

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.

AGENDA

CITY OF PALATKA

February 23, 2012

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 23rd day of February, 2012.

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; and Fire Chief Mike Lambert

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

INVOCATION - The Reverend Kirby Kennedy, Pastor; First Baptist Church of Palatka

PLEDGE OF ALLEGIANCE – Don Holmes

APPROVAL OF MINUTES – 1/26/12 Workshop meeting; 2/9/12 Regular meeting – Commissioner Brown moved to adopt the minutes as read. Commissioner Norwood seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

PROCLAMATION: Azalea Days – March 2 – 4, 2012 – Sam Deputy, Azalea Festival Chairman and Angela Murtagh, DPI, Inc. President were present to accept the proclamation, read and presented by Mayor Myers. Ms. Murtagh and Mr. Deputy passed out Festival memorabilia, and noted all items for purchase are available at the welcome center.

Mr. Deputy invited the Commission to a function Saturday night to meet Mr. Carpenter for his art exhibit. Ms. Murtagh invited the Commission to participate in the Azalea Festival Parade which begins at 10:00 a.m. She also listed the rest of the ancillary Azalea Festival events, which are listed on the website at flazaleafestival.com.

BLACK HISTORY AND HERITAGE RECOGNITION – John Alexander – John Alexander was recognized as the recipient of the 2012 Black History and Heritage Award.

POLICE DEPARTMENT PROMOTION – Ofc. Chaz Kofler Promoted to Corporal – Chief Getchell introduced Corporal Chaz Kofler, saying he competed in the promotion process, which was rigorous. He was presented to the Commission. Cpl. Kofler said he's worked in the community for the past 7 years and has enjoyed it immensely. He appreciates the opportunity to serve in a supervisory position.

EMPLOYEE RECOGNITION – Service Above Self: Mr. Boynton introduced Brandon Richardson, Russell Cox, Patrick D'Angelo, David Masteller and Aaron Kerwin, Utilities Dept. Employees, saying over the past several months these five gentlemen were responsible for the utility relocations throughout the city, and have worked with several contractors. They have done that work flawlessly and without delay. Recently they worked to install the new water line behind the 100 block buildings; this was not a simple project due to the obstacles and the foundations they encountered. Without Mr. Richardson's leadership and the cooperation of these other gentlemen the project would have cost over \$100,000 had they had to contract it. This project cost only labor and materials. People never see what's underground, but that is just as important as the foliage and the asphalt. Mayor Myers presented them with bonuses and certificates of recognition.

STUDENT OF THE MONTH – February, 2012 – Vice Mayor Brown joined Mayor Myers in presenting certificates of recognition to the following students for academic excellence, leadership, citizenship and attendance at their respective schools:

Michael Beach	Beasley Middle School
Na'Myah Jenkins	Browning Pearce Elementary School
Trevor Raphael	Children's Reading Center Charter School
Richard Crews	E.H. Miller School
Betty Arnold	James A. Long Elementary School
Molly Williams	Jenkins Middle School
Jeremiah Bottorff	Kelley Smith Elementary School
Chanden Andrews	Mellon Elementary School
Nevae'h Reeves	Moseley Elementary School
Dalton Duty	Palatka High School
Jessica Ward	Peniel Baptist Academy

2. **PUBLIC COMMENTS** - (Speakers limited to three minutes – no action taken on items)
Christy Sanford expressed how pleased she is with the plantings and renovation of the Riverfront Park. She hopes they receive more grants and continue to make this a more livable place. Mayor Myers said the City staff goes to great lengths to secure funds and materials for these improvements.
3. **CONSENT AGENDA:**
 - a. **Authorize execution of Change Order #1 in the amount of \$246,861.25 to Halifax Paving Contract FAA AIP#3-12-0061-021-2011/FDOT FIN 425171-4-94-11** for a total contract amount of \$3,416,988.74 for Runway 9/27 pavement rehabilitation to add Entrance & Access Road Rehabilitation
 - b. **Authorize execution of Change Order #2 in the amount of \$10,279.88** to F&G Construction's Contract, for a new total contract amount of \$321,775.58 for additional work on the 2010 Energy Conservation Project Contract, per City Manager's Recommendation
 - c. **Grant permission to exceed noise levels established by Chapter 30, Palatka Code of Ordinances** to John Lyon, Steamboat Willie's from 10:00 p.m. until 1:00 a.m. on March 3, March 10 and March 16, 2012 for live outside entertainment, per City Manager's recommendation

