

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

June 10, 2010

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 10th day of June, 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; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning & Zoning Administrator Debbie Banks;

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

INVOCATION – Brother Nicol Fecteau, Chaplin, Putnam County Jail

PLEDGE OF ALLEGIANCE – Fred Fox

APPROVAL OF MINUTES – 5/27/10 – Commissioner Kitchens moved to approve the minutes as read. Commissioner Myers seconded the motion, which passed unopposed.

PUBLIC RECOGNITION/PRESENTATIONS:

Karl N. Flagg Faith & Leadership Scholarship Award Presentation – Zachary Aldrich, PHA Class of 2010, was present to receive the award from Mayor Flagg. Mayor Flagg read off a list of Zach's achievements, accomplishments and community service. He noted Mac McLeod initiated and funds this scholarship.

- PUBLIC COMMENTS** - (Speakers limited to three minutes – no action taken on items)
Sam Deputy, 917 Carr Street, informed the Commission of the 4th of July fireworks celebration. Prior to that a parade will be held on St. Johns Avenue, beginning at McKinnon's and culminating at the Riverfront where concerts and fireworks will take place. He asked they make plans to participate. The parade lineup begins at 5:15 p.m. Mayor Flagg noted Orange Park has cancelled their fireworks due to the economy, and acknowledged that Downtown Palatka has stepped up in this capacity.

3. **CONSENT AGENDA:**

a. **Authorize PPD to submit the following grant applications:**

1. Federal 2010 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation in the amount of \$17,274.00 (no match required)
2. Federal 2010 Edward Byrne Memorial Justice Assistance Grant Program – JAG Countywide - State Solicitation in amount of \$27,006.20 (no match required)

b. **Designate Vernon Myers as voting delegate** and Mary Lawson Brown as alternate voting delegate to the 2010 FLC Annual Conference, August 19 - 21, 2010

c. **Accept CRA Recommendations** as follows:

1. Authorize use of CBD-TIF Funds in an amount not to exceed \$350.00 for Octoberfest Advt. Exp.
2. Authorize use of CBD-TIF Funds in the amount of \$200,000 to fund Additional Appropriation for FY 2010 BIG Program
3. Authorize use of CBD-TIF Funds for Michael Redd & Associates revised Scope of Services #1 in the amount of \$45,320.00 to complete work on Riverfront Park Improvements
4. Authorize use of South Historic District TIF Funds in the amount of up to \$3,000.00 to stripe River Street Bike Lanes
5. Authorize cancellation of August 12, 2010 CRA Meeting
6. Authorize City Manager to negotiate engineering contract not to exceed \$25,000.00 for stormwater permitting and engineering design of 100 Block and surrounding area
7. Approve Downtown Palatka 2010 Promotional Campaign

Commissioner Myers moved to pass all items on the Consent Agenda as presented. Commissioner Myers seconded the motion, which passed unopposed.

4. **FY 2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT OPTIONS** – Fred Fox, Fred Fox Enterprises – Mr. Fox said the application cycle is rapidly approaching. Two options have been provided to them. One is improvements to the Community Center and handicapped accessibility to City Hall. The other is improvements to the Riverfront Park. The option is to apply for either of these or both. Only one can be funded, so if the goal is to make upgrades to the riverfront and not the public buildings, they should apply for that grant only. It is possible that both grants would be funded; if so, the City would have to choose which one it wants to accept. Each will be in the amount of \$750,000. Once they are funded they can't reapply until they close out the grant. If their goal is to tie it in with the Riverfront upgrades, and they receive funds to upgrade the community center, and elect to accept that grant, they can't reapply for other funds until that grant is closed out, other than in the economic development grant category. They can apply for both grants. The commercial grant, which is the 100 block issue, is the priority. There are three options. One is to make one application. The second is to make application for both. Option three is to apply for no grant. Commissioner Kitchens moved to accept option 2 and apply for both grants. Commissioner Brown seconded the motion. Mr. Fox said either tonight or at the 2nd public hearing on the 24th they will have to make a decision as to the prioritization. The question was called and the motion was passed unopposed. Commissioner Norwood asked if that motion denotes a priority. Mayor Flagg said the motion carries no priority. Applications will be made for both. They will make the decision as to which to accept at a later date.
5. **PUBLIC HEARING – 3310 Crill Avenue** – Application to Annex, Amend the Future Land Use Map and Future Land Use Element from Putnam County Urban Service to City of Palatka High Density Residential, and Rezone from Putnam Co. R-1 (Single-Family Residential) to City of Palatka R-3 (Multi-Family Residential) – Palatka Housing Authority, applicant; John Nelson, Executive Director, Agent

ORDINANCE Annexing 3310 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 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 Norwood moved to adopt the ordinance as read. Commissioner Brown seconded the motion. Mayor Flagg opened the public hearing.

