

KARL N. FLAGG  
MAYOR - COMMISSIONER

MARY LAWSON BROWN  
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS  
COMMISSIONER

VERNON MYERS  
COMMISSIONER

JAMES NORWOOD, JR.  
COMMISSIONER



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

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

BETSY JORDAN DRIGGERS  
CITY CLERK

RUBY M. WILLIAMS  
FINANCE DIRECTOR

GARY S. GETCHELL  
CHIEF OF POLICE

MICHAEL LAMBERT  
CHIEF FIRE DEPT.

DONALD E. HOLMES  
CITY ATTORNEY

## MINUTES CITY OF PALATKA February 26, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 26<sup>th</sup> day of February, 2009.

PRESENT: Mayor Karl N. Flagg  
Commissioner Mary Lawson Brown  
Commissioner Allegra Kitchens  
Commissioner Vernon Myers  
Commissioner James Norwood, Jr.

Also Present: City Manager Elwin C. Boynton, Jr.; City Attorney Donald E. Holmes, City Clerk Betsy Jordan Driggers, Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Jim Lee, Ass't Planning Director, Debbie Banks, WTP Superintendent Melvin Register; Golf Pro Spanky Aaron

**CALL TO ORDER** – Mayor Flagg called the meeting to order at 6:00 p.m.

**INVOCATION** – Dr. Ken Johnson, Executive Director, Rodeheaver Boys Ranch

**PLEDGE OF ALLEGIANCE** – Vice Mayor Brown

**APPROVAL OF MINUTES** – 2-12-09 – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

### 1. PUBLIC RECOGNITION

**PROCLAMATION – Azalea Days – March 4 – 8, 2009** – Mayor Flagg read and presented this proclamation to Wes Larson, President, Putnam County Chamber of Commerce. Mr. Larson said this will be the biggest Azalea Festival in history with twice as many vendors as in past years.

**EMPLOYEE RECOGNITION For Service Above and Beyond the Call of Duty:** Mayor Flagg read and presented certificates recognizing Public Works Dept. Employees Gordon Brown, Albert Bryant, Jaufees Jackson, Shawn Ladd, Robert McHellen, Willie Nelson, Mike Shazel, and Ronald Valentine for Service Above and Beyond the Call of Duty for their work on the storm drain system. Mr. Boynton said these employees saved the City over \$80,000 by doing this work in-house, instead of having to hire a contractor to do the work. They have installed over 700 feet of 20" diameter pipe around six feet underground, which is no small feat.

**BLACK HISTORY AND HERITAGE RECOGNITION** – Presentation to Recipients:

1. Aaron Robinson, recognized by Vice Mayor Brown and Commissioner Kitchens
2. Dr. Gilbert Evans, recognized by Commissioner Myers
3. Verbena Bryant, recognized by Commissioner Norwood

4. John Nelson, Jr., recognized by Mayor Flagg

**STUDENT OF THE MONTH – February, 2009** – Commissioner Kitchens joined Mayor Flagg in presenting certificates of achievement recognizing the following students for academic excellence, leadership, citizenship and attendance at their respective schools:

Megan Beach	Beasley Middle School
Michelle Hersey	Browning Pearce Elementary School
Alexandra Apostolos	Children’s Reading Center Charter School
Aaron Exum	E.H. Miller School
Ta’Mia Robinson	James A. Long Elementary School
Jenni Mast	Jenkins Middle School
Kaela Sapp	Kelley Smith Elementary School
Ja’Quan Hines	Mellon Elementary School
Janaseair Perry	Moseley Elementary School
Franetta Wilson	Palatka High School
Julia Hudson	Peniel Baptist Academy
Stephenie Pittman	River Breeze Elementary School

2. **PUBLIC COMMENTS**

Lynda Little Crabill, 609 S. 14<sup>th</sup> Street, said she is selling Blue Crab T-shirts for the 2009 Festival. Pre-orders of 10 or more can get their logo printed on the sleeve. This year’s design honors the Hiawatha River Boat. This is the 21<sup>st</sup> annual festival. Contact her at 546-2400 or go to the website to order shirts.

3. **CONSENT AGENDA:**

\*a. **Award bid to Carter Excavating in the amount of \$31,200.00** for Crystal Cove S/D Stormwater Management System Control Structure Improvements project, per results of RFP and recommendation from Ayres Associates, Project Engineers

\*b. **Authorize Submission of State of Florida VOCA Grant** to fund PPD Crime Victim’s Advocate (no cash matching requirement) per recommendation of Palatka Police Department

\*c. **Revise 2009 Azalea Festival Special Events Permit to close Public Boat Ramp** at City Dock March 7 from 5:00 a.m. until 5:00 p.m. for associated Sailboat Regatta and Bass Tournament, per Special Events Director

Commissioner Brown moved to pass all items on Consent as presented. Commissioner Myers seconded the motion, which passed unopposed.

