

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

MINUTES
CITY OF PALATKA
October 13, 2011

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 13th day of October, 2011.

PRESENT:

Mayor	Vernon Myers
Commissioner	Mary Lawson Brown
Commissioner	Allegra Kitchens
Commissioner	Phil Leary
Commissioner	James Norwood, Jr.

Also Present: City Manager Elwin C. Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matthew Reynolds; Planning Director Thad Crowe, Assistant Police Chief James Griffith; Fire Chief Mike Lambert; Fire Marshal Mark Lynady

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

INVOCATION – Commissioner James Norwood, Jr.

PLEDGE OF ALLEGIANCE – Led by Assistant Police Chief James Griffith

APPROVAL OF MINUTES – 9/22/11 – Commissioner Norwood moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

INTRODUCTION of Charles Rudd, New Main Street Manager – City Manager Boynton introduced Charles Rudd, who has been on the job for the past four weeks. He has been a Main Street Manager for the City of Eustis and others, and brings that wealth of experience here. He is located in the City Hall Annex, 205 N. 2nd Street. He urged the public to feel free to approach him about Downtown Palatka and Central Business District matters.

PROCLAMATION – Fire Prevention Week – October 9 – 15, 2011 – Fire Marshal Lynady was present to receive the proclamation, which was read and presented by Mayor Myers. Fire Marshal Lynady said this is the month to change the batteries in smoke detectors, which are largely credited with saving lives. Fire Chief Lambert was also present.

PROCLAMATION – Breast Cancer Awareness Month/National Mammography Day – October, 2011 – Dr. Anand Kuruvilla, Putnam Cancer Center, and Susan Loosberg, Owner of The Pink Door were present to receive the proclamation, which was read and presented by Mayor

Myers. Dr. Kuruvilla said there are many wonderful providers who work in tangent to help address the needs of breast cancer victims. Mrs. Loosberg has clients that come from outside of Putnam County to seek her services. Dr. Kuruvilla said there is a great team of physicians and professionals working at the Cancer Center to see to patients' care and needs. Last week he was informed that his Center is one of the few in Florida that will be part of a national study of cancer treatment. They will have to go through a lot of preparation for that. They are second only to M. D. Anderson in Orlando.

PROCLAMATION – Domestic Violence Awareness Month – October, 2011 – Cara Taylor Swift, Lee Conlee House Executive Director, and JoAnn O'Neil with the Florida Dept. of Health were present to receive the proclamation, which was read and presented by Mayor Myers. Other Lee Conlee House Board members were present. Ms. Taylor Swift thanked the Commission for their actions supporting Domestic Violence victims. Domestic Violence occurs in epidemic proportions and is the leading cause of injury to young adult women. There are four women killed each day due to domestic violence. For domestic violence to end in this community there must be a coordinated response, which help services work faster and better for victims, and holds batterers accountable. By adopting a Domestic Violence Leave Policy, the City of Palatka is helping to meet the challenge head on. She urged the community to call the Domestic Violence Help Line whenever domestic violence is experienced, seen or suspected. A vigil will be held October 19 at 5:30 p.m. at the Courthouse and the Jan Dunn Keller Calendar Contest kicks off this month; forms are available at area schools.

JoAnn O'Neil, Putnam County Health Dept, victim advocate and therapist, thanked the City for recognizing this cause by adopting this proclamation. They wish to recognize Lee Conlee House for the work they do in this community through their services and outreach services. They help hundreds of victims each year. They could not have advanced the cause this far without the strength and leadership of Ms. Taylor-Swift and the Lee Conlee staff, and all advocates serving in this community. Services and related programs are housed at various other public safety agencies around town. All these services available are free of charge to victims and their children.

- 1. Adoption of City of Palatka Employees' Domestic Violence Leave Policy –** Commissioner Norwood moved to adopt a City of Palatka Employees' Domestic Violence Leave Policy. Commissioner Kitchens seconded the motion, which passed unopposed.

