

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
March 13, 2014

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 13th day of March, 2014 at the Price-Martin Community Center, 220 N. 11th Street, Palatka, designated as an alternate meeting place of the Palatka City Commission.

PRESENT: Mayor Vernon Myers
Commissioner Mary Lawson Brown
Commissioner Allegra Kitchens
Commissioner Phil Leary
Commissioner James Norwood, Jr.

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; WTP Superintendent Melvin Register; Grants/Projects Manager Jonathan Griffith; and Main Street Manager Charles Rudd

CALL TO ORDER: Mayor Myers called the meeting to order and read the following Notice of Change of Meeting Place, which was issued on March 7, 2014:

TO COMMISSIONERS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND JAMES NORWOOD, JR.:

You are hereby notified that the regular March 13, 2014 meeting will be held at an alternate location: The Price Martin Community Center, 220 N. 11th Street, Palatka, Florida. The date and time of the regular meeting have not changed.

Please govern yourselves accordingly.

Isl Vernon Myers
Vernon Myers, MAYOR

The following commissioners hereby acknowledge receipt of a copy of this Notice of Alternate Meeting Location on the 7th day of March, 2014.

Isl Mary Lawson Brown
COMMISSIONER

Isl Phil Leary
COMMISSIONER

Isl James Norwood, Jr.
COMMISSIONER

Isl Allegra Kitchens
COMMISSIONER

INVOCATION – The Reverend Karl N. Flagg, Senior Pastor; Mt. Tabor First Baptist Church

PLEDGE OF ALLEGIANCE – Michael Gagnon

APPROVAL OF MINUTES – 2/27/14 – Commissioner Brown moved to adopt the minutes as read. Commissioner Kitchens seconded the motion, which passed unopposed.

1. **PUBLIC RECOGNITION/PRESENTATIONS:**

PROCLAMATION – Women’s History Month – March, 2014 – Commissioners Brown and Kitchens joined Mayor Myers as he read the proclamation, which was presented to Sheila McCoy, Executive Director of the Heart of Putnam.

PROCLAMATION – Colorectal Cancer Awareness Month – March, 2014 – Jessica Peterson, Florida Department of Health, was present to receive the proclamation, which was read and presented by Mayor Myers.

PROCLAMATION – Brain Awareness Week – March 10 – 16, 2014 – Members of the Palatka Pilot Club were present to receive the Proclamation, which was read and issued by Mayor Myers.

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

3. **CONSENT AGENDA:**

a. **Adopt Resolution No. 2014-10-52** amending the FY 2013-14 Budget through 2/28/2014

b. **Adopt Resolution No. 2014-10-53** awarding the bid and authorizing the execution of a contract with Armstrong Roofing, Inc. For the re-roofing of two (2) R.C. Willis Water Treatment Plant buildings in an amount not to exceed \$17,420.00

Commissioner Norwood moved to approve all items on consent as presented. Commissioner Leary seconded the motion, which passed unopposed.

4. **PRESENTATION** – Sea Level Rise: New, Certain and Everywhere. What to do in Response? - Robert Virstein, PhD, narrated his Power Point Presentation. He said the sea level will rise at least 1 foot by 2050 and 3 feet by the end of the century. This is being acknowledged by the Corps of Engineers and other agencies. He urges the City of Palatka to take this into consideration in future planning. Currently the St. Johns River is essentially at sea level. The level of the River is driven by the ocean, not rainfall. There are other local effects. There is also a seasonal pattern of rise and fall. In the fall water levels are higher, on average, than during the rest of the year. The average low tide in October is higher than the average high tide in July. By 2030 they could expect an extra foot, and an extra two feet by 2050. Low lying areas will see an increase in magnitude, duration and frequency of flooding. Low lying septic tanks will stop working properly. Wetlands will experience continuous flooding. Loss of wetlands will add excess nutrients to the River. All shorelines will move upslope. Development will have to retreat from the shoreline. Planning and permitting must recognize sea level rise.

Commissioner Leary said Mr. Crowe, the City's Planning Director, is working on a Regional Planning Council Task Force which is dedicated to addressing this matter.