John Nelson, Executive Director, Palatka Housing Authority, 400 N. 15th Street, showed the Commission and audience drawn renderings of the facility planned for that location. He stated the PHA was asked to partner with the City in developing the 100 Block. They offered the City ownership of the Frank George Apartments, which was 100% occupied. Since that time, the PHA has pursued property on Crill Avenue, with the intent of developing it for replacement senior citizen housing. They have selected a local development team to develop this \$300 million project. This contains 36 apartment units for seniors only, constructed of concrete block with stucco finish. They are also asking the City to alter the zoning from County R1 to City R-3 to develop these 36 units.

Debbie Banks, Planning & Zoning Administrator, said the Planning Board heard this case on May 4th and did not make a recommendation to approve. This was a tie vote. This comes without a recommendation for approval. This is to annex, amend the future land use map, and rezone. The land use amendment includes a clause under Florida Statute that allows a restrictive covenant that limits the project to 36 units, which is 13.1 units per acre, with a planned unit development overlay, which allows them some flexibility. All departmental concerns were answered at the Planning Board level. Mayor Flagg opened the public input portion of the hearing.

Ben Bates, 3400 Crill Avenue, asked if the first item is to consider the annexation only. Mayor Flagg said this public hearing addresses all three items. Mr. Bates said he has no objection to the annexation and land use change. He objects to the PUD and R-3 zoning. He is not against housing for senior citizens. This is not the best location for that project. He feels very strongly about that. He wouldn't want any of his relatives living in that location on this busy street. There are sites better suited for this. He regrets that the PHA used poor planning in selecting this site. Never would you purchase a piece of property to put a project on that isn't zoned properly for that project. That is just good business. He doesn't want the Commission to feel like they have to make a poor decision because the PHA made a poor decision. The PHA was compensated for the high rise. Their job was to go find a replacement site. If they didn't find the right site, that's not the Commission's problem. He wasn't allowed to work with this site, nor was any other private individual, but a clause in the Statute allows the government to do this. This went before the Planning Board twice; it was denied the first time and there was a tie vote the second time. That speaks volumes about this project. This is almost 14 units per acre on 2.75 acres. The traffic is horrendous. There's been a traffic study, which notes the peak hours for traffic are between 4 pm – 6 pm. Peak traffic happens during school hours. His office is 150 feet from this site. According to the report, there would be 126 trips a day by senior citizens. There is one entrance/exit. It is unsafe and inappropriate. He knows this from personal experience. He's had to put a second exit at his office as there are accidents on that road and people can't get in and out. Emergency rescue units need to be able to get in and out of this property. If you are traveling east, you will have to make a u-turn to enter this property. For those leaving this property and heading into town, there will be many u-turns made on Crill Avenue, which is a very busy street. He asked if handicapped residents of any age will be allowed to live there, and if any PUD documents have been given to them for approval up front? This is a major thoroughfare into town; a major corridor. There is no spot zoning save for the high school, which is government use. This creates spot zoning. He said Jerry Maddox, who owns the property to the east, asked

him to speak on his behalf. He is also very concerned about this. This is a commercial area. There are some residences that have been grandfathered in. They need to create a city that will attract other business. This project flies in the face of that effort. He would not have selected this site for a senior citizen residential area. This is a busy site and not private. There is a better location for this project

Craig Sherar, 147 Pine Tree Road, E. Palatka, said he is here to speak against this project. There is a lack of compatibility by changing the current use into a residential use. He concurs with Mr. Bates. Crill Avenue and Palm Avenue are designed to become more commercial, not more residential. These are avenues of commerce. It is incompatible to change the use from commercial into a residential use. At issue with the comp plan is the need for additional residential areas in the City. There is plenty of undeveloped residential space to accommodate these residences. The City's policy is to encourage infill housing and development; they shouldn't be created more residential areas. There is a problem with the traffic. Concurrency is not that there is an ethereal plan, but a plan in effect. The realistic traffic counts are set up to deal with traffic problems. There is a major intersection just up the road at Palm and Crill. This is heavily congested. They won't start allowing median cuts to allow people to turn in and out of that project. They will have to infiltrate other residential areas to turnout of this property. This project is replacing a project that was across the street, and this project can become exactly what was on the Riverfront. Frank George Apts. may have started as seniors only, but ended up as open to all ages. This could, also. He asked the Commission to deny this request.

Commissioner Brown asked Mr. Sherar what they class as senior citizen. Mr. Sherar said HUD sets forth those parameters, and HUD can change those parameters. He understands HUD regulations state that if they can't fill it will seniors, they can allow other types of residents to move in. Commissioner Brown asked him what his definition of a senior citizen is; Mr. Sherar said it is whatever HUD regulations say it is.