- d. **Eliminate the daily Code Enforcement Lien/Fine on 1105 N. 18th Street (Gallagher) in the amount of \$1,275.00 (@\$25/day)** leaving assessment of Cost of Prosecution of \$216.18, which has been paid, per Code Enforcement Board recommendation
- e. **Eliminate the daily Code Enforcement Lien/Fine on 720 N. 16th Street (Kilpatrick) in the amount of \$40,425.00 (@\$25/day),** leaving assessment of Cost of Prosecution of \$520.82, provided COP is paid within 90 days; otherwise the daily fine of \$40,425.00 (\$25.00/day) will be reinstated and continued, per Code Enforcement Board recommendation
- f. **Reduce the daily Code Enforcement Lien/Fine on 217 S. 10th Street (Session) from \$11,000.00 (\$25/day) to \$1,000.00 plus cost of prosecution of \$240.54** if a lien order is not required, or \$272.04 if not paid within 30 days and a lien order is required, per Code Enforcement Board recommendation
- g. **Reduce the daily Code Enforcement Lien/Fine on 1201 Short Street (Stewart) from \$24,200.00 (\$25/day) to \$5,000.00 plus Cost of Prosecution of \$485.36** provided fine and fees are paid within 30 days; otherwise the daily fine of \$24,200.00 will be reinstated and continued, per Code Enforcement Board recommendation

Mayor Myers noted items 3(c), (f) and (g) are being pulled from Consent at the request of citizens for discussion. Commissioner Leary moved to approve Consent Agenda Items 3 (a), (b), (d), and (e). Commissioner Brown seconded the motion, which passed unopposed.

- 3c. Grant permission to exceed noise levels established by Chapter 30, Palatka Code of Ordinances** to John Lyon, Steamboat Willie's from 10:00 p.m. until 1:00 a.m. on March 3, March 10 and March 16, 2012 for live outside entertainment, per City Manager's recommendation.

Greg Rogers, 518 Kirby Street, said he requests this not be granted. He spoke to this commission previously concerning an 'unsanctioned' party held at this business, which could hear it all the way up to his friend's house at 602 N. 13th Street. It could be heard at residences near the Ravine Gardens. He believes Mr. Lyons should be able to earn a living, but not at the expense of residents. The City has done a good job with its events and by midnight these events wind down. On another note, Mr. Rogers said he attended the Palatka Airport Air Show last month, which was one of the nicest air shows he's ever attended.

Commissioner Leary asked if the other "sanctioned" events created noise issues, or if he's complained to the PD? Mr. Rogers said the noise channels up through the underpass. He hasn't heard a lot of noise, the only noise he's heard since then came from a party at the Woman's Club. Mayor Myers said Mr. Lyons has applied for several of these over the past few months. They have gone to great pains to insure he does not disturb the neighbors, and Mr. Lyons has been quite cooperative. If he hasn't been disturbed by them, then he's doing something right. Commissioner Kitchens said she has a problem with this due to the outside partying going on beyond his business boundaries, which she has brought to their attention. Others gather in the parking lots between 2nd and 3rd street and party, leaving behind litter and threatening residents. March 3rd is during the Azalea Festival and the 16th is during the Bass Tournament; the noise from those events may masque that noise. There will be no other noise on the other date. She asked they break the dates out and vote on them separately.

Commissioner Leary said his concern is that Mr. Lyon controls not only the noise but also the crowds. Mr. Rogers said usually by midnight the special events wind down; he should wind his entertainment down by midnight, also. He has no problem with that. When you get a crowd together there is a crowd mentality that takes over.

