

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 April 9, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 9th day of April, 2009.

PRESENT	Mayor	Karl N. Flagg
	Commissioner	Mary Lawson Brown
	Commissioner	Allegra Kitchen s
	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; WTP Supt. Melvin Register; Parks & Cemeteries Supt. Jeff Norton; Assistant Planning Director Debbie Banks.

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

INVOCATION – The Reverend Dr. Keith Altman, Chaplin, Palatka Police Dept.

PLEDGE OF ALLEGIANCE – Commissioner Mary Lawson Brown

APPROVAL OF MINUTES – 3-26-09 – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. PUBLIC RECOGNITION

PROCLAMATION – National Health Care Decisions Day – April 16, 2009 – Marsha Davis Flowers of Hospice of the Lakes was present to receive the proclamation, which was read and presented by Mayor Flagg. Ms. Flowers said she brought copies of the “5 Wishes” for anyone that desires to have the information, and left them with the Clerk. These are critically important decisions that should not be left to your loved ones in the event that you become incapacitated and are unable to make choices and decisions.

PROCLAMATION – A Day of Service – April 25, 2009 – Mayor Flagg read the proclamation and presented it to representatives of the Church of Jesus Christ of Latter-Day Saints and representatives of the NE Florida Chapter of the American Red Cross, who joined together to sponsor this “Helping Hands and Linking Arms” initiative.

Adam Herrington, Bishop, 2nd Ward, Church of Jesus Christ of Latter Day Saints, said they will be distributing fire preparedness safety packets on April 25 and will be going door to door to hand these out.

Jack Morgan, CEO, American Red Cross of NE Florida, said it is a privilege to work with the Church of Jesus Christ of Latter Day Saints. Across the country, fires are the #1 disaster that occurs in households. They want their community to be prepared for this and other disasters.

PROCLAMATION – “Brighten Your World” Volunteer Month – April, 2009 - Mayor Flagg read the proclamation and presented it to Police Chief Getchell and volunteer representatives of the Palatka Police Department. Chief Gary Getchell presented the Commission with a check for \$69,317.61, which represents and equates to more than 3,693 hours that their volunteers worked during 2008. This is a 60% increase from the year before. They could not provide the services they provide without the help of volunteers, who help them day in and day out. You see them directing traffic, on playgrounds, on parade routes, escorting funerals, and otherwise out in the community. These are not “hard dollars” but represent the time these volunteers put in, which saves the PD from having to hire more staff to perform these duties. Mayor Flagg thanked the volunteers for their time and commitment, which enhances the quality of life for all citizens.

PROCLAMATION – Safe Digging Month – April, 2009 – Sam Willis, President, Putnam County Utilities Coordination Committee, and Palatka Water & Sewer Distribution Supt. Rhett McCamey were present to accept the proclamation, which was read and presented by Mayor Flagg, who urged everyone to “call the 811 Utility Locate Center before you dig” so as to protect infrastructure and locate underground facilities. Mr. Willis reminded everyone of the night the City’s 24-inch water main was hit by a contractor, which meant “boil water” notices for the entire city for several days. Mr. McCamey said when people see the spray-painted colored lines and orange flags on the streets and in their yards, this is a result of the “locate” service.

PRESENTATION – Palatka Housing Authority - John Nelson, Executive Director, presented a plaque to City Attorney and PHA Attorney Don Holmes in recognition for the 20 years of excellent service and legal representation he has given as attorney for the Palatka Housing Authority. Mr. Holmes said it has been an interesting journey, but less so since Mr. Nelson has taken over, as things are running smoothly now. He said he appreciated the recognition.

2. **PUBLIC COMMENTS**

Christy Sanford, 312 Dodge Street, introduced Linda Crider, 116 Kirkland, and Roberta Correa, 317 Emmett Street, and said the Larimer has scheduled a series of events this month honoring citizens, and Mayor Flagg was the first to lead off the series.

Ms. Sanford said she is president of the South Historic Neighborhood Association this year and Ms. Correa is the vice president. They would like to introduce a new program to slow or calm traffic on River Street. They have planned a beautiful and safe prototype example at the corner of River and Kirkland Street. This project will also address the non-functioning box gutters. They have also presented this to the County. Ms. Crider has been in discussion with Mr. Boynton and Mr. Lee on this project. For any other questions, please contact her or Ms. Crider. They will request agenda placement when the project is further along. They distributed the information to the Commission. Mayor Flagg asked if they could provide a copy to the Clerk for the record, and commended them for bringing this modern concept to their attention. They are grateful for their consensus-building procedure.