Mrs. Banks stated the Planned Unit Development they've presented is in the blue folder. It tells them what the square footage of the buildings will be, describes the driveways, entry ways, and allows flexibility from development standards of R-3. The original plan didn't address lot coverage. Everything they are presenting is what they are required to build. It ties PHA's hands as to what they can build. Mr. Holmes said he recalls some of the things that were discussed at the Planning Board such as unit occupancy by the elderly, and said there was even some talk about laundry being dried on the outside of buildings. Those aesthetic issues weren't incorporated into the Plan. Mrs. Banks said the Planning Board didn't add that into the Plan, or the stipulation that they couldn't do that. These things can be added or removed. Mr. Holmes said one of the advantages of a PUD is you can impose what amounts to contract restrictions on zoning. In this particular case, none of the aesthetic restrictions ever found their way into the PUD's plan. Mrs. Banks said it is not too late to make those changes. Commissioner Kitchens said other PUD agreements had everything spelled out in minute detail, and cited Mr. Jutras' project as an example. This document doesn't do that. These are only pictures. Mrs. Banks said the land use ordinance contains a paragraph restricting occupancy to seniors only. It contains land use restrictions, and caps the number of units. Commissioner Kitchens said when the high rise was built, it was said it will never be anything other than senior housing. Later it became open to all types of citizens. She asked if that clause can be overruled by HUD. Mrs. Banks said it will require a land use amendment. Mrs. Banks said she has no idea if HUD can overrule the clause. Mr. Holmes said it wouldn't be HUD coming back to ask for that, it would be PHA coming back if HUD changes their requirements, and those requirements conflict with the land use amendment. The PHA would then come back before the Commission to ask for an amendment to eliminate that restriction. That would be a decision for the City Commission and Planning Board. Per the question, Mr. Holmes said the high rise was not a PUD and those restrictions weren't in place. Mr. Holmes explained that a PUD (Planned Unit Development) is an overlay over existing zoning which

allows for you to contract with the applicant for some variations, setbacks, lot coverage, building heights, etc. and lock them into certain conditions. To change them would be to apply for PUD modifications through the Planning Board and Commission.

Mr. Bates said this is his specific concern. PUDs spell out how the development will be laid out. All this says is that buildings will be built. It addresses none of what it should address. This is being used as nothing more than an end-run around the zoning so they can build whatever they want. Mayor Flagg asked if there are deficits in the PUD application.

Mrs. Banks said they would have to follow the PUD ordinance in the Code. There are timelines they will have to follow. To the best of their knowledge, upon review no departments found any deficiencies save for adding an extra fire hydrant. The retention pond size may be an issue, but that is up to St. Johns River Water Management to dictate. Mayor Flagg asked for any comment from Chief Getchell and Chief Lambert.

Police Chief Getchell said their review is based strictly on impact to police service. They have no concerns.

Fire Chief Lambert said impact to fire service is also their only concern. They have no concerns.

Ken Schwing, 126 Salisbury Lane, Palatka, asked if the funding for this is being done through HUD financing. Mr. Nelson said in part. Mr. Schwing said when it's for the elderly, the disability act kicks in automatically. If the funding stipulates that it is not for elderly only there is a conflict. The funding says there is an age limit for 60 and above, for the elderly portion, but a disabled 25-yr old can come in under that clause because of the funding stipulations. If the PUD conflicts with the financing, he doesn't see how this can happen.

Mr. Sherar said to follow up on the PUD, this folder constitutes the PUD. He's looked at PUDs before. They can go on a PUD all the way down to what the doorknobs will look like. It can be as general as they'd like. This is not an agreement. These are sketches and a site plan. He looked for the word senior, and it's not there. The government can define a chicken as a cow. If this is in fact limited to the guise that it's restricted to seniors only, and aside from the age discrimination issue, this doesn't limit occupancy to senior citizens. If someone has an issue with laundry, that's not here. If that's what they want, and want this limited to people only over the age of 60, they need to put that in the agreement in writing.

Mr. Nelson drew their attention to a particular site plan, which is located in their book. Referring to Mr. Bates' comments, he stated they have been working with the City planners since the beginning of this project in developing replacement housing and looking at this particular site. They didn't operate in a vacuum. The site is an adequate site. It's located within 400 feet of shopping and next door to doctor's offices. It has all the amenities that senior citizens need. They don't need a bus or car to shop or go to the doctor. Seniors at Grand Pines and Barry Manor can be seen on any given day at any given time walking or riding motorized wheel chairs up to the Save-A-Lot grocery store. That is a lot further away and they have to cross many more streets. The street is heavily impacted by school starting and ending times. The area is situated to a point where seniors can live comfortably, as evident by the site plans. As to hanging laundry, you can remedy that with placement of the buildings. The back of the buildings are situated so that they are not visible from Crill Avenue. Each unit has a washer/dryer inside. People would have no need to hang laundry outside. There is a protective decorative fencing along Crill with shrubbery. The community won't be highly visible. Coming out of Elmwood Street, there is a sign that says no left turn. All traffic has to go up, turn around and come back down Crill Avenue. This will be no different for those leaving this complex. Most seniors don't have vehicles. Maybe half will have vehicles. That

will not impact the traffic on Crill. The development itself has been worked on since 2006. This is replacement housing for what was initially a senior-occupied building.