4. **PRESENTATION** – “Safeguarding our Seniors” and “Florida Saves” – Randell Brown, Regional Director, Dept. of Financial Services, Office of Alex Sink – 135 Executive Circle, Daytona Beach, said his office has made it a priority to protect Florida’s seniors. As part of Ms. Sink’s duties and responsibilities, she serves as the State fire marshal, oversees two public safety agencies, licenses insurance agencies and oversees insurance fraud complaints. Last year they received hundreds of phone calls from seniors with questions about annuity abuse, many of them who trusted their insurance agents. Most of the agents out there are ethical, but 1% are not. In the last three years, the number of complaints from seniors has quadrupled. In response, they have created the “Safeguarding our Seniors” program to identify these problems and work out solutions. There are program offices all over the state; there is one in Daytona and one in Jacksonville. Their immediate focus is on annuities due to the abuse. People should know their money is not liquid and withdrawals can lead to big fees. Through investigations in his office they returned over \$1 million to annuity holders. They want to know if anyone is having annuity problems. Legislation passed this year makes fraudulent signatures and fake designations a 3<sup>rd</sup> degree fraud. Agents must also put in writing how an annuity program is suitable for an individual before selling it to him/her. They also do seminars and provide education for different groups, and did over 2,000 sessions last year. He will come to this community at any time and speak with any group. Anyone can contact his office through [www.myflorida.cfo.com](http://www.myflorida.cfo.com) or call his toll-free phone number: 1-877-693-5236.

Commissioner Brown asked if they are looking at the insurers that are pulling out of Florida, like State Farm. Mr. Brown said State Farm has been approved to move out of Florida; they must give you six

months cancellation notice. There are other companies moving into Florida that are financially sound, and are taking up these policies. State Farm agents are “captured” agents, meaning they can only sell for State Farm, but may now be allowed to deal with other companies, which will enable them to sell policies for other insurers besides State Farm. These other companies have different qualifying criteria. They have a list of trusted companies on their website, as rated by AM Best. They should not go with a company with a less than “A” rating. They can also call the toll-free phone number – 1-877-693-5236 – to inquire about a company. Mayor Flagg asked Mr. Brown to spread that information to the senior centers in this area.

5. **RESOLUTION** amending the Palatka Center City Redevelopment Plan, 1985 – Adopt - the Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AMENDING THE PALATKA CENTER CITY REDEVELOPMENT PLAN, 1985 – Commissioner Brown moved to adopt the resolution as read. Commissioner Kitchens seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Resolution 8-55 was declared adopted.
6. **RECOMMENDATION** to approve CBD Tax Increment Fund expenditure of up to \$50,000.00 to sponsor the 2009 Blue Crab Festival, per 2/17/09 recommendation of Community Redevelopment Agency – Commissioner Myers moved to approve a CBD Tax Increment Fund expenditure of up to \$50,000 to sponsor the 2009 Blue Crab Festival. Commissioner Norwood seconded the motion. A roll-call vote was requested and taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The motion was declared passed.
7. **PUBLIC HEARING - ORDINANCE** rezoning Oaks Landing (Off Lundy Road) from County Planned Unit Development (PUD) to City R-3 (Multi-Family Residential) with a Planned Unit Development (PUD) Overlay, per Planning Board Recommendation – First Reading – Mr. Lee said this is a rezoning request for 15.51 acres on Lundy for 120 units in 5 buildings, or 7.75 dwellings per acre. Mr. Lee provided a brief history of the land use on this site. It was annexed into the City in 2005. In November and December 2006 the Planning Board held public hearings on a large-scale land use amendment, or an amendment on a parcel larger than 10 acres. This was sent to DCA for review. DCA provided their comments. At the 12/5/06 meeting the Planning Board voted to deny the transmittal of that ordinance because of density and compatibility issues. The City Commission held a public hearing on 12/6/06, where the applicant agreed to reduce the number of units to 7.75 units per acre. This was approved for transmittal to DCA. Early in 2007 the State returned that amendment because the City had not completed the EAR map and text amendments. The City then started preparing those amendments, two of which are related to this project. One changed the Land Use Map with a site-specific policy, limiting this site to 125 units, or 7.75 units per acre. This was in the package approved by the Commission on July 10, 2008. DCA signed off on this on December 10, 2008. The applicants have moved ahead with R-3 rezoning and PUD overlay applications. A public hearing was held before the Planning Board on Jan 6, which was continued to February 3 for more information. The Planning Board requested additional information regarding right of way surveys, emergency vehicle access, conceptual elevations and golf cart pathways. On February 3 the Planning Board voted to recommend the approval to rezone this site to R3 with a PUD overlay that this be approved as a condominium single-family development.