REVISED AGENDA ADOPTION – Commissioner Leary moved to adopt the revised agenda as presented. Commissioner Kitchens seconded the motion, which passed unopposed. Mr. Boynton said he received a letter from Mr. Ham regarding the status of the development, and would like to also add that item for emergency action. Mr. Holmes asked that each item be added as an emergency item when they come to those items. There being no further discussion the motion passed unopposed.

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

CDP UPDATE – Mr. Boynton said he received a letter today from CDP pulling out of the Development Contract and terminating the agreement immediately. Mr. Boynton read the letter into the record, noting CDP was unable to achieve and meet financing requirements. The letter was signed by Andrew M. Ham, Vice President, Community Development Partners, Inc.

Mr. Boynton said he and Mayor Myers met with Mr. Ham last Monday and pushed him for a final answer; he agreed to have an answer in time for this meeting tonight. He asked the City Attorney to address what action needs to be taken by the City Attorney to accept this and bring this action final. Mr. Holmes said as CDP has terminated the agreement, it is now terminated. The City is free to move forward with whatever faction or fashion the City chooses. He asked if

there are any plans or specs that he has provided that may be work product. Mr. Boynton said there are not. Mr. Holmes said the City is free to move forward.

Commissioner Kitchens said CDP was the only response to the RFP that was put out, and responded again to a second RFP. It's unfortunate for everyone that the economy has gotten so bad since the start of this project; this is not good timing. She wants it entered into the record for the public that in her dealings with Mr. Ham and before this commission, she is very sad to see this day has come. She was hoping he could see this project through. The City was blessed to have someone of Mr. Ham's caliber and integrity, and he tried his best to work this project through. This is not a good day for Palatka. She has had many people request private meetings with her to present grandiose plans for this redevelopment, and when she checked their stories, she found them to be untruthful. She appreciates Mr. Ham's honesty. He kept the Commission informed of his progress, good or bad. She hopes when the economy improves Mr. Ham will come back to Palatka and work on a future project.

Commissioner Leary said this is no surprise to him. He believes there is silver lining in this. It will give the City the opportunity to re-evaluate the 100 block structures and moved to hold a workshop prior to the release of a future RFQ to reevaluate the City's goals and the sequence of events they would like to see occur in the downtown. Commissioner Norwood seconded the motion. Commissioner Brown said she wants to move forward; they've wasted enough time. She'd like to see this done at the earliest opportunity. Commissioner Norwood said this is just part of the process; sometimes you win, and sometimes you lose; this is unfortunate but gives them an opportunity to move forward in a different direction and to reevaluate the City's goals and objectives. Mayor Myers concurred and said while he is disappointed he is not surprised. The past three years have been difficult financially, not only nationally but locally. Their situation is not unique; it is difficult to finance projects and attract equity investors. They are faced with the question of how to move forward. They can turn this into a positive and re-evaluate the plan. He agrees the 100 block buildings are obtrusive. He concurs on the workshop. He is pleased with this outcome and believes it will provide an opportunity to move forward in a different direction. There being no further discussion, the motion passed unopposed.

Robert Taylor, 710 St. Johns Avenue, said he's very interested in the workshop and asked if private citizens will be invited to attend. Mayor Myers said it will be open to the public. Mr. Taylor said he agrees this is a significant opportunity to move forward; they now have a Main Street Manager and Planner on board that were not previously in place.