Mr. Nelson said due to a plan to allow the City to acquire the Frank George Apartments, it was evacuated and those people were relocated prior to receiving HUD approval to do so. When HUD didn't approve the plan, the PHA was told to occupy the building, and when that happened, seniors and non-seniors were mixed in. Since that time, HUD has developed stipulated seniors-only housing. It used to include handicapped persons of any age, but that is not the case any longer. No one under the age of 60 can live there, handicapped or not. They can maintain a 36-unit senior development with just seniors. This is not a large development. These will be for seniors only. They relocated around 60 seniors out of the Frank George. Some went as far away as St. Augustine. They can come back. In terms of funding, a primary portion results from the sale of the Frank George. They received replacement housing funds to make up the difference. They aren't out to seek additional funding from HUD. The buildings are very well laid out and the streets are wide enough to allow for fire protection. The plans were complete when submitted, including specifications for the doorknobs, roofing, bathrooms etc. They made no shortcuts on planning. There is a bank, a general store, grocery store, and fast food places right there. These amenities were not available at the Frank George, and they won't have those available in some deserted location. Most seniors don't want peace and quiet; they don't want to be isolated.

Mr. Bates said he never said The PHA didn't plan, but believes they didn't do proper planning. They didn't come before the Commission for rezoning until two years after they bought the property. The fence is a wrought iron fence, which you can see through. This is not a PUD; this is nothing but a site plan. A PUD is a written document spelling out everything in detail. The Commission needs the facts for their deliberation. Mr. Nelson said the wrought iron fencing is along the front of Crill with vegetation. Along the back is shallow wood fencing and the development won't be visible to adjacent properties. This is not visible from the street. They've taken all those things into consideration. They didn't purchase the property until after they'd talked to the City about this development. This is the developer's prime location. There was a lot of discussion with the City regarding the use of this site for this purpose.

Rudd Jones, civil engineer for this project, 209 N 4th Street, said as to the traffic study, the number of trips generated by the project doesn't impact level of service within a mile of the project. If the project were developed under its current zoning, R-1 County, it would generate more trips than it does under the current plan. Mr. Holmes asked as to the level of service at those intersections. Mr. Rudd said it is C and D. Mr. Holmes asked how many trips per day that involves. Mr. Holmes said it is a little misleading to say the number of trips won't impact the level of service designation. They are so high, it's true another couple of hundred trips won't trip the level of service designation, but it still impacts the congestion because they are set so high. It won't exceed that, but realistically if you ever hit the level of service, traffic would be unmanageable. It is not a real descriptive way of telling you about the traffic impact. Mr. Rudd said the maximum daily service volumes are way above the annual daily trips are. They aren't even approaching a significant value increase. It is not even close.

There being no further public comment, Mayor Flagg closed the public comment section of the Hearing.

Commissioner Kitchens asked where in the packet it specifies occupancy will be seniors only. Mrs. Banks showed her it is under recitals in the land use restriction agreement, in two places. Mayor Flagg asked how the land use restriction agreement relates to the PUD agreement. Mr. Holmes said it doesn't relate to the PUD but to the land use restriction. Mayor Flagg asked how the folder relates to the PUD. Mrs. Banks said this is how the project will appear, where things are located, i.e. signs, hydrants, buildings, etc. Mayor Flagg asked if there is a script to go with the rendering. Mrs. Banks said just their application and the other items they

submitted, and they will have to comply with the PUD ordinance. Commissioner Kitchens said the drawings are beautiful, she has no problem with the plans, and she doesn't care about the laundry. The history is that the City negotiated with Mr. Ashji in 2006 and he was supposed to negotiate with PHA regarding providing the replacement housing and where that would be. She had numerous objections to that location. That fell through, and now Mr. Nelson is doing the replacement housing. She doesn't think this is a good location. The seniors won't impact the traffic, the traffic will impact the senior citizens. The traffic is horrendous and very hard to navigate. She avoids that area during school times. She wouldn't have any relative living there because it is dangerous. There are problems with young people gathering in the fast food parking lots. This is not a safe location from traffic or crime standpoints. There is a surgeon there and a foot doctor, and two veterinarians. There is a lot of property behind the Palatka Mall that is better suited and close to the hospital, doctor offices and the Fire Dept. Senior citizens will not be safe here. This is better suited for commercial use. Her objection is mainly due to the traffic; it is extremely dangerous. There are better locations. This property could be swapped for another location.

Commissioner Brown said when the City approached the PHA about acquiring the high rise, the City promised the citizens who lived there they would make sure they had some proper housing. Things fell through. People are scattered everywhere. The PHA has a waiting list for senior housing. They need proper housing. She is a senior citizen herself and over the age of 70. She doesn't want to live behind the Mall. Isolating seniors is not a good idea. People their age have the ability to get around. She works two jobs. They are not all infirm. The PHA has gone to great lengths to find proper senior housing. She lives in a high traffic area and getting in and out of her garage is dangerous. Senior citizens have a right to live in a place where they can walk to a store. Most of them don't drive or don't own a car. The Police Chief didn't find anything disastrous about this, nor did the Fire chief. She sat on the Affordable Housing Study Commission for several terms. They look at business corridors. There is housing in this area including apartments. This is a mixed use area. Most people won't hang clothes outside if they have a washer/dryer. PHA public housing areas are well groomed.