5. **GP ENVIRONMENTAL/WETLANDS CENTER** - items for Presentation, Discussion, or Action
Updated Conceptual Design for Center – 60% Building Design – Jonathan Griffith distributed a copy of the 60% design of the “St Johns River Center,” as it is being called Mr. LeHuu, project architect, was present for questions. Mr. Griffith said staff is currently doing a technical review of

the 40 plus sheet document set. The inspiration for the plaza comes from the river itself, and Palatka's history and heritage. Elements of the design were taken from old photos of that block. A rain garden is an extension of the facility's function. Commissioner Leary moved to approve the 60% design of the St. Johns River Center. Commissioner Brown seconded the motion. Commissioner Norwood recused himself from the discussion and vote citing his employment by Georgia-Pacific Corporation, the entity funding the construction of the Center. There being no further discussion or comment, the motion was voted upon and passed unopposed.

Preliminary Review of Exhibits – Michael Lewis, Malone Design and Fabrication, presented for the Exhibits. Mayor Myers recognized the presence of Terry Hadaway with G-P. Mr. Malone said the concept is "The River Center – Adventures in a Wetlands Ecosystem." They have created an adventure for groups and families and want to make it appealing to all age groups, from a basic to a scientific understanding. They want to highlight the historical as well as the ecological aspect. They are going to create a scavenger hunt that will allow people to walk through and interact with the exhibits. Visitors will build their own story as they walk through, and can build a unique story each time they walk through. The design will drive visitors to the gift shop area. A similarly designed facility in Georgia has been very successful. There are a lot of interactive and tactile elements that facilitate different learning styles. A virtual walk-through by PowerPoint was presented.

Mr. Lewis said one of the "characters" will be John Bartram. They will tap other Bartram Trail resources. Exhibits and interactions include sight scopes and static images from the past, some with audio triggers. Commissioner Leary said for the public's benefit, this presentation is available electronically by e-mail. Mr. Griffith said they have a project website set up on the City's website that contains all of this information. The Advisory Committee met today and provided feedback on division of space and architectural design. They anticipate groundbreaking on the project this summer and the anticipated completion is February 2015. Mr. LeHuu was recognized. Commissioner Leary congratulated him on his progress.

6. **RESOLUTION No. 2014-10-54** Approving and adopting modified deed covenants and restrictions for Redevelopment Area 3 at 100 Memorial Drive, to be conveyed to SHP Hospitality, LLC, and authorizing execution of all conveyance documents – Adopt – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, APPROVING AND ADOPTING MODIFIED COVENANTS AND RESTRICTIONS AS CONDITIONS TO BE INCLUDED WITHIN THE DEED BY WHICH "AREA 3" AS DESCRIBED IN CITY OF PALATKA RFP 13-002, COMMONLY KNOWN AS THE FRANK GEORGE SITE OR 100 MEMORIAL DRIVE, WILL BE CONVEYED TO SHP HOSPITALITY, LLC, BY THE CITY; AND AUTHORIZING THE CITY MANAGER AND MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE CONVEYANCE. Commissioner Norwood moved to adopt the Resolution as read. Commissioner Leary seconded the motion. There being no discussion or comments, a roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Leary, Norwood, and Mayor Myers, yes; Nays, none. Mayor Myers said this is the property known as the site of the former Frank George Apartments. This will allow for the construction of a 70-room Hampton Inn Hotel.

PUBLIC HEARINGS:

Mayor Myers asked all speakers to limit comments to 3 minutes or less. There should be no applause. Anyone from the audience wishing to participate in public comments shall fill out and submit a speaker card. All speakers must come to the podium. Everyone should be respectful.

