

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 March 12, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 12th day of March, 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; Assistant Police Chief James Griffith; Fire Chief Mike Lambert; Planning Director Jim Lee; Assistant Planning Director Debbie Bank; WTP Superintendent Melvin Register; Airport Manager John Youell

CALL TO ORDER – Mayor Flagg called the meeting to order at 6:05 p.m.

INVOCATION – The Reverend Loretta Bolling, Pastor; Church of God by Faith

PLEDGE OF ALLEGIANCE – Woody Boynton

APPROVAL OF MINUTES – 2-26-09 – Commissioner Kitchens moved to approve the minutes as read. Commissioner Myers seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION**

PROCLAMATION – Women’s History Month – March, 2009 – Vice Mayor Brown and Commission Kitchens accepted this proclamation from Mayor Flagg on behalf of all women in the community.

PROCLAMATION – Brain Awareness Week – March 16 – 22, 2009 – Members of the Pilot Club of Palatka were present to accept this proclamation, read and presented by Mayor Flagg. Lavinia Moody, Pilot Club member, spoke about the importance of Brain Education and exercise.

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

3. **CONSENT AGENDA:** Per Commissioner Kitchens’ request, Mayor Flagg asked the Commission to consider each item separately.

- a. **Authorize City of Palatka to receive ownership of seventeen (17) electrical meters** in the Central Business District from Downtown Palatka, Inc., per recommendation of City Manager and Parks Director – Mr. Boynton said these electrical boxes and meters along St. Johns Avenue have been under the maintenance, ownership and control of Downtown Palatka, Inc. He and the Parks Director

both agree they should be under the care, custody and control of the City. They are being transferred at no cost to the City. This will have no impact on the budget; the cost to use them will be reimbursed by the user. They were installed by Blue Crab organizers but are not owned or controlled by Blue Crab. Commissioner Kitchens moved to authorize the City to receive ownership of 17 electrical boxes and meters on St. Johns Avenue from Downtown Palatka, Inc. Commissioner Brown seconded the motion, which passed unopposed.

- b. **Dismiss Code Enforcement Board Lien/daily fine on 412 N. 6th Street (Hatten/Felder), Case No. 07-241** in the amount of \$11,925, leaving assessment of Cost of Prosecution of \$370.64 if a lien order is not required, or \$421.28 if not paid within 30 days and a lien order is required – per Code Enforcement Board’s recommendation – Per Commissioner Kitchens’ question, Debbie Banks, Ass’t. Planning Director, said the costs of prosecution were paid on this case today. Commissioner Myers moved to dismiss the code enforcement lien/daily fine on 412 N. 6th Street as recommended. Commissioner Kitchens seconded the motion, which passed unopposed.
- c. **Dismiss Code Enforcement liens/daily fines**, leaving Costs of Prosecution assessed totaling \$1,543.09 paid 2/25/09, on the following properties, per Code Enforcement Board Recommendation:

	<u>Address</u>	<u>Fine</u>	<u>Cost of Prosecution</u>
1. Case 08-76	260 Redbud Lane	\$11,200.00	\$320.53
2. Case 08-173	266 Mango Drive	\$ 5,250.00	\$305.64
3. Case 08-177	613 Oleander Drive	\$ 5,250.00	\$305.64
4. Case 08-178	254 Redbud Lane	\$ 5,250.00	\$305.64
5. Case 08-179	260 Redbud Lane	\$ 5,250.00	\$305.64

Genelee Homes, Inc., owner; Peoples First Community Bank, Mortgagee (foreclosures). Per Commissioner Kitchens’ questions, Ms. Banks said these costs of prosecution have been paid. In a number of other cases where fines have been dismissed, the costs have not been paid. Commissioner Kitchens moved to dismiss daily fines/liens on 260 Redbud Lane, 266 Mango Drive, 613 Oleander Drive, 254 Redbud Lane and 260 Redbud Lane (again), leaving costs of prosecution owing. Commissioner Brown seconded the motion, which passed unopposed.

