

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 November 10, 2011

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 10th day of November, 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. "Woody" Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matthew Reynolds; Planning Director Thad Crowe, Police Chief Gary Getchell; Fire Chief Mike Lambert and Main Street Manager Charles Rudd.

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

INVOCATION – The Reverend Chad Perry, Pastor, Dunns Creek Baptist Church

PLEDGE OF ALLEGIANCE – Led by Commissioner James Norwood, Jr.

APPROVAL OF MINUTES – 10/27/11 – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

PROCLAMATION – National Home Care Month – Tammie Slaughter, Gentiva Home Care, was not present to accept the proclamation, which was issued by Mayor Myers.

CITY OF PALATKA VETERANS OF ARMED FORCES PERSONNEL RECOGNITION – Mayor Myers read the roster of City Personnel who are Veterans of US Armed Forces (filed). Veterans in the audience were recognized and presented with a Veteran's Pin in recognition of service. Mayor Myers recognized the presence of his father-in-law, Joe Demes, a Veteran of three wars, and a true patriot.

BOY SCOUTS OF AMERICA – Eagle Scout Recognition – Luke William Mutchie and Michael Dwayne Hibbs were present to receive individual proclamations recognizing their attainment of the rank of Eagle Scout, read and presented by Mayor Myers. Not present were Mitchell John

Royal, Miles Christopher Eaton, Cody Wayne Ball and Amos Betonio. Mr. George Crawford and Mr. Petrosky, Scout Leaders, were also present and recognized. Mr. Crawford noted Mayor Myers is an Eagle Scout, a rank achieved prior to a scout's 18th birthday.

STUDENT OF THE MONTH – November, 2011 – Commissioner Leary joined Mayor Myers in presenting the following students with certificates in recognition of their academic excellence, leadership, citizenship and attendance at their respective schools:

Jasmine Martinez	Beasley Middle School
Jared Baylor	Browning Pearce Elementary School
Aubree Tucker	Children's Reading Center Charter School
Nathan Garrett	E.H. Miller School
Haley Feagin	James A. Long Elementary School
Hayden Herrington	Jenkins Middle School
Ethan Largacci	Kelley Smith Elementary School
Gracie Prince	Mellon Elementary School
Drevon Wallace	Moseley Elementary School
Ashleigh Offord	Palatka High School
Bradley Lafferty	Peniel Baptist Academy

2. **PUBLIC COMMENTS -**

Askew Vickers, 207 N. 18th Street, said he's here to talk about the homeless people living under the bridge, which he spoke of at the 10/27 meeting. No action has been taken by the City. They are there with no place to live and no food to eat. They pay tax dollars for things to occur. The City spends money for a dog pound and an animal control officer, but there is nothing here for the homeless. There are resources available. They need to hold discussions on what can be done. The economy has them in this position. The homeless pay tax dollars and now they need help. It doesn't cost that much to feed and house people.

Commissioner Brown said Bishop Jackson had a shelter and a program to feed and house people, and they were asked to look for work. Mayor Myers stated there is a food kitchen in town that is open every day for means.

Chief Getchell said for one week, during two shifts, inspections were done at the locations Mr. Vickers described. They found no one there and the tide is so high at night no one can stay there. There is a soup kitchen open seven days a week for two meals a day. A transient family can be housed by the Christian Service Center for 72 hours. The Caring Center houses adults only for up to 72 hours; at that point it's expected they go get some sort of income and start paying rent. There are facilities available and they make those available when they find homeless folks. They cannot force them to stay there. In the past they've had some folks staying under the bridge, and one of those people is still living in Palatka, but he's no longer living under the bridge. The tides are so high you can't get down in there at night. There are no signs that anyone has been living there.

Commissioner Leary said he finds it disconcerting that someone would appear before the Commission and give false information. They all support community services, both personally and through their businesses, and try to help. When someone comes and speaks before this body, and it is being taped for television, they need to have accurate facts.

Mr. Vickers said they are feeding sixty people on Thanksgiving Day. They have limited resources. He feeds people on a daily basis. He is not bringing them false information. He spoke to a police officer who confirmed this information a few months ago. Just because they are not there now doesn't mean it did not happen.

