

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**  
**Price-Martin Community Center**  
November 12, 2009

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 12<sup>th</sup> day of November, 2009

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

Also Present: City Manager Elwin C. Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matthew Reynolds; Police Chief Gary Getchell, Fire Chief Mike Lambert, Fire Marshal Mark Lynady; Planning Administrator Debbie Banks, Parks & Cemeteries Supt. Jeff Norton

**CALL TO ORDER** – Mayor Flagg called the meeting to order at 4:00 p.m. and read the following call, dated October 26, 2009:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, VERNON MYERS AND JAMES NORWOOD:

You are hereby notified that the place of the regular November 12, 2009 meeting of the Palatka City Commission is hereby revised and called to be held at the alternate meeting place of the City Commission, the Price-Martin Community Center, 220 N. 11<sup>th</sup> Street, Palatka, to commence at 6:00 p.m. on Thursday, November 12, 2009.

*/s/ Karl N. Flagg*  
Karl N. Flagg, MAYOR

The following commissioners acknowledged receipt of a copy of the foregoing notice of a revised meeting place on the 26<sup>th</sup> day of October, 2009.

*/s/ Mary Lawson Brown*  
COMMISSIONER

*/s/ Allegra Kitchens*  
COMMISSIONER

*/s/ Vernon Myers*  
COMMISSIONER

*/s/ James Norwood, Jr.*  
COMMISSIONER

**INVOCATION** – Brother Nicol Fecteau, Chaplin, Palatka Police Department

**PLEDGE OF ALLEGIANCE** – The Honorable Chip Laibl

**APPROVAL OF MINUTES** – 10-22-09 Workshop; 10-22-09 Regular; 10-29-09 Called – Myers, Brown, passed

1. **PUBLIC RECOGNITION**

**PROCLAMATION** – Communities in Schools Awareness Month – November, 2009 – Susan Drago, Chairperson, Communities In Schools Board of Directors, was present to accept the proclamation, which was read and presented by Mayor Flagg.

**PRESENTATION of FGFOA Certificate of Achievement in Financial Reporting** – Finance Director Ruby Williams, City Manager Woody Boynton and Mayor Karl N. Flagg – City Clerk Betsy Driggers presented the FGFOA Certificates of Achievement for Excellence in Government Financial Reporting, noting this is the highest form of recognition given by the Association, and noted this is the 17<sup>th</sup> year in a row that the City has received this recognition. Current Finance Director Matt Reynolds accepted the award on behalf of Mrs. Williams, retired Finance Director.

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

Cristian Doane	Beasley Middle School
Deonna Miller	Browning Pearce Elementary School
Hannah Rivera	Children’s Reading Center Charter School
Austin Mack	E.H. Miller School
Colleen McMurtry	James A. Long Elementary School
Samantha Story	Jenkins Middle School
Jason Gullett	Kelley Smith Elementary School
De’Monterio Watts	Mellon Elementary School
Shea Carter	Moseley Elementary School
Leequan Leonard	Palatka High School
Ariel Bosque	Peniel Baptist Academy

2. **PUBLIC COMMENTS**

Askew Vickers, 207 .N. 18<sup>th</sup> Street, thanked Mr. Boynton for doing something about the problems in the community. He said the PD is doing a better job now.

Mr. Vickers said he had inquired about the height of the fences around the PHA apartments, and was awaiting Mr. Holmes’ pending decision about the height of the fences which exceeds six feet. The City’s Code states that residential property fences can’t exceed 4 feet in the front and 6 feet in the back, but these fences exceed 10 feet. Mr. Holmes said he’s not sure whether they were allowed to do this by variance. It may never have come before the BZOA but he cannot say for certain.

Mr. Vickers said there are many things the Commission needs to address, but he can’t cover them all because he only has 3 minutes to speak.

Officer Mylinh Reeves, Community Policing Officer, introduced Jessie & Jane Thomas and Terry Gore, who are community gardens participants in the Oak Hill neighborhood, who presented the Commission with collard greens, onions and green peppers grown in their

community garden. They said they very much appreciate the city allowing them to grow these. Commissioner Brown said they have begun various gardens and are working on more. The program has been a success. They asked the PD to supply youth volunteers to help the seniors work their gardens. Mr. Gore thanked Commission Brown for helping to get this started, and said many neighbors have participated or donated money towards the project. They are growing various fruits and vegetables. Mayor Flagg said when the community comes together, anything can be accomplished. Consensus to donate the greens, onions and green peppers to the Bread of Life Soup Kitchen for Thanksgiving Dinner. Mr. Gore said to send them out and they will help them pick. Commissioner Brown asked the PDN reporter to do an article on the gardens' success.