Mr. Holmes said this is a land use decision, not a decision as to whether or not it is the best place for senior housing. It is not based upon whether the City owes the PHA anything because they gave up the Frank George Apartments. If they make a decision based on those factors, they are leaving themselves open for a challenge. They can take into account compatibility, traffic and anything else related to land use. They can't use comments that the City is showing favorability to the PHA because of the Frank George. They can take compatibility into account. They can use traffic factors. The question isn't that they need to make a place for seniors. This is multifamily housing with a PUD with a density of up to 15 units per acre, but by agreement it is dropped down to 13 per acre, for a total of 36 units on 2.75 acres. Those are legitimate factors. He doesn't think anyone questions the job Mr. Nelson has done for the PHA. You can't make a decision based on that factor. This zoning is transferable. Placing faith that things are going to take place should be based upon the document. They have to rely on the document, not on what is said. The document is binding to a future transferee. It's true that a PUD can be as descriptive and detailed as they want, or bare bones. Most of the ones the Commission has seen have been more descriptive. They've had a document that talked about various elements of the development. He isn't blaming Mr. Nelson for this. These drawings came about because when this was first proposed, it was proposed as R-3, not a PUD. R-3 doesn't require a plan. The Planning Board wasn't comfortable with approving a blanket rezoning without knowing more about it, so they turned it down. Then Mr. Nelson came back with the drawings in the concept of a PUD to give them an idea of what it would look like. That is how the drawings took place. There wasn't a request for a lot of verbiage in an agreement. That said, this would be the governing document. The agreement isn't part of the PUD agreement. There are three issues before the Commission.

This document applies to the Comp Plan and is basically a restriction on the Comp Plan designation, not on the zoning.

Commissioner Myers said he does support public housing and has a lot of respect for the job Mr. Nelson has done. He agrees they need additional senior housing using. He has concerns with the compatibility with the surrounding properties. This is a commercial corridor. The remaining residences they have on that stretch will eventually convert to commercial use. It is disingenuous to think this is the only suitable site. There are many more that would address all the other access issues discussed tonight. He is not in support of this site.

Commissioner Norwood asked how this plan lines up with the Comp Plan. Ms. Banks said the Plan doesn't address any "corridors." There have never been any maps that say "this corridor will be commercial." Commissioner Norwood asked, under normal PUD agreements, do those agreements come back to the Commission for approval? Mrs. Banks said the PUD is the zoning ordinance. It will be heard again in 2nd reading. Commissioner Norwood said they have to find housing for seniors. Listening to traffic and how dangerous Crill Avenue is, he sees seniors driving up and down Crill every day. They are capable of making U-turns and pulling out of driveways. There are safety concerns. That will be anywhere you go. Members of City staff are the professionals they pay for these recommendations, and he's willing to accept those recommendations. You can probably manipulate numbers and traffic studies, and if the firm that did the traffic study is a legitimate firm, they should accept the study. Mrs. Banks said this is the firm the County uses to do their traffic studies. Commissioner Norwood said they have to make their decision based upon the material before them. He's willing to support staff's recommendation.

There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Norwood and Mayor Flagg, yes; Commissioners Kitchens and Myers, no. Ordinance 10-09 was declared adopted upon majority vote, 3 in favor, 2 opposed.

ORDINANCE - Land Use Amendment Ordinance #10-10 with Land Use Agreement to Amend the Future Land Use Map and Future Land Use Element from Putnam County Urban Service to City of Palatka High Density Residential – Adopt – The Clerk read an ordinance entitle AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST FROM COUNTY URBAN SERVICE TO CITY HIGH DENSITY RESIENTIAL, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance on first reading. Commissioner Brown seconded the motion. Mayor Flagg said issues were raised with future land use in the capacity of Florida Statutes that govern those. Sometimes they put opinions into the equation. He asked Mrs. Banks if passage of the ordinance would be in compliance with the Comprehensive Plan, or would they be violating it. She answered they would be in compliance with the Comprehensive Plan. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Norwood and Mayor Flagg, yes; Commissioners Kitchens and Myers, no. Ordinance 10-10 was declared adopted upon majority vote, 3 in favor, 2 opposed.

ORDINANCE Rezoning 3310 Crill Avenue from Putnam Co. R-1 (Single-Family Residential) to City of Palatka R-3 (Multi-Family Residential) – 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 R-1 (SINGLE FAMILY RESIDENTIAL) TO CITY R-3/PUD (MULTI-FAMILY RESIDENTIAL/PLANNED UNIT DEVELOPMENT); REPEALING ANY ORDINANCE

HEREWITH, AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Brown seconded the motion. There being no discussion, a roll call vote was taken, with the following results: Commissioners Brown, Norwood and Mayor Flagg, yes; Commissioners Kitchens and Myers, no. The ordinance was declared passed on 1st reading.