7. **ORDINANCE** amending Zoning Code Section 94-149, 94-161 and 94-162 to apply overlay zoning standards to the Downtown Zoning Districts and adjacent areas within the C-2 Zoning District, and adding provisions establishing design standards for exterior alterations and new construction – First Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING LISTS OF USES IN ZONING CODE SECTION 94-149, 94-161 AND 94-162, AND ADDING PROVISIONS ESTABLISHING EXTERIOR ALTERATION AND NEW CONSTRUCTION DESIGN STANDARDS IN DOWNTOWN ZONING DISTRICTS, AND CONTAINED WITHIN; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Thad Crowe, Planning Director, said there are three components of the overlay. Those are 1) DB & DR use standards, 2) DB & DR retail exterior alteration designs standards, and 3) DB, DR & C-2 construction standards. The Zoning Code “discourages uses that are likely to create friction with pedestrian movement and the primary uses for which the district is intended.” This has been in the Code for 30 years. Elements of this include architecture, weather protection, human scale buildings, outdoor merchandise, sidewalk cafes, and storefront window displays. The most important thing is activity – pedestrians – people walking around and doing things. Dead space creates “friction” which slows you down. They want to create a “magnet” which pulls you down the street, and active retail storefronts and activity do that. He showed several slides highlighting both concepts (filed). From a planning perspective, the details are so important. For buildings that have been converted to government or office uses, these no longer facilitate shoppers or pedestrian shopping activity.

Mr. Crowe said the rationale for this is ‘use standards’. This is the Main Street approach. In terms of design standards, they want to keep new and redevelopment construction within the historical flavor of downtown. There are two zones they’ve proposed; one is the retail core, or St. Johns Avenue, and the other is the periphery. The intent is not to capture the North Historic District. The retail core is 25 acres, or one-half of one percent of the total area of the City of Palatka. Even though the downtown is not a historic district, this provides protection for historic buildings and history. Currently there are no historic standards for new development downtown. The City’s first Comprehensive Plan, adopted in 1960, states that the City “intends to work towards eliminating the non-retail uses in the buildings in this area that are currently used for non-retail purposes”. They want to fill up parking spaces with shoppers and not people going into government buildings. Uses that are not retail and restaurant lack foot traffic or presence that retail and restaurants have. Those pull people down the street. Non-retail uses create less active zones and infrequent use reduces traffic. When you interrupt pedestrian traffic flow you create dysfunction.

Mr. Crowe illustrated a list of non-allowable uses proposed in the retail core, but allowed in the periphery. These include appliance stores, arcades, auction houses, convenience stores, and grocery stores over 30,000 SF. Mr. Crowe said the area of the City is approximately 7,000 acres. Churches are allowed in almost 5,000 acres of this total area; this area where churches are allowed represents almost 70% of the City. Churches are clearly not being zoned out of the City. Photo examples were given of “infrequently active” spaces, such as government buildings and storefront churches. Mr. Crowe said these buildings are all “shuttered” to the street. They create a “black hole” in the flow.

Mr. Crowe said the second aspect is design standards. Without design standards, you can get some pretty scary buildings. With design standards, you get buildings built to scale. Other towns that have adopted design standards are having a lot of success with them. These standards protect the value of what is already there. Examples are awnings and canopies, paint color, exterior materials, lighting, landscaping, roof shapes, storefronts, signs, windows, and new construction in both the retail core and periphery,

Mr. Crowe spoke to changes in the Ordinance that were made by the Planning Board. At the direction of the Planning Board they met with several architects and took their advice. The first has to do with the time period on exterior alteration, or the design period from 1880 to the 1940's. This is called a Period of Historical Significance, which is the look they want to be sure they are compatible with. The second change had to do with balconies and porches; this was revised to deal with balconies only. Porches are not really relevant to downtown. The next change was with exterior materials and their description. They also revised "baked enamel" to remove the word "baked." The next change was driveways and parking lots. If you have new construction and have nothing but pavement around your building, this should be shrunk down to a driveway; this is for safety reasons. Another change was to roofs, to allow for rectangular representation.

Mr. Crowe said they started this process almost two years ago. They have proceeded with caution. They've discussed this at three planning board meetings, a workshop, and met with downtown Palatka and Main Street groups. They came back with changes each time. It is not the City's intent to single out any entity for exclusion, but they do want the downtown to succeed. They believe this protects downtown and provides an opportunity for a jump-start on new development.

Commissioner Kitchens noted certain recent changes don't show up in their package. Mr. Crowe said those late changes will show up in the packet for second reading. Commissioner Kitchens said there are several businesses downtown with existing driveways which are grandfathered in. She noted Mr. Holmes is of the opinion they could rebuild to 60% if something happened, like a fire. They then received a memorandum on the issue. Since driveways and parking lots are not permitted, how does that affect an existing parking lot or driveway if an owner wants to pave it? Mr. Crowe said driveways are grandfathered in; you can improve them but not widen them. Driveways are a characteristic use. A new business would have the right to the existing driveway and parking. Commissioner Leary said a characteristic use is not interpreted in the same way as a non-conforming use.