- d. **Authorize City Manager to pursue funding through Florida Forever Open Space Program** to purchase property at 309 River Street (Motes Property), per City Manager’s recommendation – Commissioner Norwood moved to approve as requested. Commissioner Kitchens seconded the motion. Mr. Boynton said this property is adjacent to the City Dock and on the River. The owners have offered this property to the city; however, the purchase price is excessive. He’d like to pursue a Florida Forever Open Space Program grant to purchase this property at no cost to the City. The price has not been negotiated; the owners have asked a price that is higher than the appraisal price. The grant won’t pay for anything higher than the appraisal price. He is not aware if a contract is needed prior to submitting grant application. Mr. Holmes said they can enter into a contract made contingent upon grant approval. Mr. Boynton said they will submit an application in May/June and should hear something by late summer/early fall. Mr. Fox will start working on it right away. Mr. Holmes suggested they go ahead and put the property under contract prior to putting the grant application in. Mr. Boynton said usually all they need is a letter of intent, but he will investigate this further and bring it back to the Commission at a later date. After further discussion, Commissioner Norwood withdrew his motion and Commissioner Kitchens withdrew her second. Commissioner Kitchens moved to table this item until April 9, 2009. Commissioner Norwood seconded the motion, which passed unopposed.

- * 4. **RESOLUTION** authorizing the Mayor and City Clerk to execute and attest a Joint Participation Agreement with FDOT to amend FIN#40745049401 to add design and construction of airport security fencing around the new terminal building – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ADD PROJECT DESCRIPTION DESIGN AND CONTRUCTION OF AIRPORT SECURITY FENCING AROUND THE NEW TERMINAL AT PALATKA’S KAY LARKIN MUNICIPAL AIRPORT. Commissioner Kitchens moved to pass the resolution on first reading as read. Commissioner

Brown seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The resolution was declared adopted.

John Youell, Airport Manager, updated the Commission on the new terminal building project. This will provide funds to upgrade the planned chain-link fencing to wrought-iron fencing around the new terminal building, which will provide connectivity to and incorporate the old terminal building. They are approximately four months from completion of the terminal. Two of the four current projects are now complete. The additional T-hangars and bulk hangar will be completed in two months.

- * 5. **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 – 2nd 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 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 2nd reading for adoption. Commissioner Brown seconded the motion. Jim Lee, Planning Director, said the first public hearing was held on February 26. Included as part of the ordinance are Exhibit 1, the rezoning application; Exhibit 2, the Planning Board Staff Report of 1/26/09, and Exhibit 3, the Oaks Landing Residential and PUD Appendix with Development Agreement dated 1/22/09. This development agreement is the one the developer was directed to prepare and submit tonight, replacing the December 2009 developer agreement included in the last package. The changes have been highlighted (filed).

Lara Diettrich, Kimley-Horn Associates, 8657 Bay Pine Road, Suite 300, Jacksonville, FL 32256, representing Held Investments, applicant, said all the changes in the 11th version of the developer agreement is before them. The word “draft” in the 2nd page will be removed upon execution of the agreement. The date has been changed to 2009, and the first “whereas” was amended to reflect the change to the land use designation, which has already been made. The number of dwellings per acre has been changed to 7.75 dwellings per acre. The top of page 2 was amended to show that the land use is now changed. The term of the agreement was changed to 3 years, as that is a reasonable amount of time. Page 4 was amended to show the reassigned land use designation and maximum number of dwellings. Regarding the sidewalk along Lundy Road from Moseley, Page 5 shows a developer contribution of \$28 with inmate labor/\$48 without inmate labor, per linear square foot for construction of sidewalks. Page six notes newly added provisions; one states this will be a single-family condominium development to be constructed as a single-phased project, and the next states that HELD Investments shall purchase a one-year golf course membership for each unit purchased, such membership to commence with the sale of the unit and will run for 12 months without option of transferability.