Mayor Flagg referred to the Summary Highlights and asked Mr. Lee to emphasize the stipulations and safeguards built in to the PUD. Mr. Lee said a PUD is conditional zoning. You have to build whatever is approved by the PUD; any changes or variances have to come back to the Commission for approval. These buildings have to be put where indicated with appropriate setbacks. The applicant is limited to the number of units and access must be as indicated, plus the improvements must be made to Lundy Road. These are in the draft Developer Agreement, drafted in 2006. That will include any conditions this Commission may add, and will be brought back for approval. They have a two-year time frame to begin construction, with the possibility of a one-year extension that can be granted by the City Commission.

Lara Diettrich, Kimley-Horn Assoc, 8657 Bay Pine Road, Suite 300, Jacksonville 32256-7513, said Bill Schilling, her associate, would also be speaking during this presentation. Ms. Diettrich provided a brief

history on the project through a power point presentation. After their first hearing at the Planning Board they held a public meeting at the golf course site on 11/14/06. They went again before the Planning Board on 12/5/06, where there were discussions concerning the roadway. They met with the City and County public works directors and the City Attorney, where several things were discussed, including annexation. They appeared before the City Commission on 12/14/06, and their application was approved for transmittal to DCA. This application tripped the EAR process. Eventually this project was enveloped into the EAR process, which allowed the land use assignment to the property, as there was never a land use change to a City designation when the annexation took place. A notice of intent came back from DCA on 9/11/08 stating the land use was then policy. The R-3 PUD overlay zoning application was taken up by the Planning Board on 1/6/09. The hearing was continued to 2/3/09 due to questions from the Planning Board regarding additional information to be provided. In addition, the applicants met with the City and County to review Lundy Road improvements.

Ms. Diettrich said this is the first hearing on their rezoning application/ordinance. Regarding the eight action items under discussion, one of the action items discussed and approved was the sidewalk going to the development from Moseley Avenue. The cost of sidewalk construction is \$28 per linear foot with inmate labor and \$45 without inmate labor. If this is approved, the money will be given to the City so they can fund the inmate labor. They have worked out the details on the sidewalk. Another of the action items discussed is the annexation of Lundy Road by the City of Palatka.

Ms. Diettrich said this action will change the land use designation to the maximum allowable density. This property has the ravines to the east, golf course to the north, residential to the west and residential and commercial designations to the south. Edgemoor runs east/west and Lundy Road runs north/south to the river. They imposed a self-imposed cap per the Development Agreement of 7.75 units per acre. Sixty-five percent of this site is open space and laid out in five cluster buildings with three inhabitable floors each. Parking is on the first floor; this is a hidden floor. The development to the north is the golf course, to the east is public conservation land, to the west is residential, and to the south is 25% natural tree buffer. It is 45 feet to the nearest driveway. Ms. Diettrich referenced drawings of site and Lundy Road elevations, which were shown. The Northern Elevation of one building was shown; she noted these have been reviewed and accepted by Planning Department per the Code. A southern elevation was shown with hidden parking. There will be no visible dumpsters. An east and west elevation was depicted, showing visitor/guest parking.

Bill Schilling, Kimley-Horn Associates, continued the presentation. He is a licensed engineer specializing in traffic measures. He will discuss proposed mitigation measures. There has been a lot of dialogue and input with Staff and the public, which has impacted the site plan. The original proposal called for six buildings with 140 units total. They agreed to reduce the site by 1 building and 20 units. The benefit is they were able to cluster all buildings to the rear of the site, so the taller buildings are pushed back and away from the surrounding residents. If you look at the site, you don't see a "sea of asphalt" on the site. The concept is ground floor parking underneath the building. Guest parking is in front of the buildings, and there is parking at the clubhouse. The main access drive was changed from the center of the property and now sits as far away from the curb as possible to the south. Headlights from vehicles at the entryway won't shine into the home across the street. As to mitigating impact, they agreed to improve Lundy Road to bring it up to collector status, as it is designated. It does not meet the "collector" road standard today. It needs a minimum of 12' travel lanes. They will widen it from Moseley to this site. They've agreed to construct the sidewalk from Moseley to the entrance, and then into the site. They hope to be able to build this sidewalk as an enhancement. The road and sidewalks are at 30% design. They don't know the implications of the stormwater system improvements. If for whatever reason they are unable to construct the sidewalk, they will provide a financial amount to the City to construct sidewalks in other locations to mitigate. The cost at this time is \$28 per linear foot. They talked about upgrading the signage and markings on Lundy Road. Regarding traffic, Lundy Road is designated as level of service D. At D it can handle up to 13,600 average daily vehicles; this is statewide average data. The updated 2008 count shows 1,650 daily trips, putting traffic at 12% of roadway capacity today. Their traffic will constitute an additional 5.5% of capacity, or 749 more daily trips. In combining the increased trips with the existing traffic, they are well within the approved capacity of the road. Mr. Schilling said the development

agreement addresses three main items; one is the improvements to Lundy Road; another is to extend water & sewer lines to support the facility. These improvements will be made prior to any CO being issued for any unit.

