

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 26, 2010

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 26th day of August, 2010

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; Acting City Attorney Jay Asbury; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning & Zoning Administrator Debbie Banks; Water & Sewer Supt. Rhett McCamey; Streets & Sanitation Supervisor Ed Chandler

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

INVOCATION – Rosie Harrell, Greater Palatka Ministerial Association

PLEDGE OF ALLEGIANCE – Bob Taylor

APPROVAL OF MINUTES – 7/22/10 Budget Workshop; 7/22/10 Regular meeting; 7/27/10 Airport Workshop; 7/27/10 Sidewalk Sales Workshop; 7/27/10 Called Meeting – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

RETIREMENT – Henry Calhoun, Water & Sewer Distr. 7/16/80 to 7/30/10 (30 years) – Rhett McCamey, W&S Distribution Supt. and Ed Chandler, Street & Sanitation Supervisor, joined Mayor Flagg in presenting Mr. Calhoun with a plaque in recognition of his 30 years of faithful service to the citizens of Palatka.

2. **PUBLIC COMMENTS**

Roxanne Weeks, 501 S. 17th Street, said rather than declare a 4-wheeler that was seized by the PD as surplus to be sold at public auction, the Commission approved over \$1,000 in repairs for it to return it to stock condition. She read from Florida Statute that states 4-wheelers are not allowed to be on the road except on the beach, and on public roads within public lands. She asked what the 4-wheeler would be used for.

Police Chief Getchell said it is to be used during special events and parades. There is an exemption to the statute that allows the Police Department to operate it for special uses. Mrs. Weeks gave a copy of the statute to the Clerk (filed).

3. **CONSENT AGENDA:** - Mayor Flagg said the City Manager requested to add Item 3(p) to the 8/26/10 Orders of the Day, and requested a motion be made to adopt the amended Agenda. Commissioner Norwood moved to adopt the 8/26/10 Agenda as amended. Commissioner Kitchens seconded the motion, which passed unopposed.
 - a. **Authorize renewal of contract with Carr, Riggs & Ingram (formerly Davis Monk & Co) for audit services** for years ended September 30, 2010, 2011 and 2012 for a fee not to exceed \$67,500, \$68,500 and \$69,500 respectively
 - b. **Authorize execution of Display Advertising Contract renewal** with Palatka Daily news F/Y 10/1/10 – 9/30/11
 - c. **Authorize execution of Bobby Weed Golf Design Contract Amendment #1** authorizing engagement of a Professional Employment Organization and amending provisions accordingly
 - d. **Authorize execution of Contract with Ayres Associates, Inc. in the amount of \$12,096.10** for Crill & Moseley Drainage Project Construction Administration, per City Manager's recommendation
 - e. **Authorize acceptance of FAA Grant Offer for \$746,070 for Project #3-12-0061-020-2010** to rehabilitate TWB Airfield Drainage and Transient Apron at Palatka Municipal Airport
 1. **Authorize execution of Passero & Associates Supplemental Agreement #09-21F in the amount of \$36,603.54** for design, surveying, geotechnical and bidding for the TW "B" Drainage & Transient Apron Rehabilitation Project at the Palatka Municipal Airport as Engineer of Record
 2. **Authorize execution of Passero & Associates Work Order #10-21R in the amount of \$69,140.02** for engineering, inspection, material testing & drawings review for the TW "B" Drainage & Transient Apron Rehab Project at the Palatka Municipal Airport as Engineer of Record
 3. **Award bid to Halifax Paving in the amount of \$663,325.90 for the TW "B" Drainage System & Transient Apron Pavement Rehabilitation** at Palatka Municipal Airport, per results of RFQ
 - f. **Authorize Law Enforcement Trust Fund Expenditure of up to \$10,000** to purchase communications equipment
 - g. **Approve execution of a Nominal Lease Renewal with American Red Cross, Northeast Florida Chapter** for a portion of the Cooper Center at 521 S. 13th to expire January 1, 2013
 - h. **Accept Utility Easement from Oliver Family Living Trust** over the northern 20 feet of Country Pointe subdivision between Crill Avenue (Hwy 20) and Old Wolf Bay Road per City Mgr's recommendation
 - i. **Accept Warranty Deed from Oliver Family Living Trust** for Country Pointe Lift Station Property located between Crill Avenue (Hwy 20) and Old Wolf Bay Road per City Mgr's recommendation
 - j. **Appoint Rufus Borom to the Board of Zoning Appeals** for a 5-year term to expire July 30, 2015 (sole applicant – at-large position)
 - k. **Appoint Alex Sharp to the Palatka Code Enforcement Board** to serve as Alternate #1 for a three-year term to expire September, 2013 (sole applicant)
 - l. **Reappoint Michael Gagnon and Pat A. Wilson to the Palatka Code Enforcement Board** for a three year term to expire September, 2013 (incumbents – sole applicants)
 - m. **Declare as surplus:**
 1. Police Dept. electronic office equipment as listed for disposal
 2. Police Dept. 2000 GMC Yukon VIN#30592 – Forfeiture – for auction

- n. **Concur on Code Enforcement Board recommendation** to move forward with foreclosure proceedings on 1406 Ocean Street (CE#05-471) due to failure to pay reduced fine – M. Shelton Construction Co., Owner
- o. **Concur with City Manager's proposal** to terminate Bus Stop Bench Contract with Martin Mercy, LLC
- p. **Authorize purchase and financing** of Golf Course equipment – per City Manager recommendation

Commissioner Myers said he has some questions concerning Item 3(a). Commissioner Norwood requested Item 3(n) be pulled for discussion. Commissioner Kitchens moved to pass all remaining items on Consent, Items 3 (b) through (m), (o) and (p) as presented and recommended. Commissioner Norwood seconded the motion, which passed unopposed.

3(a). Authorize renewal of contract with Carr, Riggs & Ingram (formerly Davis Monk & Co.) for audit services for years ended September 30, 2010, 2011 and 2012 for a fee not to exceed \$67,500, \$68,500 and \$69,500 respectively. Commissioner Myers noted they apparently approve this contract renewal at three-year intervals and the cost goes up \$1,000 per year. Mr. Reynolds, Finance Manager, said they have done this at each renewal. The yearly cost adjustment contains Cost of Living adjustments for employees as well as adjustments for new GASBY regulations. Commissioner Myers asked if the City goes out for competitive bid for these services. Mr. Reynolds said they last took bids for audit services in early 2000. In order to go out for bids they are required to form an audit selection committee. Under Florida Statute, the City can legally renew the contract without going through the bid process. Commissioner Meyers said they look at possibly taking this out for bids at the next renewal. Commissioner Myers moved to approve Consent Item 3(a) as recommended. Commissioner Kitchens seconded the motion, which passed unopposed. Commissioner Brown said in the past the City had out-of-town auditors and the citizens asked they look at hiring local auditors. Commissioner Myers said he is not being critical of the auditing firm.

