

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 August 27, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 27<sup>th</sup> day of August, 2007.

PRESENT: Mayor Karl N. Flagg  
Commissioner Mary Lawson Brown  
Commissioner Allegra Kitchens  
Commissioner Vernon Myers, Jr.  
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; Acting Planning Director Debbie Banks; Parks & Cemeteries Director Jeff Norton; Water & Sewer Distr. Supt. Rhett McCamey; Golf Pro Spanky Aaron.

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

**INVOCATION** – The Reverend Ben Tippet, Founding Pastor, Victory Christian Fellowship

**PLEDGE OF ALLEGIANCE** – Tim Parker

**APPROVAL OF MINUTES** – 8-10-09 Called Meeting – Commissioner Kitchens moved to adopt the minutes as read. Commissioner Brown seconded the motion, which passed unopposed.

### 1. PUBLIC RECOGNITION

**Proclamation** – National Alcohol and Drug Addiction Recovery Month – Sept. 2009 – Kathy Walburn, Executive Director, Putnam Behavioral Health Care, was present to accept the proclamation, read and presented by Mayor Flagg, assisted by Vice Mayor Brown, who is a member of their executive board. Ms. Walburn reminded citizens of the resources available in Putnam County, including a detox facility and 28-day recovery program. There is no charge for these services for those who need them; services are provided on a sliding scale fee basis. No one is refused service because of an inability to pay.

**Sons of the Revolution Fire Safety Award Presentation** to Palatka Fire Dept. – William Roberts, President of St. Augustine Chapter, said they are a national patriotic and educational society organized in 1889 composed of lineal descendants who fought in or otherwise supported the cause of American Independence. They are committed to maintaining the institutions of American freedoms, and honor outstanding individuals who preserve life and

health in the face of danger within the firefighting profession. When he contacted Chief Lambert regarding his nomination of whom to give the annual award to, Chief Lambert nominated his entire department. He then read Chief Lambert's written recommendation and presented those members of the Palatka Fire Department that were present with the Annual Sons of the Revolution Fire Safety Award.

**Volunteer Recognition:** Oak Hill Park Clean-up Neighborhood Project – This presentation was continued until the September 10<sup>th</sup> meeting.

**Retirement Recognition:**

Eddie Walker - Water & Sewer Distr. – 28 years – Rhett McCamey said Mr. Walker started work with the City on February 18, 1981 as a trainee, and advanced to the position of foreman. He has served with dedication, and his knowledge of the water & sewer system will be greatly missed. He has seen just about every line the City owns at some point during his career. Mayor Flagg said he has been “in the hole” many times with Mr. Walker during line breaks. He read and presented a plaque to Mr. Walker acknowledging his 28 years of service. Vice Mayor Brown said Mr. Walker was named after his father, who was named for her grandfather.

2. **PUBLIC COMMENTS -**

W. G. Sweeny, US Submarine Veterans Base Commander, showed the Commission an advance copy of a book that is coming out soon, saying it contains a photo of the submarine memorial at the Riverfront Park. They are aware that waterfront park improvements are soon to be made. The WWII group is mostly gone, but Putnam County has a rich history in submarine service. The USS Tang was assigned to the State of Florida, and the USS Tang Memorial was commemorated by the local Pearce Chapter. They rededicated it in 2005 and reformed their group afterwards. The lease was transferred to them. The torpedo belongs to the Navy. They'd like to see that it remains at the waterfront. They are a not-for-profit veterans group and meet at the Palatka VFW building. They have provided much aid to the Parks Department. They have set aside funds to maintain this memorial and purchase their own liability insurance and would like the memorial preserved. Mayor Flagg said that revisions to the waterfront will likely include preservation of this memorial. Commissioner Kitchens thanked him for taking care of this Country and the memorial.

3. **CONSENT AGENDA:**

- a. **Authorize execution of Modification to FEMA Subgrant Agreement #08HM-3G-04-64-02-022**, Project #1561-138-R, Fire Station Wind Retrofit Project, to increase the maximum amount payable to \$60,573.00 and amend the budget
- b. **Issue Permit to exceed noise levels established by Chapter 30, Palatka Code of Ordinances to Bethany Seventh-Day Adventist Church for Tent Revival** to be held September 11 through October 3, every night except Thursday nights, from 7:00 p.m. to 9:00 p.m. -- Parks/Special Events Coordinator recommends approval
- c. **Authorize execution of Development Agreement on 6805 and 6883 St. Johns Avenue (Arbor Place)** to limit future residential density to 12 dwelling units per acre – Central Modular Systems, Inc.; Robert A. Guirlinger, Agent; per recommendation of Planning Director and City Manager
- d. **Designate Trick or Treat hours for Halloween** on October 31, 2009 from 6:00 – 8:00 p.m.

