

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
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 14, 2013

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 14th day of November, 2013.

PRESENT:	Mayor Commissioner Commissioner Commissioner Commissioner	Vernon Myers Mary Lawson Brown Allegra Kitchens Phil Leary James Norwood, Jr.
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Also Present: City Manager Michael J. Czymbor; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Thad Crowe, Airport Manager John Youell; Grants/Projects Manager Jonathan Griffith and Main Street Manager Charles Rudd

SPECIAL AGENDA CALL TO ORDER: Student Mayor Luis Rodriguez called the 2013 Boyz II Men Students in Government Special Meeting to Order at 6:00 p.m.

INVOCATION – The Reverend Wes Taylor, Pastor, Tabernacle Baptist Church

PLEDGE OF ALLEGIANCE – Led by Christian Lopez

ROLL CALL: Presentation of Honorary "Students in Government" City Officials

<u>Elected Officials (City Commission):</u>		<u>Appointed Officials:</u>	
Mayor	Luis Rodriguez	City Manager	Zephaniah Banks
Commissioner	Bradley Baker	City Clerk	Daniel Jaramillo
Commissioner	Jesus Escamilla	Finance Director	Corey Smith
Commissioner	David Cortez	Police Chief	Christian Lopez
Commissioner	Dean Finch	Fire Chief	Brian Mendosa
		City Attorney	Trevor Green

Department Heads:

Planning Director	Austin Thompson
Airport Manager	Gabrielle Knox
Public Works Director	Joshua Rios
Waste Water Treatment Plant Supt.	James Mausby

PUBLIC RECOGNITION:

PROCLAMATION – BOYZ II MEN Student Mentoring Day – November 15, 2013 – Student Vice Mayor Bradley Baker joined Mayor Luis Rodriguez, who read and presented the proclamation to

Group President Gerald Watson. Mr. Watson thanked and introduced other Mentoring leaders and said this is a faith-based mentoring group which recruits young men in the Crescent City area. They help them build moral skills, learn how to apply themselves and help others through direct mentoring, service projects, workshops and field trips like this. Currently they are renovating an old baseball park in Crescent City. They help young men to grow and teach them how to make valuable contributions in their community.

SPECIAL BUSINESS:

Student Commissioner Baker moved to add Chik-Fil-a to the School's lunch menu; motion seconded by Student Commissioner Dean Finch. Thoughtful discussion ensued regarding cost and feasibility, and the affect this change will have on the rest of the lunch program. A motion was made by Student Commissioner Cortez and seconded by Student Commissioner Escamilla to amend the main motion to institute the program on a trial basis for 30 days, which passed unopposed. There being no further discussion, the question was called and a vote was taken on the amended main motion to add Chik Filet to the school lunch menu for a trial period of 30 days, which passed unopposed.

ADJOURN SPECIAL MEETING: Honorary Mayor Rodriguez announced that this concluded the items on the Special Agenda, and returned the gavel to Mayor Myers at 6:12 p.m.

CALL TO ORDER – Mayor Myers called the December 12, 2013 Palatka City Commission meeting to order at 6:14 p.m.

APPROVAL OF MINUTES – 10/10/13 Regular Meeting – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

PROCLAMATION - City Government Week - November 11 - 17, 2013 – The Proclamation was read and issued by Mayor Myers.

PROCLAMATION - America Recycles Day - November 16, 2013 – Ramicaah Watkins, Keep Putnam Beautiful, was present to accept the proclamation, which was read and issued by Mayor Myers. Ms. Watkins thanked Mr. Czymbor and Vicki Young for coordinating this event. She said the City will hold a Recycling Day on Saturday, November 16 in the parking lot across from the Clock Tower from 8:00 a.m. to 1:00 p.m. Citizens can bring their recyclables and dispose of them there. They will have a shredder there and will take batteries, light bulbs, old air conditioners, tires and trash. She thanked Waste Pro, Arctic Air, BOCC and America Recycles for their participation in the event.

EMPLOYEE RECOGNITION - Promotion/Swearing-In of Matt Newcomb to the rank of Captain and Jason Shaw to the rank of Lieutenant – Chief Getchell, Palatka Police Department, introduced and administered the Oath of Office to Matt Newcomb, who is promoted to the rank of Captain, and Jason Shaw, who is promoted to the rank of Lieutenant and who was recently recognized as Officer of the Year, and read aloud their educational background, biographical information and qualifications (filed).

STUDENT GOVERNMENT RECOGNITION – Mayor Myers presented Certificates of Recognition to the BOYZ II MEN students who participated in the Student Government Week Mock City Commission exercise.