3. **CONSENT AGENDA:**

- a. **Adopt Water Taxi Business Plan** contingent upon FDOT and FHWA approval of schedule and scope amendments
- b. **Approve T-Mobile's Request to restructure lease agreement** for mobile antennae atop Water Tower
- c. **Approve Budget Amendments & Transfers for F/Y 2008-09** – Finance Director
- d. **Issue permit to exceed noise levels established by Chapter 30, Palatka Code of Ordinances to Pilot Club of Palatka** for Annual Light the Riverfront Event at the Palatka Riverfront Park on Saturday, Dec. 5 from 5:30 p.m. to 8:30 p.m., per Special Events Coordinator
- e. **Issue permit to exceed noise levels established by Chamber 30, Palatka Code of Ordinances, to Steamboat Willies** for November 27 and November 28, 2009 (subsequent dates to appear on the agenda for approval on December 10, 2009)
- f. **Accept Tom Pelikan's Resignation from the Historic Preservation Board** as member with legal experience, effective immediately
- g. **Reduce the Fine, per Code Enforcement Board Recommendation, on the following properties:**
  1. **1320 Carr Street (CE Case #08-162)** – reduction by 50% from \$8,275.00 to \$4,137.50 plus Cost of Prosecution
  2. **504 Reid Street (CE Case #08-60)** – reduction by 100% from \$25,900 to Cost of Prosecution (new owner has demolished the building)
- h. **Adopt/Approve Main Street Building Improvement Grant Program**, per CRA recommendation 11/12/09

Mayor Flagg noted Item (h) should be tabled, as it was tabled during the CRA meeting. Commissioner Kitchens motion to pull items (b), (e) and (g) for discussion and pass Items (a), (c), (d), and (f) on consent as presented, and table Item (h). Commissioner Brown seconded the motion, with passed unopposed.

- 3(b) Approve T-Mobile's Request to restructure lease agreement** for mobile antennae atop Water Tower – Commissioner Kitchens said she sees no need to renegotiate this lease. The 2<sup>nd</sup> option seems to be the one under consideration. If this is accepted they should drop the "rent holiday" and she would be agreeable with that. This drops the lease from \$14,000 to \$12,000 per year. Commissioner Brown concurred. Commissioner Myers said the City should maintain its current lease. Commissioner Norwood said they should accept this restructuring. If cell phones are no longer in use in 10 years, they will still receive a lump sum payment. This revenue subsidizes projects that are going on in the City. If they accept this and the technology does not disappear, the City still has \$120,000, as they accepted the money up front, This is only an 8% reduction overall.

Mayor Flagg said he believes they need to be sensitive to the times, and not act as if one has an advantage over the other. They need to build reciprocity on good faith. Option 1 states a

lump sum payment of \$86,000 will be made. The other options don't involve a lump sum. There is an escape clause built in. He likes Option 1; getting a lump sum will put them in a better position. He asked if Mr. Boynton or Mr. Reynolds had further input.