Lynda Crabill, 609 S. 14th Street, reminded the commission and public that Blue Crab Festival t-shirts will go on sale May 1 at various stores in the community and are available through the website. This year’s design contains the steamboat “Hiawatha.”

Ms. Crabill said the Historical Society’s history book will go to the publisher this summer and will be available for Christmas.

Tom Pelican, 607 S. Moody Road, said he is the Executive Director for the Putnam Land Conservancy, and invited the commission and public to the Land Conservancy Public Picnic to be held on April 25 in Interlachen. He left a flyer with the Clerk and asked it be posted on the City bulletin board.

3. **CONSENT AGENDA:**

a. Issue Festival Permit for 2009 Blue Crab Festival Kick-off Party (see staff recommendations)

1. **Issue Special Event Permit #09- 12** – Friday, May 22, 2009 5:00 p.m. – 11:00 p.m.
2. **Approve Alcohol Ordinance Variance** – 5:30 p.m. – 11:00 p.m. – Staff Recommendation same as 2009 Festival – Beer & Entertainment Tents, Hospitality Tent and buffer zones.
3. **Approve Noise Ordinance Variance** - 5:30 p.m. – 11:00 p.m.
4. **Set Fees – \$532.00** – Class A Permit Fee (1 day @ \$100.00/day) and police security fees (24 hrs. @\$18.00/hour = \$432.00)
5. **Approve street closures as noted.**

b. Issue Festival Permit for 2009 Blue Crab Festival (see staff recommendation & application attached) with the following stipulations:

1. **Issue Special Event Permit #09-13** May 23, 24 & 25, 2009
2. **Approve Noise Ordinance Variance** May 23, 2009, 10:00 a.m. – 11:30 p.m.
May 24, 2009, 12:30 p.m. – 11:00 p.m.
May 25, 2009, 10:00 a.m. – 5:30 p.m.
3. **Approve Alcohol Ordinance Variance** – Staff recommendation same as for 2008 – times to coincide with noise ordinance waiver. Sales/Consumption area to include Beer & Entertainment Tents, Hospitality Tent and buffer zones. Applicant to provide signage clearly warning people not to take alcoholic beverages outside of approved area, and will enforce. *No Alcohol sales on Sunday before 1:00 p.m.*
4. **Designate City Hall & Annex parking lot** for handicapped parking
5. **Issue Festival Control of all vendors and activities** falling between Main Street & Oak Street (north/south) and between the St. Johns River and 19th Street (east/west)
6. **Close boat ramp to public** beginning at 5:00 p.m. Friday through Saturday & Sunday, and reopen at 5:30 p.m. on Monday.
7. **Set Fees – \$4,977.00** – Class A Permit Fees (3 days @ \$200.00/day); police Security Fees (142 hrs. @18.00/hr.), Overnight Police Security Contract Fees (36 hrs @\$18.00/hr) Green roll-out bins (75 @ \$15.00), Deodorizer (2 gal. @ \$15.00); festival to pay all Putnam County Tipping Fees. Waive \$500 refundable damage deposit.

STAFF RECOMMENDS APPROVAL OF ALL REQUEST ITEMS FOR SPECIAL EVENT PERMIT Nos. 09-12 and 09-13 for May 22 - 26, 2009 Blue Crab Kick-off Party and Festival.

c. Issue and Approve special request items for Class B Special Events Permit #09-15, 2009 Wolfson's Children's Bass Tournament, May 13 – 16, 2009, per staff recommendation:

1. **Approve Noise Ordinance variance** for Saturday, May 16 from 6:00 a.m. to 7:00 a.m.
2. **Close boat ramp to public** from 6:00 p.m. Friday, May 15 until 6:00 p.m. Saturday, May 16

d. Award bid for Riverfront Planning & Architectural Services to Michael Redd & Associates per results of RFQ and ranking interview committee recommendation.

e. Award bid in the amount of \$24,000.00 to Fred Fox Enterprises, Inc. for General Administration of CDBG #09DB-T3-04-64-02-E08, Putnam Lanes Water & Sewer Lines per results of RFP and Sole Source Authorization from DCA, and authorize execution of contract document for same.

f. Authorize execution of contract with Kimley-Horn & Associates, Inc. in the amount of \$23,000, to develop a CRA Plan for the North Historic and South Historic TIF Districts, contract amount payment to be split evenly between the North and South Historic District TIF funds, or \$11,500 from each fund, per recommendation of City Manager and concurrence of North Historic District Neighborhood Association and South Historic District Neighborhood Associations, concurrent upon recommendation by CRA.

