired committees, sponsored legislation, amended legislation and advocated positions on behalf of individual constituents, organizations, and institutions. These institutions included public school districts, community colleges, colleges and universities, as well as municipal and county governments, non-governmental organizations, and community groups.
- During the years 2004-2006, chaired the Education Appropriations Committee under Speaker Allan Bense. Duties included development of the PreK-20 public education budget for the state of Florida, as well as reviewing all education policy having a fiscal impact on public education during that 2 year period.
- From 2006, served as chairman of the Schools and Learning Council under Speaker Marco Rubio. Council duties and responsibilities included, perhaps for the first time in the legislature's history, the combining of the PreK-20 education budget with all policy and legislation impacting Florida's public and private school systems.
- As chairman of the Schools and Learning Council developed and passed an education budget which included PreK-12 state-wide budgets ranging from \$16.255 billion to \$18.745 billion, community college budgets ranging from \$1.474 billion to \$1.656 billion, state university budgets from \$2.891 billion to \$3.382 billion for a total budgetary responsibility of more than \$24.367 billion. As chairman, determined, allocated and funded hundreds of individual programs and projects totaling in the hundreds of millions of dollars.

- Developed the concept of funding Bright Futures Medallion Scholarship recipients attending community colleges at 100% of tuition and changed the Bright Futures Scholarship program to effectuate that change after successfully lobbying legislative colleagues and Governor Bush on its merits.
- Was an active voice in pursuing increased funding for the community college system resulting in significant budgetary increases.
- As Chairman of the Education Appropriations Committee, worked with Governor Bush to secure additional funding for Florida School of the Arts and the Thrasher-Home Center for the Arts.
- Obtained \$5 million in matching dollars for the First Generation in College Scholarship Program for community college students after they were excluded from the original legislation.
- Sponsored and obtained passage of legislation authorizing the community college capital improvement fee.
- At the request of the Council of Presidents, revised the community college funding model to provide a more equitable distribution of state funds.
- Led opposition to legislation with potential negative impacts to the community college system such as the public funding for nonaccredited for-profit colleges (FICA), the direct funding of apprenticeship programs and excess hours legislation.
- My position as an elected state legislator resulted in my becoming the public spokesperson for a wide variety of interest groups on an even wider variety of subjects and topics. I have spoken at local, state, regional and national conferences on a wide variety of matters and topics including public education funding, virtual education and distance learning, constitutional amendment reform and public lands and water resource issues.
- Appointed to the Southern Regional Education Board Legislative Advisory Council by Governor Bush in 2005 and was subsequently appointed by Governor Crist as a board member in 2008 affording me the opportunity to interact with education leaders from throughout the southeastern United States.

Recognitions & Affiliations

Academic Recognitions

- Inducted into Blue Key and Pi Gamma Mu honor societies, Wofford College
- Florida Blue Key, University of Florida, Honorary member 2008

Civic Affiliations

- Member of the Palatka Rotary Club – Dual Paul Harris Fellow
- Member and Elder of the First Presbyterian Church of Palatka
- Former Chairman of the Board of Directors and General Counsel, Citizen's First National Bank, Putnam County, Florida
- Recipient, Palatka Rotary Club Distinguished Service Award
- Recipient, American Cancer Society "Above and Beyond the Call of Duty" Award

Legislative Honors and Recognitions

Business and Industry Honors and Awards

- Top 20 "Quick Starter" Freshman, Florida Chamber of Commerce—2001
- Top 25 Florida Legislators Ranking, Florida Chamber of Commerce—2002
- A Honor Roll, Florida Chamber of Commerce—2003, 2004, 2005, 2006
- Florida Chamber of Commerce 2003 House Valedictorian Award
- Florida Chamber of Commerce 2005 Distinguished Advocate
- Legislator of the Year, Florida Farm Bureau, 2002
- Florida Building Materials Association Legislator of the Year Award—2002
- Florida Restaurant Association Government Relations Award—2005
- Legislator of the Year, Florida Automobile Dealers Association – 2007

Education Honors and Awards

- Legislator of the Year, Florida School Boards Association—2001, 2002, 2004, 2005, 2006, 2007
- Legislator of the Year, Florida Association of District School Superintendents—2004, 2005, 2006
- Florida Association of School Administrators Legislative Award—2003, 2005
- Coalition of McKay Scholarship Schools Distinguished Service Award—2005
- Coalition for Education of Exceptional Students Legislative Award—2001-2002, 2006-2007
- Independent Colleges and Universities of Florida Liberty Bell Award—2005
- St. Petersburg College Legislative Award – 2005
- Joe & Linda Pickens Scholarship, St. Johns River Community College – 2006
- Recognized on numerous occasions by the Florida Community College system, Florida Association of Community Colleges and the Council of Community College Presidents as a distinguished advocate of community colleges in the state of Florida

Civic and Community Honors and Awards

- Coastal Conservation Association Florida Legislative Conservation Award—2002
- Faith and Family Award, Christian Coalition of Florida—2002
- The Trust for Public Land Legislative Leadership Award—2001
- Florida Legal Services Award—2005, 2006, 2007
- Central Florida YMCA – Club FYT Legislative Award – 2006

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

BRANDY C. WOODRUFF BOATMAN, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. TRIPLE JAMES
FINANCE DIRECTOR

CARY S. GUTCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CH. OF PERS. DEPT.

DONALD D. HOLEMAN
CITY ATTORNEY

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the Planning Board.
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: Clem Saccarecci (Must be at least 18 yrs. old)
Residence Phone: 325-3469*
(911 Address) 110 Cocoa Rd - E. Palatka Fax: Primary Ph
Business Name Phone: 325-8624
& Address 307-311 St Johns Ave Fax:
(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)
Preferred Mailing Address: 110 Cocoa Rd. E. Pal 32131
325-3469 home
E-mail: Clemsacc@aol.com Daytime Phone: 916-5595 cell

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

Business in downtown since 1975.
Served on numerous committees with
City and Chamber.
Served on Planning Board until resigned
because of illness in 2009.

OTHER COMMENTS OR INFORMATION:

Have kept current of much of plans
etc for the City and look forward
to continuing to serve Palatka.

AGREEMENT: by filing this document, I agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections within thirty (30) days of my appointment, and each year thereafter, covering my term of appointment.

Clementine Saccarecci
July 27, 2010

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

ELWIN C. "WOODY" ROYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

CITY OF PALATKA ADVISORY BOARD APPLICATION

I wish to apply for appointment to the Planning Board.
I understand that, if appointed, I will serve in a volunteer capacity on this advisory board.

APPLICANT: Leota D. Wilkinson (Must be at least 18 yrs. old)

Residence 627 Bardin Road, Palatka, FL 32177 Phone: 386-328-3936
(911 Address) 627 Bardin Road, Palatka, FL 32177 Fax: _____

Business Name True Lube Express, LLC (part owner) Phone: 386-325-5823
& Address 4100 Crill Avenue, Palatka, FL 32177 Fax: 386-328-9469

(City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance)

Preferred Mailing Address: 627 Bardin Road, Palatka, FL 32177
386 937-7143 (cell)

E-mail: lewilkins@hughes.net Daytime Phone: 386-329-4802 (w)

PROFESSIONAL QUALIFICATIONS (include occupation - attach additional sheet if necessary)

Bachelor of Science, Public Administration-Flagler College, Associate of Science,
Business Administration & Management, Associate of Science--Accounting

Notary Public - State of Florida, Real Estate License - State of Florida (voluntarily
inactive) Currently employed at St. Johns River Water Management District as
Senior Land Acquisition Agent, Joint-ownership and member of True Lube Express, Palatka.

Employed at St. Johns River Water Management District for 14 years, joint-owner in
True Lube Express for the past 5 years.

OTHER COMMENTS OR INFORMATION:

I have lived in Palatka for the past 30 years. As a business-owner and resident, I have
a stake in seeing our City thrive. The continued growth and development of our City
is important to me. In addition to by business dealings, I currently serve as the
President of the American Legion Auxiliary in Palatka. I am also a licensed Notary Public
and Real Estate Agent. I am familiar with all aspects of real estate and land use.

AGREEMENT: by filing this document, I agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections within thirty (30) days of my appointment, and each year thereafter, covering my term of appointment.

Leota D. Wilkinson 9/1/10
SIGNATURE OF APPLICANT DATE

Applicants will be interviewed by the Palatka City Commission during regular public meetings.

Updated 03/01/10

PLANNING BOARD MEMBERS
3 Yr. Terms

<u>Orig. Appt. Date</u>		<u>Term Expires</u>
5/26/88	Sue Roskosh, Wattles Office Supply P.O. Box 26, Welaka, 32193 home-467-8123 work-325-4323 fax-325-5730 email-sroskosh@aol.com	12/31/10
12/27/79	Carl L. Stewart - effective 1/1/80 715 S. 19th St., Palatka, 32177 home-325-2594 email-stewart@qbso.net	12/31/10
1/22/09	Phil Leary 1821 Carr St., Palatka, 32177 day # 385-3061 work-937-7829 fax-328-2651 email-pleary-govaff@yahoo.com	12/31/10
06/26/08	Zachary Landis 616 Oak St., Palatka, 32177 home-328-2628 work-3328-8075 fax-328-3277 email-AZLAN616@bellsouth.net	12/31/11
02/25/10	Ken Venables P.O. Box 892, 2002 Cherry Lane Palatka, FL 32178 (H)325-8497 (C)937-9666 email-kenevanven@aol.com	12/31/11
11/10/05	Randy Braddy (after 1/1/06) 284 Harbor Dr., Palatka, 32177 cell 386-916-1991 home-328-9878 work-328-7170 fax-328-7323 email-driches5@gmail.com	12/31/11
12/11/97	Rev. Ezekiel Johnson 300 Stillwell Ave., Palatka, FL 32177 home-328-8407	12/31/12
1/23/97	Earl Wallace 224 N. 6th Street, Palatka, 32177 home-328-0086 work-328-3233 email-earlwallace@bellsouth.net	12/31/12
06/26/08	Anthony "Skip" Harwell 322 Madison St., Palatka, 32177 day-386-530-1226 email-CAPTBOO@GMAIL.COM	12/31/12
12/12/02	Michael Pegg Putnam Co. School Bd, 200 S. 7th Street Phone:	indefinite – school board rep.

Planning Board Organized 6/2/60
Created and appointed by City Commission 5/27/60
Revised to include non-voting School Board representative 12-12-02
Meets on the first Tuesday at 4:00 PM at City Hall

*Agenda
Item*

6

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Planning Board Case 09-30 A request for approval of the final subdivision plan to accommodate detached single-family and multi-family homes. Case: PB 09-30

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS 1. City Commission Minutes from 8-26-2010
2. River Watch Subdivision Plat

DATE: October 14, 2010

SUMMARY HIGHLIGHTS:

Thirty-ninth Avenue Professional Center, Inc. (owner) applied to subdivide this parcel located at the northeast corner of Comfort Road and Crystal Cove Drive, approximately ¼ mile east of US Highway 17. All department heads were satisfied that the plat complies with their specific areas of concern with the exception of the Public Works Director who noted that St. Johns River Water Management will address stormwater at the permitting stage. This parcel is zoned R-3 with a medium density residential land use designation. The density requires 5 to 10 units per acre. The Planning Board voted to recommend approval of the request at their July 6, 2010 hearing.

Included on the plat and as promised by the owners, there will be a 6 foot high wall constructed along the boundary of the Crystal Cove subdivision and River Watch to match that behind the hotel.

On August 26, 2010 the Commission tabled this request for the applicant to provide a plat with all appropriate signatures and seals and for staff to meet with the Property Appraiser's office to confirm the legal description and zoning. The legal description found in Ordinance 90-2 for a 26 acre annexation and rezoning does include the property to be subdivided. The zoning for this parcel has been R-3 since 1990. The original parcel was split into the Crystal Cove subdivision, the hotel/marina parcel and the parcel owned by the applicant.

RECOMMENDED ACTION:

Staff recommends approval of the request for subdivision.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:



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: Palatka City Commission
From: Betsy Driggers, City Clerk
Date: October 22, 2010
Re: River Watch Subdivision, Phase I – Final Plat

Attached please find the final plat for River Watch Subdivision. Note that it contains all required signatures, seals and certifications with the exception of those that are the responsibility of the City's to obtain, and that of the Clerk of Court, which will appear upon its recording and is the last signature to be placed on the Plat.

The surveyor who will be performing the City's certification has changed; therefore another final plat is being drawn up showing that change. It will be signed, certified, sealed and delivered to the City prior to the October 28th meeting.

Also attached is a letter that was mailed out to all Crystal Cove subdivision residents giving them a courtesy notice of this meeting.

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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

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

October 22, 2010

TO WHOM IT MAY CONCERN:

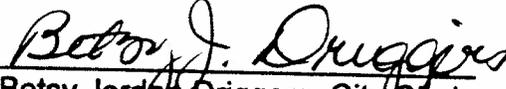
As a courtesy, the Palatka City Commission wishes to notify you that the following matter will appear on its October 28, 2010 meeting agenda:

6. **REQUEST TO APPROVE AND ACCEPT THE FINAL SUBDIVISION PLAT for Parcel #37-09-26-0000-0060-0082**, consisting of 9.99 acres of property at the northeast corner of Comfort Rd and Crystal Cove Drive east of US Hwy 17 – Environmental Consulting & Design, Agent for Thirty-Ninth Avenue Professional Center, Inc., owner/petitioner - Planning Board Recommendation to Approve and Accept – Tabled August 26, 2010

This meeting will take place at Palatka City Hall, 201 N. 2nd Street, Palatka, Florida and will begin at 6:00 p.m. Public Comment will be heard. If you wish to speak to this item, please fill out a speaker card and turn it in at your earliest opportunity. Speaker cards will be available at the meeting.

Please govern yourself accordingly.