6. **PUBLIC HEARING – Plum Creek Industrial Parcel #05-10-26-0000-0010-0000** – 680.12 acres on CR309-C between SR 20 & SR 100 – Planning Board Recommendation to Amend the Future Land Use Map and Future Land Use Element on a parcel of land more than 10 acres in size from Putnam County Industrial (IN) to City of Palatka Industrial (IN) and rezone from County AG (Agricultural) to City M-1/PID (Light Industrial/Planned Industrial Development) – Plum Creek Timberlands, LP

ORDINANCE #10-11 - Large Scale Land Use Amendment to Amend the Future Land Use Map and Future Land Use Element on a parcel of land more than 10 acres in size from Putnam County Industrial (IN) to City of Palatka Industrial (IN)- Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF PALATKA COMPREHENSIVE PLAN CHANGING THE DESIGNATION OF PROPERTY IN SECTION 05 TOWNSHIP 10 SOUTH RANGE 26 EAST FROM COUNTY INDUSTRIAL (IN) TO CITY INDUSTRIAL (IN); AMENDMENT OF THE FUTURE LAND USE ELEMENT BY ADDING A NEW SITE SPECIFIC POLICY A.1.11.6.; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Norwood seconded the motion.

RECESS - Mayor Flagg received consensus to recess the meeting at 7:50 p.m.

RECONVENE – Mayor Flagg reconvened the 6/10/10 Palatka City Commission meeting at 8:00 p.m. and continued with the Orders of the Day.

Mayor Flagg asked for an overview from the applicant.

Ray Spofford, 14775 Old St. Augustine Road, Jacksonville, representing applicants for Timberland LLC, said this is a change to the comprehensive plan, which was transmitted to the State some 3 months ago for their review. All appropriate State agencies reviewed it with no objections and the few comments made were addressed. The other item is a rezoning to a Planned Industrial Development (PID). A description of the project is contained in their agenda package. They envision this as a light industrial project. It is amenable to warehouse manufacturing and distribution as it has direct access from SR 100 and hopefully SR20 in the future. It will be developed in two phases and you cannot build beyond 180,000 sq ft without demonstrating that there will be roadway capacity on SR 100. One reason they asked for PID zoning is because it is near the airport and is affected by the airport's current and future operations. There are three things that affect the site; one is noise generated by the airport, the other is consideration for land use compatibility and the third thing is the height of buildings/structures. The City has plans to extend the main airport runway and that would affect this site. They have provided provisions to address all three of these items. FAA requirements have been addressed. They have exceeded requirements for this zoning. At build-out it could employ as many as 4,600 people with a total annual income of \$155,000,000. The taxable value of the buildings could be over \$260 million, which would bring in \$4.5 million in City and County ad valorem proceeds. The build-out time span is 10 years.

Dana Jones, President, Putnam County Chamber of Commerce, said the Chamber supports this project.

Commissioner Kitchens said this is a wonderful project and is right where it should be. Commissioner Brown concurred and said she's always wanted to see international trade come to the area. Commissioner Myers concurred saying this is a positive project. Commissioner Norwood concurred and said it is indicative of them putting the infrastructure in place, which makes the land more attractive for development.

There being no further discussion a roll call vote was taken with the following results; Commissioners Norwood, Brown, Kitchens, Myers and Mayor Flagg; yes. Nays; none. Ordinance #10-11 was declared adopted.

ORDINANCE rezoning Plum Creek Industrial Parcel #05-10-26-0000-0010-0000 (680.12 acres on CR309-C between SR 20 & SR 100) from County AG (Agricultural) to City M-1/PID (Light Industrial/Planned Industrial Development) – Plum Creek Timberlands, LP – 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 05, TOWNSHIP 10 SOUTH, RANGE 26 EAST; FROM COUNTY AG (AGRICULTURE) TO CITY M-1/PID (LIGHT INDUSTRIAL/PLANNED INDUSTRIAL DEVELOPMENT); 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 further discussion a roll call vote was taken with the following results; Commissioners Norwood, Brown, Kitchens, Myers and Mayor Flagg; yes. Nays; none. The ordinance was declared passed on first reading.

Commissioner Brown said they need to sit down and talk about putting urban service boundaries in place to provide guidelines for staff. Mayor Flagg said Mr. Boynton has noted the request and will address this.

7. **ORDINANCE** amending Chapter 70 of the Code of Ordinances to amend the requirements of the premises numbering system - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 70, ENTITLED STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY AMENDING ARTICLE III, HOUSE NUMBERING, TO AMEND THE TITLE OF THE ARTICLE TO PREMISES IDENTIFICATION; AMENDING SECTION 70-81, NUMBERING SYSTEM; AMENDING SECTION 70-83, SIZE DESIGN AND LOCATION OF NUMBERS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on 1st reading. Commissioner Myers seconded the motion.

Mrs. Banks said this is to make the Code comply with the Fire Code. Businesses were meeting the City's code but not the State Fire Marshal's code. There is a sentence there that allows the fire marshal to use discretion to allow existing numbers to stay up when they are close enough to the road. This only applies to commercial property. Numbers will now have to be 6 inches. Mayor Flagg noted Fire Official is not defined, and that probably needs to read Fire Marshal. Commissioner Kitchens moved to change the word Fire Official to Fire Marshal. Commissioner Brown seconded the motion, which passed unopposed. A roll call vote was taken on the main motion to pass the ordinance on first reading as amended with the following results; Commissioners Kitchens, Myers, Norwood, Brown and Mayor Flagg; yes. Nays; none. Ordinance passed on 1st reading.