Bill Schilling, Kimley-Horn Associates, as to a time limit on length of time of construction, said it is their intent to have approval of the building permit within two years. They have the option to seek an extension of one year, contingent upon approval by the Commission. Ideally they will obtain their permit within two years of PUD approval and then construct within the allowed time frame per the building permit. Mr. Holmes said theoretically they have two years to begin construction under the PUD with an option to request a one-year extension, if needed, so they could delay construction up to three years. Mr. Lee said once the Building Permit is issued they will have to have approved inspections every six months in order to continue the permit. They would certainly want to protect what they’ve constructed, i.e. they wouldn’t put up the walls and then leave them there for any length of time before they put on the roof. There is no condition built into this as to a finish date. Construction could take four or five years; the two-year time frame dictates when construction starts, not when it will finish. Theoretically it may not

begin until the end of the third year. Mr. Holmes said the agreement is only for three years, and it should run until the development is constructed, so this should be amended to “three years or until the final CO on the fifth residential building is issued” or something to that affect. Mr. Lee concurred and said that should be added.

Mr. Holmes said this is being done based upon the premise that all these units will be individually owned condominium units. Theoretically they could all be purchased by the same person and then rented out. He suggested they place language into the agreement, subparagraph (d), to add “the development is to consist of a condominium residential product type that will be constructed in a single phase with individual condominium units to be marketed and ultimately sold to separate owners and with no more than 10% of the units to be ultimately owned by any one or any related entities or individuals.” This would mean one owner could theoretically own no more than 12 units so that no one can purchase a large amount of condos under a rental program. After consulting with Mr. Held, Mr. Schilling said they have no objection to this in theory, so long as it is understood that Held Investments will own these units until they are sold. Their ultimate goal is to market and sell to individual owners. Ms. Diettrich said they will take this wording from the minutes of these proceedings and add it to the developer agreement

Michael Held, 805 Brandywine Court, St. Augustine, said if a building has 24 units and an individual wants to purchase every unit with the intention they are to be resold, is that acceptable? Mr. Holmes said more language can be added, but no more than 10% of the units can ultimately be owned by any one entity or individuals. That one person may be allowed to purchase many units to resell them is not a problem. He just doesn’t want someone buying up 25 or so units and putting them in a rental program. Mr. Held said they can write this into the developer’s agreement; he has no problem with this. Mr. Holmes said to add the following to his earlier language: ”Notwithstanding anything set forth above, “bulk” sales of more than 10% of the units shall be allowed to an entity for resale by the entity so long as more than 10% of the units are not held at any time by any one owner and utilized for rental purposes.” Mr. Held concurred with the addition of this language.

After discussion regarding when the golf membership would be purchased, per Commission Norwood’s concerns, consensus was reached that the membership will be purchased and will commence at the time of the closing of the sale of each individual unit.

Commissioner Kitchens asked whose responsibility it is to construct the water main from the existing line to the development, and asked for an explanation of the passage stating the City will pay for the upgrade to construct a larger than 8” water main, if the City requests it. Mr. Schilling said the developer will pay to construct the water main up to the development. They know they will require an 8” water main for their development. If the City wants to upgrade the size of the line to serve customers further down the line, the City will pay whatever the cost to upgrade from 8” to a larger main. The majority of the cost is to dig the hole, which the developer will pay.

Ms. Diettrich continued with modifications to the developer’s agreement. She noted a change to paragraph six on page 7 to make it current with the PUD overlay zoning. As to page 9, Item 10, Item (c) should be Item (b). It states upon approval, adoption & enactment of the rezoning, status reports shall be submitted on an annual basis regarding the development activity. Persons to notice for the City (page 12) have been upgraded to show current City employees. She will also change the City Manager’s name on subsequent signature pages and notary jurats.