CITY OF PALATKA


Betsy Jordan Driggers, City Clerk

Crystal Cove Properties Inc
133 Crystal Cove Dr
Palatka Fl 32177

Catherine Marie Rash
213 Crystal Cove Dr.
Palatka Fl 32177

Scott F + Leigh A Stoudt H/w
214 Crystal Cove Dr
Palatka Fl 32177

Elizabeth A Bell
215 Crystal Cove Dr
Palatka Fl 32177

William C + Montserrat S Stephens
216 Crystal Cove Dr
Palatka Fl 32177

Carol J Snow
218 Crystal Cove Dr
Palatka Fl 32177

Betty Jo Surrency
220 Crystal Cove Dr
Palatka Fl 32177

ROBERT G + TONYA M HUMPHRIES
222 Crystal Cove Dr
Palatka Fl 32177

JOHN CHAIRES
224 Crystal Cove Dr
Palatka Fl 32177

RICK G LEARY+CYNTHIA VANDER VERE
206 CRYSTAL COVE DR
PALATKA FL 32177

KELLEY TRACEY S
210 CRYSTAL COVE DR
PALATKA FL 32177

GARY JOEL WOODS REV LVG TRUST
207 CRYSTAL COVE DR
PALATKA FL 32177

GILBERT L EVANS JR + DETRA NICOLE
251 CRYSTAL COVE DR
PALATKA FL 32177

WOOD TRUST (THE)
949 ESPINADO AVE
ST AUGUSTINE FL 32086

RIVER PROPERTY MANAGEMENT INC
133 CRYSTAL COVE DR
PALATKA FL 32177

CHARLES E ALFORD SR REVOC TRUST AGR
3816 REID STREET
PALATKA FL 32177

BECK/SLOAN PROPERTIES INC
256 N HIGHWAY 17
PALATKA FL 32177

CAHILL FAMILY TRUST
205 COQUINA AVE
ST AUGUSTINE FL 32080

Ruth A Caplinger
9601 Southbrook Dr Apt E121
Jacksonville Fl 32256

BRUCE R + SHARON ORMISTON H/W
225 Crystal Cove Dr.
Palatka Fl 32177

Davis Living Trust
C/o Chovine R III+ Kay Davis Trustee
226 Crystal Cove Dr
Palatka Fl 32177

Scott D + Caroline D Tingle H/w
232 Crystal Cove Drive
Palatka Fl 32177

Kelley R Smith Jr + Mary J H/w
PO Box 75
Bostwick Fl 32007-0075

Russ Billy S + Betty J H/w
235 Crystal Cove Dr
Palatka Fl 32177

Edward D + Lillian Hines H/w
240 Crystal Cove Dr
Palatka Fl 32177

Robert E + Kathy A Taylor H/w
241 Crystal Cove Dr
Palatka Fl 32177

McPhail Clark B Revocable Trust
C/o Clark B+Diane McPhail Trustees
1253 Pleasant Point Rd
Green Cove Springs Fl 32043-8721

+ Mary Margaret Piazza
Crystal Cove Dr
Palatka Fl 32177

Ronald A+Patricia A Baughman Lf Est
C/o Ronald A + Patricia A Baughman
PO Box 2127
Palatka Fl 32178-2127

(the)Wood Trust
C/o Margaret S Wood Trustee
949 Espinado Ave
St Augustine Fl 320867122

STAPLES

Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/8160
label size 1" x 2 5/8" compatible with Avery® 5160/8160

Charles T III + Helen Frances Myers
244 Crystal Cove Dr
Palatka FI 32177

label size 1" x 2 5/8" compatible with Avery® 5160/8160

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Planning Board Case 09-30 A request for approval of the final subdivision plan to accommodate detached single-family and multi-family homes. Case: PB 09-30

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS 1. July 6, 2010 Planning Board Packet
2. July 6, 2010 Planning Board Minutes.

DATE: August 26, 2010

SUMMARY HIGHLIGHTS:

Thirty-ninth Avenue Professional Center, Inc. (owner) applied to subdivide this parcel located at the northeast corner of Comfort Road and Crystal Cove Drive, approximately ¼ mile east of US Highway 17. All department heads were satisfied that the plat complies with their specific areas of concern with the exception of the Public Works Director who noted that St. Johns River Water Management will address stormwater at the permitting stage. This parcel is zoned R-3 with a medium density residential land use designation. The density requires 5 to 10 units per acre. The Planning Board voted to recommend approval of the request at their July 6, 2010 hearing.

Included on the plat and as promised by the owners, there will be a 6 foot high wall constructed along the boundary of the Crystal Cove subdivision and River Watch to match that behind the hotel.

RECOMMENDED ACTION:

Staff recommends approval of the request for subdivision.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

8/26/10

Tabled to verify legal descr.
on rezoning ord.



PLANNING AND ZONING STAFF REPORT

July 6, 2010

- Case:** PB 09-30 Subdivision – Final Plat for Approval
- Request:** A request for approval of the final subdivision plan to accommodate detached single-family and multi-family homes.
- Location:** A portion of the northeast corner of Comfort Rd. and Crystal Cove Dr., approximately ¼ mile east of US HWY 17. 9.99 acres
- Parcel #:** 37-09-26-0000-0060-0082
- Owner:** Thirty-Ninth Avenue Professional Center, Inc.
- Agent:** Environmental Consulting & Design

A. BACKGROUND & ANALYSIS:

At the April 6, 2010 Planning Board meeting, the Board approved the preliminary plat for the subdivision of the subject parcel into 24 single family residential detached houses on minimum 60 ft. wide lots and 10 quadruplex lots. The final plat was to address the issues that the reviewing departments had. Their comments are included in your packet and summarized below:

Departmental Review Requests were sent to the Building, Fire, Water/Sewer and Public Works departments.

- The Chief Building Official and Fire Marshal signed off on the plat.
- The Public Works Director noted the stormwater retention area that had extended into Crystal Cove Dr. has been regraded, however he noted a discrepancy between sheet 7 and 11, which the applicant was made aware of on June 16, 2010. His second issue was for Water Management permitting and that maintenance responsibility of the system should be by the homeowners' association. He still has questions about the drainage connection from the west side of Crystal Cove Drive to the east side and stated that calculation will need to be submitted to address that question. This can be done prior to permitting.
- The Water/Sewer Superintendent had requested an additional fire hydrant and is satisfied that it was added.

Surrounding properties have future land use designations of County Industrial west of the subject parcel with Low Density Residential to the north and south and Commercial to the east. The zoning pattern of the surrounding area is County IH (Heavy Industrial) to the west, City R1-AA (Residential) to the north, R-3 (Multi-family residential) and C-3 (General Commercial) to the south, and C-3 to the east. The existing land use pattern in the area is mixed commercial, industrial and single family residential.

SURROUNDING LAND USE AND ZONING:

PB 09-33 River Watch

	Future Land Use Designation	Zoning	Current Land Uses
North	Low Density Residential	R1-AA Residential	Crystal Cove Subdivision
South	Low Density Residential	R-3, Multi-Family & C-3, General Commercial	Undeveloped Land
East	Commercial	C-3, General Commercial	Hotel, Restaurant & Marina
West	Industrial (County)	IH Heavy Industrial (County)	First Coast Technical Institute

C. COMPLIANCE WITH THE CITY OF PALATKA COMPREHENSIVE PLAN

Future Land Use Element

Objective A.1.1 (9J-5.006(3)(b)1; F.S. 187-201 (161)(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.1.1.3 (9J-5.006(3) (c) 3)

The City shall as a condition of issuing a building permit or other development order, require proposed developments to hook up to the City central sewer systems in accordance with the revised City zoning code and subdivision regulations based upon Chapter 381, F.S. and Division 64E, FAC.

STAFF ANALYSIS: This site is relatively flat.

Adjacent land uses are provided in the table above.

Soils in this area consist of Pomona Fine Sand and Myakka- Fine Sand. The Pomona series consists of soils that are deep, nearly level, poorly drained and very poorly drained, and moderately slowly permeable or moderately permeable. The Myakka series consists of soils that are nearly level, poorly drained and very poorly drained, and moderately permeable.

City water and sewer lines are already located in this area and there is sufficient capacity to maintain existing level of service standards.

Policy A.1.3.2 9J-5.006(3)(c)2, 7

By June 2008, the Building Official shall review the City's Zoning Code and Subdivision Regulation to ensure that current buffering and separation standards between land uses of different densities or intensities of use remain sufficient to ensure compatibility between uses, or mitigate the effects of more dense / intense uses on less dense / intense uses.

Issues of compatibility shall include considerations for noise, sight, and level of traffic generation. The primary tool of ensuring capability between land uses shall be the Future Land Use Map and the elimination of non-conforming land uses. Other techniques shall include:

Noise and sight incompatibility -- screening by either a 6' solid physical wall or landscape plantings to reach, within 18 months, a height of at least 5 feet and an opacity of 80 percent.

STAFF ANALYSIS: Screening and buffering are requirements that will be addressed at plan submittal prior to permitting although the applicant has included a note on sheet 1 that

reads: 6 FT masonry wall to be constructed along rear of lots 7-12; and 6FT wood privacy fence (reverse board & batten) with landscaping (bushes & trees) to be installed along rear of lots 1-6. PB 09-33 River Watch

Policy A.1.3.3 9J-5.006(3)(c)1

By June 2008, the Building Official shall review the City's Subdivision Regulation and Zoning Code and where necessary revise these ordinances to ensure that land use categories are regulated in accordance with the Future Land Use Map and that controls are adopted for the regulation of subdivisions and the use of land in flood prone areas in accordance with applicable FEMA regulations and Policies D.1.1.1 and D.2.2.5.

STAFF ANALYSIS: This site is not located within a flood zone.

Housing Element

Policy C.1.7.1

9J-5.010(3)(c)(3)

The City shall enforce current provisions regarding the elimination of non-conforming land uses to include all uses which are inconsistent with the Future Land Use Map 2020 or cannot be made compatible with adjacent land uses. New development or redevelopment shall require buffering between land uses of different densities or intensities of use that are sufficient to ensure compatibility between land uses.

STAFF ANALYSIS: Screening and buffering are requirements that will be addressed at plan submittal prior to permitting. See also A.1.3.2 above.

Traffic Circulation Element

Policy B.1.1.6

9J-5.007(3)(c)3

The City will require developers to comply with City road design standards and to pave all internal roadways for all new subdivisions and participate in access road improvements. The City has until June, 2008 to include the standards under the street portion of the code to address those situations not covered by the subdivision portion of the code.

STAFF ANALYSIS: Roadways will be reviewed upon plan submittal prior to permitting.

Public Facilities Element

Objective D.1.1 (9J-5.011(2)(b)2)

Upon Plan adoption, the City of Palatka shall enforce adopted Concurrency Management System procedures to ensure that at the time a building permit or other development order is issued, infrastructure facility capacity is available to meet the demand of development without lowering adopted Levels of Service Standards (LOSS).

Policy D.1.1.1 (9J-5.011(2) (c)2)

The following level of service standards shall be the basis for determining the availability of facility capacity against the demand generated by development.

- A1. Potable Water, Residential: 130 gallons per capita per day
- B1. Central Sanitary Sewer System, Residential: 125 gallons per capita per day
- C. Solid Waste: 6.4 lbs/person/day
- D. Drainage Facilities: City of Palatka and Ravine State Gardens Stormwater Quality Master Plan and minimum requirements of the St. Johns River Water Management District.

Staff Analysis: Throughout the development review process all adopted levels of service standards will be maintained.

- Potable Water: 2.48 persons (U. S. Census Bureau, 2000 census) per unit multiplied by 64 units x 130 gallons per day is 20,633.6 gallons per day at build-out. A new water plant is now on line with a capacity of 6 million gallons per day, Current peak usage is approximately 3,200,000 gallons per day. Capacity exists for build-out of the project.

- Central Sanitary Sewer System: 125 gallons per capita per day multiplied by (2.48 persons per unit x 64 units is 19,840 gallons per day) at build-out. The sewer plant has a capacity of 3.5 million gallons per day (MGD) with an existing flow of 2.42 MGD. An additional 1.1 MGD is available for development. Capacity exists for build-out of the project.

- Solid Waste: 6.4 lbs per person per day multiplied by 158.72 persons (2.48 persons per unit multiplied by 64 units) is 1,015.808 lbs per day. The City has a contract with Putnam County to use the Central Landfill. The Central Landfill has 40 permitted acres with an additional 140 acres of raw land. Current capacity is for 7.23 years with existing cells. Capacity exists for build-out of the project.

- Drainage: Consistency with the City of Palatka and Ravine State Gardens Stormwater Quality Master Plan and minimum requirements of the St. Johns River Water Management District. Retention/Detention - Will meet minimum requirements of the St. Johns River Water Management District.

Policy D.1.4.1 9J-5.011 (2)(c)2

By June 1, 2009, the City shall adopt the following distance criteria into the requirements of the City Land Development Regulations and shall be enforced by the Building Official during the building permit process:

(a) new residential subdivisions, new industrial development, and new commercial development with a gross leased floor area of greater than 5,000 square feet must connect to the City's sanitary sewer system when they are within 1,320 feet of either (1) an existing sewer line, or (2) a sewer line that will be in place or under actual construction within three (3) years of final development approval, providing that the site is accessible to the sewer line by public right-of-way; or

Staff Analysis: This site will be connected to city water and sewer since they are within the distance required to do so.

Conservation Element

Policy E.1.2.12

Unless proven to be economically, environmentally, or technologically unfeasible, all new subdivisions and nonresidential development shall include reuse / reclaimed water lines.

(Note: it has been, and continues to be, the policy of the City of Palatka to require reuse / reclaimed water lines to be installed when feasible.)

Staff Analysis: The City has no immediate plans to run the reuse lines to this area so it would not be feasible to require to the developer to install reuse/reclaimed water lines.

Recreation and Open Space Element

PB 09-33 River Watch

Policy F.1.4.1

The City shall continue to require the designation of twenty-five (25) acres per one thousand (1,000) persons of open space in its subdivision and zoning regulations as a prerequisite of development approval. This requirement may be satisfied on-site or may take the form of a cash payment or donated parcel of land (acceptable to the City) off the development site but within the City limits.

Staff Analysis: At build-out the project will generate an additional 158.72 people (2.48 persons per unit multiplied by 64 units). Capacity exists for all recreational Level of Service Standards for this additional population.

Public Schools Facilities Element

Objective 1.1.1 (9J-5.025(3)(b)1

The City of Palatka shall ensure the correction of existing school facility deficiencies to provide adequate student capacity, which shall not exceed the adopted level of service standards within the Putnam County School District and which will meet future capacity needs.

Policy 1.1.1.1 (9J-5.025(3)(c)7

The City of Palatka hereby adopts LOSS for Schools of 100% based on permanent FISH capacity for all school types (Elementary, Middle and High)

Staff Analysis: Phil Leary, the consultant for the Putnam County School District has provided an analysis at the April 6, 2010 meeting indicating student station impacts based on residential units are within available existing capacity for all three school levels based on FISH capacity/current enrollment. Mr. Leary's analysis indicated that 18 student stations were required for elementary level, 9 for middle level, and 9 for high level.

Capital Improvements Element

Policy H.4.1.1 9J-5.016(3)(c)6

Require developers of new subdivisions or commercial construction to prove that the adopted Level of Service Standards will be available concurrent with development impact before a development order is issued.

Policy H.4.2.5 9J-5.016(3)(c)4, 5 and 6

The City shall require that: (a) new residential subdivisions, new industrial development, and new commercial development with a gross leased floor area of greater than 5,000 square feet connect to the City's sanitary sewer system when they are within 1,320 feet of either (1) an existing sewer line, or (2) a sewer line that will be in place or under actual construction within three (3) years of final development approval, providing that the site is accessible to the sewer line by public right-of-way; or (b) New single-family homes and commercial development that are not located within a subdivision subject to criteria (a) above shall be required to connect to the City's sanitary sewer system when they are within 250 feet of either (1) an existing sewer line, or (2) a sewer line that will be in place or under actual construction within three (3) years of final development approval, providing that the site is accessible to the sewer line by public right-of-way.

Staff Analysis: See analysis under Public Facilities Element.

PB 09-33 River Watch
STAFF RECOMMENDATION: Staff recommends approval of the requested final plat for subdivision with the understanding that any issues raised by the Public Works Director must be addressed prior to permit issuance. Although open space/parks are not required, it would be a benefit to the development to provide some recreational area since there are no provisions in the neighborhood for recreation of any type.

