

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 January 12, 2012

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 12th day of January, 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; 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 Dennis Childers, Pastor, Holly Ridge Chapel

PLEDGE OF ALLEGIANCE – Chris DeVitto, Palatka Daily News

APPROVAL OF MINUTES – 12/8/11 – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

PROCLAMATION recognizing City of Palatka's 159th Birthday - Mayor Myers read a proclamation celebrating the City of Palatka's 159th anniversary of being officially chartered by the Florida Legislature, on January 8, 1853.

FGFOA CERTIFICATE OF ACHEVEMENT for Excellence in Financial Reporting – Finance Dept. - Mayor Myers presented the award on behalf of the Government Finance Officers Association to Matt Reynolds, Finance Director, who introduced Barbara Hall, Kathy Tilghman, Christy Wilkinson, Susan Buck and Holly Harris, his staff. Mr. Reynolds also thanked the auditors and others who have helped the City win this award.

PROMOTIONS – Palatka Police Department - Chief Getchell administered the Oath of Office to the following officers who have gone through an extensive advancement process and were

chosen for senior officer promotions at the Police Department. The following officers received promotions: Detective Mike Meredith was promoted to Sergeant – 11 yrs of service
Officer Chris Ashley was promoted to Corporal – 6 yrs of service
Officer Scott Mast was promoted to Corporal – 7 yrs of service

2. PUBLIC COMMENTS

Normand Jutras, 412 Mulholland Park, said he attended the branding meetings this past week and thinks the process is fantastic, but they also need to recognize the opportunity to grow in a positive way. They have the highest gas prices in the State. They are also looking at safety for intersections, but the fines that come along with red light cameras are horrible. The City only receives a token percentage of those fines. The City doesn't want to be branded as a speed trap, which carries a negative connotation. It takes 20 positives to overcome one negative.

3. CONSENT AGENDA:

- a. **Authorize the Mayor to execute required forms, including a Determination of Exemption & Categorical Exclusion, Release of Funds and Removal of Environmental Grant Conditions on behalf of Palatka Housing Authority's Annual (2012) and 5-Year (2012-2016) Capital Improvement Plans**, and certify their consistency with the Comprehensive Plan for the City of Palatka
- b. **Authorize execution of Election Services Agreement** with Putnam County Supervisor of Elections, per staff recommendation (City Manager, Clerk)
- c. **Declare City Hall/City Lot surplus items** as listed for disposition at auction
- d. **Reappoint Charles Rabun and Marc Spalding to the Palatka Gas Authority Board** for three-year terms to expire January, 2015 (incumbent members; sole applicants)
- e. **Appoint Art Leary to the Palatka Firefighters Pension Board as 5th member representative** for a two-year term to expire December 31, 2014 (sole applicant)
- f. **Appoint Dave Cox (PMGA Pres) and reappoint Greg Jungenberg (PMGA), Joy Langston (PWGA Pres) and Gen Alvers (PWGA) to the Golf Course Advisory Board** for a one-year term to expire January, 2013 (designated Professional Golf Association members)
- g. **Reappoint 2012 Commission Representatives and Liaisons** as listed
- h. **Grant Preliminary approval of schedule of 2012 Class A Festivals, Arts Council Summer Concert Series, and City-Sponsored Events** and other annually recurring events, per listing.
- i. **Grant permission to exceed allowable noise levels established by Chapter 30 of the Palatka Code of Ordinances for "4th Saturday Dancin' In The Street Downtown Cruise-In Block Party"** from 5:00 p.m. to 10:00 p.m. on 4th Saturdays of January (28th), February (25th) and March (24th), 2012 – Palatka Main Street, Applicant – per Special Events Coordinator's Recommendation

Commissioner Kitchens asked to pull Consent items (b), (e), (h) and (i). Commissioner Brown moved to approve Consent items (a), (c), (d), (f) and (g). Commissioner Kitchens seconded the motion, which passed unopposed.