To summarize, Ms. Diettrich said the development plan meets residential standards & demands. They believe it is a well-designed property and complimentary to the City Golf Course; this will be a contributor to that facility. The improvements to the roadway exceed their needs. The design maximizes open space and clusters buildings away from existing residents. They have altered their plans 9 times to provide minimal impacts to residents.

Mayor Flagg opened the public hearing for public comments.

Mrs. Elworth Kerney, 2403 Lundy Road, said she lives next to the church on the curve. Her main concern is the traffic on Lundy Road. She takes her life in her hands backing in and out. When she first moved there as a child, someone died in an accident in front of her house. Her main concern is crime. With more people comes crime. She can't see anyone paying \$300 - \$400 thousand for a condominium. This is Palatka. In the PDN they've talked about suspending impact fees because of the market. In Welaka a developer built 54 condos on the water and 41 remain unsold. Many homes in the area are for sale. People are getting laid off. They need industry. They say residents won't see this place from the street; someone can hide behind the trees and hit you in the head. The buildings will tower above the trees and they will lose their privacy. She said that Mr. Schilling told them the Church and her property will be impacted with the widening. They own that property all the way to the road. Their survey maps were wrong. She doesn't want to give up her land and doesn't want a sidewalk. They want to give her little bit of land to a man who doesn't live here. There is only one way in and one way out, which may trap people in there. The City should extend Palma Ceia to create another way in and out.

Phyllis Lott, 1601 Edgemoor, said she speaks for several families in the immediate area. They are opposed to this four-story, medium density, 120-unit development, which is not compatible with the surrounding single-family homes. The Code states it must be compatible, and it is not. There is a serious safety issue with this dangerous curve on Lundy. There have been several accidents and near misses. They have to cross that blind curve to get to their homes. Adding more traffic would be dangerous. Mr. Hale has shown no interest in addressing this safety issue. Concerning this curve and the sidewalk to accommodate the school children, cars trying to make that curve will run up on the sidewalk and may hit the children walking to school. With the turning lane only holding four cars, people getting off work and turning in will have a hard time, as this is a blind curve. There will be rear-end collisions. This development will increase crime. Construction noise will inconvenience residents. If commissioners are still in favor, they ask that there be stipulations.

Mrs. Lott said they should have a detailed understanding of the quality level of these units and recommend a property value be set on these condos. They should not devalue the existing home values of the area. A more compatible number of units per acre should be set. The buildings should have no more than two stories. A six-foot privacy fence should be built so they don't have to see the development. There will be two units in front of her house. She will have to see them every day. This is not compatible with the surrounding area and there are life-threatening road issues. There is a possible loss of property values. Their neighborhood will be destroyed. Mr. Hale has his experts, but the real experts are the ones who have lived here for many years, and know what is best for their community. This development has no place in their neighborhood.

Henry Sanders, 2509 Lundy Road, said during the original presentation they tried to get the land use changed to low density, but it was approved as medium density, with a range of 5 to 7.75 units per acre. Under the County PUD designation only 2 units per acre are allowed, and that is what they would prefer. Now they propose to build 120 units, or just under 8 units per acres, which is four more than what they originally wanted. The zoning to the north is single family and agriculture. To the east is conservation land. To the south is agricultural and single-family, and west is single family. Everything around this is single family residential except the golf course. Mr. Sanders recalled that in December 2006, Chief

Getchell said that this development would necessitate hiring one more officer to handle the crime issues. He has one house on one acre. He can't imagine eight units on that one acre of land. This is much too dense. This development is incompatible with the surrounding area. Compatibility means existing together in harmony. Condos can't exist in harmony with single-family development or with city and county ordinances. Each structure contains 24 units. His structure contains one. The condo environment promotes obesity as people can only sit around in their space; there is no yard or anywhere to plant a garden or raise animals. This is an agricultural environment. The 720 trips per day are excessive. They will be up and down his fence line. He just learned at the last meeting that there will be only 40 feet from his easement to the edge of the road. The site plan isn't clear. Forty feet isn't that much. He passed around pictures showing what this looks like in relation to his property and adjoining property. People may have to back up in the turn lane so that two cars can negotiate turning onto this roadway. He asked how long the turn lane would be. He has requested a 6-foot privacy fence be erected along his property line due to the amount of traffic and lights generated by the traffic. The developer has denied this request. He understands there is a boundary line agreement, but he hasn't seen it yet. They say they made a 13-foot gift to him due to the survey, but there is actually a seven-foot encroachment there. This is also a utility right of way for Palatka Gas and AT&T. This has not been resolved yet.