STUDENT OF THE MONTH - November, 2013 - 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:

Alana Jenkins

Browning-Pearce Elementary

Duncan Mundy	C. L. Overturf, Jr. 6 th Grade Center
Chloe Dasher	Children's Reading Center Charter School
Jacob Bryan	E. H. Miller School
Caleb Taylor	James A. Long Elementary School
Niyah Givens	Jenkins Middle School
Brooklynn Martin	Kelley Smith Elementary School
Jewell Whilhite	Mellon Elementary School
Lee'Ondra Mulberry	Moseley Elementary School
Taylor Driggers	Palatka High School
Trenton Williams	Peniel Baptist Academy
Jarell Perry	Putnam Academy of Arts & Sciences
Addison Mitchell	Putnam EDGE High School

2. **PUBLIC COMMENTS** (Speakers limited to three minutes – no action taken on items)
- Victoria Foster, 308 N. 10th Street, office manager for the Suwannee River Economic Council, said the Council services senior citizens 60 years of age and older. They service a lot of NE Florida counties. She distributed a pamphlet (filed). They serve hot meals at various locations in Palatka. They have volunteers who deliver meals to the elderly every day, every week. They send homemakers into homes to help with tidying, and CNAs to help with personal care. They have volunteers who stay with the elderly so that caregivers can run errands and go shopping. They offer many elderly services such as energy assistance. In December she is holding an appreciation banquet for the volunteers; there are about 22 volunteers. The banquet will be held on December 12th at Golden Corral at 5:30 p.m. She is asking for community contributions to make the banquet a success. There is a list inside the pamphlet with her name and phone numbers. She was accompanied by Mrs. Bell.
3. **CONSENT AGENDA:**
- a. **Adopt Resolution No. 2013-10-14** amending the FY 2013-14 Budget through 10/31/13
 - b. **Adopt Resolution No. 2013-10-15** requesting a Waiver in Permit Fees from St. Johns River Water Management District for FY 2013-14
 - c. **Adopt Resolution No. 2013-10-16** authorizing the City Manager and City Clerk to execute and attest Amendment #1 to the St. Johns River Water Management District Water Conservation Cost Share Agreement #26799 for the development of a Water Conservation and Reuse Plan
 - d. **Adopt Resolution No. 2103-10-17** authorizing the City Manager and City Clerk to execute and attest Ayres Associate's scope and fee proposal for the development of a Reclaim Water System Preliminary Feasibility and Rate Study Master Plan
 - e. **Adopt Resolution No. 2013-10-18** authorizing the City Manager and City Clerk to execute and attest TB Landmark Construction Inc.'s proposal to repair the reuse mainline at St. Johns Avenue and State Road 19 for an amount not to exceed \$68,480.00
 - f. **Adopt Resolution No. 2013-10-19** amending Resolution 2013-9-122 authorizing revisions to a USDA RBEG application for renovations to the Golf Course restaurant and restrooms.
 - g. **Adopt Resolution No. 2013-10-20** approving the selection of Allan H. Kaye, P.A. as Hearing Officer and authorizing City Manager and City Attorney to negotiate a contract for hearing officer services
 - h. **Accept Board/Committee Resignations** as follows, with regrets:
 1. Darcy W. Phillips - Code Enforcement Board (Alternate) - verbal
 2. Adam Bujak - Putnam County Library Board (City Appointee) 9/10/13
 3. Gary Graffweg - Historic Preservation Board (Contractor) 10/7/13
 4. Emily Rodriguez - Tree Committee - 10/14/13
 - i. **Appoint Betty M. Kelly to the Palatka Code Enforcement Board** to serve the remainder of a three-year term to expire September, 2014, per Staff recommendation (sole applicant)
 - j. **Appoint Mary "Meri" A. Rees to the Historic Preservation Board** for the remainder of a three-year term to expire June, 2015, per Staff recommendation (sole applicant)

- k. **Re-appoint Elizabeth van Rensburg to the Historic Preservation Board** for a three-year term to expire June, 2013 per Staff recommendation (sole applicant; incumbent)
- l. **Appoint FFY 2013-14 CDBG Citizens Advisory Task Force Members:** Sgt. Larry Beaton, Wanda Brown, David Franke, Ann Keys and Dr. Richard Perallon, per Staff recommendation

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

Mayor Myers recognized the service of Darcy Phillips, who was present.

Mayor Myers recognized the presence of former City Commissioner Ted MacGibbon.

- 4. **COMMUNITY REDEVELOPMENT AGENCY – 10/24/13 meeting items for approval:**
RESOLUTION No. 2013-10-21 adopting revisions to the Building Improvement Grant (BIG) Program – Adopt – *tabled on October 24, 2013 for revisions by City Manager, City Attorney and Main Street Manager* - The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA ADOPTING THE FISCAL YEAR 2013-2014 BUILDING IMPROVEMENT GRANT PROGRAM FOR THE COMMUNITY REDEVELOPMENT AREA'S CENTRAL BUSINESS DISTRICT. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Leary seconded the motion, which passed unopposed.
- 5. **PRESENTATION –** Palatka Gas Authority's Response to DuPont Corporation's RFP to provide natural gas to property near Camp Blanding, Clay County, FL – Jud Neufeld, Chairman, Palatka Gas Authority, and Don Kitner, General Manager, PGA, were present, as were other members of the Palatka Gas Authority board. Mr. Neufeld said this is a new opportunity which will sustain the natural gas system and provide a new revenue stream, and will help to maintain the integrity of the natural gas system by putting them in a stronger financial position. A PowerPoint presentation was shown on the response to the Request for Proposal for DuPont Corporation. There are 3 locations of service. Slides showing the economic impact and environmental considerations were shown. No chemicals will be used in the extraction process. A map of the area showing the locations was shown. They propose to run a gas line from the Keystone Airport north 11 miles. The daily consumption of gas will be equal to the annual consumption of 20 homes.