- g. Authorize renewal of Florida Dept. of Corrections Contract No. WS396** for Inmate Work Squad – October 1, 2009 through September 30, 2010 - \$112,934.00/yr (2 squads -- Parks & Streets 3rd paid squad)

Commissioner Kitchens asked to pull Item 3(d) for separate discussion. Commissioner Brown moved to pass Consent Agenda Items 3 (a), (b), (c), (e), (f) and (g) as presented. Commission Myers seconded the motion. Commissioner Norwood said they need to secure a grant for another public boat ramp for those times when this primary boat ramp is closed for festivals and events. Mayor Flagg said there will be signage and press releases letting the public know where they can put their boats in. There being no further discussion, the motion was voted upon and passed unopposed.

- 3(d). Award bid for Riverfront Planning, Architectural, Surveying & Permitting Services to Michael Redd & Associates** per results of RFQ and ranking interview committee recommendation. Mr. Boynton said on Feb 17 they received 27 proposals for these services, which includes development of a conceptual plan for the green space between the River and Memorial Drive. A 5-person committee short-listed those to five firms, and on March 23 and 24 they conducted interviews with those five firms. The review committee recommends the Commission authorize negotiations to begin with Michael Redd & Associates to fulfill the terms of the grant. Commissioner Kitchens noted the chosen firm will be holding public meetings and hearings for the development of the Riverfront Plan. Mr. Boynton said public hearings and public involvement will be a big part of that. Mayor Flagg said they have high hopes and great expectations for this firm's work, as their reputation and experience precedes them.

Michael Redd, President, thanked the selection committee for their professionally done screening process. They do this for a living and have provided examples of similar cities that have experienced amazing transformations because of their work. This is not a science, but it is predictable and their method has proven to have 100% results. They recognize and embrace the river, and will not block this important asset. They also believe local citizens know best. Other cities covet Palatka's situation, being on the St. Johns River with lots of green space and an adjacent downtown. Their assembled team is without peer with over 100 years of combined experience. They have assembled local and national experts. It will meet all expectations and position this city as a regional draw. Local citizens will be heard first. He thanked the City for selecting his firm. Per the question, Mr. Boynton said the grant is for \$194,000, and they intend to negotiate a contract within that amount. Mayor Flagg commended the selection process and committee for their recommendation. Commissioner Brown moved to approve the ranking of the respondents and to authorize the City Manager to begin contract negotiations with Michael Redd & Associates, the top-ranked firm. Commissioner Myers 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.

- * 4. **PUBLIC HEARING – ORDINANCE** amending the Downtown Business and Downtown Riverfront zoning districts to include additional permitted uses and reduced parking standards – 1st reading – 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, DOWNTOWN RIVERFRONT DISTRICT, AND SECTION 94-162, DOWNTOWN BUSINESS DISTRICT, TO ALLOW ADDITIONAL PERMITTED PRINCIPAL USES, ACTIVITIES, AND STRUCTURES; PERMITTED ACCESSORY USES, ACTIVITIES, AND STRUCTURES; CONDITIONAL USES, ACTIVITIES, OR STRUCTURES; CONDITIONAL ACCESSORY USES, ACTIVITIES OR STRUCTURES, AND OFF-STREET PARKING AND LOADING; AND AMENDING SECTION 94-262, REQUIRED NUMBER OF PARKING SPACES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Myers seconded the motion.

Sam Deputy, 917 Carr Street, and Angela Murtaug, 726 St. Johns Avenue, were present representing Downtown Palatka, Inc. Mr. Deputy said this has come about for various reasons. An application came to the City for a business from St. Augustine, but this business could not move into downtown as this was a pet store, and stores that keep pets overnight are not currently permitted in Downtown Palatka. This prompted a review of current zoning regulations. Although the rents here were cheaper, and this business was ready to come here, they chose not to due to the red tape. The City needs to provide zoning that will encourage a wide range of businesses to come here. Many buildings stand empty because of parking requirements, and the current regulations would require the demolition of buildings to provide required parking. They met with Planning & Zoning representatives and Mr. Boynton on this, and Julie Sorensen also worked on this plan. It has been reviewed by Downtown Palatka and various other groups, whose members support these changes. There was a lot of compromise when vetting this through the various groups.