3. **CONSENT AGENDA:**

- a. **Award bid in the amount of \$743,500.00 to Brandes Design, Inc.** for WWTP Aeration System Improvements and authorize execution of contract for same, per recommendation of project engineer
- b. **Award contract for Police False Alarm Program Management to ATB Services, LLC** and authorize execution of Agreement for Services, per results of RFQ and recommendation of Police Chief
- c. **Authorize acceptance and execution of the Edward Byrne Memorial Justice Assistance Grant Contract #2012-JAGC-PUTN-1-C4-027 in the amount of \$21,364.00,** per Police Chief's Recommendation
- d. **Authorize execution of Contract Modification #1 to FEMA HMPG Grant #DR-1785-043-R** to extend the expiration date to November 22, 2011 and modify the budget and scope of work for the Oak Street/St. Johns Avenue Drainage Improvements, per City Manager's Recommendation
- e. **Authorize execution of Halifax Paving, Inc. Contract Change Order #1 in the amount of \$64,000.00,** increasing the total contract amount to \$3,234,127.49, for Runway 9/27 Paving & Drainage Improvements Project (FIN #430484-1-94-11) to add public restroom and equipment storage facilities, per City Manager's and Airport Engineers' recommendation

- f. **Authorize City Manager to execute a Memorandum of Agreement with the Alachua County Sheriff's Dept.** concerning the purchase and maintenance of mobile radios under Florida Emergency Mgmt Grant #12-DS-8D-03-11-001-162, per City Manager's recommendation
- g. **Appoint Commissioner Phil Leary as City of Palatka Commission Representative to the Putnam County Waterways Committee** effective immediately, per request of Waterways Committee Chairman
- h. **Grant permission to exceed allowable noise levels established by Chapter 30 of the Palatka Code of Ordinances for "4th Saturday Cruise-In and Blues-In Block Party"** from 5:00 p.m. to 10:00 p.m. on Saturday, October 22, 2011 – Billy Ennis, Applicant – per Special Events Coordinator's Recommendation
- i. **Issue Class A Special Event Permit #11-35 for St. Johns River Blues Festival, November 11 – 13, 2011 and grant permission to exceed allowable noise levels** established by Chapter 30, Palatka Code of Ordinances for the following dates and times:
 - Friday, November 11, 2011 5:00 p.m. – 8:00 p.m.
 - Saturday, November 12, 2011 10:00 a.m. – 10:00 p.m.
 - Sunday, November 13, 2011 1:00 p.m. – 8:00 p.m.
 per recommendation of Special Events Coordinator and City Manager – Billy Ennis, Applicant
- j. **Grant permission to exceed allowable noise levels established by Chapter 30, Palatka Code of Ordinances to John Lyon, owner, Steamboat Willies,** from 10:00 p.m. until 1:00 a.m. on Friday, October 14 and Friday, October 28, 2011
- k. **Surplus Airport Property, Parcel #03-10-26-0000-0010-0040, containing 1.49 acres,** and authorize release of Request for Proposals for disposition of property, per recommendation of City Manager
- l. **Concur on Palatka's Legislative Priority #2 to introduce a Local Bill to the Florida House of Representatives that would allow the City of Palatka and/or Putnam County BOCC to pass a local ordinance establishing a mooring field on the St. Johns River from the Memorial Bridge to Wilson's Cove,** and authorize City Staff and the City Attorney to work with the Board of County Commissioners on the drafting of a local bill for advertisement and presentation to the Florida House of Representatives, per results of permission received from the Putnam County Legislative Delegation

Commissioner Leary moved to add consent agenda items (k) and (l) as emergency items to the consent agenda. Commissioner Brown seconded the motion, which passed unopposed.

Commissioner Brown moved to approve all items on consent. Commissioner Leary seconded the motion, which passed unopposed.

ORDERS OF THE DAY – Mayor Myers requested and received commissioner consensus to move Agenda Item 7 to the front of the Orders of the Day.