Commissioner Norwood moved to pass all items on the consent agenda as presented. Commissioner Myers seconded the motion, which passed unopposed. Commissioner Norwood said regarding Item 3(b), the church across the street from this location holds Bible Study on Tuesday nights from 7:00 until 8:00 pm, and he wanted to be sure this revival is in harmony with their regular activities.

4. **PRESENTATION OF AUGUST 27, 2009 COMMUNITY REDEVELOPMENT AGENCY MEETING:**

- a. South Historic District Annual Plan Modification
- b. Palatka Main Street/City of Palatka/CRA Contract
- c. Putnam County Chamber of Commerce/CRA Contract
- d. CRA Needs Assessment Report, including the Central Business District, North Historic District and South Historic District

Mayor Flagg noted the CRA did not convene at 4:00 today so these items were not discussed; that meeting was continued to Sept. 10 at 4:00 p.m. Commissioner Norwood moved to table presentation of CRA items for discussion and action. Commissioner Kitchens seconded the motion, which passed unopposed.

5. **PUBLIC HEARING** – 2403 Tommy Avenue – Planning Board Recommendation to Annex, Amend the Future Land Use Map and Future Land Use Element from Putnam County Urban Reserve to City of Palatka Low Density Residential, and Rezone from Putnam Co. R-1A to Palatka R-1A (single family residential) – Lorraine Wetherington & Marcia A. Carr, owners. Mayor Flagg opened the public hearing. There were no public comments. Mayor Flagg closed the public hearing.

ORDINANCE #09-26 annexing 2403 Tommy Avenue – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA, CERTAIN ADJACENT TERRITORY IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. 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. Ordinance #09-26 was declared adopted.

ORDINANCE – 2403 Tommy Avenue – Land Use Amendment – Adopt - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST, FROM COUNTY URBAN RESERVE TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Norwood 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.

ORDINANCE Rezoning 2403 Tommy Avenue - 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 A STO THAT CERTAIN PROPERTY IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY R1-A (SINGLE FAMILY RESIDENTIAL) TO CITY R1-A (SINGLE FAMILY RESIDENTIAL); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Myers moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed on first reading.

6. **PUBLIC HEARING** – 2405 Tommy Avenue – Planning Board Recommendation to Annex, Amend the Future Land Use Map and Future Land Use Element from Putnam County Urban Reserve to City of Palatka Low Density Residential and Rezone from County R-1A (single-

family residential to City R-1A (single-family residential) – Rhoda Harris, owner - Mayor Flagg opened the public hearing. There were no public comments. Mayor Flagg closed the public hearing.

ORDINANCE #09-27 annexing 2405 Tommy Avenue – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA, CERTAIN ADJACENT TERRITORY IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Ordinance #09-27 was declared adopted.

ORDINANCE – 2405 Tommy Avenue – Land Use Amendment – Adopt - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST, FROM COUNTY URBAN RESERVE TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Myers moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted.

ORDINANCE Rezoning 2405 Tommy Avenue - 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 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY R1-A (SINGLE FAMILY RESIDENTIAL) TO CITY R1-A (SINGLE FAMILY RESIDENTIAL); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed on first reading.

7. **PUBLIC HEARING** – 3403 & 3323 St. Johns Avenue – Planning Board Recommendation to Annex, Amend the Future Land Use Map and Future Land Use Element from Putnam County Urban Service to City of Palatka Commercial and Rezone from Putnam County CPO (Commercial, Professional Office) and R1A (Single Family Residential) to City of Palatka C-1A (Commercial Neighborhood District) – A Women’s Resource Center, owner - Mayor Flagg opened the public hearing. There were no public comments. Mayor Flagg closed the public hearing.

ORDINANCE #09-28 annexing 3403 & 3323 St. Johns Avenue – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA, CERTAIN ADJACENT TERRITORY IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to adopt the ordinance as read. 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. Ordinance #09-28 was declared adopted.

ORDINANCE – 3403 & 3323 St. Johns Avenue – Land Use Amendment – Adopt - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST, FROM COUNTY URBAN SERVICE TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner NORWOOD moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted.

ORDINANCE Rezoning 3403 & 3323 St. Johns Avenue - 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 A STO THAT CERTAIN PROPERTY IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY CPO (COMMERCIAL PROFESSIONAL OFFICE) AND R1-A (SINGLE FAMILY RESIDENTIAL) TO CITY C1-A (COMMERCIAL NEIGHBORHOOD DISTRICT); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Myers moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed on first reading.