E. Photographs



1010 Ocean Street
Palatka, FL 32177
Tel. (386) 329-0107
Fax (386) 326-2788

City of Palatka Public Works
Sanitation/Streets Division

To: Debbie Banks, Planning Director

From: Woody Boynton, Public Works Director

Date: June 16, 2010

RE: River Watch – Off Crystal Cove Drive and Comfort Road

We have made a cursory review of proposed street and drainage improvements shown on the preliminary drawings dated as being received June 1, 2010 related to the above-referenced project. We offer the following comments:

1. The stormwater retention area shown that extended into Crystal Cove Drive has been regraded and is indicated to be deeded to the County/City. On sheet 7 it indicates County and on sheet 11 it indicates City, this needs to be clarified and the land deeded as proposed.
2. A permit from the SJRWMD will suffice as it relates to the stormwater management system proposed. A copy of the stormwater calculations should be submitted for file purposes. Maintenance of the system needs to be by the homeowners association and not held in private ownership.
3. A drainage connection is now shown from the west side of Crystal Cove Drive to the east side and the overflow from the retention pond is directly connected to this system. However, it is unclear whether the existing drainage system under Crystal Cove Drive is adequate to handle the additional flow from the retention pond. Calculations will need to be submitted to verify the capacity of the existing system and its ability to handle this additional flow. If the calculations indicate that this system will not handle this flow the system will need to be upgraded.

Should you have any questions, please call.

Departmental Review Request

Address: Off Crystal Cove Dr.
Parcel # 37-09-26-0000-0060-0082

Case #: 09-30 (Final)

Please review the enclosed request and make any comments in writing to Building & Zoning; Fax 329-0172 or put in box. Call 329-0103 with any questions.

<input type="checkbox"/> Rezoning	<input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Annexation	<input type="checkbox"/> Small Scale Amendment (9.99 acres or less)
<input type="checkbox"/> Large Scale Amendment(10+ acres)	<input type="checkbox"/> Concurrency Review
<input type="checkbox"/> Conditional Use Request	<input type="checkbox"/> Variance
<input type="checkbox"/> Street Closing/Street Name Change	<input checked="" type="checkbox"/> Other

Meeting Date: July 6, 2010

Response Deadline: June 15, 2010

Date submitted by applicant: June 2, 2010

Date forwarded to Departments for review: June 3, 2010

Submitted to:

- Water/Sewer/Streets/Sanitation
- Police
- Fire
- Chief Building Official

Woody Rhett

- Sewer Plant
- Cemetery
- Water Plant
- Golf
- Parks
- Airport
- Weed & Seed

Current Property Use: Vacant

Proposed Property Use: Subdivision for single and multi-family homes

Current Land Use Designation: Medium Density Residential

Requested Land Use Designation: Same

Current Zoning Classification: R-3 Multi-family residential

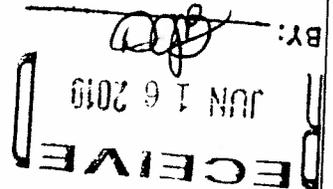
Requested Zoning Classification: Same

Acreage: 11

of Units 24 single family and 10 quads.

Thirty-Ninth Avenue Professional Center, Inc.
Owner/Applicant Name
3603 NW 98th St. Suite C
Owner/Applicant Address
Gainesville, FL 32606
City/State/Zip
352-331-1111
Phone Number

James Meehan
Agent Name
1221 SW 96th St.
Agent Address
Gainesville, FL
City/State/Zip
352-215-2548
Phone Number



Planning Dept. Comments: This is the final plat for subdivision incorporating any changes you requested in the preliminary plat. 2 full sets were submitted. Please come by the Building Dept. and review changes that you are interested in and send your statements back to me either via email or interoffice memo.

Thank you,
R. Bank

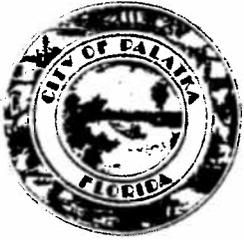
Give to Rhett when you are done.

- No Comments
- Comments Attached

Reviewed by: *Rhett H. Mc Ghee* 6-16-10

Title: *Superintendent*

Hydrants Added



City of Palatka

Building & Zoning

201 N. 2nd Street

Palatka, Florida 32177

386-329-0103 • Fax 386-329-0172



As an owner of adjacent property, you are hereby notified of a pending action before the Planning Board which may be of concern to you:

PUBLIC NOTICE

Notice is hereby given that the **CITY OF PALATKA PLANNING BOARD** will hold a public hearing on July 6, 2010 at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

A request for approval of the final subdivision plan to accommodate detached single-family and multi-family homes. Case: PB 09-30

Location: Northeast corner of Comfort Road and Crystal Cove Drive, approximately ¼ mile east of US Highway 17.

Parcel #: 37-09-26-0000-0060-0082

Owner: Thirty-Ninth Avenue Professional Center, Inc.

Agent: James J. Meehan, P.E.

All interested parties are invited to attend this public hearing.

Debbie Banks
Director of Bldg. & Zoning

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT.
F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING DEPT. AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

James J. Meehan P.E.
1221 SW 96th Street
Gainesville, Fl. 32607
(352) 215-2548, FAX (352) 332-0431

Project: River Watch
Palatka, Fl.

Brief description:

This 11 acre site is located within the City limits of Palatka, and is zoned R-3, which allows multi-family and single family residential development. The property is bounded on the south and east by Crystal Cove Drive and on the west by Comfort Road. Adjacent to the north is Crystal Cove Subdivision. The property slopes gently from the northwest to the southeast and is covered with small to medium sized pine trees. Water and gravity sanitary sewer are presently available along the north and west boundaries of the site. Overhead electric exists along the west property line.

The proposal for this site consists of 24 single family detached houses on minimum 60 ft wide lots which will be larger than the 6,000 sf minimum lot size required for this zoning district and 10 quadruplex lots. All lots will be accessed internally from the proposed 24 ft wide curb and gutter streets with sidewalk. The multi-family portion of the subdivision shall be accessed from Comfort Road with the single family section accessed from Crystal Cove Drive. A 6 ft masonry wall with landscaping is to be constructed along the north property line and a 6 ft privacy fence with landscaping is to be installed along the rear of lots backing to Crystal Cove drive.

All lots are to be connected to central water and sewer. All utilities are to be underground. Drainage detention shall consist of one detention area located in the southeast corner of the site which will be sized to handle the storm water requirements of the City of Palatka and the St. John's River Water Management District. Stormwater shall discharge from the site at the predeveloped rate thru an existing storm water system to the St. John's River.

This project will be permitted with the City of Palatka, The St. John's River Water Management District for storm water and the Fla. D. E. P. for drinking water and sanitary sewer.

RECEIVED
JUN 14 2000
BY: _____

PUBLIC NOTICE

Notice is hereby given that the CITY OF PALATKA PLANNING BOARD will hold a public hearing on July 8, 2010 at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

A request for approval of the final subdivision plan to accommodate detached single-family and multi-family homes. Case: PB 09-30

Location: Northeast corner of Comfort Road and Crystal Cove Drive, approximately 1/4 mile east of US Highway 17.

Parcel #: 37-09-26-0000-0060-0082

Owner: Thirty-Ninth Avenue Professional Center, Inc.

Agent: James J. Meehan, P.E.

All interested parties are invited to attend this public hearing.

Debbie Banks
Director of Bldg. & Zoning

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING DEPT. AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Legal No. 06503451
06/19/2010

*OK
PB
6/3/10
1:00pm*



37-09-26-1855-0000-0010
LEARY RICK G+CYNTHIA A VANDER VERE
206 CRYSTAL COVE DR
PALATKA FL 32177

PB 09-30

37-09-26-1855-0000-0020
KELLEY TRACEY S
210 CRYSTAL COVE DR
PALATKA FL 32177

PB 09-30

37-09-26-1855-0000-0180
WOODS GARY JOEL REVOCABLE LVG TRU
207 CRYSTAL COVE DR
PALATKA FL 32177

PB 09-30

37-09-26-1855-0000-0280
EVANS GILBERT L JR + DETRA NICOLE
251 CRYSTAL COVE DR
PALATKA FL 32177

PB 09-30

37-09-26-1855-0000-0270
WOOD TRUST (THE
949 ESPINADO AVE
ST AUGUSTINE FL 32086

PB 09-30

37-09-26-0000-0060-0081
RIVER PROPERTY MANAGEMENT INC
133 CRYSTAL COVE DR
PALATKA FL 32177

PB 09-30

37-09-26-0000-0060-0110
ALFORD CHARLES E SR REVOC TRUST AGR
3816 REID STREET
PALATKA FL 32177

PB 09-30

37-09-26-0000-0060-0052
BECK/SLOAN PROPERTIES INC
256 N HIGHWAY 17
PALATKA FL 32177

PB 09-30

37-09-26-0000-0060-0051
CAHILL FAMILY TRUST
205 COQUINA AVE
ST AUGUSTINE FL 32080

PB 09-30



Planning Board meeting
Minutes and proceedings
April 6, 2010

Meeting called to order by Chairman Carl Stewart at 4:00 pm. Mr. Stewart welcomed new member Ken Venables to the Board. **Members present:** Sue Roskosh, Earl Wallace, Anthony Harwell, Phil Leary, Ezekiel Johnson and Ken Venables. **Members absent:** Zachary Landis and Randy Braddy. **Also present:** Building and Zoning Director, Debbie Banks; Recording Secretary, Pam Sprouse and City Attorney, Donald Holmes.

Motion made by Sue Roskosh, seconded by Phil Leary to approve the minutes of the February 2, 2010. All present voted affirmative, motion carried.

Debbie Banks read "To Appeal Any Decision."

Carl Stewart requested that disclosure of any "Ex Parte Communication" be made prior to each case.

OLD BUSINESS

* Case PB 09-30

Address: Off Crystal Cove Drive and Comfort Road
Parcel: 37-09-26-0000-0060-0082
Owner: Thirty-Ninth Avenue Professional Center, Inc.
Agent: James Meehan
Request: Approval of a preliminary plat for a subdivision

(Public Hearing)

Ms. Banks advised that no phone calls or letters were received, that the request is the preliminary plat, so the comments made by the department heads will be addressed at the final plat review.

Jim Meehan, the owner's representative, explained that they added units to meet the minimum requirement and added a connection to Comfort Road and reduced the number of units that connected to Crystal Cove Dr.

Mr. Meehan advised that they would prefer the City own the roads and that they will be built to city standards.

Ms. Banks read the review comments for this request made by the department heads.

Mr. Holmes advised that unlike their last request, they are not here to ask for any change to the Comprehensive Plan or in zoning. This is simply a preliminary plat approval process.

The following concerns noted by staff were discussed:

City Manager comments:

1. Appropriate drainage and roadway improvements will need to be made for Crystal Cove Dr.

Mr. Meehan advised that the retention pond has been pulled further back off Crystal Cove Dr. and the swales were added further back onto the properties and if there need be additional

Case PB 09-30 Off Crystal Cove Drive and Comfort Road – continued

consideration made, they will.

2. A permit from SJRWMD will suffice, however, a copy of the stormwater calculations should be submitted for file purposes, and maintenance of the systems needs to be by the homeowners association and not held in private ownership.

Mr. Meehan advised that they plan on a homeowner's association and that the storm retention area will be a wet pond and is considered best management practices (BMP) by SJRWMD.

3. No drainage connection is shown from the west side of Crystal Cove Dr. to the East side. There is an existing drainage system in the location of the stormwater retention area that needs to be identified and incorporated into the design and the overflow from the retention pond needs to be identified and incorporated into the design (overflow from the retention pond needs to be directly connected to this system).

Mr. Meehan advised that there is an inlet right now in the ditch that flows under the road and into the river and that will be the point of connection to the river.

Mr. Venables made a recommendation that street lights be installed in the complex or at least at the entrances for security.

Mr. Holmes reiterated that if the code does not require something the Board may only make a recommendation to the developer.

Mr. Meehan advised that they do have a lighting consultant.

Phil Leary asked why they have put access from the multi-family section off of Comfort Rd. and the single-family section off of Crystal Cove Dr.

Mr. Meehan explained that separating the multi-family from the single-family is usually better for sales purposes.

Mr. Wallace questioned what buffering was intended between Crystal Cove Dr. and the backs of these houses on the east and the north side of the subdivision.

Mr. Meehan advised that he believed that one of the owners was committed to a fence or wall on the north side, but he was not sure other than plants on the east side.

Mr. Garry Woods, 207 Crystal Cove Dr., stated that one of his concerns was regarding the retention pond on the plan, as the existing one for their neighborhood is city owned and has blown out three times due to stormwater. He added that without a plan for reinforcement, it could wash out the only means of ingress and egress for their neighborhood.

Case PB 09-30 Off Crystal Cove Drive and Comfort Road – continued

Chevy Davis, 226 Crystal Cove Dr., stated that after the last meeting, the developers met with the neighborhood people and there was no discussion regarding quadraplex type units and from the pictures shown to the residents, they did not appear to be compatible with the existing homes in the area. He reiterated the concerns previously expressed regarding the retention pond.

Mr. Meehan advised that they actually had proposed fewer units with the last request and that they had to increase the number of units with the existing land use designation.

Ron Baukman, 246 Crystal Cove Dr. stated that at the meeting with the developers there have been a number of changes, and they had discussed several concerns of the neighborhood including the drainage issues, larger homes and lots and some type of wall or fencing, so they do not have to look into back yards. He stated concerns of that as the zoning can be changed, it should also be possible for it to be changed back, that they have concerns that there is nothing in writing and with all the plan changes that have been discussed, this could just as well end up being mobile homes, hurting the existing home values. He believed that the Board should have more authority and should have empathy for their situation and that the City needs to take drastic action.

Mr. Holmes reminded the residents that the applicant previously came before the Board and the public requesting a change of Land Use Designation which would have reduced the number of units and there was a lot of opposition at that time. Now the applicants have made changes to their previous plan and are planning to this development according to the existing zoning and land use requirements, therefore compatibility cannot be considered at this point.

William Stevens, asked if there would be a commitment to the community for a wall or fence for the north side of the development. He stated that if there were impact fees in place it would be a deterrent to this kind of development, that they are doing this because they don't have to pay those fees.

Mr. Holmes advised that a verbal commitment at this point would just be words, that it would not be something the City could enforce.

Ms. Banks advised of the buffering requirements between the two zoning districts.

Rick Leary, Crystal Cove Dr., shared the essence of a private conversation he had with Mr. Williams, who assured him that they will put a masonry wall with landscaping on the north side of the development, and gave assurance that the Single family housing will be a transitional type housing to be compatible with the neighboring residences.

Kevin Thomas, one of the owners from Gainesville, stated that he knows that there have been a lot of changes and partly due to the economic changes. He stated that John Williams is still 50% owner and that the houses will be in the \$150,000 range, intended for the working force people, so if you have heard section-8 housing, put that out of your mind. He ended by saying that they do care about this project and want to be proud of it.

Planning Board meeting
Minutes and proceedings
April 6, 2010

Case PB 09-30 Off Crystal Cove Drive and Comfort Road – continued

Discussion continued regarding buffering.

Phil Leary mentioned several concerns about traffic and stated that the planning world is not a perfect world and unfortunately we are seeing some of this with what has transpired here.

Mr. Holmes urged the developers to continue to communicate and take into consideration the concerns spoken by the residents.

