

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
March 8, 2012

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 8th day of March, 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 – Father John Jacobs, Pastor; St. Peter's Anglican Church

PLEDGE OF ALLEGIANCE – Dr. Geri Melosh

APPROVAL OF MINUTES – 2/23/12 regular meeting – Brown, Kitchens, passed

1. PUBLIC RECOGNITION/PRESENTATIONS:

PROCLAMATION - Women's History Month – March, 2012 – Mayor Myers read and presented the proclamation to Dr. Geri Melosh, a local educator and Principal of the Children's Reading Center Charter School, noting the theme for 2012 is Women's Education – Women's Empowerment.

WOMAN OF DISTINCTION – Mayor Myers presented Dr. Geri Melosh with the 2012 City of Palatka Women of Distinction Award.

PROCLAMATION – Colorectal Cancer Awareness Month – March, 2012 – Terri Flagg Community Navigator for "Screen for Life" Colorectal Cancer Control Program, with a local office at the Putnam County Health Department, was present to accept the proclamation, which was read and issued by Mayor Myers.

PROCLAMATION - Brain Awareness Week – March 11 through 17, 2012 – Pilot Club of Palatka members were present to accept the proclamation, which was read and presented by Mayor Myers. Club President Pat Harder noted this is a nationally designated observance.

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

3. **CONSENT AGENDA:**

- a. **Authorize execution of Change Order #3 to Masci Corp. Contract in the amount of \$67,207.74**, for a total contract amount of \$941,203.37 for WWTP Energy Efficiency Improvements for costs associated with the vertical turbine pumps and electrical/control conduits and wiring, per City Manager's recommendation
- b. **Authorize execution of Change Order #2 to S.E. Cline Const. Contract in the amount of (\$14,781.24)**, for a new total contract amount of \$1,011,926.72 to adjust scope of work for the Streetscaping and Parking Lot Const. for the Riverfront Park Renovations Project, per City Manager's recommendation
- c. **Authorize execution of Change Order #1 to Base 3 LLC d/b/a Gibson Electric contract in the amount of \$1,665.30**, for a new total contract amount of \$47,625.30 for electrical switching upgrades for the City Buildings Energy Efficiency Retrofit Project, per City Manager's recommendation
- d. **Authorize execution of Change Order #1 to Posidone, LLC Contract** to extend the completion time by 60 days for the Water Taxi Refurbishment Project – per City Manager's Recommendation
- e. **Surplus Fire Department Self Contained Breathing Apparatus (11 air packs & masks & 22 air bottles) and authorize disposition as donation to Putnam County Sheriff**, per Fire Chief's recommendation
- f. **Introduce memorandum re: Status of CRA Annual Report** into the record – For Information Only

Commissioner Norwood moved to pass all items on the Consent Agenda as recommended. Commissioner Leary seconded the motion, which passed unopposed.

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 – **Tabled on February 23, 2012 to a time certain of March 8, 2012** – The Clerk read a proposed 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 POLICIES A.1.1.6 AND ADD NEW POLICIES A.1.1.6C, A.1.1.6D, AND A.1.1.6E, RELATING TO PROTECTION OF MUNICIPAL AIRPORT FROM INCOMPATIBLE USES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to transmit the ordinance to state agencies for review as written. Commissioner Leary seconded the motion, there being no discussion, the vote was called and the motion passed unopposed.

5. **ORDINANCE** repealing and readopting Section 38 of the Palatka Code of Ordinances to adopt new Flood Zone Rules, Regulations, Development & Variance Criteria and Maps - First Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING THE PALATKA CODE OF ORDINANCES TO REPEAL SECTION 28; TO ADOPT A NEW SECTION 38; TO ESTABLISH CONSISTENCY WITH THE 2010 BUILDING CODE; TO ADOPT FLOOD HAZARD MAPS; TO DEVELOP RULES OF INTERPRETATION AND DEFINE TERMINOLOGY; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; TO ESTABLISH VARIANCE PROCEDURES AND PENALTIES; AND TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Leary seconded the motion. There being no discussion, a roll-call vote was taken, with the following results: Commissioners Brown,

Kitchens, Leary, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared passed on first reading.

6. **ORDINANCE** amending Section 94-153 of the Zoning Code of Ordinances to allow colleges in PBG-1 zoning category – 2nd Reading, Adopt – 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 GROUNDZ ZONING CATEGORY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance on 2nd reading as presented. Commissioner Kitchens seconded the motion. . There being no discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Flagg, yes; Nays, none. The ordinance was declared adopted on 2nd Reading.
7. **ORDINANCE** amending Chapter 94, Zoning, of the Palatka Code of Ordinances, to revise requirements for Planned Unit Developments – 2nd Reading, Adopt – 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 A 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 Norwood moved to pass the ordinance on 2nd reading as read. Commissioner Leary seconded the motion. Mayor Myers opened the floor for public speakers.

