

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 23, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 23<sup>rd</sup> day of April, 2009.

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

ABSENT: Commissioner Mary Lawson Brown

Also Present: City Manager Elwin C. Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Assistant City Clerk Karen M. Venables; Police Chief Gary Getchell; Fire Battalion Chief Randy Porter; Planning Director Jim Lee; Parks & Cemeteries Supt. Jeff Norton

**CALL TO ORDER – Mayor Flagg at 6:00 p.m.**

**INVOCATION** – The Reverend James M. Dorn, III, Pastor; St. Mark's Episcopal Church

**PLEDGE OF ALLEGIANCE** – Linda Freeman

**APPROVAL OF MINUTES** – 4/9/09 – Commissioner Kitchens moved to adopt the minutes as read. Commissioner Myers seconded the motion, which passed unopposed.

### 1. PUBLIC RECOGNITION

**PROCLAMATION** – Safe Boating Week – May 16 – 22, 2009 – Kathleen Fisk, Wayne Beard, Dusty Cooper, and Ron Schlichter, US Coast Guard Auxiliary, were present to accept the proclamation, which was read and presented by Mayor Flagg.

**PROCLAMATION** – Municipal Clerks Week – May 3 – 9, 2009 – City Clerk Betsy Driggers and Assistant Clerk Karen Venables were present to accept the proclamation, which was read and presented by Mayor Flagg.

**DEPARTMENT RECOGNITION** – 2009 City of Palatka March of Dimes Team – Mayor Flagg, co-chair of the 2009 March of Dimes March for Babies, recognized the City of Palatka for its fundraising efforts on behalf of March of Dimes.

Mr. Boynton recognized Firefighters Phillip Smith and Randy Porter, captains for the Fire Department Boot Drive, which raised a total of \$4,888.68.

Mr. Boynton recognized Betsy Driggers and Karen Venables for leading the fundraising drive amongst all other city departments, noting employees contributed \$2,625.71 through donations. A total of \$7,514.39 was raised overall.

**STUDENT OF THE MONTH – April, 2009** – Mayor Flagg & Commissioner Norwood presented certificates to the following students for academic excellence, leadership, citizenship and attendance at their respective schools:

Emely Figueroa	Beasley Middle School
Hayden Herrington	Browning Pearce Elementary School
Mya Lookadoo	Children’s Reading Center Charter School
Justin White	E.H. Miller School
Shade Ward	Shade Ward James A. Long Elementary School
Taylor Wilkinson	Jenkins Middle School
Cody Mills	Kelley Smith Elementary School
Brandon French	Mellon Elementary School
Jarell Perry	Moseley Elementary School
Latoria Jones	Palatka High School
Michelle McGowan	Peniel Baptist Academy
Dari’elle Davis	River Breeze Elementary School

2. **PUBLIC COMMENTS** – There were none.

3. **CONSENT AGENDA:**

- a. **Authorize one-year extension of debris removal contract with A & H Excavation** effective July 1, 2009 @ \$12.75 per cubic yard, per City Manager’s recommendation.
- b. **Authorize 1-year extension of Memorandum of Agreement with State Attorney’s Office beginning July 1, 2009** for Prosecution Services for the City of Palatka, for an annual fee of \$50.00 plus associated costs of prosecution
- c. **Authorize City Manager to execute Utility Easement WR#3360507 to Florida Power & Light** for new Airport Terminal Building
- d. **Authorize execution of Change Order No. 2 to AJAX Construction Contract #24010.17 for an increase in contract amount of \$29,545.75** for Airport Terminal Construction, per recommendation of Airport Engineers and City Manager
- e. **Authorize execution of Hashman Construction Co. Force Account WO#2 in the amount of \$40,317.72** for Airport Terminal Paving Contract, per recommendation of Airport Engineers and City Manager
- f. **Concur on reappointment of Dr. Gilbert Evans and Emily Blevins to the Palatka Housing Authority Board** for four-year terms to expire April 13, 2013 (incumbent – sole applicant).
- g. **Approve request for temporary variance of noise ordinance for American Cancer Society Relay of Life Event** from Friday, April 24 at 6:00 p.m. until midnight, and Saturday, April 25 from 8:00 a.m. until 12:00 noon, per recommendation of Parks Director and prior permit history
- h. **Accept 4/9/09 CRA recommendation to authorize expenditure of TIF funds as follows:**
  1. **In the amount of \$15,000.00** for two (2) downtown murals, per request of Conlee-Snyder Mural Committee
  2. **In the amount of \$12,620.00** to reimburse the City of Palatka Better Place Funds for an engineering study conducted by Stone, Joca & Associates for St. Johns Avenue drainage FEMA Hazard Mitigation Grant f/y 2008-09
  3. **In the amount of \$4,800.00** to reimburse the City of Palatka “Downtown Lighting” line item for downtown lighting panel repairs (Preston Electric invoice)

Commissioner Kitchens asked to pull Item 3(g), American Cancer Society Temporary Noise Variance, for discussion. Commissioner Myers asked if the funds were available for the increase in

funding on items (d) and (e) for the AJAX Construction and Hashman Construction airport construction contracts. Mr. Boynton said they assumed there would be a nominal amount of change orders, and these items are funded within the loan and are within the scope of work. This is work being done to complete the project to specifications, and this comes with a recommendation from staff and the airport engineers. Commissioner Norwood moved to approve Consent Agenda items 3(a), (b), (c), (d), (e), (f), and (h) as presented. Commissioner Kitchens seconded the motion, which passed unopposed.