- e. **Appoint Art Leary to the Palatka Firefighters Pension Board as 5th member representative** for a two-year term to expire December 31, 2014 (sole applicant) – Commissioner Leary recused himself from voting on Consent item e. Commissioner Kitchens moved to approve Art Leary to the firefighters' Pension Board for a two year term to expire 12/31/14. Commissioner Brown seconded the motion, which passed unopposed.
- b. **Authorize execution of Election Services Agreement with Putnam County Supervisor of Elections, per staff recommendation (City Manager, Clerk)** – Commissioner Kitchens stated she has several problems with this agreement. The 2nd paragraph of the letter of the Supervisor of Elections, regarding the cost of ballots, section 3, page 3 section 9 states

municipality shall pay all additional costs, etc. She has a problem with this statement. On page 4, section 10, municipal responsibilities, bullet 13, cost of overtime for election staff. She asked if the City will have to pay overtime for Elections employees. She believes this is included in the Supervisor of Elections' budget. Under indemnity, it states the Municipality shall pay legal costs for all incidents related to elections. She has a problem for the City paying legal costs for the Supervisor of Elections. Mr. Holmes said the first item has to do with cost as billed by the Supervisor of Election as mutually agreed upon in advance of occurrence of the cost.

Susan McCool said she started this because she is leaving office. They have been following this procedure during her tenure. She wanted to leave a format for her replacement for continuity. If any of the municipalities' Clerks leave, there is no continuity. In the past the City has paid overtime for elections. As to page 3, #9, it states the "other charges" are as mutually agreed upon in advance. She would hope a vendor would not charge her office for something without first letting them know about the charge in advance. This would apply if the City holds a special election for an open seat, charter amendment or a referendum. The only time they'd have to worry about charges is if they are not on the County's ballot. If the City's race took the ballot to an extra page, that would be the only cost.

Commissioner Kitchens said if this is a memorandum of understanding, she wouldn't have a problem but this is a legally binding agreement. They do not know if her successor will be fair with the City. She would prefer a Memorandum of Understanding. Discussion ensued over legal costs. Mr. Holmes said if the municipality were to be sued over a legal issue the City would be liable for both the City's and the Supervisor of Election's legal costs. Page 14 states this is a complete and binding agreement of the parties, and no modification shall be effective unless approved by both parties.

Commissioner Leary moved to authorize execution of Election Services Agreement. Commissioner Norwood seconded the motion. Motion passed four in favor, opposed by Commissioner Kitchens

- h. **Grant Preliminary approval of schedule of 2012 Class A Festivals, Arts Council Summer Concert Series, and City-Sponsored Events** and other annually recurring events, per listing – Commissioner Kitchens said this should be a Department Head report as it is information only. Commissioner Brown noted city events are included and asked if the Riverboat launch should be included. Commissioner Leary moved to approve the schedule of 2012 Class A Festivals, Arts Council Summer Concert Series and annually recurring City-Sponsored Events. Commissioner Norwood seconded the motion, which passed unopposed.
- i. **Grant permission to exceed allowable noise levels established by Chapter 30 of the Palatka Code of Ordinances for "4th Saturday Dancin' In The Street Downtown Cruise-In Block Party"** from 5:00 p.m. to 10:00 p.m. on 4th Saturdays of January (28th), February (25th) and March (24th), 2012 – Palatka Main Street, Applicant – per Special Events Coordinator's Recommendation – Commissioner Kitchens said there was confusion between the permit application and the agenda item. The permit states this covers 10 months and the agenda item only covers 3 months. Also it states the 800 Block will be closed, but the memorandum states up to 9th street will be closed. The noise variance will be over at 9 p.m. but the event will close at 10 p.m. These are events the Main Street Manager has put together to promote businesses. Commissioner Norwood noted this action is only for the noise variance. Commissioner Leary moved to grant permission to exceed allowable noise levels established by Chapter 30 of the Palatka Code of Ordinances for 4th Saturdays of January (28th), February (25th) and March (24th). Commissioner Norwood seconded the motion, which passed unopposed.