- 7. **PUBLIC HEARING/ORDINANCE** amending the City of Palatka Comprehensive Plan to allow for the extension of the Community Redevelopment Area Plan – *Authorize transmittal of draft ordinance to state agencies for review* – Lara Dietrich, Consultant, said they were provided with a revised draft ordinance and she distributed a proposed adoption and advertisement schedule (filed), which contains critical dates with regards to the adoption of the ordinance and resolution that was introduced to the CRA today. Statutory requirements call for the CRA to originate the resolution as the CRA was established by resolution. Any amendments could be done by resolution. The CRA received the resolution, not the ordinance. It will later be introduced to the Commission with recommendations from the CRA. A resolution only has intent; an ordinance enforces the intent. She believes it best for the City and the CRA to add a policy to the Comprehensive Plan that will enforce the resolution. It is proposed for the Future Land Use Element as policy A.1.2.2. The reason she proposes this location as it is appropriate for policies regarding blight and redevelopment. It states the City has a Community Redevelopment Area

composed of three TIF districts, which are governed by the Community Redevelopment Agency and guided by the CRA Plan. This will extend the CRA to December, 2043. They should take action to submit this Resolution to State Agencies for review. They will reconsider this on December 8. Commissioner Leary moved to authorize transmittal of draft ordinance to state agencies for review. Commissioner Brown seconded the motion, which passed unopposed.

ORDERS OF THE DAY - Mayor Myers continued with the Orders of the Day.

4. **COMMUNITY REDEVELOPMENT AGENCY BUSINESS** – Accept CRA Recommendations as follows (CRA meeting held 10/13/11)

1. **CENTRAL BUSINESS DISTRICT:**

- a. **APPROPRIATE** CBD TIF funds in an amount not to exceed \$10,834.00 for the local expansion of Small Business Development Center & full-time Certified Business Analyst
- b. **APPROPRIATE** \$26,625.00 of CBD TIF funds for the 2011 Building Improvement Grant Program (total of \$116,625 to fund grants)
- c. **CONCUR** on Palatka Main Street recommendation of Building Improvement Grant Awards:

1. E.W. Lawson & Sons Funeral Home	\$30,000
2. Quality Inn/Beef "O" Brady's	\$30,000
3. Ralph's House of Flowers	\$26,625
4. Alex and Jeannie Sharp/Palatka Coffee Shop	\$30,000

2. **APPROPRIATE up to \$500 from SHD TIF funds and up to \$500.00 from NHD TIF Funds** for Holiday Tour of Historic Homes Guide Booklet Publication
3. **FORWARD** Draft Resolution extending the Community Redevelopment Plan until December 27, 2043 to Building & Zoning and State Agencies for comments, and agenda for CRA consideration on December 8, 2011 (**See Agenda Item #7 below**)

Commissioner Brown and Commissioner Leary recused themselves from voting and discussion due to Item 4(1)(c), as they both have an interest in a building that will received grant funds.

Commissioner Norwood moved to approve all items as recommended. Commissioner Kitchens seconded the motion, which passed three in favor, two recused.

5. **PUBLIC HEARING:** USDA Grant Application for Price-Martin Center Restroom ADA Compliance/Handicapped Accessibility Improvements – Robert Taylor, Architect, said this grant will provide new ADA compliant restrooms for the Price Martin Center and will modernize these restrooms.

RESOLUTION Authorizing execution and submittal of all Grant Agreement Documents to obtain a grant not to exceed \$32,000.00 from the US Dept. of Agriculture for Price-Martin Center Restroom ADA Compliance Improvements – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE TO MAKE HANDICAPPED RESTROOM ACCESSIBILITY IMPROVEMENTS AT THE PRICE-MARTIN COMMUNITY CENTER, AND AUTHORIZING EXECUTION AND SUBMITTAL OF ALL NECESSARY DOCUMENTS IN CONNECTION THEREWITH – Commissioner Norwood moved to adopt the resolution as read. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The Resolution was declared adopted.

6. **RESOLUTION** requesting a waiver in permit fees from St. Johns River Water Management District - Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, REQUESTING A WAIVER IN PERMIT FEES FROM ST. JOHNS RIVER

WATER MANAGEMENT DISTRICT. Commissioner Brown moved to adopt the resolution as read. Commissioner Norwood seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Norwood, Leary, Kitchens and Mayor Myers; yes. Nays; none. The Resolution was declared adopted.