Mrs. Elsworth Kearny, 2403 Lundy Road, said she felt at the last hearing that several commissioners had their minds made up prior to the hearing. She had hoped to have been met with open minds. She still believes this should not go forth for the prior stated reasons. She noted that Earl Wallace, a land surveyor on the Planning Board, stated he had problems with the survey, which shows some of the properties overlap on the roadway. Mr. Holmes said no one has mentioned taking her property, but that doesn’t mean they won’t have to. Her property goes right up to the road. She does not want a sidewalk in front

of her house. There is no need for one. The developer is willing to put a sidewalk elsewhere in the city in lieu of this sidewalk. Church attendees park in her yard now. This will add more cars and more accidents. She can't see anyone paying out that kind of money for a condo next to a railroad track. She doesn't want to see this turning into a College Arms. Mayor Flagg said they are alleviating this fear by adding the language discussed tonight. They understand no one wants to see this development downgraded into a rental complex. Mr. Holmes said if there is already road right-of-way (r/w) owned by the City or County, the City or County can use that right of way to upgrade the road. There are no plans to use any right of way that isn't already available. The existing right of way can be used to put in a roadway or sidewalk, whether or not it "takes away" from the property in front of her house. If the r/w doesn't exist, they can't build a road or sidewalk on it. No one will take any more of her property than what is already available. Mrs. Kearny said Mr. Wallace said her property goes all the way to the road.

Henry Sanders, 2509 Lundy Road, said regarding the right of way, there is a 60' r/w going through there. At the last meeting they said a 24' wide turn lane requiring an additional 12' of the 60-foot r/w. The road is presently centered on the 60' r/w. The turn lane will be right in front of his house. He has 21' of r/w before the road in front of his house. He will only be left with a few feet of property, and traffic will be closer to his property line. A car veered off the curve into the ditch just last week. This will bring traffic accidents closer to their homes. Mr. Schilling said there may not be room for a sidewalk on the east side of the road. Mr. Sanders said they need to keep the road centered in the right of way. This is a safety issue. He sees a problem with the wood line. Mr. Schilling said everything they have proposed is at 30% planning stage. They are not yet ready to pull permits off these plans; much of this is conceptual. Everything they are proposing is going to be constructed as conceptually shown, with one exception. The sidewalk may veer out onto their own property, but no one else's. He noted that Mr. Sanders is correct that the additional pavement is on their side of the road, as they control that property. They can consider bringing it back to center. Mayor Flagg asked what the check and balance is on behalf of the City and residents when they get to 90% design. Mr. Lee said the City, developer and County will work in tandem on this roadway. Their permit will not be CO's for any residential building until these roadway improvements have been made. They will look at the conditions on the building permit application. If there are significant changes, they will come back to the City Commission.

Mr. Boynton said once this is approved, it will go back through B&Z and Public Works for approvals. It is up to staff to ensure that Kimley-Horn is held to this agreement. Staff will be looking at all aspects of planning prior to issuance of any permit. Mr. Holmes said in any PUD the plans come in a conceptual format, as no developer can afford to do 100% of the engineering prior to approval of the PUD. They have a developer agreement and a site plan, which is binding upon the developer. City Staff then exercises discretion within the bounds of the developer's agreement. That is where the check and balance comes in. Staff makes sure there are no substantial deviations; if there are, the Commission will have to approve those. That is for Mr. Lee to determine. Commissioner Brown noted the PUD gives the City more control over what is constructed there and provides a safety net. Mr. Lee explained Planned Unit Development Overlay zoning and how that works for the benefit of the citizens. He noted this PUD limits the developer to five buildings, 120 units, setbacks, landscaping, golf course access, and multiple other conditions. If it changes, he can determine if it needs to come back before the Commission for approval.