Regarding safety, hurt, injury or loss, Mr. Sanders said there are 1400 trips per day up and down Lundy Road now. This project will increase the density of dwellings along Lundy Road by 80%, and traffic will increase by 50%. He came to the Commission in March 2006 and brought them details on an accident involving a van and the power pole around the curve. The power pole fell across the road, shutting off traffic. With a 50% traffic increase, the accidents would be worse. Traffic accidents shut down Lundy Road. Everyone who travels Lundy Road is aware that bad accidents are possible and likely. He doesn't know of any turn lanes in the middle of a two-lane road in Palatka. He foresees problems. Earl Wallace, a surveyor on the Planning Board, noted the right of way is shown with overlapping lot lines, and stated he has concerns with whether there is room for these improvements, especially with the curve. Right now the traffic on Lundy Road is residential, agricultural, semi trucks, trailers, and school busses. As garbage trucks go in and out they will be banging dumpsters. With this density there will be increased traffic and noise, and they will no longer be a single-family community. They are giving up too much. They'd like to see this downsized to five units per acre, or 75 total units. This will still increase Lundy Road traffic by 32%. This is the lowest density permitted by the land use designation. Regarding the lighting, he said he is concerned if there will be roadway lighting from Lundy Road to the project. He asked at what point the sewer and water will be hooked up to the buildings.

Mayor Flagg closed the public hearing. The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST AND SECTION 18, TOWNSHIP 10 SOUTH, RANGE 27 EAST, FROM COUNTY PLANNED UNIT DEVELOPMENT (PUD) TO CITY R-3 (MULTI-FAMILY RESIDENTIAL) WITH A PLANNED UNIT DEVELOPMENT OVERLAY (PUD); AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Brown seconded the motion. Mayor Flagg asked for clarification on what the ordinance will accomplish, and what it specifically addresses.

Mr. Holmes said the ordinance changes the zoning map to reflect a zoning of R-3, multi-family residential with a PUD overlay. There is an underlying zoning which has certain specifications and guidelines for use. If the property were simply zoned R-3 it would allow multi-family dwellings of an unspecified shape and size. The developer could place any dwelling on it as long as it complied with setbacks and code. Except for landscaping and buffering, he wouldn't have to submit a site plan for approval. The PUD overlay is the "vehicle" which provides certainty of the building and amenities; this is a developer agreement, which covers design, layout of buildings, location of entrance, vegetation, and location of retention ponds. This includes the buffer zone distance. He doesn't know if the site plan has a vegetative buffer, but the site plan binds the developer. If he wants to change it, he has to come back before the Planning Board, who will send it to the Commission for final approval. In addition, the developer agreement has the additional amenities they spoke of regarding the improvements to roadways and turn

lanes. This is why Mr. Lee talked about contractual zoning; a PUD Overlay is essentially contractual zoning. This ordinance approves the PUD that has been proposed, meaning the developer agreement and site plan, and approves an R-3 zoning designation. Finally, as to the relationship between the PUD and Comp Plan, the Comp Plan has already been adopted and approved by DCA, and is in place for this piece of property, which establishes its use as medium density residential. The density is limited to a minimum of 5 units and a maximum of 7.75 units per acre. To be consistent with the Comp Plan, the development has to be residential with at least five units per acre, to a maximum of 7.75 units per acre. If anything else is approved or put there, it will be incompatible with the Comp Plan.

Commissioner Kitchens asked Mr. Holmes if they decide to make Mr. Sanders' fence one of the PUD requirements, will that have to go to the Planning Board for approval? Mr. Holmes said he doesn't believe they are required to send that back. Likewise, the Commission can reduce the units per acre to five without sending it back to the Planning Board. It would mean the drawings would have to be modified. The developer is bound to the adopted drawings. The Planning Department asked for elevations. There would have to be some vehicle put in place to revise the site plan elevations. Mr. Lee concurred that before the second public hearing is held they would have to modify site plans and elevations. Also, the Code will only allow a 4' fence and not a 6' fence at Mr. Sanders' residence. Commissioner Kitchens said people spoke about increased crime. She saw no fire or police report concerning impacts, crime or whether the PD would have to hire extra police officers. They need to know if this will impact the Police Department further. She is not comfortable not knowing that. Regarding the city golf course amenity, she asked what safeguards are in place if a resident decides their 15 guests want to walk over to play golf. Who makes sure those 15 people pay their golf fees? She noted on page 7 of the staff report, it states the development would not adversely affect Moseley Elementary or Beasley Middle schools, but doesn't address the other school, River Breeze Elementary. The School Board is now recommending closing Moseley and Beasley. Students will have to go to River Breeze, which will adversely affect that school with these children. She understands the state says you can have 16,000 daily trips on Lundy, but feels that would be excessive, as this would still create a lot of extra trips on this dangerous road. She asked what the actual r/w width of Lundy Road is now, and, if they do build a turn lane, is the turn lane in addition to the 24' r/w, and does that width fall within the current r/w of Lundy Road? If not, how much property will they have to acquire to add the turn lane?