Robert Cavuoti, 2206 Prosper Street, said he's concerned that the City is weakening the PUD requirement. This will allow someone to put a business in a residential area. Even though other steps have to be taken to do this, they are opening the door to putting businesses in an area where they don't belong. He does not think this is the right thing to do. They are manipulating the zoning ordinance. They need to protect neighborhoods and not open the door to let businesses or warehouses move in that don't belong there. He does recognize there are additional steps that need to be taken to actually open a business in a neighborhood. Commissioner Leary said he personally would never support a situation where a business would impede upon an existing residential development. This action will bring the PUD ordinance into the 21st century to address situations they need or want to address or facilitate. They don't want to degrade the integrity of a residential area.

Thad Crowe, Planning Director, said this item is one of a series of changes to bring the Code up to date. Some of these Codes are decades old. The Planning board initiated some of these changes, which, in his professional opinion, will allow the Code to better protect neighborhoods, but will also provide flexibility to do things. This is another tool in the toolbox to utilize in development.

Mayor Myers said, speaking for himself, he wants to protect the integrity of neighborhoods, and he wants citizens to know he understands homeowners are interested in protecting the integrity and value of their homes.

Commissioner Kitchens said she believes the City should treat PUDs as a separate overly, such as the County does. She is concerned that a PUD no longer has to be a minimum of 2 acres in size, and can be only 1 acre in size, and doesn't like that the pre-application conference step with the Planning Board is being deleted. It is important that PUD applicants get time with the Planning Board prior to application. She agrees with Mr. Cavuoti that this will weaken the PUD ordinance. She voted against this on first reading. It can be written better. Commissioner Norwood concurred on the protection of neighborhoods as they are a place to raise families. They should make sure this is always protected.

If an application comes that impedes upon the integrity of a neighborhood, the Commission can address it at this level.

Mr. Leary asked Mr. Crowe to verify this came with a recommendation for approval. From the Planning Board. Mr. Crowe said it did.

Mr. Holmes said he regrets this ordinance was tied to having anything to do with the School Board issue. If that connotation hadn't been made, the view of the ordinance would be different. A PUD is an opportunity to put controls on a piece of property that don't already exist. If a piece of property is zoned R-3, anything allowed on R-e zoning can be put there. PUD zoning is intended to put controls on certain types of development. A developer has to adhere to a specific site plan and has to upgrade the aesthetics of a development. This is an opportunity for the City to have more control and not less. Commissioner Leary concurred. Mr. Holmes said if no one had mentioned the School Board, most of these changes are good changes in terms of protecting neighborhoods. Mr. Holmes cited certain passages that highlight this point, i.e. developments over a certain square footage having to go through the PUD process. Prior to this, large developments weren't required to go through the PUD process. This increases the City's ability to assure good development. Commissioner Kitchens said in theory a PUD is supposed to control development, but this is not always the case. A prime example is the PUD that was approved behind the golf course off Lundy Road. In that case the Commission voted on the side of the developer. This is supposed to be a good thing, but the Commission doesn't always listen to the citizens.

Commissioner Brown said she understands this gives them more leverage to put controls on development, and she cited the Winn Dixie center as an example of a development they could not hold the developer to on requests the City made for certain buffers. They need to stop things they don't want to happen by putting safeguards in place prior to them being established, and this is one way of doing that before they come in.

There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Leary, Norwood and Mayor Myers, yes; Nay, Commissioner Kitchens. The ordinance was declares passed and adopted on a vote of four in favor, one opposed.

8. **ORDINANCE** amending Section 94-114 of the Zoning Code of Ordinances to allow for the re-establishment of a non-conforming use – 2nd Reading, Adopt – 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 NONCONFORMING USE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Leary seconded the motion. Commissioner Kitchens said she still believes they need to exclude historic districts. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Leary, Norwood and Mayor Myers, yes; Nay, Commissioner Kitchens. The ordinance was declares passed and adopted on a vote of four in favor, one opposed.

9. **ADMINISTRATIVE REPORTS**

Mr. Boynton said the BASS Elite Series bass tournament is scheduled to begin next week. The Senior Azalea tournament is going on this week, and the Junior Azalea tournament is going on next week. Some of the best golfers in the country will be playing golf in Palatka.

10. **COMMISSIONER COMMENTS**

Commissioner Brown said she gave the Police Chief a letter and check her son received from Canada, which is bait to run a con. She reminded citizens to be wary of such situations.

Commissioner Leary said they had a discussion about internet cafes some time ago and were waiting on the legislature to pass something to address them, which will not happen this session. He'd like the Planner to bring forth an ordinance to address this.

Mayor Myers said this Bass Tournament is one of eight Elite Series tournaments held in the entire world. They will host 100 of the best bass fishermen in the world. He urges all to attend the weigh-ins.

Mayor Myers noted the Azalea Festival was a great success and thanked the Clerk for her part in organizing the Mayor's Reception. A ribbon cutting ceremony was held for the new soft boat launch at the Riverfront Park. He commended Mr. Boynton and Mr. Griffith for the good job they did on the part redevelopment.

Mayor Myers noted the Mug Race is approaching and will be held on the first weekend in May.

Mr. Boynton said as to the 100 Block buildings, he had stated at the last meeting they would be spending a couple of thousand dollars to secure those buildings and do some painting. They will actually spend somewhere between \$700.00 to \$1,000.00 on this work. This is work that needed to be done.

11. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 6:40 p.m. upon a motion by Commissioner Brown.

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