8. **ORDINANCE** amending Chapter 46 of the Code of Ordinances to delete Section 46-6 to remove firearms regulations - 1st Reading – The Clerk read a resolution entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA BY DELETING SECTION 46-6, RELATING TO THE DISCHARGE OF GUNS OR PISTOLS WITHIN THE CITY LIMITS, IN ITS ENTIRETY; PROVIDING FOR THE RENUMBERING OF CHAPTER 86, ARTICLE II ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 1st reading. Commissioner Kitchens seconded the motion.

Police Chief Getchell said the Florida Legislature took away the Commission's right to regulate guns within the City. All local ordinances regarding gun controls should be repealed because the State Statutes apply more to enforcement. There are State Statutes that address regulation of guns. His only concern is the legislature's push to take away local officials' ability to regulate these matters. Commissioner Kitchens said she contacted Mr. Holmes about this. She pulled up the State Statute on this and read it. It references firearms and ammunitions all the way through. This particular ordinance also references air guns and slingshots and asked if they should readopt an ordinance regulating air guns and slingshots. Chief Getchell said they have to remove air guns because it's a gun. As to the slingshot, they would use State Statute to apply to any incident that occurs. City ordinances are more difficult and more expensive to prosecute. When prosecuting State Statute, there are no fees. State Statute covers slingshots. Commissioner Norwood said this is another example of the State Legislature taking home rule away from local governments. Citizens look to them to set local laws. The Florida League of Cities combats this type of activity and protects Home Rule so they can govern their communities. Commissioner Leary said he understands, and as an observer in the legislative process, uniformity of enforcement from one jurisdiction to another was one reason, and there is an ultra conservative legislature in place that takes the 2nd amendment very seriously. They have gone overboard in their enthusiasm. They may be re-enacting these ordinances in a few years. Commissioner Norwood said this move will allow things to happen in the community that don't need to happen. Commissioner Leary said this law also allows people to carry guns into the capital. There being no further discussion, a roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The Ordinance was passed on 1st reading.

9. **ORDINANCE** amending Chapter 50 of the Code of Ordinances to delete Section 50-49 to remove local firearms regulations – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA BY DELETING SECTION 50-46, RELATING TO THE CARRYING OR DISCHARGE OF GUNS OR PISTOLS WITHIN OR INTO CITY PARKS, IN ITS ENTIRETY; PROVIDING FOR THE RENUMBERING OF CHAPTER 46, ARTICLE II ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on 1st reading. Commissioner Kitchens seconded the motion. There were no public comments. Commissioner Kitchens said the Chief's explanation covers this ordinance, which also talks about trapping devices, and asked if State Statute covers trapping devices. Chief Getchell said it does in terms of what it's being used for, as in out of season trapping of animals. There is no specific ordinance that regulates the trapping of animals and nothing that says they can't do it. Trappers are now free to use whatever means they can to trap things like nuisance wild boar. They cannot discharge firearms where there are houses or children. State Statutes cover this. Mr. Holmes said bb guns are not firearms by State Statute definition. An air gun is not a firearm by definition. There being no further discussion, a roll call

vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The ordinance passed on 1st reading.

10. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow ground signs for churches and child care facilities in residential areas - 1st Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTIONS 94-141, 94-142, 94-143, 94-144, 94-145, AND 94-146 TO ALLOW GROUND SIGNS LIMITED TO SIX FEET IN HEIGHT AND THIRTY SQUARE FEET IN SIZE AND WALL SIGNS LIMITED TO THIRTY SQUARE FEET IN SIZE FOR CHURCHES AND CHILD CARE FACILITIES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 1st reading. Commissioner Brown seconded the motion. There were no public comments. Commissioner Kitchens said Mr. Holmes addressed her concern as to whether or not existing church signs would be in violation. Mr. Holmes said they wouldn't have a problem unless their sign totally goes away and they have to erect a new one. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The Ordinance passed on 1st reading.
11. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow ground signs in the Downtown Riverfront and Business Districts - 1st Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-161 AND 94-162 TO ALLOW GROUND SIGNS LIMITED TO SIX FEET IN HEIGHT, THIRTY SQUARE FEET IN SIZE, AND EIGHT FEET IN WIDTH IN THE DOWNTOWN RIVERFRONT AND DOWNTOWN BUSINESS ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on 1st reading. Commissioner Norwood seconded the motion. There being no further discussion a roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The Ordinance passed on 1st reading.
12. **ORDINANCE** amending Chapter 94 of the Zoning Code of Ordinances to allow Farmer's Markets as conditional uses in the Downtown Riverfront and Business Districts - 1st Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-161, 94-162, AND 94-200 AND TO ADD NEW SECTION 94-201 TO REVISE DEFINITION OF FARMERSMARKETS AND PROVIDE DEVELOPMENT AND OPERATIONAL STANDARDS FOR THIS USE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on 1st reading. Commissioner Leary seconded the motion. Commissioner Kitchens said, concerning the new section 94-201, she noted 'arts and crafts' has been added twice in the definition and they may want to clean that up as it is redundant. Page 7, paragraph B, Subsection (2) says non-amplified entertainment will be allowed, but they need to reference this in the noise ordinance and needs to refer back to that. They should add a phrase to say 'subject to the provisions of Section 30-101.' Commissioner Norwood moved to amend the ordinance as noted. Commissioner Kitchens seconded the motion, which passed unopposed. A roll call vote on the main motion was taken with the following results: Commissioners Brown, Leary, Kitchens, Norwood and Mayor Myers; yes. Nays; none. Ordinance passed on 1st reading as amended.
13. **ORDINANCE** amending Section 94-3 of the Zoning Code of Ordinances to amend newspaper and mail notice requirements for conditional uses - 1st Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-3 TO CHANGE NEWSPAPER AND MAIL NOTICE PERIOD FOR CONDITIONAL USES FROM 30 DAYS TO 15 DAYS, AND TO CHANGE REQUIRED TYPE OF MAIL SERVICE FROM CERTIFIED TO REGULAR; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 1st reading.

Commissioner Leary seconded the motion. Commissioner Kitchens said she is not in favor of changing the time limit from 30 to 15 days because if people only have a 15-day notice and want to hire a lawyer to represent them, this is not sufficient notice. She does not support dropping the certified mail requirement. This goes back to an issue with the Codes Enforcement Board. They were sent out but it was not the policy. An individual came in and requested a letter be sent to a certain address. There was no certified letter record that the letter was sent. They need to continue certified mail. At least on one conditional use at the Middleton Shopping Center, she personally checked the list of those notified and two people were missing from that list. They need to show where someone at a certain address signed for a letter to avoid lawsuits.

Mr. Crowe said they found, in practice, this has created problems. Certain types of businesses need variances to begin business; this will cause 45 days or more of delays for business. Certified mail costs taxpayer money. They now send out regular mail for other actions, such as historic district issues and rezoning. The Code Board is a whole different issue. It is very rare for other jurisdictions to use certified mail and most have a standard 10 – 15 day notice requirement. It is a burden to the applicant and costs time, money and effort. They do their best to notify all required. Commissioner Kitchens said she cares about citizens and applicants alike, and if they are aware of the time frame they can comply with that. If this is something someone feels strongly about, 30 days' notice gives them time to prepare to address it. Other jurisdictions have more money to fight lawsuits. Commissioner Leary said he concurs and agrees with Mr. Crowe. This is the practice throughout the State. The properties are always posted. There being no further discussion, a roll call vote was taken with the following results: Commissioners Brown, Leary, Norwood, and Mayor Myers; yes. Commissioner Kitchens; no. The ordinance was passed on first reading with 4 in favor, 1 opposed. Commissioner Brown said sometimes people need to get things done; this will help move the process along quicker and balances out the notice issue.