Mr. Lee deferred transportation issues to the applicant's engineer. He said, in talking to other city departments, it appears this case has been ongoing for several years. They didn't re-send requests for impact & information to departments for the zoning request. Those reports took place at the time of the large-scale amendment transmittal hearing. Typically they do seek those reports, but these reports were done in 2006 when the application was first brought before the Commission. Regarding school concurrency, they asked for this information from the school district. If the District closes schools, they have to adjust their concurrency management district. They don't know what will happen there, but the Commission should make their decision based on the current information, which they have before them. If and when the schools are closed, and the School Board adjusts their concurrency, they will advise on those impacts.

Mayor Flagg asked if the buffer is for distance or vegetation. Mr. Lee said no additional vegetation is listed for adding, but they have to maintain existing vegetation. Commissioner Brown said Winn Dixie promised to add trees to their buffer zone to buffer noise. They did not do that, and the citizens have suffered. The City adjusted buffer requirements because of that. She asked that they look at those, and said citizens have the right to peace, quiet and safety. Enforcing buffers has been a problem. Mr. Holmes said that is one "ill" Planning & Development can correct. Winn Dixie was a straight zoning with no PUD. Once the zoning is approved, you lose control of the layout and site plan, but this is not so with PUD overlays, regardless of what the Code says. Mayor Flagg said that should be a non-issue based upon whether or not the CO was issued. This is a department issue, not a developer issue. Mr. Lee said the question is what landscaping was approved for the site plan. If they didn't finish it, it becomes a Code Enforcement issue. He is not familiar with the history but will look into it. Commissioner Brown asked if there is a way to put a loop in for another ingress/egress road. Mayor Flagg asked chief Getchell to address subdivisions, noting generally only having one way in and out is a plus.

Police Chief Gary Getchell said they advocate one way in and one way out, which restricts the vehicle and foot traffic. Crime Studies show that the more avenues for people to come and go, the more opportunity to have people there that shouldn't be there. The only people coming in and out should be residents, guests and service vehicles. They also advocate gated facilities. Commissioner Kitchens asked if he would have to hire additional officers for this development. Chief Getchell said they did an impact study several years ago. They did not meet with the developer, but applied percentages of worst-case scenarios. They know that for every one citizen, that citizen generates three calls for service per year. For the average number of residents multiplied by three, that gives them an overall increase in calls for service. One officer handles 14,000 calls for services a year. They apply that formula. Running quick numbers, this comes to just a little over  $\frac{3}{4}$  of an officer. Whether they hire another police officer is a policy decision for the Commission. With growth comes calls for services; given the nature of the development, there won't be a lot of crime, but they will have calls for service due to traffic. Conceptually, they would probably need to hire another police officer. Commissioner Kitchens said there is a lot of foot traffic on the RR tracks, and asked if that will increase crime in the area. Chief Getchell said they didn't take that into consideration in their study, but can look at it. The 3 calls for service per resident is a worst-case scenario. That would take into account RR track foot traffic.

Commissioner Myers said he noted the comments made by citizens during prior hearings were reiterated tonight. He believes the developer has put forth a good effort to address those comments and concerns. In reviewing the Planning Board minutes and Staff reports, the project has been tailored to conform to the various elements as required by law. He doesn't believe this upscale development will create crime. This is his neighbor and will supply high-quality housing, which they badly need, and will positively impact the golf course. As a neighbor to this development, he appreciates the concerns with traffic, but believes they are minor when weighed against the benefits.