4. **PLANNING BOARD APPOINTMENTS** – interview applicants for one (1) at-large position - George DeLoach and Clem Saccareccia - Mr. DeLoach was present for interview. Mrs. Saccareccia was excused from interview for medical reasons. Mayor Myers noted the appointment will be made at the January 26 meeting.

5. **RED LIGHT CAMERA PROGRAM** – Police Chief Getchell said they seek to receive direction and a decision on the continuation of the Red Light Camera Program. He is not here to argue for or against the program; those decisions have been made by the Commission, whose members have already voted to put a program in place. He can answer questions from a historical perspective. He is limiting his conversation to where they are today. Some people might think this program went away, but installation was delayed. There has been a contract in place to install the system since 2009. The Program was put on hold in order to resolve legal matters brought by various courts, and the legislature proposed statutes that were passed in the summer of 2010 that provided answer and direction. All the legal matters that forced them to postpone implementing the program have been resolved. The City voted to delay the project, and ATS, who holds the contract to install these cameras, acquiesced to this delay. Chief Getchell summarized the issue, saying the state has put state-wide procedures in place; all fines and penal processes are now uniform. As to the level of responsibility for owners of cars that were not being driven by its owner, they have put a provision in place for an Affidavit for Denial of Responsibility. They can take the citation to county court to appeal it, or sign an affidavit that they were not in possession of the vehicle, and declare who was in possession of the vehicle. This also clears the way to install traffic lights on state roads; the State will allow municipalities to monitor state highway intersections and issue citations. It eliminates the need for a hearing officer as all fines will be handled by the county. If someone fails to pay their ticket, there is a process for handling that through the county court system and the violator's driver license will be suspended. ATS is now prohibited from receiving a commission or charging fees based upon the number of tickets written. Now it is based upon services rendered; there is a constant monthly fee for this now. It is cost neutral. The fee would only kick in if citations are issued. If there is not enough revenue to cover the fee, it is still cost neutral. It establishes revenue sharing between the municipalities, the State of Florida and trauma centers.

Chief Getchell said the remaining issue is that the City has an active 'Traffic Light Safety Program.' They need to decide whether to move forward with it, or abolish it. The City is legally obligated to follow the intent of the contract with ATS. The Commission has two options: either move it forward or terminate the agreement with ATS. They have no recommendation for or against. This is the City Commission's decision. If they decide not to move forward, the City Attorney will need to negotiate a release of contract with ATS. Per the question, the ticket is \$158.00; it is a moving violation.

David Jackson, American Traffic Solutions, said he has prepared an overview of changes. The State legislature has changed the entire program. They also have historic information on effectiveness. He provided a brief overview via a power point presentation. He said the city can accomplish this same thing by putting an officer at each intersection, but they could use technology to free up officers and allow them to do other things. Use of cameras is growing at a steep rate. A nationwide study concluded this will return the focus back to people injuring or killing other people by running red lights. In towns where these systems are installed, traffic fatalities are reduced by 24% and insurance costs are down. This program works to reduce costs and save lives. Within six months they will see a large reduction in violations and accidents. Every citation is looked at by a police officer and they would make the same call if they were actually there. No pictures are taken of the driver. This is a civil violation, not a criminal violation. This is all violator funded; no taxpayer money is involved. ATS is the choice of providers within the State of Florida. They have 75% of all contracts and 90% of contracts in the State. The state law enables the City to install cameras on State highways, where the speed is greater. It also

allows for the transfer of liability if a car owner was not driving the vehicle. In all cities where this system is installed, accidents are down from 30 to 80 percent. This is life-saving technology. A video is taken of the red light infraction as well as 2 photos, and a violator can watch the video online through a pin number. Police can go back on the video for 30 days. A collision can be viewed from the police station as it happens.