Matt Reynolds, Finance Director, said he did some research on current cash deposit rates. If they invest the lump sum over the 10-yr period, which is equivalent to Option #2, it would end up being around the same as the \$123,000 option and could generate anywhere from \$125,000 to \$128,000. He wasn't able to get an answer from the bond attorney on this, but this revenue is pledged to cover bond covenants on several loans. He is waiting to hear from him how to satisfy those covenants. Mayor Flagg said if there is no forfeiture clause involved, he'd be more receptive to Option 1. Mr. Boynton said he understands why Option 1 is attractive. The lease expires in 2011. T-Mobile representatives have stated they are willing to exercise their option to terminate their lease should this renegotiation fail. If they want a viable money source, Option 1, if invested properly, would work out to around \$130,000. Option 2 is based upon a 10-yr lease that would generate \$124,000 and seems to be a guaranteed revenue stream; however, the technology could change, T-mobile could go bankrupt, anything could happen. Having that money up front and invested would be the best option, provided the bond covenants are covered. He believes Option #3 isn't much different than #2 other than the rent dropping over time, and there is no rent holiday. Over this 120 month period, who knows what the technology will be in 10 years. Option #1 would be favorable, or option 3 which would enable the City to renegotiate in 2011. T-Mobil may terminate the lease in 2011. Commissioner Kitchens said they can make agreements with other companies. Mr. Boynton said the other companies already have cell phone towers on the water tower. Commissioner Kitchens moved to accept option #4. Commissioner Brown seconded the motion. A roll call vote was requested and taken, with Commissioners Brown and Kitchens voting yes, and Commissioners Myers, Norwood and Mayor Flagg voting No. The motion was declared failed by a margin of 2 in favor, 3 against. Commissioner Norwood moved to approve Option #1. Commissioner Myers seconded the motion. A roll-call vote was requested and taken, with Commissioners Myers, Norwood and Mayor Flagg voting yes, and Commissioners Brown and Kitchens voting no. The motion was declared passed. Commissioner Brown said these types of businesses don't do a lot for this community and this is a tendency for new businesses. They need to leverage the things the City offers. There needs to be some middle ground. They've almost handed the City an ultimatum. They need to do things to help the community.

**3(e) Issue permit to exceed noise levels established by Chamber 30, Palatka Code of Ordinances, to Steamboat Willies** for November 27 and November 28, 2009 (subsequent dates on agenda for approval on December 10, 2009) - Commissioner Kitchens said she'd had no complaint on this issue. She is inclined to give it to them for the 27<sup>th</sup> and 28<sup>th</sup>. Chief Getchell had no comments. Commissioner Brown moved to grant permission to exceed the noise levels established by Chapter 30 to Steamboat Willies for November 27 and 28, 2009. Commissioner Kitchens seconded the motion, which passed unopposed.

**3(g) Reduce the Fine, per Code Enforcement Board Recommendation, on the following properties:**

- 1. 1320 Carr Street (CE Case #08-162)** – reduction by 50% from \$8,275.00 to \$4,137.50 plus Cost of Prosecution
- 2. 504 Reid Street (CE Case #08-60)** – reduction by 100% from \$25,900 to Cost of Prosecution (new owner has demolished the building)

Commissioner Kitchens asked Ms. Banks to explain on the record what is being done, and why. Debbie Banks, Code Enforcement Supervisor, said the Code Enforcement Board followed the Standard Operating Procedures adopted by the City Commission regarding fine reductions. They did not vote to forgive the cost of prosecution. Both petitioners are present

for questions. Commissioner Brown moved to reduce the fines on 1320 Carr Street and 504 Reid Street as recommended by the Code Enforcement Board. Commissioner Kitchens seconded the motion, which passed unopposed.

Mayor Flagg complimented both these individuals for rectifying these situations, especially Mr. Laibl, who cleaned up very public eyesore. This has enhanced the quality of the view for those driving through Palatka, and made the area very attractive. He commended Mr. Laibl on the demolition of the building. He noted the Commission looks for voluntary compliance in all cases and commended Mrs. Banks and her staff.

4. **REQUEST** to waive impact fees, hook-up cost and annexation requirement to run water and sewer to 3829 Reid Street – Terry Geck, owner, Stagecoach Sauces, Inc., said they have been in business for 19 years and they want to expand by building a warehouse. This will create badly needed jobs. He noted the Bowling Alley received a CDBG grant to hook into the City's water and sewer. He wants to hook into the line that runs in front of his business, but remain in the County to keep his taxes low. Or, if he comes into the City, he'd like the city to waive the water tap fee of around \$3,200. Mayor Flagg noted Mr. Geck is presenting his plea to a pro-business commission. If he has not applied for any grants, he should. The commission wants to be receptive to assistance, but the City is also a business. They need to be conscious of what they do or don't do. He is not in favor of allowing him to connect to water and sewer lines and not come into the City, as he is contiguous. He asked why the City should be the one forfeiting in this scenario. When one is inside the City limits, the City becomes your primary government. He would like to see where he has applied for grants. Asking for this without bearing any cost is an affront. Mr. Geck said the high level lounge has utilities and they are not in the City.