Mr. Sanders said as he understood the buffer issue at the last meeting, the issue was distance rather than vegetation. He has asked for a six-foot fence, but was told he can only have a four-foot fence. His property is zoned agricultural, so he can have a six-foot fence on his property. He still wants a six-foot fence along the property line and this stipulation added to the developer agreement. The vegetation is not an adequate buffer. Discussion ensued as to whether the Code would allow a six-foot fence in any instance. Mr. Lee said he can apply for a variance on the fence through BZOA, but the Commission doesn't have the authority at this point to write that in. If the BZOA doesn't allow it, he can appeal it to judicial court. Commissioner Kitchens said if the fence is constructed on Mr. Sanders' property he can

have his six-foot fence. She believes this will adversely affect Mr. Sanders property and vegetation alone won't adequately buffer him from the increased traffic and other noise from the development, as his property is directly adjacent to the development. The Commission needs to assure an adequate buffer is put there. Mr. Lee said it could be added to the agreement, but he believes that should remain between Mr. Sanders and the developer; the City should not get involved. A six-foot fence can only be built on Mr. Sanders' property. Mr. Schilling said it is the Developer's intent to keep the vegetated 40 to 50-foot buffer from their drive to Mr. Sanders' property. If they build a fence they'd have to clear some of that vegetation. They don't want to lose vegetation. A fence all the way to the r/w line would obstruct vision. Ms. Diettrich said the PUD agreement calls for the preservation of the 50' – 125' natural buffer along this property line. This is an extensive natural buffer. Sixty-five percent of the site is being preserved in its natural state. Mr. Schilling noted the photos Mr. Sanders provided at the 2/26 meeting show how dense the vegetation is. Mr. Sanders said you don't have to remove that much vegetation to put up a privacy fence with 4" x 4" posts. After discussion, there was consensus that, although the City has the authority to add building a fence on Mr. Sanders' property to the developer agreement, this should be between Mr. Held and Mr. Sanders, and the City shouldn't get involved.

Mr. Sanders said they have addressed his concern that blocks of these condos will be purchased and leased out. The wording Mr. Holmes said would be added to the agreement is adequate, but he'd like them to prohibit any condo owner from renting out their unit. Mr. Holmes said that was not the intent, and is probably unconstitutional. His language was added to prevent large-scale rentals and limits that to 10% ownership, or 12 units, owned by any one entity or related entities. 10% seems to be a reasonable number. It isn't perfect, but it provides protection.

Phyllis Lott, 1601 Edgemoor, distributed a letter to the Commission (filed), which she read into the record, noting that had they known that Mr. Bates would sell this property to a developer within days of its annexation, they would have voice strong objections to its annexation. This development will generate 750 additional daily trips on Lundy Road, which puts them in a threatening situation. There is not enough visibility from the curve. It is not concurrent with surrounding single-family development. A stop sign would only cause a bottleneck. Who pays to improve and maintain the road? The developer has only compromised by dropping the number of units from 140 to 120. This will cause an increase in crime and noise, and may take years to complete. Will there be a condominium association? It seems that the focus of this entire development is on the viability of the golf course and not on the residents already in the area. Their issues are still on the table. They are not anti-growth; they believe this development will harm their community and way of life. This is not responsible growth and is not compatible with the surroundings. It concerns her that units can be bought in blocks and rented out; they fear this will become nothing but rental units. Since this project was first proposed the economy has changed and area schools may close; this needs to be looked into. This development won't generate taxes for many years. Will the City be held liable if this development is not a success? College Arms has destroyed Rolling Hills. She has never heard a price put on these condominiums. Language should be added that they must be owner-occupied condos. Existing homeowners have a right to protection of their property values. She believes golfers will be disappointed in this growth, and asked who will police residents who continue to play golf without renewing their membership? This will no longer be a quiet, pristine golf course; this development will change that forever. There will be many unintended consequences and they may end up destroying the golf course. She asks they reject this development on many grounds aforementioned. It will be detrimental to their health, happiness and well being. She noted Chief Getchell has said conceptually they will have to hire an extra police officer. A single-family development is compatible, and that is what should be there. Mr. Held will make his money and move on. It will be a long time before this development is sold out and could be a disaster. Mrs. Lott said she spoke with Mr. Schilling earlier about the roadway; crossing over that roadway is a concern now. If this is not addressed, someone will be killed.