Mr. Jackson said the statute states how the money will be divided. The months there are no red light violations, ATS wouldn't collect a fee. In states where the violation is criminal and not civil, they take pictures of the driver, but that is not the case in Florida. Commissioner Leary, who noted he was not on the commission when this was adopted, said he watched the legislature debate this matter over the years. Some good things came out of that. He watched a semi truck run a red light today. They have to slow down traffic on Hwy 17. He supports this in the right areas. Commissioner Brown asked how they are going to educate the public that this system is in place. Mr. Jackson said they recommend conservative implementation and heavy education. In one community they made placemats for local restaurants. Another was an insert into utility bills. They sent warning citations for the first 30 days of the program. They also developed public service announcements. Commissioner Norwood said they've already approved this; they've just delayed implementation of it.

Mayor Myers opened the floor for public discussion.

Craig Sherar, 147 Pine Tree Road, E. Palatka, said he is here to speak against this for several reasons. The truck driver who ran a light didn't get a ticket, because it takes a picture of the trailer and not the truck. As to logging trucks, he defies anyone to get a tag number off a logging truck. You can't. If safety was important, they'd have police officers at these intersections giving tickets. They have not had selective traffic control at intersections to his knowledge. Lights were put on the bottom of traffic lights so that officers can testify as to the color of a light when someone runs it. If the point is safety, it is more effective to pull people over and write them a ticket. This has nothing to do with safety; it is purely a revenue generator. When people get used to these lights, they won't stop this program, because they want the money. This will make the police force lazy. The first time a logging truck runs a red light and they can't see the tags, they will know this is a flawed system.

Askew Vickers, 207 N. 18th Street, asked how many traffic lights are on Hwy 17, and said no one knows. He asked how many accidents they've had at a specific intersection at any intersection where someone got hurt. There are less than 20 traffic lights in the entire city and less than 10 on Hwy 17. After you pass 11th Street on St. Johns Ave there are only 3. This is not about safety, it's about revenue. It's nothing but a tax. Tax them a different way but don't disguise it as a safety program. This is a burden without justification.

Normand Jutras, 412 Mulholland Drive, said keep the image of the community positive.

Commissioner Kitchens moved to continue the program. Commissioner Norwood seconded the motion. Commissioner Kitchens said this is not a tax; it only applies if you break the law. If you break the law you receive a fine. She sees vehicles running red lights all the time, especially semi trucks. This is to make people obey the law. It will get their attention if it hits their wallet. She doesn't want Palatka to be known as a death trap. Commissioner Brown said they need to educate the public that this is happening and they will only be fined if they run a light. Chief Getchell said they discussed this when this was adopted before. They plan a 30-day grace period with an education blitz, and will put electronic boards at each intersection approach warning people there is a camera there for 60 days after their installation. It's obvious there is a system at the intersection, and permanent signs are up along the road notifying the driving public there is a

system in place. Commissioner Norwood said this is about keeping citizens safe. There being no further discussion a vote was taken and the motion passed unopposed.

6. **ORDINANCE** electing to locally implement FS 316.008 (8)(a) to allow for the installation of Traffic Infraction Detectors to enforce red light violations, and repealing the Palatka Traffic Safety Act, Chapter 82, Article IV of the Municipal Code – 1st Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ELECTING TO LOCALLY IMPLEMENT FLORIDA STATUTE 316.008(8)(a); PROVIDING FOR IMPLEMENTATION OF LAW OF FLORIDA 2010-80; REPEALING ORDINANCE #09-08 CREATING THE CITY OF PALATKA TRAFFIC LIGHT SAFETY ACT (CODIFIED IN MUNICIPAL CODE AS CH. 82, ARTICLE IV) AND ANY OTHER ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND THE RENUMBERING OF CHAPTER 82 OF THE MUNICIPAL CODE ACCORDINGLY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 1st reading. 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. The ordinance was declared passed on 1st reading.
7. **PUBLIC HEARING – 718 Elmwood Avenue** – Planning Board Recommendation to annex, amend the future land use designation and rezone from Putnam County R-1A (Single-Family) to City of Palatka R-1 (Single Family Residential), John W. White and Larue Greathouse, Applicants

ORDINANCE annexing 718 Elmwood Avenue – 1st Reading - 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 718 ELMWOOD AVENUE, LOCATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE; and

ORDINANCE rezoning 718 Elmwood Avenue – 1st Reading - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY LOCATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 718 ELMWOOD AVENUE FROM PUTNAM COUNTY R-1A (SINGLE-FAMILY) TO R-1 (SINGLE-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Commissioner Brown moved to pass both ordinances on 1st reading. 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. The Ordinances were declared passed on 1st reading.