8. **ORDINANCE** amending the Zoning Regulations of the City of Palatka to allow balconies extending beyond property lines in DB and DR zoning districts – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE OFFICIAL ZONING REGULATIONS OF THE CITY OF PALATKA, FLORIDA, BY AMENDING SECTION 94-198 (A) AND (B), BALCONIES EXTENDING BEYOND PROPERTY LINES, TO ALLOW BALCONIES EXTENDING BEYOND PROPERTY

LINES IN DB AND DR ZONING DISTRICTS; TO PROVIDE FOR BALCONY CONSTRUCTION STANDARDS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Kitchens moved to pass the ordinance on 1st reading. Commissioner Myers seconded the motion. Mayor Flagg stated for the benefit of all DB and DR needed to be spelled out as Downtown Business and Downtown Riverfront. Mr. Holmes said it is shown as DR and DB in the Code. There being no further discussion, a roll call vote was taken with the following results; Commissioners Myers, Norwood, Brown, Kitchens and Mayor Flagg; yes. Nays; none. Ordinance was passed on 1st reading.

9. **ORDINANCE** amending Chapter 10 of the Code of Ordinances to extend on-premises alcoholic beverage sales on Sundays from 12:00 midnight until 2:00 a.m. Monday morning – 1st Reading – The clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, TO REVISE THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO ALCOHOLIC BEVERAGES BY AMENDING SECTION 10-4, HOURS WHEN SALES PROHIBITED, AND SECTION 10-5, HOURS OF CLOSURE FOR ON-PREMISES CONSUMPTION, TO EXTEND THE HOURS FOR LICENSEES TO REMAIN OPEN AND SELL ALCOHOL ON SUNDAYS FROM MIDNIGHT UNTIL 2:00 A.M. THE FOLLOWING MORNING; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on 1st. reading. Commissioner Myers seconded the motion.

Commissioner Kitchens said Putnam County, Welaka and Interlachen cut their alcohol sales off at midnight. St. Augustine changed their ordinance to extend sales to 2:00 a.m. but that sunsets on July 12, 2010. One of Mr. Lyon's arguments was that because the original alcohol ordinance was drawn up because drinkers from adjacent counties were coming here to Palatka. All other surrounding areas will close at midnight. Those drinkers will come to Palatka to drink. When St. Augustine's ordinance sunsets those people will also come to Palatka. They've not based decisions on economic factors. They've been telling Putnam Behavioral they couldn't give them money because times were bad, and they wanted money to treat alcoholics. Based on these reports, this will increase calls for service, which increases overtime expense. They've limited overtime for police. If there is a problem between 12 midnight and 2 am on Monday morning, this is based on one owner's plea for financial help, but it will affect the entire city of Palatka. If they are going to change laws based upon the economy, they need to write laws on the blackboard so they can easily change them. She's sorry Mr. Lyon is having difficulty. If all places that serve alcohol are open, customers will be going to other places, too. Hundreds of people supported the ordinance that was written. One citizen has asked it be changed. The cost to the City is greater. There were supposed to be people here tonight from the hospital to state that emergency room calls were reduced when the ordinance was changed. Many of people hurt in alcohol accidents received indigent care, which costs all of them money. All surrounding areas will be closing at earlier hours, so those people will be coming to Putnam County. You can't change laws based upon the economy. The Commission does regulate morality, because laws regulate; therefore, you can legislate morality. She doesn't think it's in the best interest of the City to change the law. They are not in the business of being a charity.

Police Chief Gary Getchell said he was asked to come back to the Commission and report the impact to the Police Department. They took a very basic approach to it. They showed calls for service from 8 – 9 pm to 3 am. They carried those factors out to Sunday to show what would happen should the ordinance be changed. There are several factors to take into consideration. He can't answer what the calls will be until they happen, but this is an estimate. He cautions them that there are other things going on in the City they are tied up on when there are things going on in alcohol establishments. They only looked specifically at bars. They looked at three points. Bars are night clubs. Alcohol establishments are outlets. He looked at their calls from 9 to 3 am, and what else is going on in the City at non-alcohol

establishments from 9 to 3 am. There is an increase based on averages. The 2nd thing is that this year they've cut their overtime, and next year it is cut even further. Their schedule is 12 hours on. Within that is built-in 8 hrs of overtime. What they are doing is making their officers back out eight hours a month from their schedule. Somewhere in the middle of their shift they go home. Sunday night is generally used for that purpose as calls for service drop. They will need to keep some of those people over, which increases their overtime. If they make an arrest they have to go to court. He has great concerns about financial impacts to the PD. Surface numbers may not seem that significant, but there are financial impacts. To balance the budget they are holding vacancies open; that will make two vacancies open from nights. He won't fill them until the City can fill them. If the economy does get worse, and the financial situation is direr next year, there is no other place to cut. They will have to cut staff. The more need they have for police officers the more they will need to cut.