- 3g. **Approve request for temporary variance of noise ordinance for American Cancer Society Relay of Life Event** from Friday, April 24 at 6:00 p.m. until midnight, and Saturday, April 25 from 8:00 a.m. until 12:00 noon, per recommendation of Parks Director and prior permit history - Commissioner Kitchens said she received calls last year regarding the excessive noise from residents in that neighborhood; it was much too loud. There were drums beating. It started way before 7:30 a.m. on Saturday morning and was excessively loud. They need to make certain this doesn't happen. Commissioner Norwood also noted there were fire sirens blown continuously. People couldn't hear their televisions when sitting right next to them.

Jeff Norton, Parks Director, said these issues were discussed with event organizers during the special events meeting. Mayor Flagg said this is an exceptional event that needs to mesh with the neighborhood. The people who made the application for this, and the sound people, should understand that the noise variance hours should be strictly adhered to, as this is a neighborhood. This should not reflect negatively on the organization. Mr. Norton said they provided organizers with a memorandum stating the times and conditions of the variance, and all staff has received a copy of the memorandum. Mr. Holmes asked if the complaint was that it was too early or excessive; Commissioner Kitchens said there were three complaints: First, the noise started before 7:30 am; second, the drums were extremely loud; third, the sirens blew excessively and continuously. It is a wonderful event and she has nothing against it, but it did disturb the neighborhood. Commissioner Norwood said they don't need to issue "carte blanche" authority to violate the noise ordinance; they need to make it clear that this comes with parameters. Mayor Flagg said they aim for voluntary compliance and hope people use their best judgment. Commissioner Kitchens moved to approve the temporary noise variance for American Cancer Society's Relay for Life as recommended. Commissioner Norwood seconded the motion, which passed unopposed.

- \* 4. **PUBLIC HEARING – ORDINANCE #09-09** amending the Downtown Business and Downtown Riverfront zoning districts to include additional permitted uses and reduced parking standards – 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 DOWNTOWN RIVERFRONT DISTRICT AND SECTION 94-162 DOWNTOWN BUSINESS DISTRICT TO ALLOW ADDITIONAL PERMITTED PRINCIPAL USES, ACTIVITIES, AND STRUCTURES, PERMITTED ACCESSORY USES, ACITIVITIES, 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. Mayor Flagg opened the public hearing. There being no citizens to speak, Mayor Flagg closed the public hearing.

Jim Lee, Planning Director, said as instructed at the 4/9/09 meeting, fraternal organizations were added as a permitted use to the Downtown Business District; this is the only amendment to this ordinance. Staff recommends approval of this ordinance. Commissioner Myers moved to adopt the ordinance on 2<sup>nd</sup> reading. Commissioner Norwood seconded the motion. A roll-call vote was taken, the following results: Commissioners Kitchens, Myers, Norwood and Flagg, yes; Nays, none. The ordinance was declared adopted.

- \* 5. **PUBLIC HEARING – ORDINANCE #09-10** amending the future land use map for a 1.65 acre parcel at 722 River Street from Industrial (IN) to Medium Density Residential (MDR) – Adopt – 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. Mayor Flagg opened the public hearing. There being no citizens to speak, Mayor Flagg closed the public hearing.

Jim Lee, Planning Director, said this is a 1.65-acre parcel on River Street, which includes the portions of the former Florida Furniture buildings adjacent to River Street, and is not part of the two approved PUDs. This is a request to change the land use from Industrial to Medium Density Residential, which is the same land use as the two existing developments. Staff recommends approval, which is also the recommendation of the Planning Board. Commissioner Norwood moved to adopt the ordinance on 2<sup>nd</sup> reading. Commissioner Myers seconded the motion. A roll-call vote was taken, with the following results: Commissioners Kitchens, Myers, Norwood and Flagg, yes; Nays, none. The ordinance was declared adopted.

- \* 6. **PUBLIC HEARING – 3875 Reid Street** – Amend the future land use from Industrial (IN) to Public Buildings & Grounds (PBG) and rezone from Industrial (M-1) to Recreation/Open Space (ROS).

**Ordinance # 09-11** – Amend Land Use – Adopt – 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. Mayor Flagg opened the public hearing.

Larry R. Cundiff, 818 W. River Road, said he represents Palatka Moose Lodge #184, and they requested and support the adoption of these ordinances.

Mayor Flagg closed the public hearing. Commissioner Kitchens moved to pass the ordinance on first reading as proposed. Commissioner Norwood seconded the motion. A roll-call vote was taken, the following results: Commissioners Kitchens, Myers, Norwood and Flagg, yes; Nays, none. The ordinance was declared adopted.