3. CONSENT AGENDA:

a. 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, November 11 and Saturday, November 12 (St. Johns River Blues Fest Dates) and Friday, November 25, 2011, per City Manager's recommendation – Commissioner Norwood moved to approve the consent agenda as presented. Commissioner Leary seconded the motion. Commissioner Kitchens said they just received a package on this, this afternoon. She has no way of knowing whether or not this was received in time as prescribed by Code. She asked Chief Getchell to provide a report on what is going on in Downtown on a nightly basis.

Chief Getchell said he was contacted by Commissioner Kitchens regarding this item. A few months ago he alerted the City Manager that their calls at Steamboats have significantly increased and it is a problematic address. People are complaining about the noise, but aren't calling 911; they are contacting Commissioners or telling him in public. They are fearful of retaliation. This is specifically coming from the residential area behind Steamboat's. A couple of weeks ago they received a complaint from S. 15th Street by the Ravines. There have also been auto burglaries, vandalism, and the City is dealing with a lawsuit that came as a result of an arrest made there. They are working with Mr. Lyon to try and minimize this. When you pack people into a small area and you are serving alcohol, this is what you get. Right now the entire area is being impacted due to the clientele at this establishment.

Commissioner Kitchens said she has not personally been impacted by the noise, but she received a complaint about the clients who are drinking alcohol in the parking lots from coolers in their cars. They are fighting, cursing, and have broken car windows. A citizen who asked these people to leave his property was threatened. These clients have become very rowdy and are fighting in the streets. This also happens after Steamboat's closes. The music is attracting people who aren't going into Steamboat's, they are drinking in parking lots and not patronizing this business.

Commissioner Norwood asked if Chief Getchell reported this to the City Manager. Chief Getchell said he has not provided him with specific data, but has reported an increase in activity. Commissioner Leary asked if activity has decreased in other areas. Chief Getchell said he has not received complaints on other locations. When those complaints come in, they should come to him. Most of this is caused because the music is outside. These are not bar patrons. Commissioner Leary asked if Mr. Lyons could hire off-duty police officers to patrol these areas. Chief Getchell said they do not provide police security at bars due to liability. They can offer suggestions to bar owners. They can hire other security and provide responsible service. It's the music outside that's attracting these people. Commissioner Kitchens suggested requiring people to hire off-duty law enforcement or security to help alleviate these situations. Commissioner Brown inquired if the bar at St. Johns and 10th had closed. Chief Getchell, per the question, said the bar at St. Johns & 10th has not closed but is not always open. Discussion ensued on causes and solutions.

Mr. Boynton said certain other facilities have closed and some of those patrons have moved towards Steamboat's. These issues are not contained to just the nights there is outdoor entertainment. These issues have come up over the past few months. The issue with the parking lot just came to his attention a few days ago. He has no doubt the Police Department will take the appropriate steps to alleviate those problems. Commissioner Norwood asked if the extended hours for the outside noise are adding to the problem. Chief Getchell said Mr. Lyons is working with the City on these issues. Commissioner Norwood said the Commission needs to send a message to Mr. Lyons if the issues are not corrected they will not be extending him permission to exceed the noise ordinance in the future. Because the City Manger has recommended approval, they need to consider approving this tonight. Commissioner Brown said if they are letting

someone else do this, they can't tell him no. The question on the motion was called and a vote was taken. The motion was approved four in favor, opposed by Commissioner Kitchens.

4. **PUBLIC HEARING - MAIN STREET FAÇADE GRANT AWARDS – 2011 Application Cycle:**
1. 107 South 9th Street – E. W. Lawson & Sons Funeral Home \$10,000
 2. 617 St. Johns Avenue – David Church Construction \$10,000

Commissioner Brown recused herself from vote and discussion, and filed a Form 1, citing a conflict, as E. W. Lawson & Son is her family business.

Robert Taylor, Architect, 710 St. Johns Avenue, Chair, Main Street Façade Improvements, was present to answer questions. There being none, Commissioner Norwood moved to approve the Main Street Façade Grant awards 2011 application cycle. Commissioner Leary seconded the motion.