Commissioner Norwood said they have one shot to get this right. When this was brought to them before, they talked about condo buyers also being required to purchase a golf course membership. They can ensure this by putting that requirement in the developer agreement. They should not hand out a CO unless the buyer purchases a membership. He asked if the developer would be amenable to putting this in the development agreement. Mayor Flagg said that discussion was held by the former City Manager. He does not believe this was stipulated, nor would it be constitutional. That should be worked out at the Golf course. Mr. Schilling said they did have that discussion, and Mr. Held agreed to purchase the first year of membership for every unit. It would be up to the buyer to continue that membership. If it is not in the developer agreement, they will add it. Regarding the road trips, Commissioner Norwood asked if the road meets the projected capacity, and asked if they require a third party to do traffic studies, or if the developer is allowed to hire his own engineer to do that? Mr. Lee said they rely upon the certification of the engineer or firm doing the study. This company has done several traffic studies for projects associated with the City. They are very familiar with City traffic patterns. They do not have another engineer reviewing their traffic study. They have confidence in this firm and are satisfied with Mr. Schilling's quality of work. Mr. Boynton said Kimley-Horn is well versed in preparing traffic studies; this study was prepared as mandated by law and used proper protocol. Commissioner Kitchens said one speaker talked about losing property due to road improvements, and asked if there is enough existing r/w to do the improvements. Mr. Holmes said no one has said "eminent domain" or even suggested or talked about it. Mr. Schilling said a licensed surveyor has conducted a survey, and he has determined that the r/w does vary. Their improvements will fit in the r/w with one exception. In the vicinity of their property is where they widen and add the left turn lane, which requires an extra 36% of pavement. It is possible the sidewalk will come over on to the developer's own property, but the 60' available r/w is adequate. Commissioner Norwood asked the Fire Chief if the fire marshal has looked at this.

Fire Chief Mike Lambert said they've had discussions regarding adequate space for vehicle turn-around, access and water supply. Ms. Dietrich referred to a PowerPoint page/screen regarding emergency vehicle access. Mr. Lee said there is adequate room for all the Fire Department's vehicles. Commissioner Brown said as citizens talk to her about how growth impacts their neighborhoods, she tells them she has lived on her corner all her life. When her grandparents purchased the property, 9<sup>th</sup> Street

was a dirt road. The road has been widened twice since she's lived there. They do have noise. There is a train running past the Oaks Landing/Lundy Road property now. When new people come to the area, there is not enough adequate housing in the city limits to give them choices, as there is a lack of upscale housing. This is upscale housing and will draw people here who will pay a reasonable amount of taxes. Change comes hard, but it comes. They have looked at all the reports and literature on this and want to do what is best for the greater good. They will do everything they can to minimize impact.

Mayor Flagg said they have raised many issues like traffic safety, crime and buffer zones. The Planning Department and Planning Board have been extremely sensitive to everyone's needs and requirements. There has been adequate discussion on this. Commissioner Norwood said he'd like the motion to resemble the one Mr. Braddy made at the planning board, to include the stipulation that the PUD overlay be approved as a condominium complex for single family ownership. Mr. Holmes asked if that is in the PUD agreement now. Mr. Lee said they have to make some changes to the developer agreement, and will ensure that is included for the March 12 reading. There was consensus that this is the intent of the motion to pass the rezoning ordinance on first reading. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Myers, Norwood and Mayor Flagg, yes; Commissioner Kitchens, No. The ordinance was declared passed on first reading.

8. **PUBLIC HEARING** - 3813 Reid Street – Planning Board Recommendation to rescind Ordinance 08-19, amend the Future Land Use Map and Future Land Use Element from County Urban Services to City Commercial and Rezone from Putnam County C-2 to City of Palatka C-2 – Holiday Inn Express; Palatka Hospitality, Applicant – (continued from January 8, 2009) – Planning Director Jim Lee said the first of these two items is per a directive from DCA. This is indicated for the development of a Holiday Inn Express. DCA sent this back for re-adoption after the CIE was adopted. The CIE update is in compliance with the Comprehensive Plan, so they can now readopt the small-scale land use amendment ordinance. This ordinance rescinds the prior action taken, and then takes the same action. The next item amends the zoning for the same parcel. His department is currently reviewing the building permit for the Holiday Inn Express.

**ORDINANCE #09-04** – Land Use Amendment – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) AS DESCRIBED HEREINAFTER, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance as read. Commissioner Brown seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Ordinance No. 09-04 was declared adopted.

**ORDINANCE #09-05** – Rezoning – 2<sup>nd</sup> reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 02, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2<sup>nd</sup> reading for adoption. Commissioner Kitchens seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Ordinance No. 09-05 was declared adopted.

9. **ORDINANCE #09-06** amending Downtown Business (DB) and Downtown Riverfront (DR) zoning districts to restrict a conditional use for single family dwellings without an accompanying commercial use for parcels abutting St. Johns Avenue – 2<sup>nd</sup> Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE OFFICIAL ZONING REGULATIONS OF THE CITY OF PALATKA, FLORIDA BY AMENDING SECTION 94-161(e)(13), DOWNTOWN RIVERFRONT DISTRICT (DR) AND SECTION 94-162 (e)(13), DOWNTOWN BUSINESS DISTRICT (DB) TO EXCLUDE A DWELLING, ONE-FAMILY OR SINGLE-FAMILY, WITHOUT AN ACCOMPANYING COMMERCIAL USE AS A CONDITIONAL USE FOR

PARCELS ABUTTING ST. JOHNS AVENUE; PROVING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2<sup>nd</sup> reading as read. Commissioner Brown seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Ordinance No. 09-06 was declared adopted.