Ms. Murtagh said the City of Deland was a good model for these changes; Palatka today is very much like Deland was 10 years ago. They are asking to relax some of the restrictions that don't allow certain large and small stores to open. This will allow a mixture of stores and great variety in this area. Mr. Deputy said these documents will likely need revision in the future, but this provides a good foundation.

Jim Lee, Planning Director, said he and Ms. Banks worked with Ms. Sorensen for the last several months on this project. Something needed to be done. This is work Ms. Sorensen did on allowable and conditional uses in the existing downtown district. They did not re-write the entire zoning district. They looked at Deland and other cities with successful downtowns. They support these changes. It is not only permitted uses that have been added, but also the removal of the constrictive parking requirement of one space per 1,000 square feet. This downtown was built prior to the influx of automobiles. This also ties in with the Commission's actions of purchasing land for parking lots; that is an important part of this process. They don't see any negative aspects of these changes and recommend approval.

Mayor Flagg thanked all for their work, noting this partnership is refreshing and different from the 'finger pointing' that has gone on in the past.

Wes Larson, President, Putnam County Chamber of Commerce, 1100 Reid Street, said on behalf of Main Street and the Chamber, he commends Staff on the great job they did on developing this ordinance. They believe this is an important step to opening up the downtown for growth. Main Street is currently working on a target list of businesses they want to bring to Downtown. They support this action.

Jerry Miller, 201 St. Johns Avenue, Bingo Palace, said they were fortunate enough to have a parking lot available to their building. They wanted to open a 2nd business, but he was told he would be turned down due to parking restrictions. These changes are essential. Last month his business donated more than \$7,000 to local charities.

Tom Pelican, 607 S. Moody Road, said the Putnam Land Conservancy is interested in tree conservation. They support these changes because they want to see downtown Palatka survive. This will relieve the pressure to build strip malls in the outlying areas.

Commissioner Kitchens noted she had distributed a memorandum for the record (filed) outlining certain changes she would like to see made to these provisions, and will discuss them in detail after all had finished speaking.

Commissioner Norwood said this will create diversity in retail and services. This is good and will bring business activity to the area by creating a diverse range of businesses. There was a day when you could do most of your shopping in Downtown due to the wide range of businesses, products and

services that were available. He commended the process and those who worked on this ordinance, and said this will provide economic stimulation for downtown.

Commissioner Myers concurred and said Palatka is similar to thousands of other small towns in the country. Strip malls and box stores destroyed downtowns. This is positive and will create positive change. This will compliment the award of the riverfront development and planning contract. They need to increase foot traffic in Downtown. He commended Mr. Deputy, Ms. Murtaug and Ms. Sorensen.

Commissioner Brown said she was born on St. Johns Avenue three feet from her home. She went to the Howell Theater when admission was ten cents. She is glad they are through with the studies and ready for action, and is glad to have these partnerships within and outside the community. This will create tourism. She thanked the Committee, staff and Ms. Sorensen for their work on this.

Commissioner Kitchens said she was also born and raised in Palatka and also remembers the once bustling downtown. She is glad they've looked at this from many aspects, and glad it will now allow more government offices downtown. County employees were the downtown's best customers. She does have issues with three items in the downtown business and river district.

Regarding section 94-61, as to arcades, Commissioner Kitchens said they are a big issue with her. Arcades are a constant source of calls for law enforcement and attract gangs of unruly kids. The Palatka Mall experienced these problems when they had their arcade due to fighting, loud altercations and cursing. They don't need arcades or amusement facilities. They can be covered under indoor recreation. There are many indoor activities besides an arcade. Festivals provide outdoor entertainment. In both districts, she'd like to have arcades and amusement facilities moved to prohibited activities.

Regarding mobile food vendors and pushcarts, Commissioner Kitchens said they will compete with restaurants. They will block traffic and be in direct competition with existing, tax-paying businesses. They also provide a carnival atmosphere. She recommends they move arcades & amusement facilities to prohibited activities, and remove mobile push carts altogether. The other items in her memorandum are just a bit of clean up. They need to reinstate the word "florist" in both districts under flowers & gift shops. Under general service districts, she'd like to change the word designer to design, which would include designers. Under upholstery shops, re-upholstery should be stricken, as it is redundant. They should allow fraternal organizations; they were once there, and should be added under the downtown business district.