3(n). Concur on Code Enforcement Board recommendation to move forward with foreclosure proceedings on 1406 Ocean Street (CE#05-471) due to failure to pay the reduced fine – M. Shelton Construction Co., Owner – Commissioner Norwood asked if there is a plan to put these properties back on the tax roll once the City takes ownership of them. Mayor Flagg there should be a progressive plan; in the past they have donated City-owned residential property for work force housing, and there was discussion regarding selling them to City employees for housing. His recommendation is to look at the inventory and have the City Manager make a recommendation as to their disposal. Commissioner Brown said they should look at employees who need homes and can qualify to purchase them for a reasonable price. Commissioner Norwood said they need to put a plan in place and make sure it is a legal plan that will stand up in court. Mr. Holmes, City Attorney, said they don't want to use foreclosed properties as housing for employees as there is a certain inherent conflict in doing so. They can perhaps do that with property the City inherits in another way.

McArthur Shelton, owner of the home/property, said he was given the impression by his attorney that they were working out an installment payment plan on this fine. He wants to keep the property but does not have the money to pay it in a lump sum. This property needs a lot of work. He was not aware a foreclosure had gone through. He asked if he can pay this fine. Mr. Holmes said the lawsuit was filed some time ago. As they were in the final stages of the lawsuit, Mr. Shelton's attorney asked the City to hold the lawsuit in abeyance to ask for a fine reduction. The Commission voluntarily did so to give him a chance to ask for a fine reduction. He did, and the fine was reduced conditioned upon the reduced fine being paid within a certain amount of time. It was reduced to \$15,000 from \$59,600. That \$15,000 was never paid, after the lawsuit was held in abeyance for a year. He was never contacted about a payment plan. The foreclosure suit is now subject to dismissal, which would mean they would have to file all over again. This item seeks direction from the Commission as to whether

or not they can foreclose. The condition remained uncorrected for a long time before they began foreclosure proceedings. They are now moving forward with foreclosure. It has not yet been foreclosed upon. Mayor Flagg said there was a \$50/day fine for over 1,000 days. Tomorrow is the anniversary of the fine reduction; another year has lapsed. He doesn't know why Mr. Shelton's attorney didn't know what the procedure was.

Mr. Shelton said he can't pay the full amount of the fine today, and is asking for a payment plan. He has been trying to fix the property and bring it up to Code. Mr. Holmes said if he is directed to move forward with the foreclosure, they have done everything but held the final hearing. Mr. Shelton has the right to come to that final hearing. If the City is successful in obtaining a judgment in the amount of \$15,000, he would have 30 days to pay that with costs. Those include filing fees, title search, and attorney fees. If the fine is not paid within 30 days the property is offered for sale on the courthouse steps. If someone wants to bid on that property, the City traditionally doesn't try to out-bid them if they bid enough to compensate the City for its expenses. Mr. Shelton asked if the City would take a first lien position until he gets his finances in order. Mr. Holmes said that would set a precedent. The City has never taken that position. Mayor Flagg said the fine was a lien; he doesn't see that as an option.

There being no further discussion, Commissioner Norwood moved to approve Consent Item 3(n) as recommended. Commissioner Kitchens seconded the motion, which passed unopposed.

Mayor Flagg recognized the presence of Rufus Borom, who has been appointed to the Board of Zoning Appeals. He noted Alex Sharp was appointed to the Code Enforcement Board, but could not attend tonight's meeting as he had a class. Of those members reappointed to the Code Enforcement Board, Mayor Flagg noted Michael Gagnon was present and Mrs. Wilson was not present.

4. **COMMUNITY REDEVELOPMENT AGENCY BUSINESS:**

PUBLIC HEARING - MAIN STREET FAÇADE GRANT AWARDS – 2010 Application Cycle 6/1/10 through 8/1/10 – Bob Taylor, Main Street Design Committee – Mayor Flagg opened the public hearing. Mr. Taylor said he is here to answer questions concerning the façade grant program. Committee-recommended grantees are Ruth Burk, Billy Ennis and Angela Murtagh, for a total of \$30,000. There being no public comments made, Mayor Flagg closed the public hearing. Commissioner Norwood moved to accept the CRA recommendation for award of the 2010 Façade Grants in the amount of \$30,000. Commissioner Kitchens seconded the motion, which passed unopposed.

ACCEPT CRA RECOMMENDATIONS as follows (CRA meeting held 8/26/10):

1. Authorize use of CBD-TIF Funds in the amount of \$39,489.05 to fund additional appropriation for FY 2010 BIG Program
2. Award Building Improvement Grants (BIG Program) per BIG Committee Recommendation to applicants ranked 1 through 7, 9 and 10 (as filed). It was noted that the Palatka Elks Lodge application was tabled in order to clarify whether or not they are eligible for funding as they are a tax-exempt entity and do not pay into the TIF fund.

Commissioner Norwood moved to approve Building Improvement Grants as follows:

John & Pamela Bass	\$25,000.00
Badcock Home Furnishings	\$59,812.33
Lavinia Moody	\$31,330.80
Ralph's House of Flowers	\$14,508.00
600 Blk St. John Avenue	\$29,755.59
Jeffrey Emerson	\$ 4,162.50
Jean Deputy	\$12,516.08
Jacqueline Massey	\$24,666.75
Alex Sharp	\$11,520.00

Elsie Bell's Antiques

\$15,705.00

Commissioner Kitchens seconded the motion, which passed unopposed. Commissioner Brown said it is wonderful to see the positive changes being made in Downtown Palatka.

5. **REQUEST TO MODIFY DEVELOPER AGREEMENT for 100 Blocks – Amend Schedule of Development & Extend Presentation of Property Transfer Agreement to October 28, 2010** - Andrew Ham, Agent for CDP, Inc. – Mr. Boynton said they have a memorandum from the developer requesting a six-month extension (filed). An addendum was presented and approved in May; however, the revised addendum was not signed at the time as they have gone back and forth on signatures. This is the same addendum they saw in May with the new dates included. This Agreement states the final approval of the property transfer negotiations for Phase 1 Development Plan for Phase I, Parcel A (100 Block) would be November 11, 2010 and for Phase 1, Parcel B (hotel) would be May 2011. Commencement of development of Phase 1, Parcel A will be May 2011 and for Phase I Parcel B it will be May 2012. The lease negotiation is what they would have been discussing tonight. Commissioners Kitchens, Brown and Myers said they have no problem with these changes due to the present state of the economy. Commissioner Norwood moved to approve the amended First Addendum to the CDP, Inc. Preliminary Development Agreement dated August 28, 2009. Commissioner Myers seconded the motion, which passed unopposed.
6. **REQUEST TO WAIVE COST OF PROSECUTION** – 808 Main Street (CE #10-39) – Code Enforcement Board Recommendation to waive Costs of Prosecution in the amount of \$200.54 (or \$251.62 if a lien order is required) – Kenneth Pompei, Roger H. Walker & Charlie Y. Currie, owners/petitioners – Debbie Banks, Building & Zoning Administrator, said the Code Enforcement Board heard this case on July 28 and voted to recommend the City Commission waive the Costs of Prosecution on this Case. This is not in keeping with the newly adopted Code Enforcement Board practices & procedures. The only time Cost of Prosecution has been waived is when a mistake was made on staff's behalf, and no mistake was made by staff.