Regular Meeting

Motion made by Mr. Venables to approve preliminary approval. Second made by Phil Leary, stating that he thought Don Holmes was correct in that we really don't have any choice in this particular matter. All present voted affirmative. Motion carried.

NEW BUSINESS

Workshop for Evaluation and Appraisal Report Major Issues

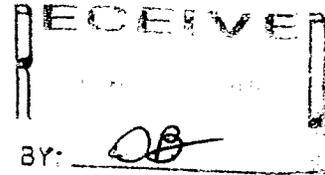
(Public Hearing)

Guy Parola advised that he contracted with the City to prepare the Evaluation and Appraisal Report which is kind of like an audit of the comp plan that looks at the goals, objectives and policies of the comp plan, and is required by the State to be done every seven years. He further advised that in 2007 there were 4 or 5 public workshops.

Discussion took place regarding the following 5 issues identified from those public hearings:

1. Historic preservation for the two historic districts is protected through the land development regulations, but not in the Comprehensive Plan.
2. Economic Development issues include, the need for a true mixed use category in the Comprehensive Plan for the Downtown area; income, as much of the workforce (approximately 35%) leave the county for employment because of the low wages throughout the county as well as an increasing unemployment rate; and for Housing and the need for bringing up the ad valorem base.
3. Transportation level of service – The city must adopt a mobility plan, as required for the transportation concurrency exception area, due to the Dense Urban Land Area community classification within the City. The City must figure out a way, either by funding or different strategies, to figure out how traffic is not going to negatively impact the city. This issue is complicated by US Highway 17, which is a failing, emerging roadway on the strategic intermodal system.
4. Trails and Parks – there needs to be a long-range plan to tie the park and trails plan together.
5. Annexations and Municipal Boundaries and the need for a city planned municipal boundary for providing municipal services. As the unplanned municipal boundary, resulting from decades

James J. Meehan P.E.
1221 SW 96th Street
Gainesville, Fl. 32607
(352) 215-2548, FAX (352) 332-0431
June 20, 2010



Ms. Debbie Banks
Planning Director
City of Palatka

Re: River Watch

The following is in response to your e-mail dated 6/16/2010

1. The storm water basin located at the southeast corner of the proposed River Watch Subdivision has been shown on the plans previously submitted to allow for the conflicting r/w and roadside ditch. The note on sheet 6 has been revised from 'deed to county' to 'deed to City'. The plat has been revised to show this, and the land will be deeded to the City at the recording of the plat.
2. The homeowners association will be responsible for the maintenance of the detention basin.
3. We are allowed to discharge to the existing catch basin located in the RW at the southeast corner of the proposed subdivision at the predeveloped rate. There will be no increase in the offsite flow rate. The SJRWMD will require that we not exceed the predeveloped rate. The proposed detention basin and discharge structure have been designed to meter the storm water to the existing catch basin at the predeveloped(existing) rate. Calculations have been provided to confirm this.

James Meehan P.E.

A handwritten signature in cursive script, appearing to read "James", followed by the date "6/21/10". The signature is written in black ink and is positioned to the right of the typed name.

James J. Meehan P.E.
1221 SW 96th Street
Gainesville, Fl. 32607
(352) 215-2548, FAX (352) 332-0431

Project: River Watch
Palatka, Fl.

Brief description:

This 11 acre site is located within the City limits of Palatka, and is zoned R-3, which allows multi-family and single family residential development. The property is bounded on the south and east by Crystal Cove Drive and on the west by Comfort Road. Adjacent to the north is Crystal Cove Subdivision. The property slopes gently from the northwest to the southeast and is covered with small to medium sized pine trees. Water and gravity sanitary sewer are presently available along the north and west boundaries of the site. Overhead electric exists along the west property line.

The proposal for this site consists of 24 single family detached houses on minimum 60 ft wide lots which will be larger than the 6,000 sf minimum lot size required for this zoning district and 10 quadruplex lots. All lots will be accessed internally from the proposed 24 ft wide curb and gutter streets with sidewalk. The multi-family portion of the subdivision shall be accessed from Comfort Road with the single family section accessed from Crystal Cove Drive.

All lots are to be connected to central water and sewer. All utilities are to be underground. Drainage detention shall consist of one detention area located in the southeast corner of the site which will be sized to handle the storm water requirements of the City of Palatka and the St. John's River Water Management District. Stormwater shall discharge from the site at the predeveloped rate thru an existing storm water system to the St. John's River.

This project will be permitted with the City of Palatka, The St. John's River Water Management District for storm water and the Fla. D. E. P. for drinking water and sanitary sewer.

James J. Meehan
6/29

GEO-TECH, INC.

ENGINEERING CONSULTANTS IN GEOTECHNICAL • ENVIRONMENTAL • CONSTRUCTION MATERIALS TESTING

June 1, 2010
Project No. 10-4193.01.1

Mr. Carl Salafrio
39th Ave. Professional Center
3603 NW 98th Street
Suite C
Gainesville, Florida 32606

Project: Proposed River Watch Subdivision, Crystal Cove Drive, Palatka, Florida
Soil Profiles and Permeability Testing, Proposed Drainage Retention Areas

Dear Mr. Salafrio:

As requested, Geo-Technologies, Inc. (Geo-Tech) has performed a site exploration at the project site. Services were conducted in accordance with our Proposal No. 3996 dated May, 12, 2010.

The following report summarizes our findings and evaluations. Generally accepted soils and foundation engineering practices were employed in the preparation of this report. Geo-Tech appreciates the opportunity to provide our services for this project. Should you have any questions regarding the contents of this report or if we may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,



Gerald W. Green, Jr.
Soil & Water Scientist

GWG/DAC/cc



David A. Cappa, P.E.
Florida Registration No. 58334

Purposes of Exploration

Purposes of this study were to explore the subsurface conditions in the proposed drainage retention area and provide soil profiles, estimated seasonal high water table levels, depths to confining layers and permeability rates to guide design of the drainage retention area.

Site Description

The project site is located off Crystal Cove Drive, west of the St. John's River in Palatka, Putnam County, Florida. At the time of our site exploration, the project site was covered with native trees and grasses.

Exploration Program

The geotechnical exploration program was performed on May 24, 2010 and consisted of the following:

- Two (2) direct push soil borings to depths of approximately ten (10) feet below existing site grade in the proposed drainage retention area (ASTM D-6282).
- Two (2) field horizontal and two (2) field vertical permeability tests in the proposed drainage retention area.

Direct Push Sampling Description

The Direct Push (DP) soil sampling method (ASTM D-6282) consists of advancing a sampling device into subsurface soils by applying static pressure, by applying impacts, or by applying vibration, or any combination thereof, to the above ground portion of the sampler extensions until sampler has been advanced to the desired sampling depth. The sampler is recovered from the borehole and the sample removed from the sampler. The sampler is cleaned and the procedure repeated for the next desired sampling interval.

Sampling can be continuous for full depth borehole logging or incremental for specific interval sampling. Samplers used can be protected type for controlled specimen gathering or unprotected for general soil specimen collection. Direct push methods of soil sampling are used for geologic investigation, soil chemical composition studies, and water quality investigations. Continuous sampling is used to provide a lithological detail of the subsurface strata and to gather samples for classification and index.

Samples recovered during performance of our direct push borings were visually classified in the field and were transported to our laboratory for further analysis.

U.S. Department of Agriculture Soil Conservation Survey

According to the U.S. Department of Agriculture Soil Conservation Survey for Putnam County, Florida, the soils at the project site are mapped as Myakka fine sand and Pomona Sand.

Myakka sand

The Myakka series is nearly level and poorly drained. It is on the flatwoods. In most years this soil has a seasonal high water table level within 12 inches of the surface for 1 month to 4 months and at a depth of more than 40 inches during dry periods. Permeability is rapid in the surface and subsurface layers, moderate or moderately rapid in the subsoil and rapid in the substratum. The soil hydrologic group for Myakka soils is group B/D.

Pomona fine sand

The Pomona series is nearly level and poorly drained. It is in broad flatwood areas. In most years this soil has a seasonal high water table level at a depth of less than 12 inches of the surface for 1 month to 3 months and between depths of 12 and 40 inches for more than 6 months. Permeability is rapid or very rapid in the surface layer and rapid in the subsurface layer, and is moderate to rapid in the upper part of the subsoil and moderately slow to moderate in the lower part. The soil hydrologic group for Pomona soils is group D.

Findings

Boring locations and general subsurface conditions found in our soil borings in the proposed drainage retention area are graphically presented on the soil profiles in Appendix I. Horizontal lines designating the interface between differing materials found represent approximate boundaries. Transition between soil layers is typically gradual.

Soils found in our soil borings generally consisted of a surficial layer of fine sand ranging from approximately eight (8) to ten (10) feet thick underlain by clayey sand and slightly sandy clay to the depths pushed.

Ground water table levels were found at our boring locations at depths ranging from approximately four (4) to five (5) feet below the existing site grade.

Seasonal High Water Table Levels

Estimated seasonal high water table levels were found at depths ranging from approximately one (1) to two (2) feet below existing site grade. Estimated seasonal high water table levels are indicated on the soil profiles at the appropriate depths.

Confining Layers

A confining layer was not found at our boring location DP-1 to depth drilled. A confining layer was found at our boring location DP-2 at a depth of approximately eight and one-half (8 ½) feet below existing site grade. Confining layers are indicated on the soil profiles at the appropriate depths.

Permeability

Two (2) field horizontal and two (2) field vertical permeability tests were performed adjacent to our soil boring locations at depths ranging from approximately two (2) to three (3) feet below existing site grade. Resulting coefficients of horizontal and vertical permeability are noted on the soil profiles at the appropriate depths. Measured permeability rates should not be used for design purposes without an appropriate safety factor. Actual pond exfiltration rates will depend

on many factors such as ground water mounding, pond bottom siltation, construction technique, and the amount of soil compaction during construction.

Closure/General Qualifications

This report has been prepared in order to aid evaluation of the project site and to aid various design professionals in design of the drainage retention area. The scope is limited to the specific project and the location described herein, and our description of the project represents our understanding of the significant aspects relevant to soil characteristics.

Analyses submitted in this report are based upon the data obtained from the soil borings performed at the locations indicated on the Boring Location Plan, and from any other information discussed in this report. This report does not reflect any variations, which may occur between these borings. In the performance of subsurface investigations, specific information is obtained at specific locations at specific times. However, it is a well known fact that variations in soil and rock conditions exist on most sites between boring locations, and also such situations as groundwater levels vary from time to time. The nature and extent of variations may not become evident until the course of construction.

July 6, 2010

Planning Board Minutes

Case PB 09-30

River Watch Subdivision

Case 08-29/10-26 – continued.

Ms. Avery Smith stated that a lot of right-of-way vacations are done in the public interest and economic development is certainly of public interest.

(Regular Meeting)

Phil Leary advised that he lives a few blocks away and has taken the opportunity to observe the traffic patterns, more for his own curiosity, and being a planner, doing a lot of analysis on transportation and traffic circulations, what this really boils down to is the inconvenience to maybe one business on St. Johns Avenue and a few residents versus the viability of maintaining a long standing business that provides a lot to the community, his position has not changed from the last time. With this not being a through road, and D.O.T. not having a problem with closing it, the benefits of the dealership and what it brings to the community, as the attorney said, there is a Florida Statute that would support the approval of the application.

Motion made by Ken Venables and seconded by Phil Leary to recommend approval for the request. With a show of hands of all present the vote resulted with two in favor and five opposed, motion failed.

Case 09-30

Address: Off Crystal Cove Drive and Comfort Road
Parcel: 37-09-26-0000-0060-0082
Owner: Thirty-Ninth Avenue Professional Center, Inc.
Agent: James Meehan

Request: for approval of final plat for a subdivision

(Public Hearing)

Ms. Banks advised that Mr. Meehan addressed all of the staff comments that were made at the preliminary level, there are a couple of items that will be dealt with at the Water Management level and that the applicant has submitted a revised plat. She advised that she received two comments regarding the subdivision and that Mr. Taylor is present with comments and one of the owners, Mr. Salifrio is also present.

Robert Taylor, 241 Crystal Cove Dr. stated that he believes a mistake was made with the annexation of this property as being less than 10 acres and believes the parcel is larger than that. He expressed concerns of traffic safety with regards to Crystal Cove Dr. He stated that there have been several meetings that the developers had asked them to come and discuss concerns and then each time the plans come back a little worse than they started. He conveyed his unhappiness and stated that the community residents were not given written notice for the rezoning from R-2 to R-3, as they were outside of the 150 ft. notice requirements and believes the City should extend the notice requirements, as their community is directly impacted financially and physically impacted by this development. He ended by saying that he is concerned with the Water Management issues with the retention on the S.E. section of that site and does not believe that this is a compatible development for Crystal Cove.

Discussion took place regarding the required verbiage on the plat and fencing.

Case 08-29/10-26 – continued.

Ms. Banks advised of notes on the site plan that was submitted and included in the Board packets, referencing the placement of a 6 ft. masonry wall along the rear of lots 7 through 12 and a 6' ft. wood privacy fence with reverse board and batten with landscaping bushes and trees along the rear of lots 1 through 6.

Mr. Holmes advised that if a project is part of a Planned Unit Development (PUD), you can place specific conditions and restrictions on the project that are agreed to and then become part of the approval otherwise the City can only rely upon the code as it relates to buffer requirements and development standards.

Carl Salifrio, 3603 N.W. 98th Street, Gainesville, an owner, advised that they agreed to put in the 6 ft. wall and will uphold their promise to the people.

John Williams, 5825 Glory Avenue, St. Augustine, said he spoke with Mr. Leary, (a resident) personally and he had agreed to build a fence to match the existing one on the other side and they will uphold that agreement. He added that they originally wanted to lower the density and do all single-family residential, but they met a lot of opposition, therefore they increased the density of the project to meet minimum requirements of the existing land use requirements in order to move forward.

Garry Wood, 207 Crystal Cove Dr., shared handouts with the Board, listing the changes and differences between the original proposal and now. He stated that being in the corporate limits of a town; one would expect to be protected by the codes of that town. That little did they know, once the zoning was changed to R-3 that they would have no say whatsoever, especially if the original presentation that was considered for that change begins to change. He believes that the codes should be changed to put these kinds of protections in place.

Chevy Davis, 226 Crystal Cove Dr. reiterated comments made by Mr. Wood and stated that they feel that they have had the wool pulled over their eyes. He is concerned about the impact to their economic value and the promises that have been made and not delivered.

Charles Meyers, 244 Crystal Cove Dr., concurred with the previous statements made and is concerned with compatibility and that there seems to be something wrong with the system.

Discussion continued regarding the annexation, densities with regards to Comprehensive Plan amendments and zoning.

Mr. Holmes reiterated that the comprehensive plan controls the density or the number of units, the zoning controls what uses are allowed on that density. When the property was annexed into the city, it came in as Land Use of High density residential (10 – 18 units per acre) at some point down the road, they did come back and asked to modify the density down by 14 units per acre to a maximum of 4 units per acre and they received a huge amount of opposition. The owners then decided to develop it according to the existing zoning and that compatibility is considered at the time of zoning, not at the subdivision level.

Case 08-29/10-26 – continued.

Mr. Salifrio advised that the strip on the north end of the property was cut out. He added that they intend to build these homes for workforce people such as firemen, policemen, teachers and such.