Police Chief Getchell said they've met with Mr. Lyons to mitigate some of these issues. When the Commission grants him the ability to exceed noise levels, their hands are tied. The environment has a lot to do with the issues he has and that others have. They made suggestions as to how to handle the parking lot incidents, but without stipulations from the Commission, they can only

make suggestions. He can install noise dampening equipment; this can either be portable or permanent. As to the parking lot, the real issue is he allows people to come and go through his back patio, which causes issues at those adjacent parking lots. He can do certain things to mitigate that. Without direction from the commission, these are just suggestions. If those things are done, everyone will be happy. Commissioner Leary said they need to have the Chief provide suggestions the Commission can require Mr. Lyons to follow. Commissioner Kitchens said they should require the noise cease at midnight, and if a citizen calls after that the PD should close the event down. Mr. Boynton said he's received no complaints, but did hear Mr. Rogers' prior complaint. He knows the PD has had a few complaints. He has a statement signed by over 100 citizens in the South Historic District endorsing entertainment downtown. He sees nothing wrong with restricting the hours. The most recent incident was on a Thursday night when there was not excessive noise. The issue may be the back access. They do have a number of citizens that do support entertainment downtown; however, they need to be cognizant of the needs of those who want the noise to cease at a reasonable hours. Commissioner Brown said they need to look further down the road and look at how things affect people as they promote the downtown. They need to make sure these measures won't come back on them. The Main Street manager wants to do more downtown every month. They have told Mr. Lyons under no uncertain terms that if there was a problem not to come back, because the Commission would be saying no. She has not heard of any problems. She lives in downtown. They need to broaden their vision. They will no longer survive as a quiet little town. They want people to come and shop downtown. There are many outside events that will be happening downtown. She'd like them to compromise and keep an open mind. If this had been a great problem, this room would be full. Commissioner Kitchens said they a residential-friendly downtown; they can have entertainment without disturbing citizens and depriving them of sleep. Mr. Lyon does comply after prodding by the Police. She saw the petition signed by about 100 people in the Historic District, but they don't speak for all of Palatka. Mr. Rogers said he did not hear the noise last time. She is still concerned about what goes on in the parking lot. Downtown is not an island by itself.

Commissioner Norwood said any issues can be communicated to the City Manger, who can address the issues as they occur. The recommendation comes from the City Manager.

Commissioner Leary moved to approve item 3(c) granting permission to exceed allowable noise levels on March 3, 10 and 16. Commissioner Norwood seconded the motion, which passed four in favor, opposed by Commissioner Kitchens. Commissioner Leary moved to ask the City Manager to direct the Main Street Manager to meet with Mr. Lyons, the Planning Director and a representative of the PD to mitigate issues. Commissioner Kitchen seconded the motion, which passed unopposed.

- 3f. Reduce the daily Code Enforcement Lien/Fine on 217 S. 10th Street (Session) from \$11,000.00 (\$25/day) to \$1,000.00 plus cost of prosecution of \$240.54 if a lien order is not required, or \$272.04 if not paid within 30 days and a lien order is required, per Code Enforcement Board recommendation**

Pam Garris, 603 Emmett Street, said she is a co-owner of River Street property with her mother, and she speaks for her. The transfer of property would not be in the best interest of the neighborhood. There is no guaranty that these homes would be kept code compliant and improved. They have been homeowners here since 1963. Mayor Myers said this has nothing to do with the transfer of ownership. Mr. Holmes said the city doesn't get to vote on whether or not people transfer property; people have a right to sell and buy. He hopes the City does not start deciding whether or not people get to sell their homes. Commissioner Norwood said they are not allowed to hear new information on an appeal basis. Mr. Holmes said this is not an appeal. The Code Enforcement Board has made a recommendation and the Commission can hear whatever information they want to make the decision. Mayor Myers said she is opposing the fine reduction.

Commissioner Kitchens said a citizen called her to say that the house at 217 S. 10th Street was a 'drug house' and could remain so. Mr. Holmes said the code Enforcement Board developed a list of criteria in deciding whether or not to reduce fines; i.e., how long has the owner taken to correct the problems, were there financial hardships involved, was there a change of property. He has been very careful to emphasize that the Board apply those factors. The Code Board did specifically consider all factors in these cases and made these recommendations. The Commission is not bound by this recommendation, but should consider those same factors when making their decision. He is not being critical of people who want to clean up the neighborhood, but trying to predict what a new owner will do with a property is not a path they want to go down. Whether or not you like the new owner is not a factor. Commissioner Brown said she hopes whoever buys this property makes sure it is brought up to code and makes the house an asset to the neighborhood. After further discussion, Commissioner Leary motion to approve Consent Agenda Item 3(f) to reduce the daily Code Enforcement Lien/Fine on 217 S. 10th Street (Session) from \$11,000.00 (\$25/day) to \$1,000.00 plus cost of prosecution of \$240.54 if a lien order is not required, or \$272.04 if not paid within 30 days and a lien order is required, per Code Enforcement Board recommendation Commissioner Brown seconded the motion, which passed four in favor, opposed by Commissioner Kitchens.