Mr. Kitner said the cost of construction of the line is close to \$3 million. A breakdown was provided. This consists of pipeline and meters and maintenance fees. The fee is charged on a monthly basis. A breakdown on the debt service was shown, and shows an internal rate of return of 20% or \$64,000 annually on average. Mr. Neufeld said they feel they have a good opportunity to win this bid; they have minimum overhead and only 13 employees. They believe they will be successful in this bid.

Discussion ensued on revenue streams and cost of inflation. Mr. Kitner said they are guaranteed a return no matter how much the customer uses. Most companies offer a fixed pricing. There were a total of five responders; TECO, Republic Utilities and two other pipeline companies he is not familiar with. This could be a metal line or it could be built of high density polyethylene. The project could begin construction in March and will be up and running in four to five months. The project will come back to the Commission for approval. Mr. Czymbor said he attends their meetings; they looked at many factors. If they are awarded the bid, and they seek financing for the project, they will have a legal determination at that time as to whether the project needs to come back to the Commission. The bids are due on November 22. They do not know when they will be notified about the bid award. They don't have a timeline on when they may need to come back to the Commission.

Commissioner Leary said DuPont is a huge economic generator for the region; he believes this is a great project. It's a legitimate project. He hopes they are awarded the bid. Mr. Holmes asked

as to the steps they have to take prior to acceptance, and if can they start the process they will need to work through between bid award and acceptance, or commencement of construction, and asked if they would be in a position to meet that time frame. Mr. Kitner said they look for a bid award and an issuance of a letter of intent in January. They aren't expecting construction to begin until March or April. Commissioner Brown thanked the PGA and Mr. Kitner for all their hard work and forethought. Mayor Myers concurred and said they've done a great job throughout the years. He has expressed some concern on this to the Board and Mr. Kitner. This entails their local gas authority going outside the area to provide service. He'd like to see a more detailed breakdown on the project. Commissioner Kitchens said the project is great and rate of return is phenomenal. She hopes they are successful in their bid.

6. **REQUEST TO APPEAL** the Palatka Historic Preservation Board's 90/5/13 decision to deny a Certificate of Appropriateness (COA) application by First Presbyterian Church to demolish the historic apartment building at 205 S. 3rd Street – Case No. 13-38 – Robert E. Taylor, Agent; First Presbyterian Church of Palatka – Thad Crowe, Planning Director,

Mayor Myers said as this is an appeal, no new evidence can be presented that was not presented at the Historic Preservation Board. He asked speakers to be as brief as possible in remarks for those who do speak. Commissioner Norwood said when they serve as an appellate body, there is no sense in calling, contacting or sending e-mails on an issue. He will not speak about these issues when they sit as an appellate body; it's not that they don't want to, but they can't. Mr. Holmes said the Commission sits as legislators and in that capacity the citizens can speak to them about anything. When they sit as an appellate board, they cannot hear outside testimony; they are limited to what was heard by the board below. It's not fair for them to judge that board's decision on information those board members didn't receive. They are limited to the same information that was heard below. Mayor Myers asked for any ex parte communication to be declared; there was none declared.

Thad Crowe, Planning Director, showed an aerial photo of the area and several views of the apartment building in question. The property was built in 1947 and exhibits characteristics of the 'Art Moderne' Style. It is a rare architectural style. The building is not Art Deco; there are distinctions between the styles. The Larimer Building is an example of the Art Deco style. In 1981-82 the last full-scale historic survey in Palatka was completed, and Art Moderne was not recognized as a legitimate architectural style at that time. The National Register of Historic Places' 50-year rule says the building must be at least 50 years old to be considered historic. At this time Art Moderne is celebrated as a legitimate architectural style and the building is more than 50 years old, and qualifies for the National Register under the 50-year rule.

Mr. Crowe said the staff report utilized Comprehensive Plan and Municipal Code criteria when considering the request for a Certificate of Appropriateness for demolition. The Comprehensive Plan states the City shall strive to protect its historic resources. The building is eligible for protection as it is National/local register eligible based on the architectural style and age, and has been identified as one of approximately 20 such individually significant historic buildings in the central area that are National Register-eligible. This is a one-of-a kind, clean example of Art Moderne. Regarding COA Demolition Criteria 2 and 3, Staff agrees that the building is not adaptive for use as anything other than residential; it is only good for being an apartment building. As to Demolition Criteria 4 and 5, Staff believes its demolition would represent the loss of a unique historic building and loss of the continuity of historic structures along S. 3rd Street. Demolition Criteria 4 and 5 also pertains to "reasonable justice and equity" to the property owner. The church wants to construct two large buildings on the property. He showed a slide showing the Church's "preferred option" which would remove the apartments and add a new sanctuary, classroom building, and multi-purpose/gymnasium building. Option 2 involves retaining the historic apartment building and constructing the multi-purpose building behind the apartments. Option 3 also retains the apartments and moves the multi-purpose building to the corner of S. 2nd

St. and "short" Laurel St.. The applicant developed a matrix that shows each option and how it meets the Church's needs. Again speaking to the issue of reasonable justice and equity, the preferred option achieves 100% of the overall church needs; Option 2 meets 82% of the Church's needs. Costs provided by the applicant for each option shows that the cost for Option 2 is less than the cost for the preferred Option so this would not present a cost burden by requiring the historic apartments to be retained.