Kenneth Pompei, 7565 Walden Ct, Jacksonville, said he has partners in this property, but is the only one who participates in taking care of this property. He offered a reason to the Code Enforcement Board that he did not receive the registered notices. For 14 years he took care of his father-in-law who had Alzheimer's Disease. He went into the hospital around the first of the year and recently passed away. They had neighbors picking up the mail and he didn't receive the notices. He brought the property into compliance when they received the third notice. All the mail comes to his house; none of the other co-owners received this notice. Mayor Flagg said the recommendation of the Code Enforcement Board is in conflict with the adopted policy.

Commissioner Kitchens offered Mr. Pompei her sympathy on his father-in-law's condition. She explained this is the cost of prosecution and is the actual cost the City incurred in this case. They have had similar cases/requests that have been denied. It is the policy of the City to charge the cost of prosecution, which is small compared to fines. She doesn't want to set precedent; the City is currently involved in a lawsuit based upon a similar request. Commissioner Norwood moved to deny Mr. Pompei's request to waive Cost of Prosecution for CE Case #10-39, 808 Main Street. Commissioner Brown seconded the motion, which passed unopposed.

7. **HISTORIC PRESERVATION BOARD RECOMMENDATION to adopt** the City of St. Augustine's historic paint color chart for use as a template by the Historic Preservation Board to revise the approved Historic District home exterior paint color chart – Debbie Banks said the Board has covered this topic over several meetings. Some houses that have been painted in the District appear not to have used approved colors, so the Board looked at what other cities do. St. Augustine's policy was one they looked at; they have a guideline based upon the era and construction of the house. If you chose colors from the Chart, staff can approve the color. If you go off the color chart, you have to go to the Historic Board.

Jeff Frank, owner, A Color In Time, paint store, said he has concerns regarding approval of the St. Augustine color chart. He received a copy of this from The Color Center in St. Augustine. Listed in this chart are 122 colors, of which 121 are Sherwin-Williams colors and 21 are Benjamin-Moore colors. Only one has a historical classification based upon the manufacturer's recommendations. He feels there is a group of people over there who want their own color chart. He understands that these colors aren't coming off a historic color chart. In the past owners have been allowed to paint their homes historic colors on a paint manufacturer's chart that is based upon the manufacturer's research. This limits people on what they can choose. He's asking for some consistency.

Debbie Banks said, to clarify, they are not asking to adopt St. Augustine's chart; they are just using it as a guideline. They will come up with their own color chart. As to who would develop that, the City may need to hire a professional to develop this as to what colors are historical for Palatka. Commissioner Kitchens said on television program "This Old House" one of the ways they determine the approved color is they bore down through the coats of paint on the house to determine what color was used when it was first built. Ms. Banks said that technique was discussed at the Board level. Mr. Holmes asked who will pay the cost of the research. Ms. Banks said the Board hasn't gone that far with this; they wanted to know if the City was amenable to the concept before they proceed further. Commissioner Brown said there needs to be a point where the government stops telling people what they can do with their homes. They need to consider the economy. If there is already a chart in place, they should stay with it. Commissioner Kitchens concurred and said they don't need to limit people on choices.

Deb Miles, 414 River Street, said she speaks in favor of voting yes on this. When they purchased their home, there was a sign at the entrance to the District that said the South Historic District was a deed restricted community. It is not. The request from the Board was to approve a chart containing pre-approved colors so that the homeowner would not have to come to the City if the color was already on the pre-approved chart, but would have to come to the City for approval if the color is not on that chart. This saves a step.

Mayor Flagg said he is concerned as to whether or not they would end up with a color chart per home. Mrs. Banks said they designate color charts by era and style of construction. Depending on the researcher, he would have to figure out which paints were used for each era by construction. Currently there is a Board-adopted policy in place to allow staff to approve color if the color is deemed a historic paint color by a manufacturer's color chart.

Roberta Correa, member, Historic Preservation Board, said they are tasked to follow the Secretary of interior's Guidelines when making decisions, which says the color should be in keeping with the period and style of the home. It would be confusing to people; the intent is to help people. There is research already in place on this. There are books available showing colors for certain styles and eras. They wouldn't specify paint manufacturers. Commissioner Brown said they go by a book containing State and Federal regulations. If they would like to produce a suggested list for people, she doesn't object to that, but restricting people further is putting a further burden on citizens. This is not a good time to look at this due to the economy. People are having difficulty maintaining their homes now. Many people have been in these homes all or most of their lives. They don't need to hire people to do this research, but need to put that money towards painting some of these houses. Mayor Flagg said they need a master chart so a person doesn't have to obtain consent from Staff or the Board, but he is not in favor of adopting this particular template. He doesn't know how many proposals they looked at, but they don't want to complicate or frustrate the lives of people living in the historic district at this time. Commissioner Brown moved to deny the request of the Historic Preservation Board to adopt the City of St. Augustine's historic paint color chart for use as a template by the Historic Preservation Board to revise the approved Historic District home exterior paint color chart. Commissioner Kitchens seconded the motion, which passed unopposed.

REQUEST TO AUTHORIZE STAFF TO DRAFT AN ORDINANCE amending the Code to provide for the expiration of a Certificate of Appropriateness – Per Commissioner Norwood's question, Mrs. Banks said currently a Certificate has no expiration date. A homeowner can list all the items

they want to accomplish, and the certificate can cover all those items, with no specified time period for completion. Commissioner Norwood said the reason he asked, is that if he planned to make modifications to his property, and went to obtain a certificate, he would have a five-year plan in place so he would know what he could do. Mayor Flagg concurred that there doesn't need to be a change of rules in mid-stream. They need to have options to extend certificates by staff.