3g. Reduce the daily Code Enforcement Lien/Fine on 1201 Short Street (Stewart) from \$24,200.00 (\$25/day) to \$5,000.00 plus Cost of Prosecution of \$485.36 provided fine and fees are paid within 30 days; otherwise the daily fine of \$24,200.00 will be reinstated and continued, per Code Enforcement Board recommendation. - Commissioner Kitchens said when the owner appeared before the Commission on this fine, the Commission lowered it to \$5,000 plus cost of prosecution. The owner said he would not pay the fine under any circumstance. They gave him 90 days to pay the reduced fine, and if not paid it would go back up to the original amount. The fine was not paid and the fine reverted back to the original \$24,200. She requests they put the same condition on this fine reduction. Mr. Stewart has an agreement to buy this property; he does not yet own it. He may be a victim in this case.

Christopher Stewart, Satsuma, said he's in a position to acquire the property and renovate it to 1920 standards. He has the resources to do this. There is a lot to do, but he is willing to do it. If they'd see fit to do this he can move forward. Commissioner Kitchens asked if he plans to live there. Mr. Stewart said he can use it for relatives to stay in when they come visit.

Mr. Holmes said in the future, when they have this type of request, the Planning Staff should include the criteria the Planning Board considered when making these recommendations in the Commission's packet. This came up before the Commission to reduce the fine to \$5,000. The Commission reduced the fine. The owner didn't pay it, but offered to give the property to the City. The Commission began foreclosure proceedings. The City doesn't want to own property, they want property to be brought up Code. The owner contacted him and asked if the City would be willing to reduce the fine for a new buyer. The recommendation of the Code Board includes the recommendation to reinstate the fine if not paid within 30 days. Commissioner Norwood moved to approve Consent Agenda Item 3(g) to Reduce the daily Code Enforcement Lien/Fine on 1201 Short Street (Stewart) from \$24,200.00 (\$25/day) to \$5,000.00 plus Cost of Prosecution of \$485.36 provided fine and fees are paid within 30 days; otherwise the daily fine of \$24,200.00 will be reinstated and continued, per Code Enforcement Board recommendation. Commissioner Brown seconded the motion, which passed four in favor, opposed by Commissioner Kitchens.

4. **PUBLIC HEARING/ORDINANCE** to revise the Comprehensive Plan Future Land Use Element to add a policy establishing airport protection policies – ***Authorize transmittal of draft ordinance to state agencies for review*** – City of Palatka, Applicant – Mr. Crowe distributed corrected draft ordinances to the Commission. He noted items 4, 5 and 6 are comp plan amendments with companion items 7 and 8. They have until July to adopt this amendment. He's fine with tabling this item to work some details out with St. Johns River State College officials.

Commissioner Leary said this is a public safety issue. Mr. Crowe said the College doesn't want to be caught up in the City's policy and wants to be able to amend its own plan through the Campus Master Plan. Commissioner Kitchens said she read Ms. Miller's e-mail requesting revisions to the ordinance. Mr. Crowe said the college only had an issue on Item 4. Commissioner Leary motion to table agenda item 4 to March 8th Commission meeting. Commissioner Kitchens seconded the motion, which passed unopposed.

5. **PUBLIC HEARING/ORDINANCE** to revise the Comprehensive Plan Future Land Use Element to allow colleges in the Public Buildings land use category – ***Authorize transmittal of draft ordinance to state agencies for review*** – City of Palatka, Applicant - Mr. Crowe said Items 5 and 6 contain scrivener's errors in the 'whereas' clauses which do not affect the essence of the ordinance. Sub section 163.3187 should read 163.3184. The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO AMEND POLICY A.1.9.3, TO ALLOW FOR COLLEGES AND UNIVERSITIES IN THE PUBLIC BUILDINGS AND FACILITIES FUTURE LAND USE MAP CATEGORY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to amend subsection 163.3187 to 163.3184 in the 'whereas' clauses. Commissioner Kitchens seconded the motion, which passed unopposed. Commissioner Leary move to transmit the draft ordinance as amended. 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. The ordinance was approved for transmittal as amended.