8. **PUBLIC HEARING** – 3832 Reid Street – Planning Board Recommendation to Annex, Amend the Future Land Use Map and Future Land Use Element from Putnam County Urban Service to City of Palatka Commercial and Rezone from Putnam County C-2 (Commercial) and AG (Agricultural) to City of Palatka C-2 (Intensive Commercial) – Putnam Lanes, Inc., owner – Mayor Flagg opened the public hearing.

Jeff Rawls, 1100 Carr Street, Palatka, asked if the City will hold the landowner liable for bringing this property to up to Code. He is aware of work going on now that is not being performed up to Code. Mayor Flagg said once the property is annexed, the city will have full jurisdiction over the property, including code enforcement jurisdiction. The Planning Director can be contacted to speak about any Code deficiencies Mr. Rawls is aware of. Mr. Rawls said the City should take a hard look at the building for public health issues, including mold, before this property is annexed. Mayor Flagg said Code Enforcement has looked at this property and is aware of the deficiencies.

There being no further public comment, Mayor Flagg closed the public hearing.

ORDINANCE #09-29 annexing 3832 Reid Street – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA, CERTAIN ADJACENT TERRITORY IN SECTION 02, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Norwood seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Ordinance #09-29 was declared adopted.

ORDINANCE – 3832 Reid Street – Land Use Amendment – Adopt - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF

LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 02, TOWNSHIP 10 SOUTH, RANGE 26 EAST, FROM COUNTY URBAN RESERVE TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Norwood 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.

ORDINANCE Rezoning 3832 Reid Street - 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 02, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY C-2 (COMMERCIAL) AND AG (AGRICULTURAL) TO CITY C-2 (INTENSIVE COMMERCIAL); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed on first reading.

9. **ORDINANCE 08-34** amending the Code of Ordinances by revising Section 54-76(c), adding a preference given to property owners within the designated historic districts for appointment to the Historic Preservation Board – 2<sup>nd</sup> Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 54-67(c), ADDING A PREFERENCE GIVEN TO PROPERTY OWNERS WITHIN THE DESIGNATED HISTORIC DISTRICTS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance on 2<sup>nd</sup> reading as read. Commissioner Kitchens seconded the motion. A roll – call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted.
10. **ORDINANCE** – Rezoning Ashebrooke Estates, 2010 Ashebrooke Lane and 2020 Ashebrooke Lane, from R-4 (Mobile Home/conventional home residential) to R-1 (Single Family Residential) – 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 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST, FROM R-4 (MOBILE HOME/CONVENTIONAL HOME RESIDENTIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on first reading as read. 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 passed on first reading.
11. **CONSIDER CODE ENFORCEMENT BOARD RECOMMENDATION to reduce the fine on 1406 Ocean Street (CE Case #05-417) from \$59,600 to \$15,000**, inclusive of costs of prosecution (\$44,600 fine reduction exclusive of costs of prosecution) – M. Shelton Construction, owner/petitioner – Debbie Banks, Code Enforcement Supervisor, said in November 2005 a warning notice was sent to the property owner concerning problems with the roof, having a dumpster sitting outside and overgrown lawn. The dumpster was still there up until a few months ago; the roof repair was recently made. The Code Enforcement started a daily fine on this property in 2005, which ran for 1,192 days. The Code Enforcement Board heard Mr. Shelton's request for a reduction in the fine, recommended a fine reduction as the property is now in compliance.

Gary Edinger, Esquire, 305 N. 1<sup>st</sup> Street, Gainesville, agent for Mr. Shelton, said he is here to ask for a further reduction of this fine. The package of materials he submitted includes a motion he filed with the Code Enforcement (CE) Board that explains the basis for the reduction. They are not making excuses for the fine, but efforts were made during this 1,192 day period to maintain the property, although not up to Code. These code violations were not life threatening, but were unsightly. They would not have caused harm to a neighbor. Also, practical economics should be taken into consideration. They understand that this is a discretionary request. He asked the Commission to consider the economics of this matter, saying the property still requires a lot of investment in order to put it on the market, especially in a distressed economy. It will require around a \$10,000 further investment before it is marketable. They are at a breaking point. They need a fine that makes economic sense. He considers his client's break-even point at around \$5,000.00. They understand this is a significant reduction. If the Commission does not reduce the fine, he will have to give the property to the City. They are asking for this favor; they understand this was a Code problem of long duration. \$5,000 is still a significant fine.