Mr. Crowe summarized by saying this building is the only example of the Art Moderne style they know of in the City; it is an individually significant historic building within the South Historic District and is more than 50 years old;; its loss would disrupt continuity of historic properties along the River Street & S. 3rd Street corridor; they believe and the applicant has verified that the building is structurally sound and viable for residential use and most of the apartments are currently rented; and Staff believes modifying Option 2 would provide reasonable use of church property for their needs. This is not a perfect solution, but there needs to be concessions made to retain buildings important to the community's history. Staff did present alternative findings to the Historic Preservation Board as follows: the Art Moderne style is not relevant to the City; the loss of the building would not substantively harm the district; and the new buildings would possible be an improvement, and also that the church's need to implement the Master Plan outweighs the building loss. The Historic Preservation Board, at their September meeting, voted 4 to 1 to deny the request.

Bob Hartwig, 543 W. River Road, said the Church's presentation is made up of five parts. Mr. Taylor will present the first part. He and the pastor will make comments, and Mr. Taylor will close.

Bob Taylor, 241 Crystal Cove Drive, Architect, said he's here tonight to appeal this decision on behalf of the First Presbyterian Church. The church has a long-standing history on preserving historic buildings in the community. In an attempt to reduce the verbiage, they will present a reduced version of what they presented to the Historic Preservation Board. The church purchased the property in September, 1998 with the ultimate intent of demolishing it in order to expand its presence. The Church must demolish the building to achieve its goal. The church has been on its site since 1865; it is proud of its historic building. Long-range planning projects growth and they would like to accommodate this growth on their owned property. Slide 5 presents growth projections and functions of the multi-purpose building. Slide 6 shows the preferred option site plan. First Presbyterian is land-locked; use of the existing site is critical. This is their last opportunity to take advantage of growth. Slide #7 was included showing the floor plan of the multi-purpose building which will accommodate up to 400 people and will be used for banquets, meetings, classrooms. It contains a full kitchen, gymnasium and restrooms/showers. Slide 8 shows the existing apartment building. Mr. Taylor said he did not believe this to be a historic building and said it would be difficult to renovate. It has had termites and has suffered roof leaks. While Mr. Crowe stated in his staff report that this building shows common characteristics of the Art Moderne architectural style (and he listed those) Mr. Taylor believed that the building departed somewhat from the true style. Slide 9 shows the existing apartment floor plan; the only access to the 2nd floor is by open stairs which makes handicapped accessibility difficult. This is a concrete stucco building with a dab of architecture. Slide 10 shows it will be expensive to renovate. The renovated space will not accommodate their needs. It only meets a small portion of the Church's need. He asked them to skip over Slides 11 thru 17 and start again with Slide 18, which addresses the economical and financial points. He does not agree with Mr. Crowe's interpretation of the cost. The church didn't purchase the building as a financial opportunity; they purchased it to demolish it. It is a financial hardship to maintain it. He skipped over Slides 19 – 23 and noted on Slide 24 a discussion about historical style, providing quotes from the 1981 Cultural Resource Survey, the case study done when Palatka was creating historic preservation guidelines and districts. . It states the building was probably designed by the builder but not an ("a renowned") architect. It is a simple concrete block and stucco building

and a marginal example of Art Moderne. Slide #25 is a slide from the Florida Master Site File, which was done in 1981. The box text states “no previously recorded historic structures or any cultural resources at this address” and it cites 205 N. 3rd Street. This was unchanged as of May 15, 2013. Slide 26 speaks about the case studies done in 1978 and another in 1981; at that time they noted only one post-1930 building, the Coca-Cola building, which poses architectural and historic significance; this later survey proposed the historic preservation ordinance and historic districts. The ordinance recommendations from the survey were not adopted by the Commission, which adopted a different set of standards including different provisions for building demolition. The historic preservation board is the only avenue through which an existing building can be demolished. The South Historic District’s application for historic designation shows the building has no historic value and shows it as a non-contributing building. Slide #28 shows the nomination form for submission of the Historic Districts to the National Register dated November 17, 1983 which cites 205 S. 3rd Street as a non-contributing building. Slide #29 shows the map and there is a circle around the building at 205 S.3rd Street that says “non contributing building.” Slide #30 also identifies 205 S. 3rd Street as a “non-contributing building.” Slides 32 & 33 are of the South Historic District; these are primarily residential buildings. The most common late 19th century buildings are frame dwellings that strive to achieve classical, colonial or Greek Revival architecture. Slide 34 states that in 1998 the Church purchased the building with the intent of demolishing it.