8. **ORDINANCE** - Planning Board Recommendation to Rezone 4 parcels of land on Kay Larkin Circle and 2 parcels of land north of St. Johns Ave. and west of Moody Rd. (a total of more than 20 acres in size) from M-1 (Light Industrial) To AP-2 (Airport Related) – City of Palatka Building & Zoning Dept., Applicant – 1st Reading - Mr. Crowe said he has withdrawn this item and has determined that leaving this zoning in place is appropriate, as pointed out by Commissioner Kitchens.
9. **ORDINANCE** – Planning Board Recommendation to Rezone 6805 St. Johns Avenue from Putnam County Ag (Agriculture) To R-3 (Multiple-Family Residential) – Robert A. Guirlinger, Arbor Place Partners, LLLP, Applicant – 1st Reading - The Clerk read an ordinance entitled AN

ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY LOCATED IN SECTION 09, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 6805 ST. JOHNS AVENUE FROM PUTNAM COUNTY AG (AGRICULTURE) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to pass the ordinance on 1st reading. 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. The Ordinance was declared passed on 1st reading.

10. **ORDINANCE** amending Municipal Code Section 94-201 to allow additional products sold at Farmers Markets – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-201 TO ALLOW ADDITIONAL PRODUCTS TO BE SOLD AT FARMERS MARKETS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Brown seconded the ordinance. 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.
11. **ORDINANCE** amending Municipal Code Section 94-111(b) to allow Planned Unit Developments in OPF and PB Future Land Use Map categories – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTION 94-111 TO ALLOW PLANNED UNIT DEVELOPMENTS IN THE PUBLIC BUILDING AND FACILITIES AND OTHER PUBLIC FACILITIES FUTURE LAND USE MAP CATEGORIES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Brown seconded the motion. Mayor Myers opened the public hearing.

Robert Cavuoti, 2206 Prosper Street, said he's lived here for 40 years and retired from the County school system after 30 years. He is here because the PUD the City wants to do involves the warehouse location on Moseley Avenue. In May of 2009 Moseley Elementary closed and moved across the street. In June 2009 the Putnam County Warehouse started moving into the former Moseley Elementary School. He called Building & Zoning in October 2009 and asked if this location is properly zoned for a warehouse. He was told it was not. It has lost its "grandfathered" zoning at this time and can no longer be a school or a warehouse. At the time the warehouse moved in, no application was made to put a warehouse there. The Zoning Board never met about this. There was no public notice. Even the City Commission had no voice in the process. This is a residential area. There are single family homes on three sides of the campus and senior citizen apartments on the 4th side. The neighbors called the Superintendent of Schools, who took 2 months to meet with them. They expressed their concerns with large trucks coming in at all hours of the night. He never got back with them. He got Mr. Crowe and Mayor Myers involved, and at that time the Superintendent met with them. There were 3 meetings held with the Superintendent, the Mayor and Mr. Crowe. They were assured by Mayor Myers and Mr. Crowe that if there was a meeting where this warehouse would be discussed, they would be notified. Their last meeting was in August. It was written up in the newspaper. On Nov 1, 2011 there was a Zoning Board meeting where the warehouse was discussed. They were not notified. On Sept, 8 this warehouse was discussed and they were not notified. On Dec. 9 Mr. DeVitto called him and asked him if he knew about these meetings. He did not, or he'd have been here. His neighbors did not have a voice at any of these meetings. If the Commission votes yes on this PUD the Commission is saying to them anyone can do whatever they want on business locations, and not to worry about B&Z regulations. The warehouse should not be located at this location; the school system did not go through the application process. Do not approve the PUD until the

warehouse issue is resolved. They shouldn't put a new rule in place to let this happen. If this was anyone but the school system, the business would be forced to close.