Mr. Holmes asked if there is something that alerts prospective purchasers during a title search that they are purchasing a home in a restricted historic district. Mrs. Correa said there is nothing specific, but there is a state statute that requires the person selling the property to alert the buyer that they are purchasing a property in a historic district. They have provided a notice to all realtors who can disseminate to purchasers that they are purchasing such a property. Mr. Holmes said they need a way to put it in the public record that these properties are in a historic district that flags a title similar to a lien or subdivision restrictions. If you buy into a historic district and you understand beforehand that a bunch of different rules apply to you, so be it. But if you don't know that, and you purchase because a realtor forgets or a homeowner doesn't tell you, it creates shock when you find out. It wouldn't be that difficult to put together a document that outlines the area of the historic district and flags a property that special rules apply. Then everyone who purchases title insurance would know these restrictions are in place. Ms. Correa concurred. Commissioner Brown said sometimes houses have been owned in families for generations and houses are quit-claimed to other family members. People have no idea of the restrictions. They should put something in place. Mrs. Correa said the purpose of neighborhood associations is to disseminate that information as people move in. She concurs on Mr. Holmes' suggestion.

Joff Filion, Chief Building Official and resident of South Historic District, said regarding the Certificate of Appropriateness (COA) time frame, he is against it from both points of view. When people bring plans to him for improvements in the historic district, this takes some time and there is an expense to this. He bought his home in 2002 and received a COA on five projects. He completed the last one in 2008. Since receiving that approval, none of the rules had changed. The only thing that changes is the interpretation of the rules by these Boards. Boards change their interpretations as members change. The \$130 fee was only put in place a few years ago to offset the cost of advertising. They are looking at restricting this to six months, same as a building permit. You can ask for an extension. It's not user friendly. People experience building blocks. The only thing that would change is the design or plans, or the owner sells the home. He'd support expiring the COA when the house changes hands, but not on the other reason for economic reasons. He recommends against adding an expiration date to the COA.

Mayor Flagg asked if there is a history of short and long term projects that would illustrate side effects of waiting to commence or finish work on a COA, and if all COA's are tied to a building permit. Ms. Banks said painting and fencing do not require a building permit. If they change the roof or alter their structure, they are tied to a permit. Mayor Flagg said they need to find a way so as not to put the department or homeowner in jeopardy. If a contractor pulls a building permit it doesn't expire with the sale of the home. Mr. Holmes asked as to the logic in adding an expiration. A COA is something that is related to historic standards, and if something was appropriate at the time the COA is issued, why wouldn't it be appropriate five years later? Mayor Flagg said his concern is private interpretations by different boards such as Mr. Filion described. Sometimes there are scores to settle. They need a safety zone. Mrs. Banks said there is no safety zone. Mr. Filion was on target when he said board interpretation changes with its members. It's not a black and white document; there is a lot of gray area. Commissioner Myers asked if there is any advantage to having an expiration date on a COA. Mrs. Banks said she sees no advantage and no purpose. Commissioner Kitchens moved to deny the Code Enforcement Board's request to direct Staff to draw up an ordinance adding an expiration date to a Certificate of Appropriateness. Commissioner Norwood seconded the motion, which passed unopposed.

8. **REQUEST TO APPROVE AND ACCEPT THE FINAL SUBDIVISION PLAT for Parcel #37-09-26-0000-0060-0082**, consisting of 9.99 acres of property at the northeast corner of Comfort Rd and Crystal Cove Drive east of US Hwy 17 – Environmental Consulting & Design, Agent for Thirty-Ninth Avenue Professional Center, Inc., owner/petitioner - Planning Board Recommendation to

Approve and Accept – Mrs. Banks said this request is for a final subdivision plat. An issue came up today on this parcel. The applicant's consultant e-mailed her asking for a copy of the ordinance rezoning this parcel. They found the ordinance today, but she has not had time to run the legal to determine that the parcels match. She requests this be tabled to give her time to do the research.

Mayor Flagg said he understand the residents from Crystal Cove are asking for a denial on this. Within 30 days this will come back to the Commission. He doesn't want to take away any due process from those residents that have come here tonight to speak for or against this. He opened the floor for public comment.

Ronald Baughman, 246 Crystal Cove Drive, distributed a flyer to the members of the Commission. Mr. Baughman asked those from Crystal Cove S/D to stand and be recognized. He said they have a number of concerns about this project. The first they knew about this was in 2006 when they received something in the mail from Mr. John Williams, who held a meeting at the Library. He wanted to elevate the land use to medium density on 9.9 acres so they wouldn't have to send the change to DCA, which has more checks and balances. At that time, he said this was for upscale townhomes in a residential neighborhood with a swimming pool. On the flyer he passed out he proposed building certain types of residences, a clubhouse, etc. at a substantial cost. The Planning Board met in 2006 where Mr. Salafrio of Environmental Solutions stated they'd held a pre-planning meeting with surrounding homeowners, which was well-received. He stated he would build 98 high-end condo-type units with a homeowners' association. He presented the same thing to the Planning Board that he presented to homeowners. He was right that these plans were well-received by subdivision residents as some of the homeowners were elderly and may want to sell their homes and move into a townhome. After that the Planning Board agreed to change the zoning from R-1 to R-3. Then they heard nothing until 2009 when they received notice of a Planning Board meeting on the subdivision plat, which had a completely new approach, doing away with the clubhouse, swimming pool, etc. The Crystal Cove homeowners have a significant issue with this, especially with the increased traffic, the need of a buffer wall, and the overloading of the Crystal Cove retention pond, which washes out. They fear that they will have all that water coming into Crystal Cove S/D. The system is overtaxed now. Because of the complaints of the homeowners, the Planning Board Chair told the owner to have the developer meet with Crystal Cove homeowners. A meeting was set up on November 20, 2009. The notice said the future land use designation was to be changed from medium density to low density. A lady came from Gainesville to talk to them, and she talked in very vague terms. They could get nothing definitive on the traffic plan or lift station and how their community would be affected. She said she would get back with them in writing within a week on their questions, but they have heard nothing. On April 10, 2010 a Planning Board meeting was held where the developers came up with a new plan to build 64 family units, 40 of which are in 10 quadriplexes. This has gone from upscale townhomes with a Homeowners' association to low-end project-type housing. The homeowners are very distressed about this. At that meeting they raised objections. They are probably the highest-taxed subdivision in Palatka. This will put a situation at their front door that will lower their property values. Their taxes will go down. After all was said, the Chair of the Planning Board asked for a motion to approve, and after a long while someone made a motion and second. The Planning Board chair then apologized and said they had no choice but to do this.