Regarding arcades, Mr. Deputy said he was sorry to see a report of six young men who'd been arrested for various offenses on the front page of Tuesday's newspaper. There is little to offer youth in Palatka. Sports and extracurricular activities in the school system will likely lose funding. They need activities for teens. He grew up here, also, and knows of the dearth of entertainment both then and now. A game shop recently left downtown to move to St. Augustine because business was better there, and they were no trouble. Good business owners will take responsibility for their businesses. He'd like to give this a try.

Mayor Flagg said they need a business-receptive and pedestrian-friendly downtown. This district must interact with the total family. They need to be comprehensive in their approach so downtown can recover. There was a process that led to the decline, and will likewise be one that leads to the recovery. The model is based upon a proven model from a Volusia County city; this is a proven formula. Palatka is uniquely located; they must maximize sources and resources. The Commission will take Commissioner Kitchens points individually. He was also troubled to see so many youth take the wrong path. Parents and entrepreneurs have responsibility for the supervision of youth.

Commissioner Norwood said he heard kids speak at different events and say Palatka has little to offer for children and youth. They need to make an effort to include children in the downtown district and

the community. He is not in favor of removing arcades. They can enforce rules and prohibit certain things. He is in favor of having an arcade. Any business owner should manage their business.

Commissioner Myers concurred with Commissioner Norwood, saying it is important that youth have something to do. This type of business can be managed properly by a responsible business owner.

Commissioner Brown said parents also visit arcades with their children. If the business creates a standard and upholds it, those bad things won't happen. She travels and stays at many hotels, and most have arcades that are safe places for children to go. This package may not be perfect, but it is a start. They need to give this a chance. If they need to adjust it later, they can. She'd rather see teens in a place that will keep them busy rather than running the streets and unsupervised.

Commissioner Kitchens said they need restrictions and definitions to go along with "arcade." Many times kids don't have supervision. They should restrict arcades to indoor facilities. She knows children need something to do. The kids that were arrested started committing crimes at age 9. Successful arcades have supervision. This allows someone to put an arcade in a vacant lot. The Police Chief has advised her that arcades generate calls for service and can be a nuisance. They are asking for problems if they don't move this to restrictive. Mayor Flagg said he doesn't believe arcades can be located outside.

Regarding the definition of amusement facilities, Ms. Murtaug said amusement facilities are like arcades; they provide entertainment for children and adults. Mr. Lee said that came from the Deland code. There are usually no definitions that accompany these; it allows for staff to interpret usage as it comes. The Commission can make this a conditional use, which would trigger a public hearing before the Planning Board. To him, arcades and amusement facilities are similar. Commissioner Norwood asked if it is considered an entertainment facility for kids; Mr. Lee said it is. Ms. Murtaug said this also means theater and the arts. It is entertainment. They want to keep Putnam's money in Putnam County and keep people from going out of town for their entertainment. Commissioner Kitchens said that is covered under indoor facilities. She is looking for common sense and is troubled that the Planner couldn't come up with a definition for this. Ms. Murtaug said this will take place in a controlled atmosphere. The neighborhood raises the family; they all have to help tend children to keep them out of trouble and can do so by having them downtown in an arcade.

As to the inclusion of the word "florist" with flower & gift shops, Mr. Lee said he has no problem with this. It does include florists already. As to the removal of pushcarts, Mr. Lee said this is a "new" permitted use and would allow mobile food vendors on sidewalks and in parks. These uses will be regulated as to size, time and location. They have a draft of that ordinance in the works; this is the result of considerable discussion. There are a number of cities that allow mobile vendors and push carts.

Julie Sorensen, Downtown Palatka, Inc., said, with regards to changing the word "designer" to "design" for "interior designer studios," she is a designer; the word designer is fine as it is used for this purpose.

Regarding removing the word "re-upholstery," Mr. Lee said upholstery and re-upholstery are different processes and he would leave that as is. Re-upholstery is the recovering of upholstered furniture. Regarding the recommendation to include fraternal organizations, Mr. Lee said he concurs and recommends including those.