Mayor Flagg said the City Manager will make certain the Planning Department and County will address those safety issues. That curve needs attention, anyway. Commissioner Kitchens said the majority of her concerns have been resolved; one of them was that everyone playing on the golf course had paid to play. She spoke with the Mr. Aaron, the Pro, yesterday and he assured her they have those measures in place. The project increases the likelihood of vandalism on the course. He likes the way Mr. Holmes worded the ownership restriction. She was concerned about school capacity as two of the three schools in the capacity report may be closed. A representative of the school board told her that concurrency would be dealt with if it came to that. While her technical concerns have been addressed, she is still concerned with the number of units, and doesn't believe the developer has compromised enough on that. She understands the buffering issue; in some of Mr. Sanders' photos there are lots of trees, and in others, not so much. She does not believe this project is compatible with the surrounding neighborhood and adjacent land uses. According to Mr. Lee, the definition of "neighborhood" for Planning & Zoning purposes is "open to interpretation." This development won't affect College Arms or Rolling Hills or her neighborhood, but will affect the adjoining properties. This will bring a minimum of 800 trips per day and now on both sides of his property, not including "visitors." This is a "roadblock" she can't get past. This will bring in some taxes but she does not feel that offsets the sacrifices they are asking individuals to make. This will adversely affect Mr. Sanders' property and the surrounding neighborhood due to the increased traffic and noise.

Mayor Flagg read the following written statement from Mr. James M. Dorn, III, Fairway Drive, into the record: "As a resident of the City of Palatka and having reviewed the plans for the Oaks Landing PUD, I am in favor of the rezoning." (filed)

Commissioner Norwood moved to amend the main motion to reflect revisions to Exhibit C, Developer Agreement, to Ordinance 09-07, as discussed tonight, be incorporated into the Developer Agreement. Commissioner Myers seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Myers, Norwood and Mayor Flagg, yes; Commissioner Kitchens, no. Exhibit C was declared amended and made part of Ordinance 09-07.

There being no further discussion on the main motion as amended, to pass Ordinance 09-07 on 2nd reading for adoption, with revisions as adopted to Exhibit C, Developer Agreement, a roll-call vote was taken, with the following results: Commissioners Brown, Myers, Norwood and Mayor Flagg, yes; Nays, none. Commissioner Kitchens, No. The ordinance was declared adopted.

- * 6. **ORDINANCE** creating the City of Palatka Traffic Light Safety Act – 2ND reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, BY CREATING A NEW ARTICLE IV, ENTITLED "THE CITY OF PALATKA TRAFFIC LIGHT SAFETY ACT"; AND NEW SECTIONS 82-87 THROUGH 82-102; PROVIDING FOR INTENT AND DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF UNMANNED CAMERAS/MONITORING DEVICES FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on 2nd reading for adoption as presented. Commissioner Myers seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted. Commissioner Norwood noted the changes he had requested had been made, and he was pleased with the ordinance.

- * 7. **AUTHORIZE** release of Request for Proposals – “Automated Red Light System” – Mayor Flagg noted the memorandum from the Chief of Police noting this was the next step towards putting the Traffic Light Safety Act into place, which includes following a logical sequence of selection of equipment vendor, selection of hearing officer, execution of contract(s), site selection, installation of equipment and formulation of various administrative policy and procedure. This will allow him to go forward with the release of a Request for Proposals. Commissioner Kitchens moved to authorize the RFP for the Automated Red Light Enforcement System. Commissioner Brown seconded the motion, which passed unopposed.

8. **ADMINISTRATIVE REPORTS**

City Manager Boynton gave an update on the Riverfront Planning RFQ. They received and shortlisted the proposals down to five firms, and they will hold those public “interviews” on those on March 23 and 24.

Mr. Boynton noted they are about a month away from beginning the 2009-10 budget process. Revenue sources are down, but department heads continue to monitor costs and keep them down. He will wait until next month to make any projections on whether or not drastic changes are needed for business practice and procedure.

Mr. Boynton said his contract stipulates that his performance is to be reviewed by the members of the Commission at the end of his first year. He asked for input on how to proceed with that process; he can place it on the agenda or utilize a review format they can go over with him individually.