**Ordinance** - Rezone – 1<sup>st</sup> Reading – 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 03, TOWNSHIP 10 SOUTH, RANGE 26 EAST; REPEALING ANY ORDINANCE IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Myers seconded the motion. There was no public comment. A roll-call vote was taken, with the following results: Commissioners Kitchens, Myers, Norwood and Flagg, yes; Nays, none. The ordinance was declared passed on first reading.

7. **ADMINISTRATIVE REPORTS** – There were none.

8. **COMMISSIONER COMMENTS**

Commissioner Norwood thanked the Police Department for securing the noise and looking out for the individuals in his neighborhood. He was asked by his neighbors to express thanks.

Commissioner Norwood expressed condolences to Sonny Harrell, his family and church congregation for the loss of his mother and church founder, Sister Dolly, pastor.

Commissioner Myers concurred and said she was a great contributor to this community.

Commissioner Myers commended Angela Murtagh, Sam Deputy and their committee members for their work on the downtown rezoning ordinance that was passed tonight.

Commissioner Kitchens said one of the best ways to fight cancer is prevention. She had her second colonoscopy this past week. She urges every person 55 and older to get regular screenings; this cancer is preventable.

Commissioner Kitchens said she has no problem with giving noise variances, but in this day and age it has become policy that whenever you have an event, you turn the music up as loud as you can get it. They need to use common sense; this damages the hearing of those nearby. She urges people to use common sense and not damage people's hearing.

Commissioner Kitchens also extended condolences to Sister Dolly's family and church family, noting Sister Dolly was her loyal friend, supporter, mentor and spiritual counselor. She felt that Sister Dolly was the "conscience of Palatka" and hopes another voice will rise up to speak as the voice of Putnam County as Sister Dolly did.

Mayor Flagg expressed his sincere sympathy to Sonny Harrell and his entire family on behalf of the City, and noted the City declared this past Saturday as a memorial day in remembrance of her and in tribute to her life's work.

Regarding the recent railroad crossing work, Mayor Flagg said he doesn't know who is responsible for the leftover construction material, and asked how long is reasonable to get that cleaned up. He noted the pavement leading up to the tracks keeps getting higher and an embankment is building. Either the City should modify the grade leading up to the track, or they need some sort of maintenance and evaluation. Commissioner Kitchens noted the crossings on St. Johns Avenue and River Streets are especially bad. This issue needs to be raised. Also, Reid Street is on the CSX maintenance program, but it was not addressed and it needs some attention, as it is terrible; it is the most heavily traveled road in the county. He asked they find out where it is on their maintenance schedule.

Mayor Flagg said he still has a problem with the train whistle blowing like it does at 1 am. This is excessive and not necessary. The engineer blows it from the time he approaches the first crossing, all the way through town. Other urban areas don't get that type of treatment. Commissioner Kitchens said it continues past the Lundy Road crossing. Mayor Flagg said he is for safety, but this is excessive and needs to be dealt with. There is a rule that train whistle blowing is modified at that time of night. They cannot remain silent on this issue.

Mayor Flagg said the men and women of the Palatka Police Department are doing a good job keeping harmony in the community. It is false to think that the men and women of the PPD are the sold custodians of individuals' safety. There are various neighborhoods with issues. The bad guys are getting more active and powerful. They need to empower the citizens to promote neighborhood watch programs. This puts their entire Department on the chopping block. These individuals are armed and have no regard for human life. They need to make some noise about the increase in juvenile crime, no matter their race, creed or social status. Each neighborhood needs to take ownership in what is being allowed to happen. They need some proactivity. Not everything gets into the local newspaper. Their PD is overwhelmed and overtaxed with this. The juveniles have more weapons than grown adults. He is concerned that the community is not 'raising enough sand' about this, and are expecting

the PD to wave a magic wand and make things go away. Commissioner Norwood said they need to charge the City Manager to bring the community out to address this situation. This is going to take a united effort. This commission needs to provide that leadership, hold community meetings, and bring community leaders together to address this with all citizens. They all need to understand what measures they can adopt to combat these issues. Mayor Flagg said they need to go into neighborhoods where this is happening. They need to let the citizens know that they are concerned. The City of Palatka is their jurisdiction, and they want a safe environment. It needs to be a priority issue. He will speak with Chief Getchell about formulating plans. They need citizens to get involved. Juveniles are creating havoc throughout the City. The PD needs to know the Commission is involved and concerned. Crime goes up during recessions; people do things out of desperation. Commissioner Kitchens said a lot of crime occurred last week; it is only a matter of time before someone is killed. Parents need to take responsibility. They need to go into neighborhoods and hold neighborhood meetings in parks. They have to do something today. Mayor Flagg asked for and received support from the Commission to begin this initiative. Summer is coming and they need to have a plan in place. Commissioner Norwood said they need to be sure they are coming together to solve the issue, not to complain. They should talk about how to solve the issues.

Commissioner Norwood said, regarding the railroads, they need to send a strong message to CSX that grading needs to come to the road, and not the other way around. By creating these “humps” in the road, CSX has done a disservice to the citizens. They may need to come back and redo them.

**ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:15 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