Mayor Flagg said 1,192 days is a long time to ignore the City of Palatka. They sent out many letters through certified mail and made many contacts. The CE Board is receptive to hardship in all cases, and has been too sensitive to hardship in some cases. In this particular case, the City was blatantly ignored. Mayor Flagg said the adjacent neighbors have called City Hall complaining over and over again about the state of this property. He needs to know there is sincere remorse for these infractions and this time lapse. There is quite a bit of documentation regarding the City's attempts to make contact with Mr. Shelton. Mr. Holmes said Mr. Edinger wasn't involved with this matter during the earlier days of this case; if he had been, it would have been handled differently. The City was ignored until he filed for foreclosure on the property; that is when Mr. Shelton started to pay attention. It was only a day before trial before that there was a move made to correct the defect. Mr. Edinger has been cooperative with the City, but a long time had passed before he got involved. He is not advocating for or against this reduction. He is not arguing for a dollar amount. This does not include court costs as there was no final decision made by the Court, but he has charged the City for the work he has done on this. It will run another \$1,750. Right now, the recommendation of \$15,000 is inclusive of all costs. \$2,019 is the cost so far, not counting his fees. Actual cost of prosecution will run around \$3,700.

Commissioner Norwood said he always seeks voluntary compliance, but this property owner did not comply and was not a good neighbor, as he totally ignored the violation notice. The City may as well not have a Code Enforcement Board if they totally ignore their recommendation. He finds it appalling that Mr. Shelton is asking for a further reduction. Commissioner Kitchens said the CE Board bends over backwards to work with citizens. They grant extensions time and time again if the citizen shows any willingness to work with the City. The idea is to get the property into compliance. In this case, it went on for a very long time; this was going on long before the fine was imposed. The person who owns this property has a construction company. He ignored this until the foreclosure was imminent. He thinks the CE Board was extremely lenient. Commissioner Myers concurred and stated he also has a problem with Mr. Shelton's having ignored this problem for so long. They appoint people to make these decisions and apply the rules, and he feels this Board has been gracious in its reduction recommendation.

Commissioner Brown asked how they settled on the reduction amount. Ms. Banks said there is no formula for this; there was a motion to reduce it by half, and the final motion was for \$15,000. She is not aware of a formula. They just tried to come up with a fair amount. Per the question, She said the property is in compliance with the warnings the City sent out, but she does not know if it can receive a certificate of occupancy at this time.

Mr. Shelton, 6502 N.W 30<sup>th</sup> Terrace, Gainesville, said he wanted to share information with the Commission. He did provide this information to the Code Enforcement Board. Mayor Flagg asked him to make comments on the compliance relating to code enforcement. Mr. Shelton said it is not ready for occupancy. He did maintain the property over the duration of that 1,192 days and has been paying people to maintain the property, and has produced receipts. He had someone cut the grass after CE contacted him; he just didn't contact CE and that is his mistake. The City sent the certified notices to his old address. He was then made aware of these notices when they sent them to his home. He was not aware there were notices until he received them at his personal home. He moved his offices two years ago. He was delayed due to a lender who was helping him get the property title straightened out. He had a tenant there, but moved the tenant out so he could make repairs. He has a permit to finish work on the property. He has been constantly putting money into the building to make it rentable. Mayor Flagg said they want compliance in a timely fashion. Economically speaking, they don't want to set precedent, but he'd like the Commission to consider a \$10,000 fine. If that is not acceptable, then the recommendation on the table is what they should go with. Mr. Holmes said he doesn't object to his recommendation. It's one thing to say "I've done something wrong and I'm sorry for it." It's another to say "I didn't get my mail and had the grass cut, and have been treated badly." The mail was sent to the address on the tax roll, as they are required to do by Statute. They can't try to go find people to get mail to them. The grass wasn't the big deal. The roof was the problem for 3 years. When they first filed the foreclosure, the response was they had a permit to fix the roof. The permit was expired. They then defended on the grounds they didn't have notice. They filed a defense on the foreclosure and then it went to trial. The CE Board did listen to the issues, but he couldn't see there was any defect in the procedure. The grass wasn't a big deal, it was the roof and tarp and the absentee owner issue. He has no objection to the \$10,000 fine. The \$15,000 fine comes out to around \$10/day. He doesn't want them to get clouded up with the notice issue. Mr. Edinger said they are not actively defending based upon lack of notice. There is no legal excuse for this. \$10,000 is something they can handle. \$15,000 is not doable. They understand the obligation is to proffer a check in order to stop the litigation. They can pay \$10,000 in 60 days. Commissioner Norwood asked as to the nature of the economic hardship. Mr. Shelton said it will cost him over \$20,000 to get the building sellable. The cost of repairs and amount of the fine is greater than the cost of the building. It will cost quite a bit of money to put it back together. Per commissioner Norwood's questions, Mr. Shelton said he did not own any other properties in Palatka. He used to work on many homes here and had an office where Palatka Gas now sits. Commissioner Kitchens asked if the \$20,000 price tag to bring this property up to a marketable state includes the work being done by his company; Mr. Shelton said that is the price if the work is done by him. This is not hiring outside work. Per commissioner Kitchens' question regarding the person who signed for his certified mail, he said Audrey Boone worked for him and that is who signed for his mail. He did receive a lot of those notices. Regarding the tarp, he said the roof did not leak. The previous owner added on to the property and the roof was holding water; it did not make sense to him to patch something that was an obvious defect. He covered it so it would not be damaged further, because it was holding water. He pulled a roofing permit in 2004 and took out the skylight as it was holding water. He retained an engineer to look at the problem and to check it structurally, which is why it took some time. Commissioner Norwood asked Ms. Banks what the problem was. Ms. Banks said both the roof and grass had to be brought into compliance before the fine would go away. The roof took 1,192 days. Mr. Shelton said the roof had no hole in it and was not decayed. He put the tarp on it to protect it. The tarp was the violation. Mr. Holmes said there was a construction dumpster in the yard for three years. Ms. Banks said in 2005 it was written up for the roof to be repaired by a licensed contractor. There were documents recorded in 2005 stating the respondent was in violation of several codes, including minimum maintenance standards, which is where the roof violation came in.