Charles Rudd, Main Street Manager, 205 N. 2nd Street, said he's been doing Main Street and Downtown revitalization for 17 years. He's worked for communities as small as 2,200 and as large as Orlando metro area. He's a Certified Main Street Manager. He manages Main Street Palatka and provides his experience and expertise to City staff. This ordinance is a 'pro-retail' tool. This is needed during tough economic times. In tough times other uses tend to come in because rents go down. In Palatka, the business element moved out to Hwy 19. Urban sprawl people live further away. This happened 20 to 30 years ago. The question is, "why hasn't downtown bounced back?" They do know how to make downtown successful again. Other downtowns that are successful have repositioned themselves in the market as an 'experiential lifestyle center.' People don't take visiting relatives to Walmart, they take them downtown. They are mixed use areas; people are living downtown again. You need a variety of uses in the central business district. Within that area you have to have a critical mass of retail to attract and hold an "audience" (new money) for four hours. They all need each other to survive. The retail core brings new money and visitors into the community. This creates a "sense of place" with "clean and safe" programmed public space.

Mr. Rudd said Palatka is on its way to doing this but it has some obstacles. Attracting new retail takes time. Upper floors are largely unusable now. New projects are coming, but downtown is still not attractive. Over half the uses downtown on St. Johns Avenue are not retail or restaurant. Many vacancies exist. Most vacancies are unusable in their current state. Property owners are not taking care of their buildings. People closed their apartments up years ago. Second floor occupancies can pay the mortgage for the first floor. It puts "eyes" on the street 24/7. The notion that "anything is better than nothing" is not true. If you put anything in there, you create

“occupied vacancies” when you move offices and government agencies in. Continuous retail shops & restaurants or cafés draw you down the street. Over 50% of uses on St. Johns Avenue are non-retail/restaurant, and 25% of it is vacant. If they fill all those vacancies with retail they will still have less than 50% retail/restaurant. Since the fall of 2011, thirty-one businesses have opened but less than half are retail/restaurant. These buildings are not inviting; they are closed to the street. The City is not anti-church. There are 12 churches in the downtown now. Churches are the largest segment/grouping in downtown. They are located on side streets or Reid Street. They need retail to become the self-propelled engine that drives the local economy.

Commissioner Kitchens asked why uses like beauty parlors and dog parlors are not considered retail. Mr. Rudd said they sell services; some have a retail component. Commissioner Norwood said Palatka is not anti-church, they are pro-church. Churches are Palatka's foundation.

Mayor Myers opened the public comment portion of the public hearing.

Rev. Don Hanna, 2020 Country Club Terrace, Palatka, said he spoke on behalf of the Central Putnam Ministerial Association. They were asked to prepare an alternate suggestion that might allow them to consider allowing churches in the retail core within the overlay. He has a letter asking the Commission to consider limiting the overlay to affect the existing riverfront district, to shrink down the area, to work on development of that area and then push out from there, and leave churches in where they are allowed now in current zoning as an allowed use (not filed). They are not and have not taken a position on the church that is in litigation with the City and are not here representing their position. They want the downtown to succeed. He has no problem with churches being “discouraged” but he has a problem with churches “not being allowed.” He clarified his definition of the riverfront district is four square blocks, up to 4th Street.

Rev. Ted Stackpole, 1 Putter Lane, distributed a letter from the First Assembly of God Board of Directors to the Commission (filed). They support the overlay and retail business and jobs creation. He opposes prohibiting houses of worship in the overlay plan. Churches have not “taken over” the area. They ask the commission to add houses of worship back to the list of allowable uses overlay plan. Commissioner Leary asked him, if a tornado wiped his church out and he couldn't rebuild there, where would he go? He answered he would not go downtown but would look for an open area.