6. **PUBLIC HEARING/ORDINANCE** to revise the Comprehensive Plan Future Land Use Element to amend Planned Unit Development requirements – ***Authorize transmittal of draft ordinance to state agencies for review*** – City of Palatka, Applicant – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO AMEND POLICY A.1.9.3, REMOVING THE REQUIREMENTS THAT A PLANNED UNIT DEVELOPMENT REZONING BE ACCOMPANIED BY A LAND USE AMENDMENT AND THAT NONRESIDENTIAL COMPONENTS OF A PLANNED UNIT DEVELOPMENTS ARE LIMITED TO THOSE USES THAT SERVE THE RESIDENTIAL PLANNED UNIT DEVELOPMENT COMPONENT, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to amend subsection 163.3187 to 163.3184 in the 'whereas' clauses. Commissioner Leary seconded the motion, which passed unopposed. Commissioner Norwood moved to transmit the draft ordinance as amended. Commissioner Leary seconded the motion. A roll call vote was taken with the following results: Commissioners Brown, Leary, Norwood, and Mayor Myers; yes. Nays: Commissioner Kitchens. Ordinance approved for transmittal as amended, 4 in favor and 1 opposed.

7. **ORDINANCE** amending Section 94-153 of the Zoning Code of Ordinances to allow colleges in PBG-1 zoning category – First Reading – Mr. Crowe noted this is a companion ordinance to the comp plan amendment heard under Item 5. The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-153 TO ALLOW COLLEGES IN THE PUBLIC BUILDINGS AND GROUNDS ZONING CATEGORY, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to approve the ordinance on first reading 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. Ordinance was passed on first reading.

8. **ORDINANCE** amending Chapter 94, Zoning, of the Palatka Code of Ordinances, to revise requirements for Planned Unit Developments – First Reading – Mr. Crowe said this is a companion ordinance to Item 6 – The Clerk read an ordinance entitled AN ORDINANCE OF THE

CITY OF PALATKA, FLORIDA AMENDING SECTION 94-113 TO PROVIDE REZONING INTENSITY AND DENSITY THRESHOLDS THAT WOULD REQUIRE THE USE OF PLANNED UNIT DEVELOPMENT (PUD) OVERLAYS; AMEND SECTION 94-157 AND 94-232 TO ELIMINATE THE REQUIREMENT THAT NONRESIDENTIAL USES WITHIN PLANNED UNIT DEVELOPMENT (PUD) SERVE ONLY RESIDENTS OF THAT PUD; AMEND SECTION 94-157 TO ELIMINATE REQUIRED AMENDMENT TO COMPREHENSIVE PLAN FOR PUDS; AMEND SECTION 94-233 TO REDUCE THE MINIMUM PUD SIZE OF TWO ACRES; AMEND SECTION 94-233 TO LIMIT REQUIREMENTS FOR UNDERGROUNDING UTILITIES ONLY TO NEW DEVELOPMENT; AND AMEND SECTION 94-235 TO ELIMINATE REQUIREMENTS THAT PUD APPLICANTS CONFER WITH THE PLANNING BOARD PRIOR TO APPLICATION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on first reading. Commissioner Norwood seconded the motion. Commissioner Kitchens said when this came up before the Commission in 2005 prior to her being elected to the Commission. She does not approve of the 1 acre minimum. As to keeping the PUD as an overlay, she has listened to Mr. Holmes talk about this; a PUD should not be an overlay but should be separate zoning category. There being no further discussion, a roll call vote was taken with the following results: Commissioners Brown, Leary, Norwood and Mayor Myers; yes. Nays; Commissioner Kitchens. The Ordinance was declared passed on first reading, 4 in favor and 1 opposed.