Commissioner Brown related the story of Rolling Hills and how only half of it is actually annexed, after the City ran water and sewer to its homes on the promise of annexation. She stated that, after this happened, the Commission declared that, if you want water and sewer, you must annex. They want business in the City, but this is their policy. Mr. Geck said the water line is already there. He can have a licensed plumber hook him into it. He does not understand what the \$3,200 covers, cost-wise.

Debbie Banks, Planning Administrator, said she's been working with Mr. Geck since 2006 on this issue. Since then the connection fees have gone up twice. He has asked for recalculations twice. The Planning Board voted to recommend approval of this annexation request; he would only have to pay advertising costs for this. The charges of water plant replacement, sewer plant replacement, water & sewer tap fees, and pollution control fees are fees anyone would pay based upon the number of fixtures in the building. The City has never waived those fees. The city requires annexation in order to receive sewer; there are no exceptions. Mayor Flagg said each time Mr. Geck requests a recalculation; it generates an expense to the City.

Commissioner Kitchens said the County millage is close to 18 mills; the City is almost half of that. She asked if he'd already constructed his building. Mr. Geck said they were doing this within the county and everything was set until it came to water and sewer. He doesn't have enough property to upgrade his building and bring everything up to par. To answer the question, he has a construction loan. He is covered on construction costs. Commissioner Kitchens said the City can't afford to waive those fees. She reiterated the costs involved, stating this is money the City would have to make up. This is required of everyone. If they do this for him, they'd have to do this for everyone, and then they'd go broke. Mr. Geck said his taxes would almost double if he came into the City. Mayor Flagg said you can't opt out of paying County taxes, but there are advantages to being inside the City, such as water &

sewer, fire and police services. The precedence is set. The Commission is empathetic to those with hardship situations, but when you are contiguous you must annex in order to get water & sewer.

Commissioner Norwood said they've had this policy in place for some years. If every citizen avoided paying taxes, they wouldn't be able to provide quality services. He is looking at this request on its merits. If an individual comes to his home and asks if they can provide services, but avoids paying for the right to do so, is like a slap in the face. He doesn't believe Mr. Geck wants to slap the City in the face, but if he wants these services he needs to annex. If he talks to any business owner, they also don't want to pay the taxes, but they do so to obtain these services. His choice is to annex or not. He is not in favor of waiving fees. Mr. Geck said they need to come up with a program to attract business to Putnam County like other counties in NE Florida. Mayor Flagg said they have a partnership with the County and Chamber of Commerce for economic development grants. He's asked him to seek out those options. There are entities that provide incentives. The communities he's cited all have interstates running through their county. The City wants to do its best to be a team member. They can talk about seeking out grants. This is owner-driven. Commissioner Brown said the city has waived impact fees for two years, which is a much larger cost than just the water tap fees. Mr. Geck said he's talking about creating 8 or 9 jobs. Commissioner Norwood suggested he contact the Chamber of Commerce to ask them about programs and incentives that may be available. Mr. Geck noted other counties that are providing tax abatements for small businesses. Commissioner Myers said he has much respect for Mr. Geck but believes sewer and water are privileges. It costs more for taxes, but the benefits outweigh the cost. If they waive these fees, they would be setting a precedent, and any business man could make a similar case. Commissioner Myers moved to deny waiver of water & sewer hook-up and annexation fees to Mr. Geck. Commissioner Norwood seconded the motion, which passed unopposed.

5. **RESOLUTION** authorizing the Mayor and City Clerk to execute and attest a Joint Participation Agreement with FDOT for design only of Taxiway B Drainage and Apron Rehabilitation at Palatka Municipal Airport (FIN 42753319410) – Adopt – The Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A 'SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT' WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN ONLY OF TAXIWAY "B" DRAINAGE AND APRON REHABILITATION AT PALATKA'S KAY LARKIN MUNICIPAL AIRPORT. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Kitchens seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The resolution was declared adopted.
6. **PUBLIC HEARING** – 5015 Crill 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 Commercial, and Rezone from Putnam Co. C-1 (Commercial) and AG (Agricultural) to City of Palatka C-2 (Intensive Commercial) – Jacob Spells, applicant - Mayor Flagg opened the public hearing. There being no discussion, Mayor Flagg closed the public portion of the hearing.