Commissioner Norwood moved to accept the Code Enforcement Board's recommendation to reduce the fine on 1406 Ocean Street to \$15,000, inclusive of costs of prosecution.

Commissioner Myers seconded the motion. A roll call vote was requested and taken, with the following results: Commissioners Kitchens, Myers and Norwood, yes; Commissioner Brown and Mayor Flagg, no. The motion was declared passed by majority vote.

12. **PRESENTATION** – Riverfront Site Preliminary Development Agreement – Andrew Ham, Agent for Community Development Partners, Inc. (tabled from 8/10/09). Mr. Ham said he last appeared before the Commission on August 10. The Preliminary Development Agreement has been distributed as a separate attachment (filed). He went over the history of the Memorandum of Understanding, which the Commission entered into in June, 2008. This called for CDP to present alternatives; the one he showed tonight is the alternative selected for development in January, 2009. The Memorandum of Understanding contemplated that the City and CDP would enter into a preliminary development agreement once the concept plan was chosen. This sets out their responsibilities and obligations, as well as the City's role. It talks about the basis in structure of transferring the land and the phasing. The parcels his company responded to were the properties put out on the RFQ. It includes the block commonly known as the 100 Block and the former public housing high-rise site. The Plan proposes they will renovate the 100 Block buildings for retail and offices, create a surface parking lot and build a water-view restaurant, a 110-room hotel and some adjacent retail along St. Johns Avenue. The phasing is that the 100 Block is Phase 1, and is to start in October. The parking lot will also be done. The restaurant and St. Johns Avenue retail will be completed in Phase 2. The hotel is part of Phase I but will not start until the 100 Block Phase is completed. The total time of development is 42 months. The hotel construction would start mid-2011 and is scheduled to be completed by early 2013. In this agreement, there are several items that deal with infrastructure. They propose the City provide the streetscape improvements around the development, with alternatives for lack of funding. If so, they propose to do the streetscape improvements for credit against the purchase price. This would be a shared cost for planning, design and engineering. The same with the public docking facilities. Should the city not be able to fund public docking facilities, they propose to build the amount of slips deemed necessary to support the hotel development; this is a shared responsibility. The city would have review and approval rights for the street-scaping and docking facilities. The next step is to present, By February 1, a development and financing plan, including the agreement on the transfer of property. He is working with the City Manager and City Attorney on a long-term lease to affect the transfer. Following that approval, he would commence the architectural planning, and plans to close on the construction loan by Oct. 2010. If they cannot go forward, there are "unwind" provisions for both parties.

Commissioner Brown asked how they came up with the order of phases. Mr. Ham said it is due to the planning and market feasibility time to do the hotel; it is a \$12,000,000 project. The 100 Block can be completed in a much shorter time. This can be done quickly and will help with marketing the other property. Commissioner Brown noted there is no parking next to the convention center. She has experienced conventions where there was no close parking, and had to walk from the hotel to the convention center in the rain. It needs convenient parking. Mr. Ham said part of the document they will present will include a parking plan, done in conjunction with the CRA. You cannot accommodate all the parking needs for all the development on that site when full; only a parking garage can do that. Many times hotels have valet parking. Commissioner Brown noted valet parking is expensive.

Commissioner Myers said he concludes there are no specific plans at this time as to the structure of the property transfer. Mr. Ham said there were two proposals; one was a lease, and the 2<sup>nd</sup> was for the owner, presumably the City, to transfer the property to a partnership between the City and CDP. The City would receive an interest in the project based upon the appraised value. They understand that the City's preferred approach is the long term lease. Mr. Holmes said he and the City Manger believe the Commission would have to prioritize the goal of making certain that if worse came to worst, they wouldn't end up losing the property without getting something in return. It is their job to plan for the worst-case scenario. With a

limited partnership the City's property would be pledged to financing, and the City could lose the property to foreclosure. It is their belief that a lease would be a better structure for the City. The duration will be more than 50 years to allow for financing. In that way all that would be pledged for financing would be the lease-holder's interest, which might be collateral, but the bank would only end up with the interest of the lessee. The new holder of the lease would then be bound by the original terms of the lease and couldn't change the terms of development. That offers the most protection. Commissioner Myers said the long term lease would be part of the collateral to the lender. Mr. Holmes said the new owner would have the right to stand in CDP's place, but would have to adhere to the terms CDP agreed to.