10. **ADMINISTRATIVE REPORTS -**

**REPORT on Comparison of CRA Activities, Goals and Objectives** – Woody Boynton, CRA Director  
Mr. Boynton said this is the annual audit report for FY ending 9/30/08. This is self-explanatory. For the CBD TIF, the beginning balance was \$378,382.80 and ending balance was \$756,45.94. This balance is now close to \$1 million, after recent deposits. The North Historic District began with \$60,906.73 and ended with \$210,907.13. The South Historic District began the fiscal year with \$185,532.17 and ended the year with \$371,512.75. There were few expenditures made. The one “big ticket” expenditure was the repayment of the Downtown Redevelopment Loan and the Main Street program payment made to the Chamber. There were no “objectives” for the prior year, but the Commission has now set objectives, so next year there will be a comparison and this report will be different. Commissioner Brown moved to accept the report as filed. Commissioner Myers seconded the motion, which passed unopposed.

**REPORT on Water Treatment Plant Upgrades** – Melvin Register, WTP Superintendent – Mr. Register said today they switched over to Phase I of the treatment facility and are no longer putting water through the old aeration system. They are in the testing phase for the new filtration system; it is not yet quite finished. Within the next week they will install the filter elements and will be testing those. They are still working the “bugs: out of the computer system. They are currently transferring from the old to the new system, which is certainly an upgrade in quality control. They are excited about these improvements. The building is completed and they are beginning pavement of the access road and parking lot. March 16 is the substantial completion date, and they hope to dedicate the facility in May. Within a week they will have the chemical systems worked out and old system flushed out, and the water quality should be noticeably improved. They won’t have to add as much chlorine to help with residuals. The new aeration system should produce results right away. Mayor Flagg asked if there will be noticeable water pressure increases. Mr. Boynton said they would have noticed those several months ago. Mr. Register said they’ve installed the first new high service pump, which should come on line next week and will help ease the transition. In 60 days the water service should be brand new. Mayor Flagg thanked him for his leadership, abilities and coordination skills.

Commissioner Kitchens noted the TTHM testing results should improve, and asked if they will stop receiving the TTHM notices. Mr. Register said this is not designed to address that. Several years ago they altered their methods and improved those results. This is mostly due to fire hydrants. They have several flushing stations in use and hope to make them more sanitary.

Mayor Flagg asked how the City is dealing with the aged water distribution lines, and asked if the worst areas are being addressed with good water going through aged lines. Mr. Boynton said many lines date back to 1886 and are cast iron. The #1 priority in the stimulus package is \$41,000,000 in improvements to replace the lines. Short of receiving that, in April they will begin replacing the main trunk line through a CDBG grant. This section runs down the Old Jacksonville Highway, down Dunham to 4<sup>th</sup> Street. Once the Riverfront Development comes on line, they will replace the trunk line down 13<sup>th</sup> Street, down Laurel Street, and will then be within several blocks of a totally new trunk line. They are in the process of doing a total meter change-out, replacing old meters with automatic read meters. When that is finished, they will start the process of identifying lines for replacement, beginning with the worst. They need to determine how to work around the inconvenience of the homeowners.

Mr. Boynton said they will meet with Blue Crab organizers tomorrow to discuss their budget and transparency issues.

Regarding the Riverfront RFQ, Mr. Boynton said they’ve received 17 proposals, and he’s set up a committee up to review them. They are Susan Looseburg, A Chamber representative, Commissioner

Kitchens and Jeff Norton. He will advertise this meeting. They will get together to discuss a short list and bring their selection to the Commission in March.

Regarding the reuse project, they will be doing a start-up on the new reuse lines next Wednesday, and by the start of the following week, should start pumping reuse water to the ball fields.

11. **COMMISSIONER COMMENTS**

Commissioner Kitchens asked that, whenever zoning density is amended, the Commission receive current impact reports by Fire and Police Departments.

Commissioner Brown said, regarding the Riverboat project, Mr. Boynton and Jeff Norton have spoken to Phil Worth, who has given their business plan to FDOT. They hope to bring this back next week and make a presentation on the program in March.

**DEPT. OF FINANCIAL SERVICES PRESENTATION REVISITED** - Randell Brown, Regional Director, Dept. of Financial Services, Office of Alex Sink – 135 Executive Circle, Daytona Beach - Mr. Brown said he contacted a State Farm representative and wanted to clarify their ability to write for other companies. As of now, they are still captive agents. Talks are underway to allow them to write for other companies at the time of policy cancellation.

12. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 9:15 p.m. upon a motion by Commissioner Kitchens, seconded by Commissioner Brown.

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