Mayor Flagg said the only area of support from the Planner is to add fraternal organizations to Section 94-62, DB – Downtown Business District. Regarding location of fraternal organizations within the ordinance, Mr. Lee said it should be inserted in Section 94-62, 2(w). Commissioner Myers moved to amend the proposed ordinance to add Fraternal Organizations to Section 94-62(2)(w) on page 7. Commissioner Norwood seconded the motion. A roll-call vote was taken on the motion to amend, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes;

Nays, none. The motion was declared passed. A roll-call vote was taken on the main motion to pass the ordinance on first reading as amended, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed on first reading as amended. Mayor Flagg commended all who worked together on this process.

* 5. **CODE ENFORCEMENT BOARD RECOMMENDATIONS:**

- a. **CE Case No. 06-36 - 501 Kirby Street – Recommendation to reduce daily fine/lien from \$10,025 to \$2,506.25**, plus cost of prosecution of \$349.32 if paid within 30 days (\$399.96 if not paid within 30 days of action) – McEwen/Gonzales, owners/petitioners
- b. **CE Case No. 8-83 – 2016 Twigg Street – Recommendation to reduce daily fine/lien from \$6,125.00 to \$1,531.25**, plus cost of prosecution of \$300.32 if paid within 30 days (\$350.96 if not paid within 30 days of action) - M. Oliver, owner

Mayor Flagg noted distribution of a memorandum from the City Attorney regarding these two Code Enforcement Board recommendations (filed). Mr. Holmes said they have a recommendation from the Code Enforcement Board to reduce fines on two separate cases to approximately 25% of the fine. It is his recommendation that these two items be remanded back to the Code Enforcement Board because there are no guidelines or policies in place on this as to why or whether a violator's fine should be reduced. The practice has evolved over the past few years to eliminate or reduce fines to a nominal one upon request. In the past few months they have collected costs of prosecution, but some very large fines have gone away. Conditions have gone un-remedied for weeks, months and years. They need to take a good look at the practice of automatically eliminating fines. This eliminates efficiency and effectiveness in the Code Enforcement process. He recommends a form of written guidelines as to when and how much shall be abated. This may not involve a specific formula, but they do need guidelines so discretion can be applied. The Code Enforcement (CE) Board has scheduled a workshop in June to address procedural issues, and this should be considered. The recommendation on guidelines will ultimately come to the Commission. When the CE Board makes a recommendation for a reduction, a specific reason should be given. There are certain valid reasons for reducing or eliminating fines. At this time the Commission receives recommendations from the CE Board to reduce or eliminate fines with no basis or rationale provided. It is therefore his suggestion to remand these back to the CE board so they can provide reasons for this recommended reduction in the fines.

Mayor Flagg asked if the Commission could join the CE Board to work these issues out jointly in a public setting. This will set a precedent and put a protocol in place. Mr. Holmes said he has no objections as this would accomplish a number of things; there are other issues they are considering, and the Commission can provide insight on the spot and the CE Board will receive instant feedback. Mayor Flagg asked the Clerk to issue that special meeting call.

Commissioner Norwood moved to remand the fine reduction recommendations on Code Enforcement Board Case No. 06-36 (501 Kirby Street) and No. 8-83 (2016 Twigg Street) back to the Code Enforcement Board and request they provide reasons for their recommendation for the reduction in the fine and percentage of reduction. Commissioner Kitchens seconded the motion, which passed unopposed.

- * 6. **PRESENTATION – City of Palatka Water Taxi Service** - Approve current Water Taxi Service Business Plan, contingent upon successful negotiations with FDOT to resolve issues cited in Philip Worth's memorandum dated 2/19/09 – Jeff Norton, Parks Supt. And Woody Boynton, City Manager – Commissioner Brown said she has been pushing to get this on the agenda and thought they had reached a point with FDOT that they were ready to release these funds. FDOT has come up with something else that needs to be researched. She is asking that this item be tabled until the first meeting in May to allow time for this research. They are asking questions about matching funds. Also, they want to make sure they can move forward. If any of them have any questions about any of this, please put them in writing and give them to Mr. Boynton, so that he can provide those answers. They have been working on getting these funds released for many years and cannot understand why it is taking so long to get these funds released. This past week they went out on a boat to Murphy's Island with SJRWMD