Don Holmes, City Attorney, said this is not a vote tonight to approve a PUD for the old Moseley campus. Mr. Cavuoti said this will open the door to approve the PUD. Mr. Holmes said that is correct; without this change they couldn't approve a PUD, but this is not specifically to approve this or any specific PUD. Mr. Holmes said they had this discussion at the last meeting; he asked Mr. Crowe if this was a good planning move, or if it was being done to facilitate the School Board's application at the Moseley site. Mr. Crowe's answer was that it was a good planning move. A Planned Unit Development is an overlay of underlying zoning. It is close to contract zoning. If the City grants zoning to someone, they can do anything in that zoning. If they grant a PUD to someone, that PUD specifically states what can be done, and is a limiting document or a document of definition. They are not considering the Moseley warehouse PUD tonight. This is not a consideration of a PUD at the Moseley school. That will be a whole different process that will start with the lower Planning Board. Tonight the City is only changing the zoning code to allow PUD's in this zoning code; they are allowed in virtually every other zoning category. It gives the City some tools to work with, as well as a developer. This gives the City more regulatory authority over a development. It says someone can apply for a PUD just like they can in any other category. It has nothing to do with this warehouse specifically. When the school board applies for a PUD at this site, he can make those arguments, but this is not about granting a PUD for a specific site. Mr. Cavuoti will then be able to bring all the pros and cons to the Boards. Commissioner Leary said this is a non-conforming use, and they have to be careful not to prejudice themselves on any application, but this Commission supports good planning. Such an application will be scrutinized very carefully. Mr. Cavuoti said he doesn't have a problem with the old Moseley school being used as office space, such as the Campbell building. He has a problem that they put a warehouse there. It cheapens the neighborhood.

Commissioner Kitchens said she understands what Mr. Holmes has stated. This is supposed to be a stand-alone issue. She read the minutes from the Planning Board meeting where this item was discussed, and Mr. Crowe's statements specifically regarding the Moseley School PUD. If this is in the minutes, it marries the two issues. She understands the School Board will have to make an application for this. Her concern is that passage of this will open the door to this PUD. Commissioner Leary said Mr. Crowe has done a great job of updating the Code and making the Code more planning-friendly. It's important that they look at this very strongly in making their decision.

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 adopted, 4 in favor and 1 opposed.

12. **ORDINANCE** amending Municipal Code Section 94-161(i) and 94-162(i) exempting single residential units within a building from the minimum parking requirements in the downtown zoning districts – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA AMENDING ZONING CODE SECTIONS 94-161 AND 94-162 TO EXEMPT SINGLE RESIDENTIAL UNITS WITHIN A BUILDING FROM THE MINIMUM PARKING REQUIREMENT IN DOWNTOWN ZONING DISTRICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. 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. The ordinance was declared adopted, 4 in favor and 1 opposed.
13. **ORDINANCE** amending Municipal Code Section 38-8 to reference recently adopted Flood Hazard Maps – 2nd Reading, Adopt – The Clerk read an ordinance entitled AN ORDINANCE OF

THE CITY OF PALATKA FLORIDA, AMENDING FLOODS CODE SECTION 38-8 TO REFERENCE UPDATED FLOOD HAZARD MAPS; 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.

14. **ORDINANCE** Amending Chapter 94-296 of the Municipal Code to require landscape plans for certain non-residential new construction be prepared by a licensed, Florida Registered Landscape Architect or other authorized & licensed professional – 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 94-296, REQUIRING THAT LANDSCAPE PLANS FOR NONRESIDENTIAL NEW CONSTRUCTION EXCLUDING RENOVATIONS AND ADDITIONS BE PREPARED BY A LICENSED, FLORIDA REGISTERED LANDSCAPE ARCHITECT OR OTHER LICENSED PROFESSIONAL AUTHORIZED BY LAW TO PRACTICE IN THE AREA OF LANDSCAPE DESIGN. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Leary seconded the motion. Commissioner Kitchens said on page 2, section 2, it needs to be corrected, and needs to be reworded to adopt the approved severability clause. Commissioner Norwood moved to amend the ordinance to amend the severability clause to include the approved wording. Commissioner Kitchens seconded the motion, which passed unopposed. A roll call vote on the amended ordinance was taken with the following results: Commissioners Brown, Leary, Norwood and Mayor Myers; yes. Nays: Commissioner Kitchens. The ordinance was declared adopted 4 in favor and 1 opposed.