Mr. Taylor said the building is not representative or compatible with the neighborhood. This is a simplistic design lacking adornment, common in post-war architectural style. Previous research did not recognize it as a sample of historical architectural style. Slide 35 shows items recommended for inclusion, but which weren’t included in as part of the final historic ordinance which are commonly included in historical preservation ordinances; he listed those criteria for saving historic properties. Another slide shows a presentation made to the church stating the need for this family life center and the goals and objectives of the church. The last slide is a text slide, showing the current ordinance from Municipal Code Section 54-79 should be considered. Demolishing this old apartment building would remove a building that is not in character with the South Historic District. The new building that would replace it would be historical and styled in the architectural flavor of the district and would enhance the character of the district. Regarding the three arguments staff proposed in favor of its preservation, he believes those are subjective. Just because a building is old doesn’t mean it is historic. The Commission needs to look at the common interest of the City and balance it with the interest of the property owner. They believe their proposal balances those interests. The Church believes they offer the better choice.

Mr. Hartwig said they don’t intend to tear the building down any time soon; this is long-range planning. They want to build a building that is compatible to the historic buildings there now. This is not just a basketball court; it has meeting rooms and an area to seat 200 to 400 people. It is for conferences, banquets, workshops, and training sessions. It will have a multi-purpose use. The Church is a good neighbor. They have worked with the City on redevelopment. They want to find a solution. If the City wants to restrict the growth of the church and stop downtown development then they should vote no. If they want to increase activity in downtown and building a historically compatible building, they should vote yes.

Dr. Kirby Kennedy, 106 Lisa Lane, Palatka, Pastor, First Baptist Church, said the Historic Preservation Board, Commission and Churches all wish to preserve history. He read from the Declaration of Independence and said it was written by our forefathers who came here to escape religious persecution, and to have religious freedom so that churches and people could move forward, and so churches could fulfill their ability to invest in people. This is no different for the downtown churches. They face a unique challenge to fulfill their mission and commission. They minister to a multitude of people; they have beautiful and historic buildings but are increasingly restricted by various means. The church must have the ability and freedom to expand and accomplish their reason for existence. He challenged the “subjective criteria” on what is historic,

saying if a building is not truly historic, but only a replica of a style, they should be able to replace it. The Church has a right to grow.

Dr. Cynthia Benz, 4498 Summer Haven Boulevard South, Jacksonville, Interim Pastor, First Presbyterian Church, said the condition of these apartments is abysmal. It will take a great amount of money to fix it and bring it up to Code. They don't want to do that; they bought it for future plans. They want the right to do with it as they feel led by the Spirit. They never wanted to be in the apartment business. They are not at cross purposes; the opposite is true. They are deeply concerned about the community and its citizens; if they have to keep throwing away money on these apartments, it will continue to impact the good work they feel called to do. Their hands are tied and they are hampered in their effort to make a positive impact on the community. She hopes they will honor their request to demolish the building.

Robert Browning, 225 River Drive, E. Palatka, said two architects have stated this building is not historic. The Church bought the property with the intent to tear it down; they should have the right to do that. It is not fair for a board to say this is a building of historical significance and deny them the right to tear it down, and force them to pay for the upkeep and maintenance of the building. This costs around \$7,000 per year. They can spend their money on things that matter. They never bought the building to be a landlord. He hopes they will put themselves in the Church's position. They are losing money on this every day. The insurance costs almost \$6,000 per year. It is not truly historic. They bought the building to expand the church campus. They don't have the money to support and keep this building.

Christy Sanford, 312 Dodge Street, a resident of the South Historic District, spoke in favor of keeping the apartment building and noted all the features of this building are hallmarks of the Art Moderne style of architecture. The City should keep its one-of-a-kind building. They don't have a lot of them; they are not disposable. Maintenance is a part of the responsibility of the owner.

Laura Schoenburger, 214 S. 4th Street in the South Historic District and Historic Preservation Board member, said she voted not to approve this demolition. She believes the church has best intentions. She believes the Church bought this building with the intent to tear it down. She believes the Church was aware this building was in the historic district at that time. The notes show a casual conversation that took place years ago where someone assured them they could tear it down. They are obliged to abide by the constraints of owning buildings in a historic district. Mr. Crowe has proven that this building is unique and it is required that they protect it. At the prior meeting they stated it will be years before they can afford to tear it down. She questioned if they do raise the money to tear it down, whether they will then afford to construct the new building? The building is unique and they are required to protect it. The Church has stated it does not yet have the money to demolish the building and then build. The City has a duty to maintain its historic district. The Historic Preservation Board exists to prevent historic properties from being demolished. She hopes the Commission will back up the findings of the Historic Preservation Board.

Robbi Correa, 118 Dodge Street, member and Chairperson, Palatka Historic Preservation Board, said it is her duty to carry out the responsibilities of the Board to maintain the integrity of the historic district. She said the ordinance does contain a provision for requesting demolition of a building, which she read aloud. She said removal of this building would be detrimental to the historic district. She believes the result of the demolition would be another vacant lot, considering the applicant's statements regarding the Church's financial burden. Once these buildings are gone, you can't bring them back. Contrary to Mr. Taylor's statements, there are apartment buildings at 612 and 614 Emmett Street in the South Historic District. Option 2 meets 82% of their needs and is a good compromise. This building is the only one of its kind in the City.