9. **ORDINANCE** amending Section 94-114 of the Zoning Code of Ordinances to allow for the re-establishment of a non-conforming use – First Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-119 TO PROVIDE A PROCESS FOR RE-ESTABLISHING A NONCONFORMING USE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to approve the ordinance on first reading. Commissioner Leary seconded the motion. Mr. Crowe said this is an applicant-driven amendment to reestablish a long-standing non-conforming use to allow it to become a non-conforming use again. This is the first step in the process. Commissioner Kitchens said she has no problem in theory or in general, but this does not exempt the historic districts. In the historic districts there are non-conforming uses not allowed under the zoning or historical category. They need to exempt out the two existing historic districts. If apartments are vacant for six months they go away and can't come back. This is for protection of the Districts. Mr. Crowe said something like that would have to be approved by the Planning Board and it has to be compatible with the surrounding area. There are about eight criteria. Mr. Holmes said the vehicle would still allow the procedure to be utilized in the historic district. The Planning Board would decide whether or not the use would be allowed. They determine it based upon the criteria. Commissioner Kitchens said this gets rid of the safeguard. Commissioner Leary said most jurisdictions have this type of plan. They could face discrimination issues from the Federal side on this. Commissioner Norwood asked if it would harm the ordinance to amend the ordinance to exempt historic districts. Mr. Crowe said he has concerns with equitable application to the City. He'd need to have a justification to do this. If a home was constructed as a duplex, and there is one in a historic district, the house would have to be gutted and the interior reconstructed. It would not hurt the essence of the ordinance to exempt historic districts. Mr. Holmes said if you are going to have the ordinance it needs to apply across the board, and then have the criteria applied by the body given the authority to make those decisions. Mr. Crowe seems to believe this is of benefit. He's seen the hardship argued on both sides of the coin. If they are going to do this they need to do it across the board and trust the Planning Board to apply the criteria. Commissioner Kitchens said as to the quadruplex in the North Historic District, this would have helped the new owners, but it's been more than 36 months since they purchased 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. Nays; Commissioner Kitchens. The ordinance passed on first reading, 4 in favor 1 opposed.

Commissioner Kitchens said many older families had small businesses in their homes. If a business does not impact parking and traffic in residential areas, they should do this. She'd like them to look at the changing employment market.

10. **ORDINANCE** amending Section 94-187 of the Zoning Code of Ordinances to require permits for fences – First Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-187 TO REQUIRE PERMITS FOR FENCE CONSTRUCTION, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Mr. Crowe said they were asked to bring this forward as the Historic Preservation Board felt strongly there is a lack of direction for people who want to put up fences. If a permit were required then people would have more guidance in erecting fences. The Planning Board felt differently and felt additional regulations weren't needed. He sees merit on both sides of the argument. He leans toward not passing this. Commissioner Leary said he spent 10 years as a planning director, and the #1 issue was fence location. Anywhere you go there are issues with this. He doesn't see the necessity of the ordinance. Commissioner Kitchens moved to uphold the Planning Board recommendation and deny passage of the ordinance on first reading. Commissioner Leary seconded the motion.

Pam Garris, said she knows of a residence with high fences in the North Historic District and there are things going on they are hiding. They need an ordinance to control heights. Commissioner Kitchens said there is an ordinance limiting the height for residential fences and they can address this through Codes Enforcement. Ms. Garris asked if there are controls on fences in the historic districts.

Thad Crowe said fences in historic districts are considered improvements and require COA's. They need to be approved as to materials and height across the front of the house has to be no more than 4 feet and no more than 6 feet on the rest of the house. There being no further discussion a roll call vote was taken with the following results: Commissioners Kitchens, Leary, Norwood, Brown and Mayor Myers; yes. Nays; none. Unanimous to deny passage on first reading.

11. **ORDINANCE** amending and restating Chapter 58, Secondhand Goods, renaming Chapter "Secondhand Dealers, Secondary Metal Recyclers and Salvage Motor Vehicle Restrictions" and replacing, deleting and amending code to make it more restrictive, and adding penalties and provisions for enforcement – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING AND RESTATING CHAPTER 58, ENTITLED "SECONDHAND GOODS" BY ADDING SPECIFIC LANGUAGE TO SECTION 58-31, PURPOSE OF ARTICLE, TO ADD MORE RESTRICTIVE MEASURES THAN THOSE PROVIDED IN STATE STATUTE 538 AND 319; BY DELETING SECTIONS 58-32, 58-34 THROUGH 39 IN THEIR ENTIRETY; RENAMING CHAPTER 58 AS "SECONDHAND DEALERS, SECONDARY METAL RECYCLERS AND SALVAGE MOTOR VEHICLE RESTRICTIONS" AND REPLACING SAID SECTIONS WITH NEW CODE SECTIOONS HEREIN NUMBERED 58-32 THROUGH 46 AUTHORIZING THE CITY TO ADD MORE RESTRICTIONS ON SECONDHAND DELERS, SECONDARY MENTAL RECYCLERS AND SALVAGE MOTOR VEHICLE DEALERS BY PROVIDING DEFINITIONS; PROVIDING PENALTIES FOR VIOLATIONS; CAMERA SYSTEM REQUIREMENTS; RECORD KEEPING REQUIREMENTS; ADDITIONAL RECORD KEEPING REQUIREMENTS FOR SECONDARY MENTAL RECYCLERS ON NONFERROUS METALS, AND REGULATED METALS PROPERTY; DAILY REPORTS TO POLICE; INSPECTION OF PROPERTY AND RECORDS; SECONDARY METAL RECYCLER, SECONDHAND DEALER, AND SALVAGE MOTOR VEHICLE DEALER REQUIREMENTS; PROVIDING FOR LIMITATIONS ON CERTAIN RESTRICTED REGULATED METALS; RESTRICTIONS FOR PAYMENT FOR CERTAIN METALS; HOLDING PERIODS FOR STOLEN METALS; RESTRICTIONS ON TRANSACTIONS WITH MINORS; ADDITIONAL REQUIREMENTS FOR THE PURCAHSE OF DERELICT MOTOR VEHICLES BY