representatives and looked at the docking facilities. Those facilities will accommodate the boat. SJRWMD has expressed in interest to work with their group on another docking facility. They also visited Dunns Creek State Park, and learned a riverboat was docked there many years ago. Other cities are working with them on infrastructure to accommodate these boats. They have much support for this project throughout the County and NE Florida. They received a letter of support from the Putnam County Waterways Committee today, and received a resolution of support from the City of Jacksonville. They want to answer all questions the Commission and FDOT may have. Once the money is turned loose it will take three months to renovate the boats to fit this use and make them ADA compliant. One boat will accommodate 129 people, which is more passengers than the other two, and is equal to about two busloads of people. They need the Commission's help and cooperation to bring this to fruition. The Regional Planning Council helped them put their business plan together and at least four operators are anxiously awaiting the release of the operator's RFP. They are looking for someone to operate the boats at no cost to the City. She'd like the City Manager to have everything ready to move this forward on May 14, so please get questions to the City Manager. Commissioner Brown moved to table City of Taxi Water Service Business Plan Presentation item until May 14, 2009. Commissioner Kitchens seconded the motion, which passed unopposed.

Mayor Flagg said he has no questions, and is waiting to see the Plan. He's heard various people comment that the Commission is holding this up; he is not aware of any hold up by this Commission. Commissioner Brown said the hold-up is from Mr. Phil Worth of FDOT. At Commissioner Brown's request, the members of the Riverboat Committee in attendance stood for recognition.

7. **ADMINISTRATIVE REPORTS**

City Manager Boynton – SJRWMD Water Supply Public Workshops – April 6 and April 13, 2009 – Mr. Boynton said there has been much discussion over the public hearing on the 13th regarding permission to withdraw 5.5 mgd from the St. Johns River by Seminole County. This was last discussed by the Commission at a February, 2008 meeting. At that time, the decision was made to hold off taking a position until the scientific evidence was available. That will be available in the fall. This permit is for approximately 4% of the total amount allowable for withdrawal. He believes the City should “stay the course” and hold off with an official position until that evidence if available.

Melvin Register, WTP Superintendent, said he and Commissioner Myers attended the current water supply plan workshop; this was a housekeeping meeting. The meeting on Monday will address the Seminole County permit; this is not a part of the alternative water supply plan; that focus is on a large-quantity withdrawal from the River. This is part of a plan adopted some five years ago, but “gets the foot in the door” for this type of withdrawal. This is phase one of the Seminole County alternative water supply plan, and the timing on this clouds the issue of the District Water Supply Plan. Water supply plans are renewed every five years with an assessment due two years prior to renewal. In the 2005 Plan, Putnam County is not listed as being in a precautionary water resource zone now, but likely will be in 2010 due to water usage in surrounding counties, as they are “sucking the bottom” out of our water supply. The issues of the large withdrawals are not part of this plan, but part of alternative water supply projects. The study referenced by the City Manager was a study brought about by environmentalists who wanted to know the affect of water withdrawal on the River. They instituted a two-year study on the environmental issues and are about 16 months into that. In early fall they will have the results. This study deals with the alternative water supply project, not the 2005 Plan, which Seminole County's 5.5 mgd withdrawal is part of. These are two separate issues. On the 5.5 mgd withdrawal, to take a stand is premature, but they should keep their eye on it as it could mean the withdrawal of larger amounts later. They can take a stand once the study is released and the results have been made public. He has been attending meetings on all these issues for the past two years.

Mr. Holmes said he understands they've undertaken an environmental study, and asked if any study has been planned or released on the 5.5 mgd withdrawal. Mr. Register said they haven't undertaken one on that small a withdrawal; this is compared to 250 mgd withdrawal in total. Once they started talking about an alternative water supply plan, that is when people wanted environmental studies done. They have been doing studies on setting minimum flow levels for the St. Johns River, and will finish

that before letting withdrawals begin. Mr. Holmes said this is something SJRWMD should look at; even a small amount sets a precedent. It is not an insignificant amount. Mr. Register agreed. Commissioner Brown said she attended the Waterways Committee meeting today and they discussed the Seminole ruling; the judge ruled on the side of Seminole. Although both sides brought in their expert testimony, the judge ruled that the opposition to this withdrawal did not prove their case. The Regional Council has also been discussing this. Water is going to be a commodity in just a few years. They need to know the impact this will have on this community and their River. They don't want to be left out of the Plan.