**ORDINANCE** #09-48 annexing 5051 Crill 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 10, 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 on first reading as read. Commissioner Myers seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared adopted.

**ORDINANCE #09-24** - Land Use Amendment 5051 Crill Avenue – 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 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST FROM COUNTY URBAN RESERVE TO CITY COMMERCIAL, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on first reading as read. Commissioner Kitchens seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared adopted.

**ORDINANCE** Rezoning 5051 Crill 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 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY C-1 (COMMERCIAL) AND AG (AGRICULTURAL) TO CITY C-2 (INTENSIVE COMMERCIAL); 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. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared passed on first reading.

7. **PUBLIC HEARING** – 6677 & 6679 Crill 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 Commercial, and Rezone from Putnam County Agricultural (AG) to City of Palatka Commercial Neighborhood (C-1A) – Rural Health Care, Inc., applicant; Juli Holmes, Agent – Mayor Flagg opened the public hearing. There being no discussion, Mayor Flagg closed the public portion of the hearing.

**ORDINANCE #09-50** Annexing 6677 & 6679 Crill Avenue – Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF APALTKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IN SECTION 10, 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 on first reading as read. Commissioner Kitchens seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared adopted.

**ORDINANCE #-09-51** - Land Use Amendment – 6677 & 6679 Crill Avenue – 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 THREE PARCELS OF LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST FROM COUNTY URBAN SERVICE TO CITY COMMERCIAL,

PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Myers moved to adopt the ordinance on first reading as read. Commissioner Kitchens seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared adopted.

**ORDINANCE** rezoning 6677 & 6679 Crill 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 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY AG (AGRICULTURE) TO CITY C1-A (COMMERCIAL NEIGHBORHOOD); 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 being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared passed on first reading.

8. **PUBLIC HEARING** – 6681 Crill 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 Commercial, and Rezone from Putnam Co. R-1A (Single Family Residential) and AG (Agricultural) to City of Palatka C-1A (Commercial Neighborhood) – Beck/Sloan Properties, Inc., applicant. Mayor Flagg opened the public hearing. There being no discussion, Mayor Flagg closed the public portion of the hearing.

**ORDINANCE** #09-52 Annexing 6681 Crill 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 10, 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 on first reading as read. Commissioner Norwood seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared adopted.

**ORDINANCE** #09-53 – Land Use Amendment – 6681 Crill Avenue - 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 10, 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 on first reading as read. Commissioner Myers seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared adopted.

**ORDINANCE** Rezoning 6681 Crill 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 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY R1-A (SINGLE-FAMILY RESIDENTIAL) TO CITY C1-A (COMMERCIAL

NEIGHBORHOOD); 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. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. The Ordinance was declared passed on first reading.

- \* 9. **ORDINANCE CLOSING 16<sup>TH</sup> STREET** - Planning Board Case #PB 08-29 - Request to close N.16<sup>th</sup> Street between St. Johns Avenue and Reid Street - St. Johns Automotive Real Estate, LLC; Juli Holmes, Agent; 2<sup>nd</sup> Reading, Adopt – City Attorney Don Holmes recused himself from the proceedings. Acting City Attorney for this item, Jay Asbury, took his seat at the dais. The Clerk read an ordinance entitled AN ORDINANCE VACATING ALL OF THAT PORTION OF 16<sup>TH</sup> STREET WHICH LIES BETWEEN ST. JOHNS AVENUE AND REID STREET (HIGHWAY 17) IN PALATKA, FLORIDA; AUTHORIZING EXECUTION OF DOCUMENTS; REQUIRING RESTRICTIVE COVENANT WITH REVERTER CLAUSE; PROVIDING FOR TIME LIMITATION OR COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Myers moved to pass the ordinance on 2<sup>nd</sup> reading for adoption. Commissioner Norwood seconded the motion. Mr. Asbury noted the new proposed ordinance, distributed today, contains two minor changes since the first reading (filed), pursuant to direction given him by the Commission at the 11/29/09 meeting. He removed the clause regarding the effective date and reworded it to say that when the City Manager and Attorney approve a recordable restrictive covenant that the owner has signed, and it is approved by the City, this ordinance will be effective. He also built in a clause to make the time come and go for the applicant to do their business, and said if there is no recorded reverter in place that is acceptable to the City within 120 days from today, the ordinance would be null and void. That is a date to make this go away; it leaves the applicant and City plenty of time to effectuate their business. This is not an opened ended deal.