Mr. Baughman said Mr. Williams has acquired three other out-of-town owners in this venture. Mr. Williams no longer lives here. The Land Use designation says high-density residential. The approval they are seeking now is only for part of this. Apparently this is being built in stages. At this time they are seeking approval for the quadriplexes. Since that time they've met individually with all the commissioners and Representative Van Zant, who has dealt with the DCA on this. He tried to talk with Mr. Holmes on this, who said he couldn't speak with them on this. He talked with Mr. Boynton on this, who agreed they may evolve into low-rent housing, which Palatka doesn't need more of. He noted there are 18 criteria for changing zoning from R-1 to R-3. If things have changed to the point that those criteria are no longer met, there may be a loophole. It is not consistent with existing land use, which is R-1. If a subdivision is considered a district, it is not compatible with surrounding districts. As to the load on public facilities, putting all those families there would put too much of a load on roads, schools and infrastructure. As to influencing living

conditions in the neighborhood, this will certainly adversely affect that. This will cause drainage problems worse than those that already exist. It will absolutely declass property values. There are still two available lots in Crystal Cove SD and anyone would think twice now about building a house on those. This would not be in the public's best interest. As to existing zoning, this is not compatible. The change is out of scale with the needs of the neighborhood. There are other sites available. From their perspective, the developer's getting this rezoned is detrimental to homeowners. This is not the same plan that was sold to homeowners and the Planning Board in 2006. This is not compatible with Crystal Cove SD. They believe they need to do this as a PUD. The developers have refused to meet with Crystal Cove homeowners, even though they have been instructed to do so. The Planning Board has told them their "hands were tied." They believe they have been lied to and don't like that. These are outside investors who are shoving this down their throats. People who live elsewhere make jokes about him living in a redneck city like Palatka. He realizes Mr. Williams paid money for the property and now can't develop it. That is Mr. Williams' problem. He has a 3,000+ sq ft house in Alachua County that he can't get rid of, but that's his problem and no one else's. He cited Rolling Hills subdivision as an example; it was a nice subdivision until someone put in duplexes. The legal system is predicated on honesty and truthfulness, and they believe they have been duped on this. This will destroy their subdivision and will be another blight on the City that will bring crime to the area. He asks this be sent back to the Planning Board to start from the beginning. This is incompatible with their subdivision.

Chevy Davis, 226 Crystal Cove Drive, said he strongly supports Mr. Baughman and said all the residents take great pride in their neighborhood and community. This is the biggest investment they've all made. They want to keep their present values. They were told the exterior would match the brick and stucco they already have. At the last meeting, the photos showed no brick or stucco and looked like lap/vinyl siding. The wool has been pulled over their eyes. Every time something was presented to the Planning Board it was a change in concept. This will affect their investments. Based on the current proposal, he's deeply concerned with the watershed problem. The water will flow north down Crystal Cove and into the present retention pond which has been washed out three times since 2002.

Gary Woods, 207 Crystal Cove, said their objection all along was to the "bait and switch." They were given one scenario, but ended up with another. Economic times change, but just because they are in a bad economic time, they shouldn't lower their standards. They should wait until the economy turns around to build. They have a failure to communicate.

John Williams, 5825 Glory Avenue, St. Augustine, owner/applicant, addressing Mr. Baughman's comments, said that Mr. Baughman made the comment that he wasn't from this area, but Mr. Baughman himself only moved here 5 years ago. His great grandfather helped build Bostwick Elementary School, and he attended school there. He's had family here since the 1800's. He was named after his great grandfather who was a county commissioner. His business is here. He is not an outsider. They need people to invest in this area. He brought investors into this area and he had to sell them on Palatka. There isn't a lot going on here. He hasn't lied to anyone. They intended to build condos on this property, but there is no market for condos, not even a foreseeable market. As a courtesy to the homeowners, they met with them. This is not the law nor a requirement. They aren't asking for anything except what they are legally allowed to build. They had a land use change on this. They went through concurrency and looked at the road standards. The lift station has to meet with load requirements. They have to go through Corps of Engineers storm water management. These standards all have to be met. There has been public notice on all these steps and Board appearances. They are not without due process. Their biggest fear is that they will build something someone in Palatka can afford to buy. This is affordable housing, not slum housing. They are just asking to do what they have a right to do. There is nothing in Crystal Cove that is consistent. Some of the houses they are building are no different than some of the houses in Crystal Cove. They've followed every rule, met with city staff numerous times, met every requirement required of them. The R-3 zoning was in place when he purchased the property. All he changed was the future land use from low-density to medium density. They tried to change it back, but there was an uproar over that. They are only doing what they are allowed to do under the current designation. The Crystal Cove residents can seek legal action if they want to.

He wants the opportunity to clear his name. He's asking the City to approve this based upon what's allowed. He doesn't want to bring anything but a quality development here. He's not asking the Crystal Cove homeowners' permission. He is asking the Commission to uphold due process and allow him to do what's allowed by law.

Carl Salafrio, Environmental Designs, said throughout the process they've worked closely with City Planning Staff. They've met all Code requirements within the Code. This could have been built in 2002 under the existing zoning. They aren't asking for anything other than what they can build by right. Part of the issue is that the Crystal Cove SD homeowners want architectural control of this project, which they will not give them. They won't allow them to dictate shingles or paint to the developer. They want to build an affordable housing project. This is a good thing for Palatka. They will look at this five years from now and think it's good.

Mr. Baughman said he has deeper roots here than Mr. Williams; his grandparents came here in the 1800s; he grew up here and attended Palatka High School. Mr. Williams told them one thing at the first meeting, and then came back with another plan.

Mayor Flagg said they need to know how the recording took place on the annexation. Mrs. Banks said they just want to confirm the property descriptions on the ordinance that was passed in 1990. This ordinance contained three different property descriptions with three different zonings. She just wants to be sure the property descriptions are correct. She has no reason to believe this is zoned anything other than R-3. It won't affect their request if it is confirmed.

Mr. Holmes said some don't understand why the City doesn't have the authority to re-look at zoning issues. The City has operated under the assumption for as long as this has been pending that this was R-3 zoning. A question was raised as to the time line of the zoning, which is why they were looking at when the ordinance was adopted. The City never dealt with this as if it were anything other than R-3 zoning. The question was raised a few hours before the meeting as to when the zoning was passed. There have been a number of zoning director changes since then. The annexation had the zoning included with it as R-3. The legal description on the 1990 ordinance can't easily be plotted, and she needs time to confirm it. In all likelihood it is the same piece of property. What was before them tonight was not a rezoning request, or a comp plan change, it is a subdivision approval. There is a huge difference between these. There are specific factors in considering a rezoning request, but this is not a rezoning request. It is a subdivision plat approval. There isn't a whole lot of discretion to reject a subdivision that is proposed if it meets lot sizes and is drawn properly. You can't say what kinds of things go into the subdivision. This is not a PUD, where you do have discretion. This is not a comp plan change, which fixes density. Zoning tells you what type of use can go in there. They walked in with medium density land use and R-3 zoning. If the subdivision plan meets the requirement for zoning and roads, the City cannot reject it. The scope of review is limited. If this legal description is correct, the subdivision approval is limited as to what they can object to. He is not opposed to tabling this based upon the fact that this zoned R-3. Under law, they don't have the discretion to go back and look at zoning and development within that zoning.