Ms. Banks pointed out that the surrounding uses of this property vary and include residential, commercial and industrial zoning as well.

Mr. Taylor stated that in 1995 the zoning was R-2, prior to the 2000 Comprehensive Plan update.

Mr. Williams, spoke again stating the property is for sale, and reiterated that they intend to build the development and have from day one. He added that he has been a part of this community for 6 generations and has never set out to do anything in this county that was not good for the whole of the community.

(Regular Meeting)

Randy Braddy commented that as a property owner and resident has experienced the dilemma such as the residents of Crystal Cove, where the so called cat got out of the bag, and unfortunately he has had to live with it as does everyone else, and it is a simple matter of existing zoning and the issues that have been presented should have been dealt with at that point and time.

Motion made by Randy Braddy and seconded by Sue Roskosh to approve the final plat for a subdivision, all present voted in favor, motion carried.

NEW BUSINESS

Case 10-18 **Address:** Unnamed streets lying in parcels: 01-10-26-0000-0320-0000; 01-10-26-3150-0010-0010; 01-10-26-0000-0410-0000; and 01-10-26-3150-0010-0040
Parcel:
Owner: Putnam County School District
Agent: James L. Padgett, Esquire

Request: to vacate those portions of streets and roads lying in the following parcels: 01-10-26-0000-0320-0000; 01-10-26-3150-0010-0010; 01-10-26-0000-0410-0000; and 01-10-26-3150-0010-0040. (North of Jenkins Middle School)

(Public Hearing)

Ms. Banks advised that these roads are actually within the confines of the School Board parcel and that they have never been named, opened or maintained. She added that she received a couple of calls regarding the notices and advertisements and explained what was happening and is not sure if anyone is here to speak regarding this request.

Sheila McCoy, 115 Pinion Lane, question how this request will affect her.

River Watch Subdivision
July 6, 2010 Planning Board Minutes

Case 08-29/10-26 – continued.

Ms. Avery Smith stated that a lot of right-of-way vacations are done in the public interest and economic development is certainly of public interest.

(Regular Meeting)

Phil Leary advised that he lives a few blocks away and has taken the opportunity to observe the traffic patterns, more for his own curiosity, and being a planner, doing a lot of analysis on transportation and traffic circulations, what this really boils down to is the inconvenience to maybe one business on St. Johns Avenue and a few residents versus the viability of maintaining a long standing business that provides a lot to the community, his position has not changed from the last time. With this not being a through road, and D.O.T. not having a problem with closing it, the benefits of the dealership and what it brings to the community, as the attorney said, there is a Florida Statute that would support the approval of the application.

Motion made by Ken Venables and seconded by Phil Leary to recommend approval for the request. With a show of hands of all present the vote resulted with two in favor and five opposed, motion failed.

Case 09-30 **Address:** Off Crystal Cove Drive and Comfort Road
 Parcel: 37-09-26-0000-0060-0082
 Owner: Thirty-Ninth Avenue Professional Center, Inc.
 Agent: James Meehan

Request: for approval of final plat for a subdivision

(Public Hearing)

Ms. Banks advised that Mr. Meehan addressed all of the staff comments that were made at the preliminary level, there are a couple of items that will be dealt with at the Water Management level and that the applicant has submitted a revised plat. She advised that she received two comments regarding the subdivision and that Mr. Taylor is present with comments and one of the owners, Mr. Salifrio is also present.

Robert Taylor, 241 Crystal Cove Dr. stated that he believes a mistake was made with the annexation of this property as being less than 10 acres and believes the parcel is larger than that. He expressed concerns of traffic safety with regards to Crystal Cove Dr. He stated that there have been several meetings that the developers had asked them to come and discuss concerns and then each time the plans come back a little worse than they started. He conveyed his unhappiness and stated that the community residents were not given written notice for the rezoning from R-2 to R-3, as they were outside of the 150 ft. notice requirements and believes the City should extend the notice requirements, as their community is directly impacted financially and physically impacted by this development. He ended by saying that he is concerned with the Water Management issues with the retention on the S.E. section of that site and does not believe that this is a compatible development for Crystal Cove.

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(Regular Meeting)

Randy Braddy commented that as a property owner and resident has experienced the dilemma such as the residents of Crystal Cove, where the so called cat got out of the bag, and unfortunately he has had to live with it as does everyone else, and it is a simple matter of existing zoning and the issues that have been presented should have been dealt with at that point and time.

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(Public Hearing)

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*Agenda
Item*

7

Steamboat Willies
309 St Johns Ave
Palatka, FL. 32177

Woody Boyton
201 N. 1st St.
Palatka, FL. 32177

October 19, 2010

Mr. Boyton,

I am requesting to be placed on the consent agenda of the next City Commission meeting to request a noise variance for Steamboat Willies. We have live entertainment playing on the following dates for the month of October:

October 29th

We are requesting a variance for the times starting at 10:00pm of the listed date into the next morning at 1:00am.

In case the City Commission sets limited meeting times for the holidays I will include the November dates as well and the request would be for the same times. The November the dates are:

November 5th

November 12th

November 19-21st St Johns River Blues Festival

November 26th

November 27th

The weather has finally gotten back to a bearable temperature to enjoy the outside atmosphere we provide for our clients. I appreciate your help as well as the consideration of the City Commission on supporting the events we have had in the past and the events in the future.

Best Wishes,



John Lyon
Owner

*Agenda
Item*

8

RESOLUTION No. 8-82
Entitled

**A RESOLUTION OF THE CITY OF PALATKA,
FLORIDA, OPPOSING AN AMENDMENT TO THE
FLORIDA CONSTITUTION THAT WOULD FORCE
VOTERS TO DECIDE ALL CHANGES TO A CITY OR
COUNTY'S COMPREHENSIVE PLAN.**

WHEREAS, the State of Florida has experienced tremendous growth; and

WHEREAS, the challenges presented by growth require that local governments embrace smart growth policies aimed at protecting our State's quality of life, engendering greater economic prosperity, and equitably planning for the common good; and

WHEREAS, smart growth requires careful planning and direction combined with a clear and effective means of engaging the people's voice; and

WHEREAS, the City of Palatka understands that elected leaders must always empower citizens and never abandon government's primary responsibility for creating sound public policy; and

WHEREAS, Amendment 4 seeks to place a constitutional amendment before Florida's voters to amend Article II, Section 7, of the Florida Constitution, (Title: REFERENDA REQUIRED FOR ADOPTION AND AMENDMENT OF LOCAL GOVERNMENT COMPREHENSIVE LAND USE PLANS); and

WHEREAS, this amendment constitutes a fundamental abandonment of government's responsibility to represent all its citizens; and

WHEREAS, this amendment will impede progress on smarter growth policies aimed at improving citizen input, enhancing public participation, and engaging every community.

WHEREAS, this amendment will further disenfranchise millions of Florida's already-fatigued electorate, paralyze local governments and potentially cripple vital public services including crime prevention, transportation improvement and public education; and

WHEREAS, this amendment poses a grave threat to Florida's unique quality of life.

NOW, THEREFORE BE IT RESOLVED by the Palatka City Commission, that:

Section 1. The City of Palatka, meeting in Palatka, Florida on October 28, 2010, having dedicated its own policies to advancing smarter growth, recommends defeat of the Florida Hometown Democracy initiative and its proposed amendment to the Florida Constitution.

Section 2. The City of Palatka urges citizens to vote "no" on Amendment 4, when it appears on the 2010 ballot.

Section 3. The City of Palatka does not concur with the "one size fits all" approach of Amendment 4 and believes in opening a broad-based community dialogue that addresses the unique growth management concerns of our community.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida, on this 28th day of October, 2010.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

CITY CLERK

MINUTES
BOARD OF DIRECTORS
PUTNAM COUNTY CHAMBER OF COMMERCE
MONDAY, DECEMBER 15, 2008

Present: Chairman T. Douglas, B. Bates, W. Boynton, J. Browning, M. Curtis, S. Deputy, K. Durscher, P. Freeman, L. Hafner, W. McClain, B. Miller, V. Myers, D. Northrip, B. Payne, B. Pember, L. Pritchett, B. Scholl, R. Starr, T. Turner, J. Womble, Guest Speaker Ryan Houck and Chamber Staff W. Larson, H. Eaken, D. Jones, J. Linton, N. Linton, A. McCoy, D. Quiles, and T. Sheridan.

Absent: J. Alexander, W. Herrington, B. Keith, C. Laibl, J. Mikell, M. Miller, J. Roberts, B. Sloan, G. Walker, and B. Westbury.

- I. **Call to order:** Chairman Douglas called the meeting to order at 12:07 p.m.
- II. **Invocation:** The invocation was given by L. Pritchett.
- III. **Matters Requiring Action:**

- a. **Approval of Consent Agenda**

- (1) Approval of Minutes November 17, 2008.
- (2) Approval of Financial Statement November 2008.
- (3) Approval of New Members for December 2008.
- (4) Approval of Business Plan for 2009

Action: Motion V. Myers, second P. Freeman to approve the Consent Agenda.

Carried.

- b. **Hometown Democracy:** A brief presentation was given by Ryan Houck, Floridians for Smarter Growth on the Hometown Democracy Amendment.

Action: Motion L. Pritchett, second T. Turner to adopt a Resolution opposing an amendment to the Florida Constitution that would force voters to decide all changes to a City or County's comprehensive plan.

Carried.

- IV. **Reports and Matters for Discussion:**

- a. **Chairman of the Board:** Chairman T. Douglas thanked the 2008 Board members for their time and financial contributions. He was very pleased with the progress that was made during his term as Chairman.

- b. **Economic Development:** B. Bates reported that the Economic Development Council Quarterly meeting was well attended. President Larson reported that the next Wal-mart hearing is scheduled in March 30, 2009, and he asked all to mark their calendars to attend this hearing, He concluded by reporting that there is a prospect looking to build an upscale office complex on 10 acres of the business park.

Betsy Driggers

From: Karen Venables
Sent: Thursday, October 21, 2010 11:25 AM
To: Betsy Driggers
Subject: FW: Amendment 4

Is this what you were looking for?

From: Woody Boynton
Sent: Thursday, October 21, 2010 8:29 AM
To: Karen Venables
Subject: FW: Amendment 4

This is the amendment 4 info from the chamber,

From: Dana Jones [<mailto:dana@pcccfi.org>]
Sent: Wednesday, October 20, 2010 6:01 PM
To: Woody Boynton
Subject: Amendment 4

Woody – as I suspected I cannot locate the actual resolution to give you the dates signed but the actions below were adopted and made policy on the dates reflected. The resolution followed the 2nd entry so my guess it went out in Dec 2008 or early January of 2009.

HOMETOWN DEMOCRACY: The Putnam County Chamber of Commerce will be an active participant with the Florida Chamber in their effort to defeat the Hometown Democracy issue in the coming election. (Adopted July 16, 2007)

HOMETOWN DEMOCRACY: The Putnam County Chamber of Commerce opposes an amendment to the Florida Constitution that would force voters to decide all changes to a city or County's Comprehensive Plan. (Adopted December 15, 2008)

Dana Cameron Jones
President
Putnam County Chamber of Commerce
(386) 328-1503 X 102
www.putnamcountychamber.org

follow your Chamber on [Twitter](#)

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PUBLIC RECORDS NOTICE: Under Florida law, e-mail addresses are public record. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this public entity. Instead, contact this office by phone or in person. Section 668.6076, Florida Statutes.

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC. OPPOSING AMENDMENT 4 ON THE 2010 GENERAL ELECTION BALLOT, WHICH PROPOSES AN AMENDMENT TO THE FLORIDA CONSTITUTION REQUIRING THAT EVERY AMENDMENT TO A CITY'S OR COUNTY'S COMPREHENSIVE PLAN BE SUBJECT TO A VOTE OF THE RESPECTIVE CITY'S OR COUNTY'S ELECTORATE.

WHEREAS, a proposed constitutional amendment sponsored by Florida Hometown Democracy, Inc. will be placed on the 2010 general election ballot as "Amendment 4"; and

WHEREAS, this proposed constitutional change would subject every amendment to a city's or county's comprehensive plan to a vote of the local government's electors; and

WHEREAS, planning and growth management decisions in Florida's municipalities are presently made through a representative form of democracy in which elected governing bodies are entrusted to make policy decisions on behalf of their constituents; and

WHEREAS, in 1985, the Florida Legislature enacted Chapter 163, Part II, Florida Statutes, the "Local Government Comprehensive Planning and Land Development Regulation Act," mandating that each municipality adopt a comprehensive plan to manage and guide the use and development of property within the municipality; and

WHEREAS, the intent of the act is to empower local governments, including municipalities, to preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement, fire prevention and general welfare; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate the adequate and efficient provision of transportation, water supply, sewer treatment, schools, parks, recreational facilities, housing and other services; and to conserve, develop and protect natural resources within their jurisdictions; and

WHEREAS, the act requires extraordinary public notice, review, comment and hearings before a comprehensive plan may be adopted or amended by a municipality; and

WHEREAS, municipal comprehensive plans are adopted and amended by a municipal governing body only after significant review and input from the public, professional planners and municipal staff; and

WHEREAS, the elected body's decision to amend, or the manner in which to amend, a comprehensive plan is based upon legal requirements as well as policy issues that require a balancing of the needs and desires of the overall community; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will trample minority interests and ignore the community's long-term planning needs and goals, including affordable housing measures, urban infill measures, redevelopment initiatives and the development of essential infrastructure; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will subject important planning and policy decisions to potentially misleading and inflammatory media campaigns; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will require the unnecessary expenditure of additional municipal revenues to fund numerous elections on comprehensive plan referenda; and

WHEREAS, the Florida League of Cities, Inc. finds that the Hometown Democracy amendment will require the unnecessary expenditure of additional municipal revenue to fund the defense of lawsuits filed by persons aggrieved by the outcome of comprehensive plan amendment elections; and

WHEREAS, these unnecessary costs will be borne by the citizens of Florida's cities and counties either through increased taxes or decreased municipal services.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc. urges Floridians to carefully consider the potential adverse consequences of Amendment 4 before voting in the 2010 general election.

Section 2. That the Florida League of Cities, Inc. urges Florida's municipal residents to exercise their existing rights to influence the quality of life in their city by participating in the development and amendment of its comprehensive plan.

Section 3. That the Florida League of Cities, Inc. urges Florida's residents to regularly attend public hearings, workshops and meetings and otherwise take an active role in shaping local policies that affect growth within their communities.

Section 4. That a copy of this resolution be provided to the membership of the Florida League of Cities, Inc. and other interested parties.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 84th Annual Conference, at the Westin Diplomat, Hollywood, Florida, this 21st Day of August 2010.



John Marks, President
Florida League of Cities, Inc.
Mayor, Tallahassee

ATTEST:



Michael Sittig, Executive Director
Florida League of Cities, Inc.



AMENDMENT 4:

Hometown Democracy (Citizen Initiative by Petition)

Amendment 4 would require a voter referendum on every city and county comprehensive plan amendment. The vote would occur after preparation of the plan amendment by the local planning agency and consideration by the governing body.