SECONDHAND DEALERS AND SALVAGE MOTOR VEHICLE DEALERS; ADMINISTRATION OF ARTICLE; PROVIDING FOR THE RENUMBERING OF CHAPTER 58 IF NECESSARY; 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 Leary, Norwood, Brown, Kitchens and Mayor Myers; yes. Nays; none. The ordinance was declared adopted.

12. **RIVERVIEW PROPERTIES RFP** – City Manager, City Attorney – Mr. Boynton said the City has been experiencing e-mail problems but he has distributed this in hard copy form. He thanked the City Attorney for doing most of the drafting on this. They have broadened this out to include any potential development out there. The approximate total area the City owns to the east side of Memorial drive is 6.64 acres, under Palatka historic perspective. Under the Executive Summary, it states the land available for development is 3.79 acres. There will be some minor changes to Historical Perspective, in the 2nd to last paragraph, he will add ‘natural gas’ to available infrastructure, and will add “designed and permitted” before “surface water retention runoff facilities.” In the Executive Summary when previously proposed concepts are discussed, he believes it may not be redundant to add “hotel and conference center.” Commissioner Kitchens said there is no exhibit # and no exhibit attached. Mr. Boynton said Exhibit A will be a closer blow-up of the two pieces of property. There was concurrence that submissions will be due 90 days after release. Commissioner Brown said she’d like them to include the hotel as an option. Mr. Boynton said he will get this out end of next week. He’s talked to four or five potential developers and none of them have indicated whether or not they intend to respond. He’ll make sure each of them receive a copy of the RFP. Mayor Myers said the economy is improving and the outlook is better now than it was six months ago.

13. **ADMINISTRATIVE REPORTS**

Mr. Boynton said on the ordinances, if there is a scrivener’s error, they won’t see a significant # of e-mails back and forth trying to clean these up. They will be more refined in the approach. If the issue with an ordinance is a policy issue, he doesn’t want to tweak policy issues between first and second readings and will pull those off the table. If there are numerous scrivener’s errors, they will pull an item. They are trying to polish this process. He thanked The Planner and The Clerk for their understanding the process.

Chief Getchell said they went through the reaccreditation process this past December. He is pleased to say they have received their fourth reaccreditation. They accomplished this with less people, less money and less resources. He saw a much larger agency walk away from the accreditation meeting without accreditation.

Charles Rudd, Main Street Manager, said there will be a Cruise-In Saturday night in Downtown beginning a 7:00 p.m.

14. **COMMISSIONER COMMENTS**

Commissioner Kitchens said they are all elected by the citizens of Palatka and they are on the firing line. People come to them if they have problems. The City Manger does a good job in what he does. She encourages citizens to talk to the City Manger. They should be the first resource for those with problems. She does not want them to feel they can’t go to the City Manager.

Commissioner Leary said as to the discussion on going to iPads, he thinks this is a great idea. He’d be willing to pay for his own. Mayor Myers concurred on the iPads.

Mayor Myers said Mr. Boynton is the City’s Chief Executive Officer, and as for himself, any citizens can reach him any time, his number is in the phone book. He refers citizen complaints to the City Manager.

Mayor Myers said the Azalea Festival Mayor's Reception is Friday, March 2.

15. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 7:55 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