Commissioner Kitchens said she has a problem with the Plat, which is not witnessed, notarized or signed. The title certification is blank and not filled out. The original is also not signed or witnessed and not fit to be recorded. Those are her problems with the plat. There is nothing on this document that tells her that a change can't be made after the City signs off on it. Before she'd be willing to pass it, she'd require all blanks to be filled in, signed, witnessed and notarized. When it comes back the developer should present a recordable copy to the City. This cannot be accepted as it is. Per the question, Mrs. Banks said the ordinance is not clear on what signatures are required prior to the Commission adopting it. Mrs. Banks asked her to run the legal at 4:40p.m. today and there is no way she could do that. They will have to go to the property appraiser's office and pull the grant map to run this legal. This should be tabled for 30 days.

Mayor Flagg said just because the Commission would approve and accept, the document cannot be recorded the next day. The developer knows what needs to be done to the document before it

can be recorded. If the Code is vague, they could make it less vague. They cannot impose something on the developer that is not a requirement. Commissioner Kitchens said her concern that when the surveyor and title company have not signed off on the plat, it can be changed prior to recording. Mayor Flagg said every plat he has signed as Mayor, his has been the last signature before it goes to recording. It would take a brave soul to change it. Mr. Holmes said it should be completed and signed before it comes to the Commission for approval. Mr. Salafrio said they can have this done within the next week. Mr. Williams said when they submit something to the County, they record it. Mr. Holmes said that is consistent with the City's procedure. Mayor Flagg said if the signatures were on the document, the Commission would have no recourse but to approve this request based upon its merits. He doesn't want anyone to walk out of here with a false sense of security. Mr. Holmes said the only thing that hasn't been said is whether or not this plat meets the City's requirements. Mrs. Banks said it does meet requirements for R-3 zoning and land development.

Commissioner Kitchens moved to table approval of the Subdivision Plat for River Watch Subdivision, PB Case #09-30 to September 23, 2010. Commissioner Norwood seconded the motion, which passed unopposed.

RECESS - Mayor Flagg requested and received consensus for a five minute recess. The meeting was recessed at 8:20 p.m.

RECONVENE – Mayor Flagg called the 8/26/10 City Commission meeting back to order at 8:30 p.m. and continued with the Orders of the Day.

9. **RESOLUTION** authorizing the Mayor and City Clerk to execute and attest an FDOT Joint Participation Agreement in the amount of \$240,000 to purchase property south of CR216 near the Palatka Municipal Airport - adopt - The Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A JOINT PARTICIPATE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PURCHASE LAND SOUTH OF SR 100 AND CR 216 AT THE PALATKA KAY LARKIN MUNICIPAL AIRPORT. Commissioner Myers moved to adopt the resolution as read. Commissioner Brown seconded the motion. Commissioner Kitchens aid there was no legal description of the land to be purchased attached to the JPA. Commissioner Myers moved to amend to motion to make it subject to the legal description. Commissioner Brown seconded the motion, which passed unopposed. There being no further discussion of the main motion, 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.

10. **PUBLIC HEARING** – 500 S. Palm 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 R-1A and C-1 to City of Palatka C-1 – Harvest Temple Ministries, Inc., owner/petitioner. Mayor Flagg opened the public hearing.

ORDINANCE #10-16 annexing 500 S. Palm 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 Brown moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Ordinance #10-16 was declared adopted.

ORDINANCE #10-17 – 500 S. Palm Avenue – amending the Future Land Use Map and Future Land Use Element from Putnam County Urban Service to City of Palatka Commercial – 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 TEN ACRES IN SIZE) IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST FROM COUNTY URBAN SERVICE TO CITY COMMERCIAL, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Myers moved to adopt the ordinance as read. Commissioner Kitchens seconded the motion. There being no discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Myers, Norwood and Mayor Flagg, yes; Nays, none. Ordinance #10-17 was declared adopted.

ORDINANCE rezoning 500 S. Palm Avenue from Putnam County R-1A and C-1 to City of Palatka C-1 – 1st 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 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY 4-1A (SINGLE FAMILY RESIDENTIAL) TO CITY C-1 (GENERAL 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. There being no 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.

11. **ORDINANCE** – Planning Board Recommendation to rezone Putnam County Business Park, consisting of six parcels of land (257.39 acres) north of St. Johns Avenue, west of the Palatka Municipal Airport and east of CR309 from Putnam County PUD to City of Palatka M-1/PID – Putnam County Port Authority/Putnam County, owners - 1st 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 THOSE CERTAIN PROPERTIES IN SECTIONS 04 AND 09, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY PLANNED UNIT DEVELOPMENT (PUD) TO CITY LIGHT INDUSTRIAL/PLANNED INDUSTRIAL DEVELOPMENT (M-1/PID); REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on first reading. Commissioner Kitchens seconded the motion. There being no 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.

ORDERS OF THE DAY - Mayor Flagg asked for and received concurrence to move Agenda Item 15 to the front of the Orders of the Day.

RECUSAL - City Attorney Don Holmes recused himself from participation, advice and/or discussion on Agenda Item #15, the next item on the Orders of the Day. He stated Jay Asbury, Esquire, is present and will act as the City's counsel on this item. Mr. Holmes exited the dais and Mr. Asbury took his seat at the dais. The Commission then continued with the Orders of the Day.

15. **ORDINANCE** - Planning Board Case #PB 08-29/10-26 -- Request to close N.16th Street between St. Johns Avenue and Reid Street - St. Johns Automotive Real Estate, LLC; Juli Young, Agent; 2nd Reading, Adopt –The Clerk read an ordinance entitled AN ORDINANCE VACATING ALL OF THAT PORTION OF 16TH STREET WHICH LIES BETWEEN ST. JOHNS AVENUE AND REID STREET (HIGHWAY 17) IN PALATKA, FLORIDA; PROVIDING FOR REVERTER TO THE CITY OF PALATKA; AUTHORIZING EXECUTION OF DOCUMENTS;

AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2nd reading for adoption. Commissioner Myers seconded the motion. Mayor Flagg opened the public hearing.