Tyler Weinand, 205 S. 3rd Street, Palatka, and a resident of the apartment building, said he is a geologist at SJRWMD. He respects the goals of the church, but their goal, which is demolition of the building to construct a gymnasium, is not in the best interest of the city. Allowing demolition of these apartments would displace six households with limited alternatives to decent alternative housing. If this is allowed, there is no guarantee the Church would be able to maintain a new structure. If the demolition is not allowed, he hopes the church is not allowed to become apathetic and let the building fall into disrepair and be condemned. As an income generator, the property is subject to property tax; a church gymnasium would not be taxable.

Ann Hartwig, 543 W. River Road, said the new building is not a gymnasium; it is a life-changing downtown building designed to bring together young and old people; it will be a great asset that will be a brick building compatible with the Church building built in 1884. She prays they will see the advantage of tearing down this block building which was built by a contractor who was not significant. Their church loves this City and they will add to the downtown redevelopment.

John Poidevent, 269 River Drive, E. Palatka, said the question is, would the city be better off with the existing building, or with a multi-purpose building which they propose to build? Their church has an aging congregation; they want to attract young people. If they don't, the church will cease to exist. They want to ensure the future of the Church; that is their goal. It has not been easy to keep up their historic church. They even replaced their roof with slate shingles, which was quite expensive; around \$40,000. They need to replace parts of the interior. They want the City to benefit from their presence. The condition of the apartments is abysmal. They have dry-wood termites and the stairs need to be replaced. The concrete overhangs are falling in.

Michael Gagnon, 714 Emmett Street, said buildings become decrepit for a reason. There is no excuse for income-producing property to become decrepit. He read a letter from the South Historic District Neighborhood Association opposing demolition of the building and providing reasons for this opposition (filed and distributed to the Commission by Mr. Gagnon prior to this meeting). They strongly suggest a compromise on this. Eliminating historical structures won't bring people to Palatka; they should preserve their unique past. SHNA will continue to advocate for historic preservation for the neighborhood and the City as a whole.

Commissioner Kitchens said the building is not a gymnasium; it is much more than that. She also likes those apartments; they were built by the Goriab family. She said she considered the information in the Agenda Package, and cited the minutes of the meeting and comments made by Mr. Crowe regarding reasonable justice and equity for the property owner on criteria for obtaining a COA for demolition. The church knows what is best for them and has stated they need this additional space. They can't use the apartment building for their needs due to its construction. Based on this, they should be allowed to tear down the building. She read Mr. Crowe's comments from the minutes aloud, and noted Mr. Crowe stated, in the alternative findings to the historic preservation board that staff did not support, that the lack of the building would not harm the historic district and the style departs from traditional Art Moderne style. On Page 5 of the minutes Mr. Taylor noted the only element of the Art Moderne Style is the curved portion. It does not fit in with the character of the South Historic Building. Recently the South Historic District wanted to tear down other apartments built in 1952 because they are a "blight." Based upon what she's heard here, they could now be considered historic. Mr. Crowe cited the justice and equity criteria several times. She read Section 54-79(b)(4) from the Municipal Code regarding balancing reasonable and just equity in balancing the needs of the owner with the Historic District. She said this is a one-of-a-kind building, but the majority of the South Historic District is on the other side of Laurel Street. This property lies more within the Central Business District. She believes the Church should be allowed to demolish the apartments based upon reasonable justice and equity for the Church.

Commissioner Brown asked why the Church is making this request now, and if they are ready to tear the building down at this time. Mr. Hartwig said they are not ready to tear the buildings down now; they will have to go through a fundraising effort to do so. This is a planning timeline. When they bought the property years ago, they were told by people sitting on the Commission that they would be able to tear the building down. Those people no longer sit on the Commission and there is no official record of this. Commissioner Leary asked if they will continue to rent the apartments until they are demolished; Mr. Hartwig said they will. Commissioner Norwood asked for clarification that the apartments were purchased in 1998 and asked if he remembers who the realtor was. Mr. Hartwig said he doesn't recall. Commissioner Norwood asked if it was disclosed to them that this building was in a historic district and that they may not be allowed to demolish it. He said it was not.

Mayor Myers said he is a member of First Presbyterian Church but he does not have a conflict of interest on this issue as he does not stand to gain financially from this project. He has to vote on this. He concurs with Commissioner Kitchens on the matter of reasonable justice and equity. He's had many conversations over these apartments; they've always been a problem. They don't make money. The property was purchased in good faith to be torn down for future church expansion. The apartments can only be used for a commercial residential use, and a commercial endeavor exists solely to generate profit. They do not generate a profit. If the request is denied there are three options. They can continue to operate them at a loss; they can close them up; which will lead to further deterioration, or they could sell the property and lose control of it for future expansion. He understands and respects the passion of the South Historic District and Historic Preservation Board. In his opinion, these apartments have no redeeming quality aesthetically; they don't add to the character of the South Historic District. The City has preserved buildings that reflect the character of the South Historic District which were constructed in the late 1800s and early 1900s which do deserve protection. He supports approval of demolition.