Commissioner Kitchens said she had minor issues with the agreement, which she believes can be settled. Three of the seven are typo's which can be easily corrected. The term "waterfront" has been corrected to "water view," like the rest of the contract. Mayor Flagg said with the recitals, date-wise, the description can't be revised; that language was defined on January 22, 2009. Commissioner Kitchens said the RFP was supposed to be corrected as to Riverfront. Mr. Boynton said the Plan was identified as the Waterfront Plan. Commissioner Kitchens said for the record it is not riverfront property.

Commissioner Kitchens said, on page six, Paragraph A, Section II, four lines from the bottom of the paragraph, the City SHALL make available should be changed to MAY make available . . . \$160,000.00. Mr. Holmes said in the negotiations, it was his understanding that the \$160,000 was the commitment the City was going to make. The original agreement was to make a grant available, but the City cannot guarantee they can get a grant. Mr. Ham said the \$160,000 is what they need to do this project. The language is clear that the City shall make the money available; it is an obligation of the City. Mr. Boynton said they have a commitment from Congressman Mica for \$250,000 for this. The \$160,000 is a nominal amount. \$160,000 is a number they can live with. They can't guarantee a grant will be available. This is what they negotiated. This is a reasonable expenditure and is the only money on the table besides the land. Mr. Ham said they foresee that the parking lot will be used by festival goers, park visitors, water taxi customers, and not just their development. They can set aside a certain number of spaces to be used for public purposes. Mayor Flagg said the language is intended to keep the project going forward and not have it held up by the availability of a grant. Commissioner Kitchens said she knows federal money has been promised, and she is leery of whether or not the City will receive it. Commissioner Brown asked if CDBG is going to be considered. Mr. Boynton said they will go after \$750,000 for utility construction. Commissioner Brown said if this puts people to work, the Department of Commerce has money available for economic development. The City Manager can pursue this.

Commissioner Kitchens said her final three concerns are on page 9 & 10, paragraph 12, the wording states ". . . Project property as well as such additional property as is necessary to complete the Project. . ." She realizes that the agreement states the City won't use eminent domain to add property to the project, but she doesn't like the sentence before it. They should revise it. She doesn't want anything there that resembles eminent domain. Mayor Flagg said the sentence says the city won't use eminent domain to convey additional property, and that is binding. The parties acknowledge the only property the city is empowered to convey is the property previously described. This is balanced language. There is the possibility of a need to negotiate for more property, but there will be no eminent domain. There is no gray area. Commissioner Kitchens said she is uncomfortable with the wording. Regarding the drawing of the approved concept, Commissioner Kitchens said the rendition shows Memorial Parkway as being part of the development, and it is not part of the development. Memorial Parkway is not intended to be closed. Mr. Ham said it is not in the development agreement. Mr. Boynton answered Commissioner Brown's question saying the docking is intended to be public.

Daniel R. Ziem Sr., 401 N. Olive Street, asked as to plans for the amphitheater and clock. Mayor Flagg said they will deal with that when they move forward with the project, but right now they are addressing the Development Agreement. Commissioner Brown said Mr. Ham is not developing the Park.

There being no further discussion, Commissioner Myers moved to authorize execution of the Preliminary Developer Agreement as presented. Commissioner Norwood seconded the motion. A roll-call vote was requested and taken, with all members voting in the affirmative.

Commissioner Norwood thanked Mr. Boynton, Mr. Holmes and Mr. Ham for negotiating an agreement that addresses all the issues. They look forward to a successful partnership.

- \* 13. **PRESENTATION** of Community Gardens Proposed Garden Sites and request for approval – Vice Mayor Brown said their steering committee has been meeting and they have been in touch with the UF Extension Office. They have chosen three sites for the gardens. Two belong to the City; one is a triangular strip behind the post office, to be worked by the Palatka Heights neighborhood. The other city-owned property is to the right of Oak Hill West cemetery on West Oak Hill Drive; this is a 100' x 12' strip and will be worked by citizens in that neighborhood. They need approval for use of the properties so the Extension Agent can begin the weeding process. Beck Auto Mall will donate money for the project, as will Keep Putnam Beautiful. There is a scholarship fund planned for young people interested in horticulture. Mr. Sloan will head that up for them. They are asking businesses in the community to adopt parcels of land and partner with the City as parcels come into the program. The food will go to the needy. The parcels will be set aside for people on a first come first serve basis. Calvary Baptist Church and PHA are planning gardens. The Old Waterworks will be the site for a special type of garden that doesn't require watering. The project is moving forward. They want to start planting the beginning of October. There was consensus from the Commission that this is a worthwhile project. Commissioner Kitchens moved to approve the property behind the Post Office and on West Oak Hill Drive for use by the Community Garden program. Commissioner Norwood seconded the motion.