Jason M. Brown, St. Johns Auto Body, 1609 St. Johns Avenue, said he is not in favor of closing 16th street. They do not believe General Motors has required this business to close 16th Street. This is being requested for personal gain. The reasons for closing this street have changed each time it has come before the Commission. Mr. Sloan told his father, Mr. Scroggins, was that they wanted this street closed because of insurance costs, safety and vandalism. Mr. Sloan stated there was a lot of vandalism. At the first hearing the applicant stated they needed over 3 acres to keep their dealership franchise and this needed to be done ASAP. No documentation has been provided to prove that claim. Mr. Sloan also stated there are over 70 employees at this business; there are 28, as when Mr. Sloan took over most of those employees were fired. Most of them were able to find other jobs or have started new local businesses. The Commission based their decision to close this street on 70+ employees losing their jobs and documentation that has never been produced that GM requires them to have 3.7 consecutive acres, which was not specified in the first hearing. If there is a time frame, why hasn't their franchise been pulled before now? If they look at the Beck dealership on Hwy 17, there is a lot of open field there. The dealership can move there. He has asked for the documentation from General Motors. Don Holmes represents the City as its attorney and a dozen or more companies for Breck Sloan. Neither they nor the City have ever been given the documentation that this is a requirement. His family and he have advised the city attorney that the City and GM will be contacted regarding damages sustained by his business as a result of this closing. They've had numerous concerned businesses come to his business to speak to him as they are concerned about the closing of this street and the numerous dealings this Commission has had with Beck. The Dept. of Community Affairs has been notified about these dealings. They have been cordial about this. Commissioner Brown asked them to talk to Mr. Sloan to try to rectify this. They could not come to an agreement with him. He hopes they have fully researched this issue and the documentation, and looked at this and the City Attorney's representation on this. Mayor Flagg stated the City Attorney has recused himself from this action. Mr. Brown said at first the City Attorney did not recuse himself until he requested he do so. Mayor Flagg said Mr. Asbury has drafted each and every document that the Commission has considered. Mr. Asbury does not represent Mr. Sloan or any of his businesses.

Commissioner Kitchens asked Mr. Brown if he had asked to see these documents. Mr. Brown said he spoke to GM about this and they were providing him with information until the woman he was speaking to asked someone else about this. He was then told he couldn't be given any more information and he needed to contact their legal department, because what he was requesting was not there.

Ellen Avery-Smith, Rogers Towers, P.A., 7 Waldo Street, St. Augustine, FL, as legal representative of Beck Chevrolet, said she won't get into the he said/she said, which is on the record of the last hearing. She and her client are here on a request to vacate the portion of 16th Street between St. Johns Avenue and Reid Street. Since the last hearing they have received a fully executed restrictive covenant, which they will provide to the Clerk tonight provided this item passes. To address the issues with GM's size requirement, the City was previously provided a document stating Beck Chevrolet needs 3.7 contiguous acres. Also as part of the 2009 record they have a letter in their packet from GM dated October 12, 2009 which talks about the need for the 3.7 contiguous acres outlined in the 2009 hearings' public record. Case law and Florida Statutes clearly state that the City has the legal authority to vacate rights of way for economic development purposes. They are talking about providing an economically viable business with the opportunity to remain open in the downtown area. They are asking the City to comply with Florida statute and municipal rights under case law, and vacate this right of way.

There being no further public comment, Mayor Flagg closed the Public Comment portion of the hearing and opened Commission Deliberation.

Commissioner Norwood said he still doesn't want to see Palatka become Green Cove Springs and wants to protect these jobs and make sure those employees continue to be taxpaying citizens. He has not changed his stance.

Commissioner Myers said everything was said the first two times this request was heard. This is an economic development issue and is for the overall betterment of the community.

Commissioner Kitchens said she personally wouldn't mind seeing Palatka become another Green Cove Springs. She made a point of slowly driving through Green Cove Springs to see what they were referring to when they said several car dealerships there on Hwy 17 had closed and remained vacant and it was a "ghost town." On the right hand side of US Hwy 17 the Roberts dealership was closed, and maybe ½ of a block is vacant, but the left side was completely developed. She'd love to see a Green Cove Springs here. She still has concerns that the citizens are against this street being closed. She received a call from a citizen saying the only access the hill area around 18th Street had during flooding was by 16th Street as all other streets were flooded and closed. She met with Mr. Sloan at his request, who showed her the plan to close the street. She asked him point-blank if he would close the dealership if this did not pass, and he said no, he would not. She is relatively certain that he will not. She is aware of the acreage available to him on Hwy 17, and pointed this out to Mr. Sloan. There are alternatives to closing this street. She believes they are setting a precedent. The citizens are against it. There is a safety issue with the flooding. It won't hurt the economy if they don't close this street. Green Cove Springs is doing great. She can't go against what the citizens want. A total of 33 citizens signed the petition against closing this street; she had 7 phone calls, and people came up to her in church to speak against closing the street. After she voted no on this in 2009 she had people stop her all over the City to thank her for her "no" vote. She had some trepidation about voting "no" the first time, but when the citizens said they were against it she didn't think it was the right thing to do. She read the memo they were given tonight. She hasn't called Detroit. She doesn't believe the public wants this street closed. That is what matters to her. She believes Mr. Sloan and Mr. Beck want to close this for other reasons. This will set a precedent and others will be coming to ask for street closures for economic reasons. If the citizens approved of this, she'd go along with this, but only one citizen has told her he was in favor of this.

Commissioner Brown said she did her homework on this, just as she did when the Commission agreed to a rezoning for Mr. Brown's business some years ago. She asked how many jobs were actually at stake here, and was told by Mr. Sloan that the business helps to sustain the other jobs that make up the 78 jobs. Mr. Jason Brown said whatever number of employees they have, when Mr. Sloan took over the business he fired a great number of employees without regard as to whether or not they were able to keep their homes. He states he is doing this based upon a specific number of employees he claimed to have and because he needed 3.7 contiguous acres. He fired those people to begin with and then came to the City with a sobbing heart about all his employees he's going to have to let go if this is not passed.

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 passed and adopted on second reading.