Daniel R. Ziem, Sr., 401 Olive Street, said he is opposed to this closure. There is one building left on that lot facing St. Johns Avenue. This is a public street. Beck claims there are 73 employees, but he was told there are no more than 35. He asked where the employees are parking their cars, noting they used to park by the Chinese Restaurant. If the restaurant goes out of business and the dealership purchases that property, it still won't give them the required acreage. Next they'll have to close 17<sup>th</sup> Street. The City has never closed a street off once it has been opened up from 1<sup>st</sup> street west. If the business doesn't continue because they still won't have the needed acreage, this sets precedence. There was bickering between these two businesses. The Beck employees now park on 17<sup>th</sup> Street on the right of way. They also park in the Chinese restaurant parking lot. There are nowhere near 73 cars being parked.

There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Myers, Norwood and Mayor Flagg, yes; Commissioner Kitchens, No. The ordinance was declared adopted on 2<sup>nd</sup> reading. Mr. Asbury said he enjoyed making his acquaintance with the City and would like some day to have the opportunity to support and vote for the Mayor as his representative in some capacity.

10. **ADMINISTRATIVE REPORTS**

Mayor Flagg said there was a violent incident reported in the City yesterday that is heartbreaking, involving teenagers committing crimes to prove a point. He commended the citizens who came forth and shared important information to assist in their identification and capture. He noted the efficient leadership and employees at the PPD. He is proud of their service and representation in the community, and thanked Chief Getchell for his leadership. The Palatka PD's professional actions lead to no injury or fatality in this apprehension.

Chief Getchell said he was appalled with the incident. His directive is that if anyone commits these types of crimes, the Palatka Police Department will hunt them down and find them, sparing no resources or expense. He is proud of his men and women. They did all the work; he just supervised. They did it with old fashioned police work and the tools they've been provided. One particular police officer was paying attention and that is what led to this apprehension. Their prayers and thoughts are with the victim, who is suffering. Personnel said they have never seen anything this bad, short of a homicide, where the victim lived. He believes the juvenile justice system is broken. One of these individuals robbed this victim of her car two weeks ago, got out of detention, and went back and stole it again, and resolved not to leave the owner in a position to report the theft. They have a few bad seeds out there that are doing things that need to be stopped.

Mayor Flagg said they need an "enough is enough" campaign. Parents need to step up and declare that they will not be threatened in their own homes. The City commits whatever resources it can. These individuals are, many times, beyond that threshold. The community needs to be a haven for citizens. He is asking all neighborhoods to not tolerate this behavior. They don't want shootouts in the community. The commission noted thanks and congratulations to Chief Getchell for the PD's protection.

**11. COMMISSIONER COMMENTS**

Commissioner Kitchens said when she came off Reid Street onto Moseley behind the old Southwell's Restaurant, she noticed that the "no right turn on red" sign was gone. The late Commissioner Conlee worked hard to get that sign erected due to the number of accidents at that intersection. She understands FDOT recommended removal of that sign through the County Traffic Safety Committee. She hopes this doesn't cause accidents.

Commissioner Brown asked Mr. Ziem to step forward. She presented him with a bottle of water that was bottled at Palatka's own Water Treatment Plant. She noted he and Ms. Sanford had complained about the City's purchase of bottled water; and said the City had bottled its own.

Commissioner Norwood said tomorrow the County will hold an economic summit meeting at the Best Western Inn, which they've all been asked to attend. He reminded the commission to be there at 7:30 a.m.

Commissioner Norwood said there is a lot of construction going on in the City. He is asking citizens to be patient. He understands they will begin repairing the pavement that's been disturbed laying the new water line, which should be completed by Thanksgiving. This will result in better quality of water and better pressure, and will provide needed infrastructure for growth.

Mayor Flagg thanked the "PPD broadcast network" for their video production skills.

- 11. ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:00 p.m. upon a motion by Commissioner Brown.