SUPPORT

SUPPORTERS:

Florida Hometown Democracy, Sierra Club Florida, Florida Consumer Action Network

ARGUMENTS:

According to Florida Hometown Democracy, citizens are unhappy with the growth management decisions being made by local city and county governments.

Under the current system, communities have become overbuilt, roads are clogged and schools are overcrowded.

Elected officials are influenced by development interests and everyday citizens are shut out of the process.

Perceived inadequacies with the current system can be corrected if citizens are getting a direct vote on land use decisions.

www.floridahometowndemocracy.com

OPPOSE

OPPONENTS:

Florida League of Cities, Florida Chamber of Commerce, Floridians for Smarter Growth (made up of builders, real estate agents and other business groups), Florida Association of Realtors, Florida Association of Counties, Florida Association of School Boards, Florida Bankers Association, Florida Chapter of the American Planning Association, Florida Farm Bureau Federation, Florida Home Builders Association, Florida Institute of CPAs, Florida Retail Federation, Florida United Business Association, Florida AFL-CIO, Florida Tax Watch, Florida Education Association

ARGUMENTS:

Amendment 4 broadly applies to all comprehensive growth plan amendments no matter the size or scale. For example, even an amendment to a single parcel of land would require a city-wide or county-wide vote. Not only is it a waste of tax dollars, it would require literally dozens of elections to make even technical and often badly needed changes to every comp plan change, regardless of the size, the scope, the complexity or the impact.

A representative democracy, where decisions are voted on by an elected body, is simply better suited to make long-term planning and policy level decisions that impact a diverse number of individuals and interest groups.

Direct democracy, as proposed with Amendment 4, can trample minority interests and ignore a community's long-term needs and goals. Local officials are elected to make decisions as an elected body. If citizens are dissatisfied with the performance of their elected officials, they are free to elect others to take their place. The fiscal impacts associated with holding special elections and lawsuits challenging the outcome of referendum elections would cost taxpayers millions of dollars.

www.florida2010.org

COC Mtg. 1 p.m.
7/9/09



Message Points: Vote "No" on Amendment 4

1. Amendment 4 will leave Florida in a permanent recession.

Designed to bring economic growth to a halt, Amendment 4 will solidify the loss of nearly 500,000 Florida jobs. Due to the expense, red-tape and uncertainty imposed by Amendment 4, new businesses will find it virtually impossible to move to Florida. Existing businesses will find it nearly impossible to grow and Florida's working families will suffer the most.

2. Amendment 4 has already failed miserably in one small, Florida town.

In 2006, the small Pinellas county town of St. Pete Beach adopted a local version of Amendment 4. The result has been economic collapse, an impossible growth-management process, and endless litigation at taxpayer expense. When St. Pete Beach voters approved four pro-growth changes to their comprehensive plan, Amendment 4 lawyers sued to overturn the election. More than a year after voting to change their comprehensive plan, the people of St. Pete Beach are still defending their vote in court. St. Pete Beach is a town of only 10,000 voters and Amendment 4 has already cost its taxpayers over half-a-million dollars in legal fees. Imagine the extraordinary costs and litigation that would result if Amendment 4 is taken statewide.

3. Amendment 4 will turn our planning process into a political process, boosting the influence of special interest groups and side-lining ordinary citizens.

Amendment 4 advocates do not want to empower voters; they want to stop growth at any cost. Under their proposal, special interests on both sides of the development debate will gain influence at the expense of ordinary citizens. Rather than being compelled to compromise, interest groups will be encouraged to draft the most extreme proposals and hire political consultants to sell them. Under Amendment 4, sound bites will have more influence than sound planning.

4. Amendment 4 will lead to extraordinary costs, disruption and disorder at the ballot box.

Under Amendment 4, the taxpayers will be forced to fund expensive elections for every technical change to their local comprehensive plan. It would not be uncommon for voters to face 200 or 300 minor land use issues on a single ballot. If Amendment 4 had been law in 2006, the residents of Carrabelle—a small Franklin County town—would have voted 617 times!

5. Amendment 4 is opposed by a broad and diverse coalition.

Over 135 organizations are opposing Amendment 4 for a variety of reasons. These organizations include: the Florida Chamber of Commerce, 1000 Friends of Florida, the Florida American Planning Association, the Florida League of Cities, the Florida State Council of Machinists and Aerospace Workers, and the Florida Health Care Association.



Amendment 4: *Bad for Hometowns, Worse for Democracy*

Amendment 4—a statewide “Vote on Everything” initiative—is a grave threat to Florida’s future. This proposed re-write of the Florida Constitution will imperil Florida’s economy and unique quality-of-life.

The amendment subverts a well-established and democratic planning process while threatening Florida’s prospects for economic recovery. With the “Vote on Everything” amendment, citizens—not the representatives they elected—are forced to regularly decide *hundreds* of technical land-use planning issues at the ballot box.

Much is at stake for all Floridians:

- **The disruption** to local communities and the daily lives of Floridians will be extraordinary. Cities and counties will be required to hold elections for each proposed comprehensive plan change – not just major projects, but even minor technical details. It will not be unusual for the voters to face 200 to 300 comprehensive plan changes every year. In the last four years alone, this amendment would have required an average of over 10,000 additional local referenda *per year* in Florida. If Amendment 4 had been law in 2006, the residents of Carrabelle, a small Franklin County town, would have voted 617 times!
- **The disorder** will further disenfranchise Florida's electorate. Voters will be deluged with highly technical background materials prepared by local government planning staff. The legalese of proposed comprehensive plan changes, often puzzling for expert engineers and attorneys, will further dampen voter turnout. Lines at voting booths will grow as Floridians attempt the virtual impossibility of voting on hundreds of separate and often confusing ballot questions.
- **The cost** will be astronomical. Every city and county in Florida will be burdened with the time and cost of holding additional elections to vote on proposed changes to comprehensive land use plans. Each of these elections will be costly, and local taxpayers will have to pay the bills.
- **The result** will be a system that is far worse, not better. That’s why respected environmental leaders refuse to support the amendment. They know this proposal will transform every planning decision into a political campaign, thereby encouraging sprawl and making smarter growth impossible.

The “Vote on Everything” amendment has been a disaster in St. Pete Beach—the small Pinellas County town that adopted a local version of this proposal in 2006. Since then, residents have suffered through endless litigation and economic shutdown that has turned their small community into a battleground for out-of-town lawyers and special interest groups.

Now, this amendment threatens to go state-wide. Amendment 4 will appear on the 2010 ballot. A diverse group of community leaders organized *Floridians for Smarter Growth* to fight them. History proves that a strong, well-coordinated grassroots effort is the key to success and although this proposal will not be on the ballot until 2010, we must organize for victory now.



NO on AMENDMENT 4: FAQs

1. What is the status of "Hometown Democracy"?

The Florida Secretary of State certified "Hometown Democracy" for ballot placement on June 22nd, 2009. It will appear before the voters in 2010 as "Amendment 4."

2. Was this expected?

Yes, we have been preparing for this development since 2007 and we are ready. Floridians for Smarter Growth (FSG) leads a diverse coalition in opposition to Amendment 4. Now that the amendment has been certified for the ballot, FSG is mobilizing this coalition for action.

3. Will the words "Hometown Democracy" appear on the ballot?

No. "Hometown Democracy" is merely the name of the political committee sponsoring Amendment 4. The misleading words "Hometown Democracy" will not appear on the ballot.

4. What is the plan?

We have the time to debate Amendment 4 in every community in Florida—and that gives us an advantage. The more voters learn about Amendment 4, the more they oppose it. As a result, our strategy is simple and straightforward: inform Florida voters on the serious consequences of this amendment. FSG will make use of every informational tool at our disposal to accomplish this objective—and we will need your help.

5. What can you do?

Ryan Houck

- All groups and associations should immediately move to adopt an official position against "Amendment 4." Adopted statements or resolutions should be sent to RHouck@Florida2010.org for the record.
- Businesses, groups and individuals may join the fight by contributing to Floridians for Smarter Growth. Checks may be mailed to: PO Box 532018, Orlando, FL 32853.
- Follow us on Twitter or join us on Face Book and LinkedIn:
 - Join us on LinkedIn: <http://tinyurl.com/l5g5r2>
 - Join us on Face Book: <http://tinyurl.com/llwwjf>
 - Follow us on Twitter: <http://www.twitter.com/FLSmarterGrowth>
- Write a Letter-to-the-Editor. Content may be found at <http://www.florida2010.org/supporters.php> and examples may be found at: <http://www.florida2010.org/media.php>.

Frequently Asked Questions about Amendment 4

What is Amendment 4?

Amendment 4 is a proposed constitutional amendment that would require a voter referendum on all proposed amendments to a city or county comprehensive plan.

Voters will decide the fate of Amendment 4 at the polls on Nov. 2.

What is a “comprehensive plan?”

Florida law requires every city to adopt a “comprehensive land use plan” – a “blueprint” for future growth and development within a city or county. These plans address elements such as infrastructure, traffic, parks, conservation and housing over a 20-year planning timeframe.

These “blueprints” reflect a community’s desires and preferences, but state law also requires they be supported by data such as population projections, economic conditions, infrastructure demands, and environmental resources.

Why do “comprehensive plans” change?

Comprehensive plans change because a community’s conditions and desires change over time. Florida law requires the plans to be updated periodically based on changes in population, school enrollment, traffic, employment or economic conditions. Comp plans are also amended when state law imposes new requirements. A portion of a plan can be changed at the request of a property owner, so long as the change remains consistent with the rest of the plan and with state law.

When a city or county must change its comprehensive plan for any reason, it must support the change with data and analysis, submit the amendment for review by state and regional agencies, and hold several public hearings to gather public input. Finally, the governing body of the city must vote to make the change. Voters that are unhappy with these changes can hold the elected officials accountable for their decisions when they run for election or reelection.

How would Amendment 4 change this process?

Amendment 4 would add an additional step in this process by requiring voters to approve amendments to the comprehensive plan in a referendum. If the referendum failed, the plan could not be changed and the city or county would be stuck with the old plan – even a plan that is recognized as outdated or supportive of bad policies such as urban sprawl.

Why do proponents of Amendment 4 believe it is needed?

In short, supporters of Amendment 4 do not agree with the past comp planning decisions of their city or county. Supporters claim that if voters decide directly on comp plan changes rather than the governing body, it will remove the “politics” from land use planning and give people more say in what gets built in their community.

Before we approve Amendment 4 statewide, has it been tested locally?

Yes. The process prescribed by Amendment 4 has already been tested in the small town of St. Pete Beach (pop. 10,000) in Pinellas County. The city’s charter was amended to require voter approval of certain comprehensive plan changes.

After this change, the city voters approved some plan amendments, but out-of-town lawyers challenged the election, protesting the ballot language and other issues. The result was several ongoing lawsuits, and after three years and nearly a million dollars later, the citizens of St. Pete Beach are still paying to defend their vote. Lawsuits challenging the ballot language used in comp plan referenda could be filed in any election for any plan amendment – or all plan amendments and all elections – in every city and county.

Does Amendment 4 require voter approval of every comp plan change?

Yes. Amendment 4 applies to all comp plan amendments, no matter their significance or whether they have created controversy.

Facts About Amendment 4

Amendment 4 is a flawed amendment that will waste tax dollars, create costly lawsuits, lead to poor planning decisions and infringe on cities' rights to home rule.

Amendment 4 is a proposed constitutional amendment that would require a voter referendum whenever any city or county wants to amend its comprehensive plan – no matter whether the change is significant or whether it has created controversy.

Even a grammatical correction would be subject to referendum. In fact, if Amendment 4 passes, an amendment to a county plan that affects only a single parcel would be voted on countywide. In charter counties that have taken over planning authority from their cities, a change for a single parcel in a single city could require a vote by the entire county.

Amendment 4 will cost taxpayers and could lead to higher taxes.

Amendment 4 does not come with a specified source of funding, but the fiscal estimates for Amendment 4 conclude it will impose significant costs on Florida's city and county taxpayers. These taxpayer costs include the added expense of putting every comprehensive plan amendment to a popular vote – which would require a special election unless cities and counties wanted to delay every planning change until the next general. Necessary changes could be delayed by as much as two years.

Moreover, experience with a similar land use referenda system in St. Pete Beach has shown there could be substantial legal costs for local taxpayers. The potentially arbitrary outcomes of these land-use elections would invite expensive lawsuits that will create tremendous liabilities for cities and counties. Even if local governments win these lawsuits, they will still have to pay expensive attorneys' fees.

Amendment 4 has been tested locally and led to wasted tax dollars.

The process prescribed by Amendment 4 has already been tested in the small town of St. Pete Beach (pop. 10,000) in Pinellas County. The city's charter was amended to require voter approval of certain comprehensive plan changes.

After this change, the city voters approved some plan amendments, but out-of-town lawyers challenged the election, protesting the ballot language and other issues. The result was several ongoing lawsuits, and after three years and nearly a million dollars later, the citizens of St. Pete Beach are still paying to defend their vote.

Lawsuits challenging the ballot language used in comp plan referenda could be filed in any election for any plan amendment – or all plan amendments and all elections – in every city and county.

Amendment 4 will not necessarily give voters an opportunity to approve or deny projects such as big box retailers or taller buildings.

Amendment 4 will not require voters to approve development orders that would authorize specific types of buildings on specific parcels of land.

It would only require votes for comp plan amendments – not what specific developments get approved. That's because comp plan amendments are different and distinct from development orders, which authorize specific types of development on specific parcels of property.

Amendment 4 does nothing to ensure voters are properly informed about a planning issue before they are asked to decide it.

Today, elected officials make decisions based on professional staff recommendations and verification through supporting data and documentation. But Amendment 4 does not specify if or how voters will receive any supporting information, nor does it say who will pay for this expense.

In fact, Amendment 4 has no mechanism at all to ensure voters are given the objective information they need to make informed planning decisions.

If objective supporting information is not readily available, voters may have to turn to other sources – which may be biased – through political and public relations campaigns.

Amendment 4 fails to respect the principles of limited government and local home rule.

The reason Florida has 67 counties and more than 400 cities in the first place is to provide policies and services that cannot be provided through a one-size-fits-all state law.

Amendment 4 would force all cities – even the cities that vote against it – to obey the same policy.

Referenda are not the best way to make comprehensive planning decisions.

America's founders rejected direct democracy through referenda in favor of a representative democracy. The founders worried that direct democracy would lead to a "tyranny of the majority" over minority interests. They also believed that untrammelled "mob rule" could create wild swings in policy that would undermine the stability and consistency of public decision-making.

That is why the framers created a system where voters don't make the decisions directly, but choose the decision-makers. These decision-makers represent the collective interests of all – including both majority and minority interests.

Agenda Item

9

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

DJA

ITEM: Public hearing to amend Section 78-162 pertaining to Business Taxes to allow the levy of a business tax on those insurance companies doing business in the City regardless of whether a permanent location is maintained. First reading.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Public hearing item

ATTACHMENTS: 1. Proposed Ordinance
2. Email letter from the Florida League of Cities

DATE: October 14, 2010
with second reading
on October 28, 2010

SUMMARY HIGHLIGHTS:

On September 10, 2010 Permit Clerk Pam Sprouse received an email from Russell F. Winch with the Florida League of Cities advising her that the League had reviewed the City's Business Tax Ordinance and recommended additional language to comply with Florida Statute 205.042. This has been accomplished in the attached ordinance by adding the following item:

(c) Any person who does not qualify under subsection (a) or subsection (b) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by section 8 of Article I of the United States Constitution.