Mayor Flagg expressed his gratitude to Mr. Asbury for his expertise in this matter. Mr. Asbury exited the dais and Mr. Homes took his seat at the dais. The Commission then continued with the Orders of the Day

12. **ORDINANCE** - Planning Board Recommendation to vacate and abandoned unnamed roads located in J. W. Glisson's Subdivision located north of Jenkins Middle School – Putnam County School Board, applicant – 1st reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, CLOSING, VACATING AND ABANDONING UNNAMED ROADS LOCATED IN J. W. GLISSON'S SUBDIVISION ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 2, PAGE 12B, WITHIN THE CITY OF PALATKA, FLORIDA; 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 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.
- * 13. **ORDINANCE** providing for local implementation of the St. Johns Water Management District's Landscape Irrigation Water Conservation Rule – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on first reading as read. Commissioner Myers seconded the motion. Commissioner Kitchens said the City Manager asked Water Management if the City would be allowed to do a less restrictive ordinance. They said they won't provide any more grants if they don't implement this rule. She was at a meeting wherein lawn watering was discussed and she was told by a SJRWMD representative that if you use a hose or sprinkler to water your lawn you this rule wouldn't apply, but this ordinance changes that. She doesn't like to be bullied or threatened as a person or commissioner. She is not in favor of putting this limitation on citizens. Mayor Flagg said the Code already addresses consumptive uses of water. He asked Mrs. Banks to tell them how this makes a difference. They want voluntary compliance on this. They don't have the resources to police this. Mrs. Banks said SRWMD has "tied their hands" on grant funds. You are allowed to "hand" water. The ordinance is quite restrictive. Code Enforcement will investigate complaints. They won't be patrolling the streets looking for violators. Mayor Flagg asked where they stand without the ordinance. Mrs. Banks said she is fairly certain this is already Florida law. Mayor Flagg said this is just an alignment with existing Florida law, and if this is going to be complaint-driven, he sees no problem. Mr. Holmes asked if there are enforcement provisions under their model law. Mrs. Banks said this is their model law. She read the enforcement provisions of the ordinance (filed). Mr. Holmes asked if there is a mandatory enforcement requirement. He sees where Jacksonville had to add employees to patrol in order to look for violators. Commissioner Kitchens read a section pertaining to enforcement and violators. Mrs. Banks said there is no policing requirement. Commissioner Myers said he has irrigation in his yard and he has been abiding by these rules; they are not difficult to abide by. He doesn't see an issue with this. They have an issue with water in the State of Florida and all need to conserve.

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 passed on first reading.

14. **ORDINANCE** amending the Palatka Municipal Code, Chapter 30, to add a deadline to make application to exceed allowable noise levels – 2nd reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 30, ENTITLED ENVIRONMENT, BY AMENDING ARTICLE IV, NOISE CONTROL, SECTION 30-109, SPECIAL PERMIT TO EXCEED NOISE LEVELS, TO PROVIDE FOR A DEADLINE TO MAKE APPLICATION FOR A PERMIT TO EXCEED ALLOWABLE NOISE LEVELS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading. Commissioner Kitchens seconded the motion. There being no 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.

16. **ADMINISTRATIVE REPORTS**

2010 City of Palatka Election Results – The Clerk read her memorandum into the record (filed). She stated that a primary election was scheduled for August 24, 2010 for the nomination of candidates for Palatka City Commission, Group 2 and Group 4, and for Mayor/Commissioner. The deadline for candidates to qualify for the primary election was 12:00 noon on Friday, June 18, 2010. Allegra Kitchens, the incumbent, was the only candidate to qualify for Commissioner Group 2. Phil Leary was the only candidate to qualify for Commissioner Group 4, the office currently held by Vernon Myers. Vernon Myers was the only candidate to qualify for Mayor/Commissioner, the office currently held by Karl N. Flagg. Inasmuch as there was only one candidate to qualify for each open seat, there was no need hold a primary election.

Commissioner Myers has been declared elected as Mayor/Commissioner. Commissioner Kitchens has been declared re-elected as Commissioner Group 2. Mr. Phil Leary has been declared elected as Commissioner Group 4. These members will assume their respective offices on January 3, 2011 at 7:30 p.m.

The Clerk reminded the Commission of the Downtown Sidewalk Display workshop to be held here at City Hall on August 31st at 6:00 p.m.

City Wide Master Plan – City Manager Boynton said due to interest in creating a city-wide master plan, there is a need. He doesn't have a time frame as to when this can be accomplished. He is working on an RFQ to bring back to the Commission to solicit a master planner, similar to the process used in soliciting a firm to draw up the Riverfront Park Master Plan. He will distribute a draft RFQ; he'd like them to look at this draft RFQ and give him their comments. This is about a plan to look at transportation corridors, housing corridors, and urban service corridors, among other things. This will provide a road map for future commissions to follow. This is a concept to accomplish bringing third parties to the table. He will put this RFQ out, bring back recommendations and put together a time frame on these projects. Annual budgets will dictate how much they can accomplish in any given year.

Mr. Boynton said over the last three weeks they've received proposals and qualifications statements from one qualified vendor to operate the water taxi. He's negotiating with that vendor to determine a framework before he takes it to the City Attorney. They've received one vendor qualification submission to rehabilitate the water taxis, and he is working towards taking that to the City Attorney, also. He hopes to have those contracts before the Commission in November. The money could be released as early as October 1st.

Mr. Boynton said on Sept. 1 at 5:00 p.m. Main Street will be meeting here at City Hall to discuss the future of the Azalea Festival.

Mr. Boynton said the utility refunding bond closing was accomplished Wednesday morning; everything has been finalized and they have successfully refunded those bonds.

17. **COMMISSIONER COMMENTS**

Commissioner Brown said Congresswoman Brown visited with her a few weeks ago. She told her they need to get the appropriated money for the boat and any other projects spent. She chairs the Rails committee and knows about the City's train station. In order to sustain the station/stop they need a ticket station. She'd like to aggressively go after Amtrak to put someone in there to sell tickets. They will be putting the high-speed rail system in place and only a few train stations will remain open.

Commissioner Brown said yesterday someone told her they moved to Putnam County to live and work here as they thought this was a great place to do so. They were very disenchanted by the way they were being treated by those who do permitting for the County. They need to urge their County commissioners to streamline their processes and make it all uniform.

Commissioner Kitchens said as she was looking through the Planning Board package on the Crystal Cove subdivision, she couldn't find where the Police Chief signed off on it. This will bring an additional 154 citizens, minimum. Any time something will bring additional citizens in, it should be a requirement that the Police Department weigh in on it. They weighed in on other subdivision projects, but not this one. She also didn't see a comment on the property at 500 S. Palm Avenue. She wants to be sure this is done when more people are added to the area.

Commissioner Myers said he'd attended the Florida League of Cities' Annual Conference with Vice Mayor Brown and Commissioner Norwood. He noted that many municipalities are suffering economic issues and they have similar concerns. It was good to exchange input on how municipalities are dealing with those issues.

Commissioner Norwood said for the most part the 2010 Legislative session bode well for cities and the League was pleased with its outcome. The League did a good job of protecting home rule. The Legislature did more for cities this year than they have for the last five years. He appreciates the work the League of Cities does.

Commissioner Brown said Commissioner Norwood chaired the Urban Administration Committee. They have five committees. She was reappointed to both the Regular and Executive FLC Board of Directors. They need more members of the Commission to serve on these Committees.

Mayor Flagg congratulated Mr. Holmes on being the top vote-getter in the primary election for Circuit Judge.

18. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 9:25 p.m. upon a motion by Commissioner Myers, seconded by Commissioner Kitchens.