Commissioner Leary said he is a staunch private property rights advocate and a student & follower of James Madison. The forefathers also came here to escape economic and property rights oppression. Private property rights trumps everything else. As a Planner he doesn't totally agree with everything Mr. Crowe said; he agrees with some of it. He believes Mr. Taylor made compelling statements. Revitalizing the neighborhoods around the Church and downtown will require bringing in younger people. They have to offer more things and look at what these young people want. Demolishing these buildings and building an architecturally compatible building makes sense to him. The Church should be able to do it.

Commissioner Norwood said the church has a mission and that is to evangelize to the community. They need the tools to do this. You have to make sure they have those tools to fulfill its mission work. The church needs to grow. They are already in the Community. They don't want to allow the church to die. They don't need to create more vacant buildings by allowing the church to die. The Church has a plan to survive and should be allowed to fulfill its mission.

Mr. Holmes said this isn't about the mission of the Church. The City has specific criteria to consider. It isn't about whether churches are good or bad. The Commission has to deal with and work with the law what's in the Municipal Code and cannot deviate from that, whether or you are for or against this. They are bound by the Code. The criteria are 1) a finding that removal of the structure won't be detrimental to the historic and architectural flavor of the district or 2) that, balancing the interest of the city and preserving the integrity of the district and the interest of the owner of the property, approval of the plans for demolition is required by considerations of reasonable justice and equity. They have the ability and freedom to disagree with the findings of the lower board; some of the findings are subjective. He's not saying they can't disagree, but they need to make the decision and the motion track one or both of the criteria. Commissioner Brown moved to overturn the decision of the Historic Preservation Board and issue the COA to

demolish the building at 205 S. 3rd Street owned by First Presbyterian Church, based upon a finding that the removal of the structure won't be detrimental to the District, and that approval of the demolition is required by considerations of reasonable justice and equity for the property owner. Commissioner Kitchens seconded the motion, which passed unopposed.

RECESS – There was consensus of the Commission to take a five-minute recess at 8:47 p.m.

RECONVENE – Mayor Myers reconvened the December 12, 2013 City Commission at 8:52 p.m. and continued with the Orders of the Day.

PUBLIC HEARINGS:

7. **FIRST PUBLIC HEARING** – Small Cities Community Development Block Grant FFY 2013 – Jonathan Griffith, Grants Manager, & Fred Fox, Fred Fox Enterprises, Inc. – Mr. Griffith said the purpose of this is to provide public notice that the City is considering applying for CDBG funds. This is an opportunity for the public to propose projects. The CATF will convene at a later date.

Commissioner Kitchens asked if they will be looking at housing rehabilitation. Mr. Griffith said staff is proposing two projects – one for the neighborhood cycle for a water line renewal, and one for commercial cycle for parking improvements at the Riverfront Park. Commissioner Brown said they need to look at housing improvement next year. People need safe and sanitary housing. They also need to look at doing an economic development grant. Commissioner Leary said the funding for the Sadowski Housing Initiative Program is increased every year and that is the program they need to utilize to rehabilitate housing, and work with Habitat for Humanity. They need to use CDBG for upgrades to water & sewer infrastructure. Mr. Griffith said one of these applications is for a water main renewal. Commissioner Brown said they can combine grants to upgrade homes or get people into standard or new homes. They visited Washington DC as part of a FLC Group and told them they need CDBG money. Commissioner Norwood said \$350,000 in SHIP funds has been allocated to Putnam County. There are also funds available through USDA. Homeowners can contact Habitat for Humanity to access those. He agrees with both Commissioners -- they need to work on infrastructure, and need to improve housing. They can't continue to ignore infrastructure needs or housing needs. Mayor Myers concurred and said Habitat for Humanity does a good job in administering USDA grants.

Mayor Myers opened the public hearing for public comment.

Marcia Lane, 210 E. Forest Park Drive, asked for clarification that they've already decided what to do with the grant money but are also asking for public input. Mayor Myers said the City has not made such a decision. Mr. Griffith said they have two suggested applications; they are asking for additional public input on possible projects. The two applications that have been suggested are a neighborhood application are a water line renewal in the area of St. Johns Ave, Moseley and S 13th Street in the area of the Ravine Gardens, and a commercial application for streetscaping and parking enhancements for the riverfront park. Ms. Lane said they need to secure money for housing and she hopes they can look to this down the road.

There being no other public comment, Mayor Myers closed the public hearing.