Jeff Rawls, Carr Street, said he owns the parcel next to the one behind the Post Office and inquired as to the ingress and egress to the post office parcel. He owns the parcel from the road all the way to the Post Office and will let them use it with some type of indemnification. There is no other access. Commissioner Brown said they can access it from 11<sup>th</sup> Street. There is a 50' strip of access there. Mr. Rawls said he is in favor of the Garden, he just wants something that indemnifies him as people use his property for access now. Mayor Flagg suggested the Commission approval this contingent upon the City Manger and Planning Director dealing with the ingress/egress issue. Mr. Holmes said they also need to check to see that the City's insurance will cover this type of use of city property. Commissioner Brown said Mrs. Williams has called the League to check on that. Commissioner Brown said the building department has sent out letters out to adjacent owners to inform them of what will be going on. Mr. Homes said even if the League will cover people doing unsupervised gardening on city property, it may not cover someone getting hurt on someone else's property while trying to get to ours. The City's insurance may not cover what happens on someone else's property, even it if is just for ingress/egress. Before they agree to indemnify another property owner for any injuries resulting on his property, they will want to clarify with the League that they are cleared.

Commissioner Kitchens said she has received copies of indemnification forms that can be used. Mr. Holmes said they are not certain to keep the City from being sued. There are fairly recognized challenges to hold harmless agreements; one is, did the person who signed it understand the agreement? Next, is whatever hurt the person something that could be foreseen? His point is that the City's insurance probably won't cover indemnification clauses like the one Mr. Rawls asked for. If the City does that they will likely be doing it on its own.

Commissioner Brown said Ms. Watkins has researched what other people have done and she is getting that to the City Manager. Mr. Holmes said the City should have its own access to its own property; he is not in favor of the City using access through any private property. Commissioner Kitchens said she is not in favor of using private property for access. Mr. Holmes said if Mr. Rawls grants the City an easement across his property that would be covered. Commissioner Kitchens amended her motion to grant approval for use of the property contingent upon questions regarding indemnification and access be researched and resolved to the satisfaction of the City Attorney. There being no further discussion, the motion was declared amended, voted upon and passed unopposed. Commissioner Brown asked to bring this back to the commission if possible, by Sept. 10 so they can move forward.

#### 14. **ADMINISTRATIVE REPORTS**

##### **City Manager Woody Boynton:**

**Golf Course Update** – Mr. Boynton passed out a letter the City received from Billy Casper Golf, an organization that buys and leases golf courses. During the budget workshop he was asked by the Commission to look at options for the golf course. The Course has lost \$100,000 in this fiscal year so far, and he's had no assurance there won't be more losses. After discussion with Billy Casper Golf, their representative returned with a non-committal letter indicating building a project management team for the golf course was the only option they could consider, mainly because of the \$182,000/year debt over the next 15 years. They would negotiate for a lease option if the City would assume part of the debt. Another possible option was leasing the clubhouse only. They have talked to a local entrepreneur who would consider this; however, when they looked at this option, it was found that because the City would still have to employ full and part time people, they would lose more money by leasing out the clubhouse. He can provide the Commission with the full accounting on how they arrived at this. It appears that leasing the golf course won't be a zero net loss to the City and leasing the clubhouse won't give them an adequate return. Two years ago they lost over \$350,000 at the golf course and cumulatively they were \$1.7 million in debt. The loan took the debt service to \$182,000/yr. In one year the City has incurred an additional \$130,000.00 in debt; the debt trend was reduced by \$250,000 in one year. They attempted to hold a "new member" membership drive, which was not as successful as they thought it would be. Mr. Boynton said this year they are increasing greens and play fees; with this effort they believe they will break even. The only guarantee they have to continue to have a golf course is to keep it. If they finance the debt for a longer term, they can further reduce the yearly debt service.

Mr. Boynton said there are three options. They are:

1. Continue with the existing structure;
2. Hire a project management team specializing in the golf industry to increase rounds of play, which may increase revenue;
3. Sell the golf course, which would eliminate any future risk altogether. If this option is chosen, they would have to receive at least \$1.8 million in order to break even. He has had no appraisal done on the property and has no estimate of what the property is worth.