15. **ADMINISTRATIVE REPORTS**

Riverfront Park - Mr. Boynton said the Riverfront Park construction is about 70% complete. Most of the lighting and irrigation is in place and over next two weeks all landscaping should be in place, concrete and brick work down St. Johns Avenue will be completed, and parking lot construction on 2nd Street and behind Angel's Diner will commence.

100 Block update – Mr. Boynton said, as to the structural analysis of the 100 block buildings, they have a structural engineer in place. He is having him look at competency/loading capacity of 2nd floor, competency/load structure of roofs, and the cost to renovate facades on south, north and west wall. He is not considering renovation on the east wall. He's using the CDP drawing as a template for costs associated for façade improvements. To counterbalance improvements, he's asking for cost of a new brick wall of comparable/ similar size. CST, the company that demolished the Frank George Apartments, will give him a price on demolition next week. He hopes to give them a report on this at the next meeting.

Commissioner Norwood asked if the cost for the east wall would be included in renovation pricing. Mr. Boynton said he will include the east wall in the cost estimates. Commissioner Brown asked if the mold issue will be resolved with the renovation. Mayor Myers said with a renovation it will be gutted. Commissioner Kitchens said the report showed no dangerous levels of mold at the time, but that was 5 years ago.

Mr. Boynton said as to the Riverview property development, he and the City Attorney will have a proposal ready for the first February meeting on an RFQ to be issued in February. He has not received any input from the Commission on that. Mayor Myers said the citizens want the issue of the fate of the 100 Block issue resolved as soon as possible.

Riverboat update – Mr. Boynton said Boat #1 is 60% complete and he forwarded pictures to the Commission on that earlier this week. He does not have a definitive delivery date, but they are on schedule for early to late spring delivery. He will make a site visit next week.

On a sad note, Mr. Boynton said over the Christmas holidays Fred Trepper, Sr. passed away. Fred Trepper, Jr. has notified them of his intent to honor the agreement with Banana Bay Tour Company. He was not able to be here tonight to address the Commission personally so he submitted a letter stating same, which he has distributed. He will be here to meet with the Commission, visit destination sites and go over docking issues sometime within the next two months.

16. **COMMISSIONER COMMENTS**

Commissioner Brown said they are going to Legislative Action Day and she'd like to get the copies of the pictures she is going to deliver to the legislators.

She thanked the Commission for their support on her birthday roast last weekend, saying she enjoyed having them all there.

Commissioner Brown said, in talking to people around town, they are slowly losing businesses that are employing their people. They've lost the Highway Patrol office, Social Security office, and there are rumors about Meridian Behavioral Health Care leaving. They need to sit down with the Governor and discuss these issues. This town does not need to lose jobs, they need to create jobs. It is not good to take jobs away from small rural towns.

Mr. Boynton said they should do an accounting of the federal and state agencies and impress upon the Legislature the importance of maintaining those jobs and the benefit of receiving those services here. He will be putting together a position letter asking for legislative support. Commissioner Brown asked that a video be made. Commissioner Leary said he listened to the Governor's State of the State speech. The tax base is not there to support the services the government provides and there will be further cuts. Until the economy turns around, they are wasting their time. He is pro job creation and is keenly aware of what's happening. He continues to prioritize jobs. They need to look for jobs that aren't government-related.

Commissioner Norwood wished Vice Mayor Brown a happy birthday, which was one day before the City's.

Mayor Myers said they had a great branding session and presentation this afternoon; they continue to move the City forward.

17. **ADJOURN** – There being no further business to discuss, the meeting was adjourned at 8:00 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

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.