8. **ORDINANCE** revising Zoning Code Section 200(e) to reduce the minimum size of required buildings associated with on-temporary outdoor sales from 1,500 sf to 1,200 sf – Bob Hatcher, Florida Carports & Sheds, LLC, Applicant – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REDUCING THE MINIMUM SIZE FOR PERMANENT STRUCTURES ASSOCIATED WITH NON-TEMPORARY OUTDOOR SALES USES FROM 1,500 TO 1,200 SQUARE FEET; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood asked what prompted this

ordinance. Mr. Crowe said the applicant proposes to sell sheds. He wants to reduce the minimum square footage for this building so he can utilize his site. They believe there is no substantial difference between 1500 and 1200 square feet. From a planning position, this is a good thing to do. They don't believe this will have a negative impact.

Commissioner Leary moved to pass the ordinance on first reading. Commissioner Brown seconded the motion. There being no further discussion or comment, 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 first reading.

9. **ORDINANCE** amending the Code of Ordinances to revise Chapter 2, Article V, Division 1, entitled Code Enforcement Board, to allow for the utilization of a uniform method to impose and collect costs associated with the abatement of nuisance properties – 1st Reading – ***Tabled on 10/24/13 for Public Workshop held on 11/5/13*** – The clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA TO REVISE CHAPTER 2, ARTICLE V, DIVISION 1, CODE ENFORCEMENT, BY AMENDING SECTION 2-281, DEFINITIONS; SECTION 2-283, JURISDICTION; 2-285, ENFORCEMENT PROCEDURES; SECTION 2-286, CONDUCT OF HEARINGS; SECTION 2-288, FINES; SECTION 2-289, APPEAL AND OTHER ENFORCEMENT METHODS; ADDING PROVISIONS FOR AUTHORIZING THE IMPOSITION AND LEVY OF SPECIAL ASSESSMENTS FOR ADMINISTRATIVE COSTS INCURRED BY THE CITY AND NOT REIMBURSED BY THE PROPERTY OWNER; REQUIRING NOTICES OF ASSESSMENT; ESTABLISHING THE CITY AS A SPECIAL ASSESSMENT DISTRICT; AUTHORIZING THE LEVY OF NON-AD VALOREM ASSESSMENTS IN CONNECTION WITH VIOLATIONS; INSERTING PROVISIONS FOR THE COLLECTION OF NON-AD VALOREM ASSESSMENTS; AUTHORIZING AN AGREEMENT WITH THE PUTNAM COUNTY TAX COLLECTOR REGARDING THE CITY'S USE OF THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS; PROVIDING FOR ANNUAL NON-AD VALOREM ASSESSMENT ROLLS; PROVIDING TRANSITION PROVISIONS AND RATIFYING ASSESSMENTS TO RECOVER COSTS INCURRED BY THE CITY TO REMEDY VIOLATIONS PRIOR TO THE ORDINANCE'S ENACTMENT; PROVIDING FOR THE RENUMBERING OF CHAPTER 2, ARTICLE V, DIVISION 1 IF NECESSARY; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Mr. Holmes said everyone who has been working on this project asked he vet it with everyone he could to determine that they are moving in the right and defensible direction. Other municipalities in the State have done this. Today he had a lengthy telephone conference with two attorneys who have a reputation of being experts in this field; one represents the Florida Taxpayers Association and one the Florida League of Cities. It's his recommendation they table this again in order to assess possible legal issues. Commissioner Norwood moved to table first reading of this proposed Ordinance. Commissioner Leary seconded the motion, which passed unopposed.

10. **CITY MANAGER & ADMINISTRATIVE REPORTS**

Mayor Myers noted the presence of Mr. Eric Nesmith, the newly appointed Publisher of the Palatka Daily News.

Mr. Czymbor said, regarding the Police K-9 Program, the City is seeking donations of \$18,000 to purchase and train two new dogs. They've received commitments of almost \$12,000 so far and will acknowledge those donors in the future.

Mr. Czymbor said when the City makes a mistake they will put measures in place so that it won't happen again. The City failed to put flags up in the Park or on the bridge for Veterans Day. He apologized for this; they have had a changeover in staff and this was addressed. It will never happen again.

11. COMMISSIONER COMMENTS

Mayor Myers said he presented the City's Legislative Priorities to the Legislative Delegation and noted Commissioner Leary's concerns that the Legislative Priorities were presented without a lot of input by the Commission. They followed the same protocol they had in the past, but welcome more input by the Commission. Commissioner Leary said he believes fewer priorities should be presented so they can focus on fewer priorities, which will enable the City to hold the Delegation accountable for those few priorities. Commissioner Kitchens said there was one priority she doesn't agree with. In the future it needs to come to the Commission.

Mayor Myers apologized to veterans and specifically Submarine Veterans, and noted specific written apologies will go to the various veteran organizations, which he named.

Regarding Police Dogs, Commissioner Kitchens said Blue Crab contributes funds for various community projects. They should be contacted in order to solicit a donation as part of their charitable contributions.

Commissioner Brown said she won't be attending the December 12th Commission meeting. She will be out of town on League business.

Commissioner Leary thanked the area veterans' associations and Mayor Myers for the parade and outstanding Memorial ceremony. He noted Congressman DeSantis did a great job. It should continue to grow every year. Commissioner Norwood concurred.

- 12. ADJOURN** – There being no further business to discuss, the meeting was adjourned upon a motion by Commissioner Kitchens at 9:12 p.m.

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