Commissioner Brown said the economic impact for this area has been quite large. They want to keep people working. There has been an impact on those people who want to see those places open. It makes it hard for small mom and pop businesses to sustain themselves. She doesn't think this is just about making money, but about making ends meet. Commissioner Myers said the present ordinance allows sales from 7 am to 2 am for every day of the week except Sunday, so this just amends Sunday. Commissioner Norwood said when they changed the ordinance in 2004, he heard the public outcry to put an ordinance in place to bring the behavior under control. He asked Chief Getchell if calls for service went down after that ordinance was changed for those hours on Sunday. Chief Getchell said they did; there was a significant decrease from 3 am to 6 am. Commissioner Norwood asked of the City has more or fewer police officers on staff now. Chief Getchell said the highest they've had was 39 officers, which is where they are now. There were periods from 2002 - 2003 when that went down to 37. Those are full-time positions without necessarily every position full. Commissioner Norwood said the more officers you have, the more calls for service you have, and asked if that is correct. Chief Getchell said if they have time to be on the street soliciting their own calls, that's a yes. The more citizen generated calls, the less time they have to be proactive. There are two types of calls – citizens and officer-generated calls. Officer generated calls go up when they have more time to generate them. Mayor Flagg said in reviewing hours of sales and consumption, Palatka has many enclaves. In comparing Palatka to Putnam County, they have been a little more liberal or generous. The situation is not broken and they need to be cognizant of that. They need to be sensitive to current circumstances and situations across the board.

The question was called and a roll-call vote was taken, with the following results: Commissioners Brown and Myers, yes; Commissioners Kitchens, Norwood and Mayor Flagg, no. The ordinance was defeated by a vote of 2 in favor, three opposed.

Johnny Lyons said, as to Commissioner Kitchens' concerns, people are not going to come from far away for an extra hour, not from Jacksonville and not from St. Augustine. The St Augustine ordinance is in place on a trial basis. They are going to readdress it. He would not object to that. He is the only bar open on Sunday at this time. When changes were made, no one was open on Sunday. Since Sunday is a weekday they should base their numbers on Monday through Thursday numbers, and not weekend numbers. This would bring more business downtown and they would stay open longer. Commissioner Kitchens said hundreds of people came out in support of the prior change. Mr. Lyons said no one is here to oppose this and it was advertised. Not only bars cause calls for service. Mr. Lyons said he is eating breakfast at 3 am at Huddle House with police officers on shift. He would not be opposed to doing this on a temporary basis.

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

11. **COMMISSIONER COMMENTS**

Commissioner Kitchens said an issue in Downtown Palatka needs attention. Merchants are displaying merchandise on sidewalks, taking up over half the sidewalk. She notified the Building Dept. about this, and they notified these business owners this was a code violation. It disappeared for a few days but came back. Store owners feel they can violate the ordinances because a certain merchant has stated he/she will be bringing this to the Commission. Yesterday a youth bed was sitting against a building. Codes Enforcement has sent letter after letter notifying them they can't do this. She asked, in an instance where the City can't enforce its Codes, and someone trips on an object someone has placed on the sidewalk, can the City be held liable for damages? She asked what they can do when they can't enforce their ordinances, saying it looks like a huge yard sale.

Mrs. Banks said they've been trying to work with downtown merchants as they don't want to appear anti-business. They initially approached her about the possibility of amending the ordinance, but no one has come to her to discuss it. They haven't sent actual warnings yet. She can send those warnings out. Mayor Flagg said they will schedule this as an agenda item to allow all to discuss the subject. They want voluntary compliance. The commission won't authorize Codes Enforcement to look the other way. They are pro-business, but people need to comply with the Code. They can request a Code change. Commissioner Kitchens said she is concerned that the City will be sued.

Commissioner Kitchens said they need to look at the method they use to change an ordinance. The Police Dept. spent \$1,100 to do additional studies on the alcohol issue that had been previously done. The State recently passed a rule that to get something on their ballot you have to have 60% of voters sign a petition. She is concerned that one person can come ask for an ordinance change that costs the City money. This was something they studied for two years. They need some method of addressing this. No one from the public was here to address this tonight because previously they had hearings on this for two years. This was discussed at only one meeting before it came before them in Ordinance form. Mr. Holmes said they discussed whether or not the Police Department was going to restudy this issue at that meeting. Commissioner Kitchens said she requested that. Mr. Holmes said at that time the Commission commissioned the Police Department to put that information together. They had the option of not doing that. He would hate to see them put arbitrary criteria in place as to when they would consider an ordinance. The whole nature of what they do is to look at the ordinances; there is nothing wrong with looking at an ordinance based on one person pointing out an ordinance needs to be changed. It is their decision as to whether or not it needs to be changed. Commissioner Kitchens said they need some step in between a request and a public hearing. Commissioner Brown said many people are afraid to request changes to ordinances. The Commission is obligated to hear these requests. Times change and laws change with the times. They have to be receptive to changes.

12. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:55 p.m. upon a motion by Commissioner Myers and seconded by Commissioner Kitchens.

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