14. **ORDINANCE** amending Section 94-71 of the Zoning Code of Ordinances to provide variance criteria - 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ADDING NEW SECTION 94-71 ZONING CODE TO PROVIDE VARIANCE CRITERIA; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on 1st reading. Commissioner Norwood seconded the motion. There were no public comments. Commissioner Kitchens said she met with Mr. Holmes on this. Mr. Holmes suggested they delete Item 8 from the criteria and recommended repealing Section 94-68, which conflicts with this ordinance. Mr. Holmes said the reference to subparagraph 8 was one he called to the attention of Mr. Crowe as it is ambiguous and doesn't add to the criteria. The rest are helpful and necessary. The section he suggested be repealed should be 94-68 and leave 94-67. Mr. Holmes said variances are allowed in limited circumstances only. The criteria in this ordinance don't specify if they are limited to yard setbacks, sizes of yards, etc. Mr. Crowe said 94-67 will remain in place, and is based upon development standards only. Section 94-68 states no variance will be allowed for a non-conforming use except as provided, or to permit a billboard. This modifies a sentence already in 94-67, and it will be cleaner if 94-68 is repealed. They can do this at a later date. Commissioner Kitchens moved to amend the ordinance by deleting subparagraph 8 and renumbering the balance. Commissioner Brown seconded the motion. Mr. Crowe said he is fine with that. He thinks they should address the entire development standards issue, and can say development standards unless otherwise allowed in the chapter. Mr. Holmes said he had no problem with that but had a problem with singling out two items. Discussion ensued regarding language and confusion. The question was called on the motion to amend; a vote was taken and the motion passed unopposed. A roll call vote on the main motion was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The ordinance passed on 1st reading.

15. **ORDINANCE** amending Chapter 10 of the Code of Ordinances to shift responsibility of reviewing alcoholic beverage licenses to the Planning Director – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 10-6 (e), SHIFTING THE RESPONSIBILITY OF REVIEWING ALCOHOLIC BEVERAGE LICENSES FROM THE ZONING ADMINISTRATOR TO THE PLANNING DIRECTOR. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Leary seconded the motion. A roll call vote was taken with the following results. Commissioners Brown, Kitchens, Norwood, Leary, and Mayor Myers; yes. Nays; none. The Ordinance was declared adopted.
16. **ORDINANCE** amending Chapter 78 of the Code of Ordinances to shift responsibility of issuing Business Tax Receipts to the Building & Zoning Department – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 78-162(B); 78-165(A) & (B), AND 78-167, SHIFTING THE RESPONSIBILITY OF ISSUING BUSINESS TAX RECEIPTS FROM THE FINANCE DIRECTOR TO THE BUILDING AND ZONING DEPARTMENT. Commissioner Brown moved to adopt the ordinance as read. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Leary, Kitchens, Norwood and Mayor Myers; yes. Nays; none. The Ordinance was declared adopted.
17. **ORDINANCE** amending Chapter 94 of the Code of Ordinances to shift responsibility of administering buffering and screening requirements to the Planning Director – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO AMEND CHAPTER 94-313 (A), SHIFTING THE RESPONSIBILITY OF ADMINISTERING BUFFERING AND SCREENING REQUIREMENTS FROM THE BUILDING OFFICIAL TO THE PLANNING DIRECTOR. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Leary seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. The ordinance was declared adopted.
18. **ORDINANCE** amending Chapter 94 of the Code of Ordinances to set forth requirements for the preparation of landscape plans for new construction – 2nd Reading, Adopt. The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO AMEND CHAPTER 94-269, REQUIRING THAT LANDSCAPE PLANS FOR NONRESIDENTIAL NEW CONSTRUCTION EXCLUDING RENOVATIONS AND ADDITIONS BE PREPARED BY A LICENSED, FLORIDA REGISTERED LANDSCAPE ARCHITECT. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Leary seconded the motion. Commissioner Kitchens noted this version is to include the words 'non-residential', and they were e-mailed a corrected copy. She wants to be sure they are included. Mayor Myers said it has been amended to include "non-residential."