Mr. Boynton congratulated and commended Chief Getchell and his officers for the professional manner in which they handled the episode at College Arms Apartments this past week. He was able to see first hand how they dealt with an intense situation. They have every right to be proud of they way they dealt with a potentially explosive situation.

9. **COMMISSIONER COMMENTS**

Commissioner Norwood concurred on the remarks made by Mr. Boynton in reference to the way the Police Department handled the situation at College Arms Apartments, and added he very much appreciates being kept informed and abreast of developments as they transpired. They all hope the wounded officer has a speedy recovery.

Commissioner Norwood congratulated Betsy Driggers and Karen Venables on behalf of First Coast Community Credit Union for the tremendous job they did coordinating the Azalea Festival Mayor’s Reception, which was a gala event. The Azalea Festival was one of the best events this City has seen in a long time. He thanked all those who worked to make it a success, including the Chamber and Downtown, Inc.

Commissioner Kitchens thanked Mr. Boynton for bringing up the City Manager Review process, and noted they have never done this before. She read the passage noting the review process from the employment contract into the record, and said she’d like to handle the review on a one-on-one basis and work from an employee review form, which the City Manager or City Attorney can provide them with.

Commissioner Kitchens said she hopes the City Manager can find a way to provide raises to all City employees and especially public safety employees, as they put their lives on the line when they come to work. It makes one feel bad when they don’t get raises, even if they know that no raises are forthcoming due to budget issues.

Commissioner Kitchens said it was reprehensible that with 300 witnesses on the scene at the College Arms incident, not one person came to the aid of the officer that was attacked while helping the child that was fatally injured at College Arms. It was also appalling that while they onlookers not only did not render aid, they instead complained that the attacker was then tazed by the officer he was attacking.

In response to Commissioner Kitchens’ comment regarding raises, Mr. Boynton said most employees received a three to five percent raise based upon the bonus they received at the end of 2008.

Commissioner Brown said Mr. Carl Beck was recently recognized as the leading sales person in the entire Country for Gem Cars, the electric cars. Mayor Flagg noted he is scheduled to receive that recognition at the Commission's March 26 meeting.

Commissioner Brown said FDOT is still reviewing the Riverboat's business plan and they hope to be closer to having those funds released within the month. She also noted Congresswoman Brown is holding a seminar in Jacksonville on the President's economic stimulus plan, and someone from the City should be in attendance. They have reserved space for all commissioners and mayors to be able to attend if they so desire.

Commissioner Myers recognized Ms. Driggers and Mrs. Venables for their work on the Mayor's Reception; he has received a lot of positive feedback on that event.

Commissioner Myers concurred on the kudos for the Police Department on the way they handled the situation at College Arms apartments the other night, and noted that he also appreciates being kept informed of events by the PPD as they occurred.

Mayor Flagg also saluted City Clerk Driggers and Assistant City Clerk Venables, together with the rest of the City staff and First Coast Community Credit Union for making the Mayor's Reception such a success. It is good to be able to hold a citizen-centered event and have an opportunity to share a warm family relationship with their citizens.

Mayor Flagg congratulated both the Police and Planning Departments for their professionalism they show by working in the best interest of the City every day. The elected officials receive the comments and feedback, but even when they are not receiving comments, they know City employees make them proud every day.

Mayor Flagg said there is an administrative review form and process they can use to evaluate the City Manager's performance. He will confer with the City Attorney to procure those forms and put that process in motion, rather than the City Manager. Although they will conduct their reviews one-on-one, they should keep in mind that the forms will still be public record.

Commissioner Norwood noted the Governor of Bas Congo and his entourage visited Palatka this past weekend, and he very much appreciates the welcome extended him by the entire commission as well as the citizens and his church members, and especially Vice Mayor Brown, who took their delegation on a tour of the City on Monday.

Mayor Flagg said they should all keep the Cummings and Hill families in their prayers, and to also pray for Jeff Norton during his upcoming surgery and recovery.

10. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:50 p.m. upon a motion by Commissioner Myers.