Commissioner Norwood said in the future he'd like to see goals and objectives, and criteria set for applicants to lean towards meeting those objectives. The objective is to create jobs and put or keep businesses operating. Mr. Taylor said the goals and objectives are clearly stated in the application and those are taken into consideration by the Committee. Commissioner Norwood said in the future these façade grants need to be pointed in the direction of creating jobs and opening businesses. Mr. Taylor said making businesses accessible and more aesthetically pleasing are part of the goals and objectives. The façade grant documents are available on line. Mr. Boynton said the Goals and Objectives Committee is looking at goals and objectives and those are goals of the BIG program. The Façade grant has clearly stated objectives.

Commissioner Kitchens said this needs to be addressed by the CRA in December. This is all addressed in the CRA Plan. Façade Grants are part of that program. Façade Grants are to enhance the outside facades to entice business and customers. The BIG program addresses job creation. These applicants have met all requirements for the façade grants. Mr. Taylor said this year around \$70,000 has been awarded with almost a 50% match. Commissioner Kitchens said this is tax money collected from the downtown businesses; they pay into the TIF fund. If there was not a TIF fund established, this money would be available for use outside this area. There being no further discussion, the question was called, a vote was taken and the motion passed unopposed.

5. **PUBLIC HEARING – 2908 Kennedy Street (.15 acres) - Application to Annex, Amend the Future Land Use Map and Future Land Use Element From Putnam County R-1A (Residential 1, Single-Family) To R-1A (Single-Family Residential) – Dene and Deborah Berry, Applicants**

ORDINANCE annexing 2908 Kennedy Street – 2nd Reading for Adoption - 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 IDENTIFIED AS 2908 KENNEDY STREET, LOCATED IN SECTION 12, 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.

ORDINANCE AMENDING THE FUTURE LAND USE MAP, 2908 Kennedy Street – for Adoption - The Clerk read an ordinance amendment entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IDENTIFIED AS 2908 KENNEDY STREET FROM PUTNAM

COUNTY US (URBAN SERVICE) TO RL (RESIDENTIAL, LOW DENSITY); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE rezoning 2908 Kennedy Street – 2nd Reading for Adoption - The Clerk read a rezoning 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 LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 2908 KENNEDY STREET FROM PUTNAM COUNTY R-1A (RESIDENTIAL 1A, SINGLE FAMILY TO R-1A (SINGLE-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

There being no discussion, Commissioner Brown moved to adopt all three ordinances as read. Commissioner Norwood seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers; yes. Nays; none. All three ordinances were declared adopted.

6. **PUBLIC HEARING** – 2920 Kennedy Street (.29 acres) – Application to Annex, Amend the Future Land Use Map and Future Land Use Element From Putnam County R-1A (Residential 1, Single-Family) To R-1A (Single-Family Residential) – Terry N. Turk, Applicant

ORDINANCE annexing 2920 Kennedy Street – 2nd Reading for Adoption - The Clerk read an annexation ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 2920 KENNEDY STREET, LOCATED IN SECTION 12, 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.

ORDINANCE amending the Future Land Use Map, 2920 Kennedy Street – Adopt - The Clerk read a land use ordinance amendment entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IDENTIFIED AS 2920 KENNEDY STREET FROM PUTNAM COUNTY US (URBAN SERVICE) TO RL (RESIDENTIAL, LOW DENSITY), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE rezoning 2920 Kennedy Street – 2nd Reading for Adoption - The Clerk read a rezoning 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 LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 2920 KENNEDY STREET, FROM PUTNAM COUNTY R-1A (RESIDENTIAL 1A, SINGLE FAMILY) TO R-1A (SINGLE-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

There being no discussion, Commissioner Brown moved to adopt all three ordinances as read. Commissioner Kitchens seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood, and Mayor Myers; yes. Nays; none. All three ordinances were declared adopted.

7. **ORDINANCE** amending Section 94-3 of the Zoning Code of Ordinances to amend newspaper and mail notice requirements for conditional uses – 2nd Reading, Adopt – 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 adopt the ordinance as read. Commissioner Leary seconded the motion. Commissioner Kitchens said she is not in favor of changing the notice time and is especially not in favor of not sending these notices out by certified mail. She is told that this is not cost effective for the City. She believes it is important they are sent out by certified mail. This may open up the city to future lawsuits. Commissioner Leary said they provide notice in the newspaper, which satisfies statutory requirements, and the mail notice is just a courtesy. Commissioner Kitchen said she understands that but they need to go above the letter of the law in notifying the public. Everyone doesn't subscribe to the newspaper. Commissioner Brown asked if there is a way cheaper than certified they can send the mail to track it. Commissioner Leary stated there are three forms of notice: a sign posted on the property, public notice in the newspaper, and notice by regular mail. The Clerk stated that on most items when B & Z sends out the Certified Mail notice they also send a duplicate notice out by regular mail. Many times the Certified Notice comes back undelivered because people are afraid to sign for a certified letter, but the regular mail notice does not come back, and is delivered.