Commissioner Kitchens read a news article by Chris DeVitto into the record regarding the public hearing on April 13th that gave a history of the issues surrounding this. It states SJRWMD recommended this permit be issued, and cautions this 5.5 mgd withdrawal is just the beginning of a withdrawal permit that could allow 250 mgd withdrawal from the River. At this hearing, all comments will be taken. This will take place at SJRWMD District HQ in Palatka. She concurs with Mr. Holmes. Getting permission to withdraw 5 mgd is getting their foot in the door for more withdrawals. They need to take a stand and issue a resolution. The River is their best resource and is an integral part of this City. Many people fish on the River. If they took seriously what this drawdown will do, they would all be scared. The River Keeper has asked they take a stand on this. Regardless of what the Commission does, she will object as a citizen. They need to stop this now, and not wait until the "enemy is at the gate." If the Commission does not make a statement, she will still be representing herself as a citizen and will attend and register her protest. Mr. Register concurred.

Mayor Flagg said it is important that they respond to facts and not emotions. He is not eager to jump on any specific bandwagon until they have the facts before them. He believes Mr. Register acts and depends upon the guidance provided by the City Manager. They want to base their position on facts. The River is near and dear to all their hearts because it affects their livelihood, but they need to have a basis for their position. They may want SJRWMD to shed some more light on this. They work for the citizens. They need to make the best decisions and need facts to base them on. Mr. Holmes said SJRWMD is making a decision on Monday; they need those facts before Monday, as a decision will be made at that time. It seems whenever Putnam County wants to do something, everyone has an opinion on it. They need to have an opinion on what is going on in other areas that will affect Putnam County. Taking millions of gallons out of the River affects Palatka. Other counties want to tend Putnam County's business, but don't want to let Putnam County offer any opinions. Commissioner Norwood said he is not in favor of taking anything out of the River unless scientific facts support it. The City should take a stand that nothing should come out the River unless it is backed up by scientific fact. Mr. Boynton said 5.5 mgd is not a significant amount of water. The people that review these permits made this recommendation five years ago, based upon a "no impact" type of study. They can't withdraw a gallon of water from the aquifer without going through a permitting process. He has to believe this was vetted five years ago. To say this was an arbitrary permit may not be accurate; he agrees this may lead to future withdrawals, and if that happens, they need to take a stand. There could be a report of no impact as far back as 2003. To support a "no withdrawal" stand would take some advertising; it could be drafted quickly, but whether or not the City can take action by Monday is questionable. Commissioner Norwood said he wants to see no withdrawal be permitted or take place until a study is done on the aquatic affect. Mayor Flagg said it is fine for individual commissioners to attend these public meetings and represent themselves. If a ruling comes down Monday, there are likely appeal processes. He doesn't believe in reacting, but in responding. They can do a better job of monitoring all the events on the River, as they affect Palatka. They need quarterly reports from the Commission's liaison to the SJRWMD regarding this and any other issues that affect Palatka.

Regarding the proposed purchase of the Motes' River Street property, Mr. Boynton said the Commission authorized him to submit a Florida Forever Grant for the Motes property. They have run the numbers, and the amount of the grant won't even be close to funding that purchase. Unless they instruct him to look for an additional \$450,000 from the General Fund, he will write them a letter notifying the heirs that the City is unable to fund this purchase. They can apply for a FRDAP grant next year for \$250,000, should it still be available. There was concurrence of the Commission to direct

the City Manger to write that letter notifying the heirs that the funding is not there at this time, with regrets.

Mr. Boynton said the Chamber of Commerce is advertising to fill the Main Street Manager's position. The City is working on revisions to the contract with the Chamber for the funds to fund the Main Street program. The advertisement will appear next week in the Palatka Daily News. Mayor Flagg said they want to know what the hiring process is and what procedure will be followed, from advertisement, to deadline, to selection committee. The CRA is not an add-on. He is not interested in anyone's turf war or receiving credit for anything, but he is interested in progress and progression. The City shouldn't be funding anything they have no voice in. Mr. Boynton said the Commission will receive detailed information on the hiring process and selection committee. He will bring a report to the next meeting.

8. **COMMISSIONER COMMENTS**

Commissioner Brown thanked the newspaper for their Explorer magazine, and stated they should carry copies of it around in their cars so they can share them when they go to out-of-town functions.

Commissioner Brown asked why the Commission has not looked into multi-level parking garages. She sees them in many downtowns wherever she goes. Mr. Boynton said they will start looking for funds for those, but ground level parking is much more desirable and reasonable to acquire.

Commissioner Brown said, regarding funding emergency management, she has distributed some information to the Commissioners in their boxes.

9. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:35 p.m. upon a motion by Commissioner Kitchens.

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