Robert Taylor, Architect, 710 St. Johns Avenue, referenced statutory requirements for landscapes, and asked if the statute had been checked, as they may be precluding State Statute. Mr. Crowe said they looked at the professionals. They can do so if the Commission wants to table this. Commissioner Kitchens recommended tabling. Mr. Leary said statute protects engineers and architects; he thinks they will find this is limited to landscape architects. Commissioner Kitchens moved to table the 2nd reading. Commissioner Brown seconded the motion, which passed unopposed.

19. **ADMINISTRATIVE REPORTS**

Chief Getchell reported former Sgt. Mick Goss passed away. Although he never had the pleasure of working with Sgt. Goss, he's always had positive comments from Sgt. Goss on the City. The viewing is from 6:00 to 8:00 at Masters, Friday and 10:00 a.m. Saturday, with full honors at the Cemetery. Commissioner Brown said Sgt. Goss was a great citizen. He fought a good fight. He did whatever he could to help the City and never complained about his condition. Mayor Myer said he was ill for some 15 years. Commissioner Kitchens said she met him when he initiated the neighborhood crime watch program. He was "Officer McGruff" who went to the schools and worked with the Children. He was extremely helpful to a dispatcher who was learning her job. This is the type of person Sgt. Goss was. She saw him on a weekly basis. He will be missed. Commissioner Norwood said he was the epitomized what community policing was about.

20. COMMISSIONER COMMENTS

Commissioner Kitchens said it would be very helpful for the building department and save time if the Building Department would pass ordinances by the City Attorney. They may want to work more closely together. This is just a suggestion.

Commissioner Kitchens said she knows the Sunshine Law is a huge thing; she wants Mr. Holmes to address Sunshine in regards to board members who talk to city commissioners and Planning Department employees. Mr. Holmes said there is nothing in Sunshine that prohibits board members from speaking with staff. If they are speaking with staff on a matter that comes before their Board they need to disclose that, especially if speaking about a matter that comes to the Board that was not presented to the rest of staff. Members of different boards can talk to each other, but Sunshine prohibits members of the same board speaking to each other about items that would come before them. A Planning Board member can speak to a Commissioner, but if it comes to the Commission, the Commissioner needs to disclose that.

Commissioner Leary recommends they put together a template on that and give it to board members. Mr. Holmes said the most helpful publication is the sunshine manual pamphlet. It's a great manual and is easily understood. The Clerk stated that pamphlet is mailed to all new board members.

Commissioner Brown said she attended had a Florida League of Cities Board meeting. The new Board has put together a course to help with diversity.

Commissioner Brown said she has a project she'd like the Commission to help with. When they get ready to launch the boats, she'd like them to have a really nice ceremony wherein they can showcase the City. She would like to invite people to have a fly-in, hold a golf tournament, hold tours of both historic districts, and she'd like the members of the Commission to jot down ideas of how they can bring people in for this event who will spend money here. They can use this as a tool to encourage people to see what the City can offer folks. She'd like to have a committee appointed for this. She's talked to people who will help with this.

Commissioner Leary said they recognized Breast Cancer Awareness Month, and he'd like to remind men to be checked for prostate cancer regularly. Early detection is good and increases chances for survival. They need to recognize prostate cancer month as well.

Mayor Myers said Downtown Palatka sponsors a monthly kayak/canoeing trip on the St. Johns. He participated in this last night. They made it to the City Dock but it was a very pleasant trip. Commissioner Laibl has coordinated this event and he does a great job. It's just another facet of how they can approach activity on the riverfront. They need to promote Blueways, which will bring more folks to the riverfront.

- 21. ADJOURN** – There being no further discussion, the meeting was adjourned at 7:45 p.m. upon a motion by Commissioner Brown.