Thad Crowe, Planning Director, said he understands Commissioner Kitchens' apprehension. He said if they are changing a map designation they are required to run an ad but not required to send letters or post it. Commissioner Kitchens said some complain that property is not posted when property designations are changed. Don Holmes, City Attorney, said if the Code says we have to post it, we post the property. 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, Nay. The motion passed. 4 in favor, 1 opposed. The ordinance was declared adopted.

8. **ORDINANCE** amending Section 94-71 of the Zoning Code of Ordinances to provide variance criteria – 2nd Reading, Adopt – 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 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.
9. **ORDINANCE** amending Section 62 of the Code of Ordinances pertaining to definitions, maximum sign sizes, wall signs, portable signs and landscaping around new signs – 1st Reading – Mayor Myers noted this item has been pulled to be considered at a later date.
10. **ORDINANCE** amending Section 94, Division 2 of the Code of Ordinances to allow specific sign types in non-residential Zoning Districts – 1st Reading – Mayor Myers noted this item has been pulled to be considered at a later date.
11. **ADMINISTRATIVE REPORTS**
Mr. Boynton provided the following project updates:
 HVAC Project – City Hall's HVAC system has failed. The Downtown Fire Station upgrade has been completed and they will next be starting on the Police Dept's system. They hope to have the HVAC fixed at City Hall by January 1.

Riverfront Park Redevelopment – the curbs have been poured for the parking lots and they may see paving as early as the week of Thanksgiving. The Landscaping will be in by first of December. The entire area has changed below ground, but they will begin seeing changes above ground now. He'll come back at the December meeting with some updates on financing for some of the

elements, such as the water fountain, the playground, clock tower relocation, etc. They will have a better picture on this by December. All aspects of the project can be done with the set-aside budget. They need to reconsider some of the improvements.

Betsy Driggers said City Hall will be having its Thanksgiving dinner Wednesday, November 23rd at 12:30 p.m. Commissioners and Dept. Heads are invited.

12. COMMISSIONER COMMENTS

Commissioner Brown said tomorrow is Congresswoman Corrine Brown's birthday and asked if the City can send birthday greetings.

Commissioner Brown said they received a notice from the State's Attorney's office on a public records training he's doing on the 18th. They will be in Orlando at the League Legislative Meeting.

Commissioner Leary asked if the City Manger can provide a brief update on the Golf Course at the December meeting.

Commissioner Leary said this morning at the Waterways Commission meeting, DEP staff was in attendance, and they basically stated the City doesn't need to put a mooring field in place to control derelict boats; they can expand the current submerged land lease and adopt an ordinance to create the "Palatka Waterways Recreational Area." A mooring field would cost hundreds of thousands of dollars from a permitting standpoint. This will only work for the area in front of the property the city owns, and out to the channel. DEP representatives said all property owners have riparian rights to their water front property and individual property owners can address derelict boats moored in front of their property. Mr. Holmes said they can get more information on this and decide on how they want to move forward.

Mayor Myers asked all to urge all neighbors and interested citizens to attend the Town Hall Meeting at the Price Martin Center at 6:00 pm on Monday. They need citizen input. An ad on this meeting will run in the PDN on Saturday.

Mayor Myers read a letter from Gretchen Lunsford with First Coast Community Credit Union withdrawing their support for the Mayor's reception. He will send a letter thanking them for their participation.

He read a letter from Putnam Community Medical Center regarding the success of its annual Charity Golf tournament and supporting the City's maintaining the golf course for the use of the citizens.

Mayor Myers wished everyone a safe and happy Veteran's Day.

13. **ADJOURN** – there being no further business to discuss, the meeting was adjourned at 7:30 p.m. upon a motion by Commissioner Norwood.

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