RECOMMENDED ACTION:

Approval of the attached ordinance to amend Section 78-162 per the Florida League of Cities' recommendation.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

September 10, 2010 email to Pam Sprouse, Permit Clerk

Dear Ms. Sprouse,

Upon review of your business tax ordinance, we recommend a change in the wording of Section 78-162. Currently, this paragraph refers to a business tax required of anyone who maintains a permanent business location in the city. As you know, Florida cities are allowed to levy a business tax on insurance companies that do business in the city, regardless of whether a permanent location is maintained. However, this provision limits the city's authority to collect taxes from this source.

Therefore, we recommend changing the language of this paragraph to comply with Florida Statute 205.042, which allows for this type of levy. The recommended language would make the following requirements, in accordance with state law:

The business tax may be levied on:

- (1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.
- (3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by section 8 of Article I of the United States Constitution.

Subsection (3) above is the key paragraph which is missing from the city's current ordinance. Once this change has been made, please forward to us a copy of the new ordinance for our file. Please let us know if you have any questions or require any further information.

Thank you,
Russell F. Winch
888-255-0434

Florida League of Cities
P.O. Box 1757
Tallahassee, FL 32302-1757

This instrument prepared by:
Debbie. Banks
201 N 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 10 - 29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA AMENDING CHAPTER 78, ARTICLE V, SECTION 78-162 OF THE CITY MUNICIPAL CODE PERTAINING TO BUSINESS TAXES TO REFLECT STATUTORY LANGUAGE RELATIVE TO THE LEVY OF A BUSINESS TAX ON INSURANCE COMPANIES DOING IN BUSINESS IN THE CITY, REGARDLESS OF WHETHER A PERMANENT LOCATION IS MAINTAINED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida League of Cities has reviewed Section 78-162 of the city's Municipal Code; and

WHEREAS, the Florida League of Cities recommends that Section 78-162 be amended to comply with Florida Statute 205.402 to levy a business tax on all insurance companies doing business in the City of Palatka, regardless of whether a permanent location is maintained within the Palatka city limits.

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

SECTION 1: That Section 78-162 of the Code of Ordinances is hereby amended to include item (c) below:

- (c) Any person who does not qualify under subsection (a) or subsection (b) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by section 8 of Article I of the United States Constitution.

SECTION 2. CODIFICATION

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 3. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida
this 14th day of October, 2010.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

CITY ATTORNEY

Agenda Item

10

10-30

**CITY OF PALATKA CITY COMMISSION
AGENDA ITEM**

ITEM: Flood Damage Prevention Ordinance -
A request to repeal ordinance 80-7 and
to adopt a new ordinance regarding
flood regulations and the flood maps.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Regular agenda requiring Commission action

ATTACHMENTS

1. Planning Board Minutes from 10-5-2010
2. Flood ordinance in strike-through/underline
3. Flood ordinance – clean copy
4. Community Assistance Contact Report

DATE: ~~First reading- October~~
✓ 14, 2010 and 2nd
reading on October
28, 2010

SUMMARY HIGHLIGHTS:

State of Florida Emergency Management Office of Floodplain Management Specialist Steve Martin scheduled a Community Assistance Contact Conference with Joff Fillion (Chief Building Official) and Debbie Banks (Director of Building & Zoning) on June 21, 2010 to discuss the City's current flood damage prevention ordinance. As a result of that conference an amendment to the City's ordinance was found to be necessary. A draft ordinance was prepared and forwarded via email to Mr. Martin and then on to Henrietta Williams with FEMA for their review. They have both approved the amendment language. The city is required to update the ordinance and incorporate the new digital Flood Insurance Rate Maps by November 30, 2010.

FEMA's suggested language was followed and changes include:

- the addition of several definitions,
- a permit procedure section,
- a revised section with additions pertaining to the responsibilities of the Floodplain Administrator,
- provisions for flood hazard reduction,
- specific standards for construction,
- variance procedures,
- and the adoption of the new digital Flood Insurance Rate maps.

RECOMMENDED ACTION:

Staff recommends approval of the request to adopt the ordinance.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

This instrument prepared by:
Debbie Banks and Betsy Driggers
201 N 2nd Street
Palatka, Florida 32177

ORDINANCE NO 10 - 30

AN ORDINANCE OF THE CITY OF PALATKA FLORIDA, REPEALING CITY OF PALATKA ORDINANCE 87-14 AND ADOPTING THE CITY OF PALATKA FLOOD PREVENTION ORDINANCE; STATING THE STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSES AND OBJECTIVES THEREOF; PROVIDING DEFINITIONS; STATING THE LANDS TO WHICH THE CHAPTER APPLIES AND BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD; ESTABLISHMENT OF DEVELOPMENT PERMITS; COMPLIANCE WITH APPLICABLE REGULATIONS; ABROGATION OF EXISTING AGREEMENT OR RESTRICTIONS; INTERPRETATION OF CHAPTER; WARNING AND DISCLAIMER OF LIABILITY; PENALTIES FOR VIOLATION OF ORDINANCE; PROVIDING FOR DEVELOPMENT STANDARDS, ADMINISTRATION; SPECIFIC STANDARDS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Palatka City Commission passed and adopted its Floodplain Ordinance No. 87-14 on June 25, 1987; and

WHEREAS, The National Flood Insurance Program requires the city to periodically update its Floodplain Ordinance to comply with national standards; and

WHEREAS, the National Flood Insurance Program requires the City to incorporate new Digital Flood Insurance Rate Maps (DFIRMs) into the Floodplain Ordinance.

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

SECTION 1: That Sections 38-1 through 38-75 of the City of Palatka Code of Ordinances are hereby amended to read as follows:

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

Sec. 38 – 1. Statutory authorization.

The state legislature has, in F.S. ch. 166, delegated the responsibility to local governmental

units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city commission does hereby ordain this chapter and adopt the following floodplain management regulations.

Sec. 38-2 Findings of fact.

- (a) The flood hazard areas of the city are not subject to periodic inundation which results in loss of life or property, health or safety hazards, disruptions of commerce or governmental services, extraordinary public expenditures for flood protection or relief or impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.

- (b) The business and residential areas of the city are well above flood hazard areas. Elevations range from approximately five feet to 60 feet, running west from the St. Johns River. Approximately 350 acres on the north and northeast side of the city are bounded to the east by the St. Johns River and in the city limits. Land zoned AE is all undeveloped swamp or wooded areas at this time.

Sec. 38-3. Relationship of Chapter to comprehensive plan.

This ordinance implements the following policies of the city comprehensive plan 2010:

(1) Future land use element:

- a. Policy A.1.1.1.
- b. Policy A.1.3.3.
- c. Policy A.1.4.1.
- d. Policy A.1.4.11.
- e. Policy A.1.9.3.
- f. Policy A.1.11.4.

(2) Public facilities element:

- a. Objective D.2.2.
- b. Policy D.2.2.5.

Sec. 38-4. Purpose of Chapter.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwater;

- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards to other lands.

Sec. 38-5. Objectives of Chapter.

The objectives of this ordinance are to:

- (1) Protect human life, health and to eliminate or minimize property damage;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, culverts and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) Ensure that potential home buyers are notified that property is in a flood hazard area.

Sec. 38-6. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory structure (Appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential.

Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance, or a request for a variance.

Area of shallow flooding means a designated AO or VO zone on a city's flood insurance rate map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

(also called the “100-year flood” and the “regulatory flood”). Base flood is the term used throughout this ordinance.

Base Flood Elevation means the water-surface elevation associated with the base flood.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building- see structure.

Datum means a reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of a concrete footing) was completed before May 22, 1980.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of a concrete footing).

Flood and flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Boundary and Floodway Map (FBFM) means the official map of the city on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

Flood Hazard Boundary Map (FHBM) means an official map of the city, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

Flood insurance rate map (FIRM) means an official map of the city, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations of the city.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where

possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe means that area of the one-percent (base or 100-year) floodplain on either side of the regulatory floodway.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent use means a use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

Hardship as related to variances from this ordinance means the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The city requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Structure means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:

- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c) Included in the Florida inventory of historic places (Florida Master Site File) and that has been determined to be eligible by the State Historic Preservation Officer or the Secretary of the Interior for listing on the National Register of Historic Places;
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By the approved Florida program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior.

Lowest adjacent grade means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design standards of this ordinance.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportation structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NAVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction means, for floodplain management purposes, any structure for which the

“start of construction” commenced on or after May 22, 1980. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after May 22, 1980, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of a concrete footing) is completed on or after the effective date of the first floodplain management code, ordinance or standard.

North American Vertical Datum (NAVD) of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground.

Program deficiency means a defect in the city’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

Public safety and nuisance means anything which is injurious to safety or health of the entire city or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Reasonably safe from flooding means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational vehicle means a vehicle that is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a deficiency or violation means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal, or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream,

brook, etc.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs and footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructure.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.

Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance, where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 38-7. Lands to which ordinance applies.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the city.

Sec. 38-8. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated June 11, 2010, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance. Upon annexation by the City of parcels from Putnam County, all associated FIRM map panels are adopted by reference and declared to be a part of this ordinance.

Sec. 38-9. Designation of Floodplain Administrator

The city hereby appoints the Chief Building Official to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Sec. 38-10. Development permit required.

A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

Sec. 38-11. Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 38-12. Abrogation of existing agreements or restrictions; conflicting regulations.

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 38-13. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city commission; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 38-14. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 38-15. Penalties for Violations

Violation of the provisions of this ordinance, or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Code. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in Chapter 1, Section 1-10 of the Palatka Municipal Code, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec 38-16 – 38-40 Reserved.

ARTICLE II. ADMINISTRATION

SEC. 38-41. Permit Procedures

Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage:

- a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
- b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
- c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article II, Section 38-41 (2) and Article III, Section 38-72 (2);
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- e) Elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered engineer or architect indicating that they have developed and/or reviewed the structural designs, specifications and plans of the construction and certified that are in accordance with accepted standards of practice in Coastal High Hazard Areas.

(2) Construction Stage:

Upon placement of the lowest floor, or flood-proofing by whatever construction means, or

bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD or NAVD elevation of the lowest floor or flood-proofed elevation, or bottom of the lowest horizontal structural member of the lowest floor as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Sec. 38-42. Duties and responsibilities of the Floodplain Administrator.

Duties of the Administrator shall include but not be limited to:

- (1) Review permits to assure sites are reasonably safe from flooding;
- (2) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (3) Require copies of additional Federal, State of Florida, or local permits, especially as they relate to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065; and 553, Part IV, Florida Statutes, be submitted along with the development permit application and maintain such permits on file with the development permit;
- (4) Notify adjacent communities, the Florida Department of Community Affairs – Division of Emergency Management – NFIP Coordinating Office, St. Johns River Water Management District, the Federal Emergency Management Agency, and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
- (5) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new and substantially improved buildings, in accordance with Article III, Section 38-72 (1) and (2);
- (7) Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved buildings have been flood-proofed, in accordance with Article III, Section 38-72 (2);
- (8) Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building, together with attendant utilities and sanitary facilities, below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Article III, Section 38-72 (2) of this ordinance.

- (9) Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article;
- (10) When base flood elevation data and floodway data have not been provided in accordance with Article I, Section 38-8, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Article III;
- (11) Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA, and
- (12) Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Article III, Sections 38-72 (1) and (2), respectively.

Secs. 38-43 -- 38-70 Reserved.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 38 - 71. General standards.

In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

- (1) New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Method of anchoring will be in accordance with the developmental standard allowed in each zoning district. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance;
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;
- (11) All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator along with the application for development permit. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to, the following:
 - (a) St. Johns River Water Management District in accordance with Chapter 373.036 Florida Statutes, Section (2) (a) – Flood Protection and Floodplain Management;
 - (b) Department of Community Affairs: in accordance with Chapter 380.05 F.S. Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code;
 - (c) Department of Health: in accordance with Chapter 381.0065 F.S. Onsite Sewage Treatment and Disposal Systems; and
- (12) Standards for Subdivision Proposals and other new Proposed Development (including manufactured homes):
 - (a) Such proposals shall be consistent with the need to minimize flood damage;
 - (b) Such shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and
 - (c) Such proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

(14) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(15) Dredging and filling of lands within floodplains shall be limited to that approved by federal and state agencies having the authority to regulate and police such activities. All proposed development shall be clustered and located on the non-floodplain portions of the site, or, for the proposed development areas that lie entirely within the 100-year floodplain, all structures shall be required to be elevated on pilings.

(16) *Additional standards.* The following criteria will apply to development in the 100-year floodplain:

(a) *Storage of hazardous materials.* No hazardous materials or waste shall be stored within the 100-year floodplain.

(b) *Clearing of vegetation.* Clearing of native vegetation will be minimized in the 100-year floodplain by establishing the following open space ratios for the following land uses:

TABLE INSET:

	Percentage of Open Space
Residential land use	60
Commercial land use	50
Industrial land use	45

(17) *Septic tanks.* Use of septic tanks in floodprone areas will be restricted as specified by the county department of health, and all such sewage disposal systems shall be required to connect to central sewage systems when system collection lines are within 250 feet of subject property.

(18) *Maintenance of natural topography.* Any development within a floodprone area will maintain the natural topography and hydrology of the development site.

Sec. 38-72. Specific standards.

In all A-Zones where base flood elevation data has been provided, as set forth in Article I, Section 38-8, the following provisions in addition to those set forth in Article III, Section 38-71, shall apply:

(1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of Article III, Section 38-72 (3).

- (2) *Non-Residential Construction.* All new construction and substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the base flood elevation plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.
- (3) *Enclosures below the Lowest Floor.* New construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria:
- (i) Provide a minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.
- (b) Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
- (c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.

Sec. 38-73. Specific Standards for A-Zones Without Base Flood Elevations and Regulatory Floodways.

Located within the areas of special flood hazard established in Article I, Section 38-8, where there exist A Zones for which no base flood elevation data and regulatory floodway have been

provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

- (1) Require standards of Article III, Section 38-71;
- (2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Standards set forth in Article III, Section 38-72 shall apply.
- (3) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of Article III, Section 38-72 shall apply. The Floodplain Administrator shall:
 - a) Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
 - b) Obtain, if the structure has been floodproofed in accordance with the requirements of Article III, Section 38-72 (2), the elevation in relation to the mean sea level to which the structure has been floodproofed, and
 - c) Maintain a record of all such information.
- (4) Notify, in riverine situations, adjacent communities, the Florida Department of Community Affairs – NFIP Coordinating Office, and the St. Johns River Water Management prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- (5) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (6) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Method of anchoring will be in accordance with the developmental standard allowed in each zoning district. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.
- (7) When the data is not available from any source, in accordance with standard set forth in Article III, Section 38-73 (2) of this Section, the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade. Standards set forth in Article III, Section 72 shall apply.

Secs. 74 – 75 Reserved.

SECTION 2. That Chapter 38 of the Code of Ordinances of the City of Palatka is hereby amended by adopting a new **ARTICLE IV** as follows:

ARTICLE IV. VARIANCE PROCEDURES

Sec. 38 - _____. Designation of Variance and Appeals Board.