Mr. Boynton said other municipally owned golf courses around the state are subsidized by the General Fund. He is confident with the proposal they put together during the budget hearings; however, he cannot guarantee there will be no further loss exposure with the lease options. The next step is up to the Commission. He can begin a more formal RFP process. Commissioner Kitchens asked if the city refinances the loan from 15 to 20 years, if that will enable the Course to break even? Mr. Boynton said it should give them a 3 – 5% cushion on the budget over and above the operating costs. Commissioner Kitchens said selling is not a option, but if they can refinance and get the cushion, that's the way they should go. If it doesn't break even by next year, they should look at a bringing in a project management team or leasing all or part of it out. She is not in favor of selling the Course. The Hotel project could be tied in to the golf course. Discussion ensued regarding reasons the golf course is in

trouble. Commissioner Brown said they need to approach the County again to solicit their help, as many users are county residents. Commissioner Norwood said on the one hand the City is laying people off, but then contemplating taking money from the General Fund and putting it into the golf course. He has a problem with that. He is not anti-golf, but history has shown that they cannot maintain the golf course. They wouldn't continue holding on to this business if it was their own personal business. At some point they have to address the issue. If leasing the Course or hiring a management consultant are not good options, they have to look at selling. Commissioner Myers spoke of the letter from Billy Casper golf talking about what options are feasible and which are not, and noted leasing the Course is most preferable to the City but the most unattractive due to the debt. It will at least retire the debt. He'd love to retain the golf course. They need it to support growth. They should approach others about leasing. Mayor Flagg recommended they instruct the City Manger to prepare an RFP for their approval and get more proposals. It is not an option for this City to do business as usual. This is no reflection on City leadership. He is not in favor of selling. The golf course was never designed to be a money maker. If they knew what to expect regarding how much they would have to subsidize it every year, that would be one thing.

Mr. Holmes said the agenda item scheduled this for an update, not action, so if they are going to take action, they should move to make this an emergency item. Mayor Flagg said the RFP will come back to them; they aren't going to approve one tonight. There was consensus to place this on the agenda for action in September. Commissioner Kitchens asked if Mr. Boynton anticipates there will be any money needed from the general fund to break even next year. Mr. Boynton said they do expect to break even in 2009-10, but that is only speculation. Regarding layoffs, Mr. Boynton said they will reduce one staff member to part time in B&Z. All other departments will have the same number of employees; some positions are not being filled. Most departments have full contingents.

Planning Director Update – Mr. Boynton said, after consulting with Mr. Lee concerning the department's status, it is his recommendation to appoint Debbie Banks as the new Building & Zoning Administrator. She will be heading that department for the foreseeable future. They have discussed filling another position that is now vacant. It is appropriate to move forward without filling another Planner position under Ms. Banks. They will contract with NEFRC to provide Ms. Banks with Planning support. They will reevaluate this within the next few months. The EAR report and a Comp Plan update are coming up, which are large ticket items. They can hire someone that can work in tandem with Ms. Banks; it is not an emergency. He'd like her to get comfortable in her position and to get comfortable with absorbing her and Mr. Lee's responsibilities. Commissioner Kitchens said she concurs; this will save money and she is all for it.

Finance Director Position – Mr. Boynton said the City received 22 applications for this position. An interview committee short listed this to four applicants. Interviews with all four candidates are scheduled for Tuesday. They hope to have a selection made by Wednesday so they can make an offer by the end of the week. He has also solicited input on the applicants from Wayne McClain and Skip Lorenzen. He hopes to have someone in the position by mid-September.

Congressional Appropriations Bill – Mr. Boynton said he met with Congressmen Mica, Rick Leary and County Commissioner Nancy Harris regarding a transportation appropriations bill on the Senate Floor, which contains a \$250,000 earmark for Palatka. Congressman Mica is concerned that he has only one senator on his side regarding this earmark. He has contacted Senator Bill Nelson to let him know the City really needs these funds. He has asked the Clerk to prepare a letter for their signatures to send to Senator Nelson asking for his support. The County Commission is doing the same. He asked the members of the Commission to contact Sen. Nelson and Congresswoman Corrine Brown's office to let them know this is needed. They want to use this money to leverage against a CDBG grant, for a total of \$1 million, to be

used for landscaping, streetscaping and parking. He does not recommend e-mail contact; a phone call or letter is needed.

15. **COMMISSIONER COMMENTS**

Commissioner Brown asked if the Commission would consider changing the Sept. 24 meeting date to Tuesday, Sept. 22, as she has a conflict. There is a League Insurance Trust meeting in W. Palm Beach. The Clerk noted that this is the date set for the adoption of millage, levy and appropriations ordinances. No action was taken to move the meeting date.

16. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:55 p.m. upon a motion by Commissioner Brown.

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105