The Board of Zoning Appeals as established by the City Commission of Palatka shall hear and decide appeals and requests for variances from the requirements of this ordinance.

Sec. 38 - _____. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court.

Sec. 38 - _____. Variance Procedures.

In acting upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the city;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Sec. 38 - _____. Conditions For Variances.

- (1) Variances shall only be issued when there is:

- a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.
- (3) The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the city's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.

Sec. 38 - _____. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a city official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
- (2) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Sec. 38 - _____. Historic Structures.

Variances may be issued for the repair or rehabilitation of "historic" structures – meeting the definition in this ordinance – upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure.

Sec. 38 - _____. Structures in Regulatory Floodway.

Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

SECTION 3. CODIFICATION

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. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be

invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately upon final adoption by the Palatka City Commission, as provided by law.

PASSED AND DULY ADOPTED by the City Commission of the City of Palatka, Florida this 28th day of October, 2010.

CITY OF PALATKA

By: _____

Its Mayor

ATTEST:

City Clerk

Approved as to form and content:

City Attorney

Archambault, Cheryl Mittauer & Associates

Bentley, Lee Green Cove Springs
Borno, Mike Atlantic Beach
Borno, Pat Atlantic Beach
Branham, Jeb Baldwin
Branham, Michelle Baldwin
Brown, Mary Lawson Palatka
Brown, Ron St. Augustine
Burnett, Doug St. Augustine Beach

Campbell, Sarah Orange Park
Charles, Frank St. Augustine Beach

Cobb Dave FPL
Collins, John J. Collins Engineering
Crichlow, Don St. Augustine

Dabkowski, Jerry Volkert, Inc.
Davis, Diana Waldo
Davis, Louie Waldo
DeVille, Tom Penney Farms
Dickinson, John Constangy Brooks & Smith
Driggers, Betsey Palatka

Faust, Bill Landmark Surveying and Design
Flagg, Karl Palatka
Futch, Steve Honorary member

George, Edwards St. Augustine Beach
Glenn, Becky Arcadis U.S.

Haddock, Marilyn Green Cove Springs
Hedges, Richard St. Augustine Beach
Hildreth, Mary Lou Keystone Heights
Hoefler, Deborah St. Augustine
Holesko, Andrew Passero

Ina, Paul Stone Engineering Group



Jackson, Anne

NEFLC

Kelly, Damon
Kitchen, Damon
Koros, Malcolm

Robert M. Angas Associates
Constangy Brooks & Smith
Jones Edmunds & Associates

Larson, Gary
Longstreet, Hester
Meeks, Gary
Meeks, Pat
Miller, Annette
Misterly, Grant
Morales, Eduardo
Murphy, Mike
Myers, Linda
Myers, Vernon

St. Augustine Beach
St. Augustine Beach
Orange Park
Orange Park
NEFLC
ATM
Bergmann Associates
Hatch Mott MacDondal
Palatka
Palatka

Nelson, Karen
Norman, Tim

Keystone Heights
Mittauer & Associates



Padera, Chuck
Page, Bob
Parker, Cynthia
Pawlowski, Undine
Perry, Ouida
Peterson, Reynold
Poole, Ray
Proctor, William
Proctor, Mrs.

PBS&J
Green Cove Springs
NEFLC
St. Augustine Beach
NEFLC
Stone Engineering Group
Constangy Brooks & Smith
Speaker

Quattrochi, John
Quattrochi, Susan
Quinney, Araan

Jacobs
Jacobs
St. Augustine Beach



Ramdass, Don
Redman, Bill
Redman, Jean
Regan, Felicia
Regan, John
Renninger, Jim

Passero
Redman Consulting
Redman Consulting
St. Augustine
St. Augustine
Orange Park

Renninger, Phyllis Orange Park
Royle, Max St. Augustine Beach

Samuels, Andrea St. Augustine Beach
Samuels, Robert St. Augustine Beach
Sanders, Wallace Arcadis U.S.
Sharon, Paul FCCMA
Smith, Tom Robert M. Angas Associates
Sneddon, Gary Stone Engineering Group
Sneddon, Jackie Stone Engineering Group
Snodgrass, Gary St. Augustine Beach
Spoden, Diane St. Augustine Beach
Stribling, Allison Hatch Mott MacDonald

Totman, Stan Baldwin

Widdefield, Sharon St. Augustine Beach
Wilkinson, John F.R. Aleman & Associates
Williamson, Jim Jones Edmunds & Associates
Woods, Carolyn Atlantic Beach
Woods, Jeff Atlantic Beach
Woods, Travis Starke

*Agenda
Item*

11

CITY OF PALATKA CITY COMMISSION
AGENDA ITEM

10-31

ITEM: Public hearing to amend Section 70-31 to include provisions for merchandise and other items on the city sidewalk in the Downtown Business (DB) and Downtown Riverfront (DR) zoning districts; related sections of Section 94-162; and Section 18-271 Appendix A Fee Schedule. First reading.

DEPARTMENT: Building & Zoning

AGENDA SECTION: Public hearing item

ATTACHMENTS: 1. Proposed Ordinance
2. August 31, 2010 Workshop minutes

DATE: October 14, 2010
with second reading
on October 28, 2010

SUMMARY HIGHLIGHTS:

The City Commission held workshops with the downtown property/business owners on July 27th and August 31st to discuss proposed amendments to Section 70-31 Placing merchandise, benches or other obstructions in sidewalk.

On October 5, 2010, the City Attorney provided written comments to staff which have been incorporated into the proposed ordinance.

Staff requested comments from those Planning Board members present at the October 5, 2010 Planning Board meeting, however, since there was no quorum no formal recommendation was made. By consensus, they approved the ordinance with a couple of minor changes which have been included.

RECOMMENDED ACTION:

Approval of the attached ordinance to amend Section 70-31 as it pertains to the Downtown Business (DB) and Downtown Riverfront (DR) zoning districts; related section of Section 94-162; and Section 18-271 Appendix A Fee Schedule.

AGENDA ITEM NUMBER:

AGENDA PAGE NUMBER:

1 This instrument prepared by:
2 Debbie Banks and Betsy Driggers
3 201 N 2nd Street
4 Palatka, Florida 32177
5
6

7 **ORDINANCE NO. 10 - 31**
8

9 **AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA**
10 **AMENDING THE PALATKA MUNICIPAL CODE, CHAPTER 70,**
11 **SIDEWALKS; CHAPTER 94, ZONING; AND APPENDIX A, FEE**
12 **SCHEDULE OF THE PALATKA MUNICIPAL CODE**
13 **REGARDING PLACING MERCHANDISE, BENCHES OR OTHER**
14 **OBSTRUCTIONS IN SIDEWALK; PROVIDING FOR A PERMIT**
15 **FEE; PROVIDING FOR FINES AND PENALTIES; PROVIDING**
16 **FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

17 **WHEREAS,** The City Commission of the City of Palatka, Florida is charged with
18 providing for the health and safety of its citizens: and

19 **WHEREAS,** the Palatka City Commission is authorized by Chapter 166, Florida Statutes,
20 to adopt ordinances and resolutions necessary for the exercise of its powers to protect the health,
21 safety, and general welfare of its citizens and to prescribe fines and penalties for the violations of
22 ordinances in accordance with law; and

23 **WHEREAS,** the Palatka City Commission recognizes the need to enhance and encourage
24 economic development opportunities in its Downtown Central Business District; and

25 **WHEREAS,** the Palatka City Commission, having held workshops and taken public
26 comment on the matter, has recognized the need to revise Chapter 70 of its Code of Ordinances to
27 allow for the placing of merchandise, seating, signs or displays on sidewalks by merchants in the
28 Downtown Riverfront and Downtown Business Districts in order to promote economic
29 development, with certain restrictions and requirements as set forth by this Ordinance in order to
30 protect the citizens of the City of Palatka from any adverse affects of allowing such sidewalk
31 displays and/or obstructions as prescribed by this Ordinance.

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

34
35 **Section 1.** That Chapter 70, Article II, Sidewalks, Division 1, Section 31 shall be amended to read
36 as follows:
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38 **Sec. 70-31. Placing merchandise, benches or other obstructions in sidewalk.**
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1 (a) Except as otherwise provided in section 70-1, it shall be unlawful for any person to place,
2 put or leave any goods, wares, merchandise, boxes, benches or other obstructions of any
3 nature whatsoever on any part of the sidewalks along the streets of the city except that in
4 the Downtown Riverfront (DR) and Downtown Business (DB) zoning districts business
5 owners may obtain a permit to do so in conformance with the following conditions:
6

- 7 1. Merchandise may be placed on the city sidewalk up to two (2) feet outside of and beyond
8 the property line housing the permanent retail operation not to exceed more than fifty
9 percent (50%) of the building frontage.
- 10 2. No sales may take place in the right-of-way.
- 11 3. Placement of all merchandise must adhere to the requirements of the Americans with
12 Disabilities Act and all other applicable standards. A path along the sidewalk at least 48
13 inches in width shall remain clear and free of obstructions at all times.
- 14 4. Displays of merchandise may not obstruct ingress to or egress from the building.
- 15 5. No electricity may be used in conjunction with the display of merchandise, for artificial
16 light or any other purpose. Electrical goods which are not plugged in may be displayed.
- 17 6. All merchandise must be brought in at the close of business each day.
- 18 7. All merchandise and supporting structures shall be kept clean and in good repair.
- 19 8. Planters will be allowed to remain outside at all times provided they are at least 18" in
20 height and maintained at all times.
- 21 9. Real estate boxes, newspaper racks and package/letter drop-off containers must be
22 permitted and installed to code.
- 23 10. A-frame signs/sandwich signs/menu boards must be permitted
- 24 11. Benches or seats for occupancy by persons may be placed and maintained on and along
25 the sidewalks of the city provided they are maintained by the owner or occupant of the
26 abutting property in a safe and sightly condition and no part thereof extends more than 2
27 ½ feet outside of and beyond the property line of such owner. No signage will be allowed
28 on any portion of the bench or seat for occupancy.
- 29 12. Open air dining on public sidewalks is allowed as a conditional accessory use in the DB
30 and DR zoning districts and is subject to the following:
 - 31 a. The 48" clear path referenced in paragraph A.3 above must be maintained.

- b. No obstruction shall be placed within 18" of the face of any curb, within five feet of any fire hydrant, fire exit, or building entry.
 - c. Open air dining shall be allowed to exceed the 50% limitation of building frontage if approved by the Planning Board.
 - d. The storage and preparation of food or drinks is prohibited in the open air dining area.
 - e. In the event of foul weather including winds, all tables, chairs, table accessories, trash or other debris shall be secured or removed to the extent that same is reasonably possible, and so as to minimize the risk to public safety from flying debris, etc.
 - f. Any and all food and beverage spills shall be promptly cleaned up. All trash and debris within and around the open air dining area shall be picked up immediately and not allowed to collect, litter or blow into the public right-of-way.
 - g. Open air dining areas shall be sufficiently lighted so as to adequately illuminate the dining boundaries and adjacent pedestrian walkways in such a manner as to allow safe negotiation of potential obstructions with such areas.
13. Each business owner placing anything on the city sidewalk must provide a Certificate of Insurance evidencing a policy of liability insurance naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000 per person and \$1,000,000 per accident for personal injury/death and \$300,000 for property damage.
 14. Each business owner placing anything on the city sidewalk must sign appropriate documents agreeing to hold the city harmless and indemnify the City against any claims, demands, suits, or causes of action, and against any costs incurred by the City in defending itself against any of same, arising or allegedly arising from or as a result of the business owner's placement of anything on the city sidewalk as is otherwise permitted by this ordinance.
 15. Goods and merchandise delivered to duly licensed merchants and operators of places of business in the city may be deposited and left on the sidewalks immediately in front of the places of business of such merchants and operators between the hours of 12:00 midnight and 8:00 a.m. of the next morning when and where any such place of business is not then open or has no storage area to receive such goods and merchandise at the time of delivery. The leaving of any goods or merchandise on the sidewalks of the city after 8:00 a.m. of the

1 morning of delivery shall be and constitute a violation of this section by the merchant or
2 operator of the place of business to whom such delivery is made.
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4 (b) Violations:

- 5 1. First offense – written warning
- 6 2. Repeat offense - A fine of \$25 per occurrence will be charged for each day a violation
7 of this ordinance is found following the initial warning.
8

9 (c) Permit/Fee – No person or business owner shall place any item on the sidewalk in
10 violation of the City’s ordinances without having first obtained a permit issued by the
11 City under the authority of this section. The application for such permit shall be
12 accompanied by proof of insurance, hold harmless agreement and an indemnification
13 statement. The permit fee shall be as set forth in Appendix A, Fee Schedule, Chapter 70.
14 Permits will automatically renew in following years with the business owner’s Business
15 Tax Receipt. A new certificate of insurance and indemnification will be required each
16 year.
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18 **SECTION 3:** That Chapter 94, Zoning, Division III, Districts, Division 2, Section 161, DR
19 Downtown Riverfront District, Paragraph (b) shall be amended to read as follows:

20 **Sec. 94-162. DR downtown riverfront district.**

21 (b) *Permitted principal uses, activities, and structures.* Unless otherwise expressed herein,
22 uses not specifically listed as permitted shall be prohibited. Sale, display preparation, and
23 repair incidental to sales and storage shall be conducted on private property only with the
24 exception of items allowed on the sidewalk per Section 70-31. Permitted principal uses,
25 activities, and structures in the Downtown Riverfront District are as follows:
26

27 **SECTION 4.** That all other provisions under Chapter 94, Article III, Districts, Division 2,
28 Section 161, Downtown Riverfront District, Paragraph (b) shall remain the same.
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1 **SECTION 5:** That Chapter 94, Article III, Districts, Division 2, Section 162, DB Downtown
2 Business District, Paragraph (b) shall read as follows:

3 **Sec. 94-162. DB downtown business district.**

4 (b) *Permitted principal uses, activities, and structures.* Unless otherwise expressed herein,
5 uses not specifically listed as permitted shall be prohibited. Sale, display preparation, and
6 repair incidental to sales and storage shall be conducted on private property only with the
7 exception of items allowed on the sidewalk per Section 70-31. Permitted principal uses
8 and structures in the downtown business (DB) district are as follows:

9
10 **SECTION 6.** That all other provisions under Chapter 94, Article III, Districts, Division 2,
11 Section 162, DB Downtown Business District, Paragraph (b) shall remain the same.

12
13 **SECTION 7:** That Appendix A, Fee Schedule, shall be amended to add the following:

14 **Chapter 70. Streets, Sidewalks and Other Public Places**

15 **70-31(c).** Permit fee for placing wares/items on sidewalk in DB and DR zoning districts.....\$25
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17 **SECTION 8.** That all other provisions under Appendix A shall remain the same.
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20 **SECTION 9.** Should any section, subsection, sentence, clause, phrase or portion of this Ordinance
21 be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be
22 deemed a separate distinct and independent provision and shall not affect the validity of the
23 remaining portion.
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25 **SECTION 10.** A copy of this Ordinance shall be furnished to the Municipal Code Corporation for
26 insertion in the Code of Ordinances for the City of Palatka, Florida.
27

28 **SECTION 11.** This Ordinance shall become effective upon passage as provided by law.
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