Rev. Kirby Kennedy, 106 Lisa Lane, read a letter from himself representing the Board of Trustees at First Baptist Church (filed). He concurs with the recommendation from the Central Ministerial Association. They are asking the Commission to add new churches or expansion of existing churches back into the permitted uses in the overlay. Commissioner Kitchens asked a question regarding the last paragraph of the letter, and asked for his interpretation, which he provided. Commissioner Leary said if conditions like parking created a condition where the church couldn't utilize their space; wouldn't that create a problem for the church to locate there? Mr. Kennedy said churches need parking; if they can't get the required parking space needed, that would be a disallowed use. Commissioner Brown noted the overlay is only on buildings facing St. Johns Avenue. She asked why they can't compromise and keep churches off of just buildings facing St. Johns Avenue? The overlay doesn't extend past that. Rev. Kennedy said it's about the prohibition of churches. They don't want them prohibited.

Gail White, 117 River's Edge Drive, E. Palatka, read a letter from First Baptist Church Trustees into the record (filed) stating they are opposed to the City prohibiting churches from St. Johns Avenue from the river to 11th Street. Personally she would only shop in the area of the river.

Rev. Dan Phillips, 109 Karen Court, said he is distressed that they have not been able to come to an agreement to allow both shopping and churches on St. Johns Avenue. Nothing compares to the St. Johns River. He hopes they can come to an agreement on Palatka's revitalization.

Mr. Rudd, in answer to the suggestion by Rev. Hannah that the overlay stop at 4th Street, showed a slide of the district. He noted most of the riverfront district is not in the overlay area.

Christy Sanford, 312 Dodge Street, said this is a Community Redevelopment Agency District. They are dependent on the Tax Increment District funds. Taxes put a lot of money back into the district. Churches would deplete the Tax Increment Fund. Government buildings also deplete the Fund. Church leaders are opportunistically taking advantage of low rents and in some cases failing to adhere to CRA district recommendations and are altering historic properties, and don't conform to landscape code. Commissioners should stop catering to their own churches.

Robert E. Taylor, 241 Crystal Cove Drive, Palatka, said he was involved in the process of creating the overlay. They all rely on competent professionals to provide guidance to accomplish goals. The proposed ordinance will add regulations for four districts, not just downtown core retail. The Planning Director and City staff will make this ordinance effective and enforceable. They still have issues to address such as design standards for historic buildings, which is shown as those for the period between 1880 and the 1940's. Some of the determinations already made have been arbitrary and not realistic. These need to be made by the Historic Preservation Board.

Alex Altman, 5256 Silver Lake Drive, said direction is key. The Nazi's took God out of government, schools and life. This is discrimination. Churches should be an allowable use.

Jerry Hafner, 122 Hilty Lane, E. Palatka, said the Main Street Board took a vote on the overlay and voted to support the overlay 18 in favor, 1 opposed. He is personally extremely disheartened by those who don't consider what is in the best interest of all who live and pay taxes here. Staff has researched this and integrated the elements of a successful downtown into this overlay.

Mayor Myers noted discrimination was raised by Mr. Altman and asked Mr. Holmes to address this. Mr. Holmes said the term discrimination has a lot of different meanings. Ultimately, all zoning is discrimination because it creates districts. If you can't discriminate between uses in locations then you will have to eliminate all zoning. "Discrimination" really isn't the applicable word in zoning. The question is, 'is there a rational basis in grouping or excluding uses in certain areas?' You aren't discriminating against a use, but deciding where a use best fits. The City would be discriminating if it said you could only have certain churches, certain religions or a certain number of churches in an area. That is not what the City is doing. This applies to only 0.05% of the land area of the city of Palatka. They are not just excluding churches, but all non-retail uses. The idea is to create a zone where non-retail uses are not allowed. They aren't trying to limit or not allow churches at all, but they are saying they don't belong in an area reserved for retail use. Case law suggests that as long as you don't make a distinction between churches and other non-retail uses, excluding them is not discriminatory.

Marcia Lane, 210 E. Forest Park Drive, said an overlay is one way to try to revitalize downtown. This ½ of 1 percent is the heart of Palatka. She is in favor of allowing offices, churches and service industries, because the people who work downtown also shop and use the services.

David Church, 103 S. 7th Street, Palatka, He also owns 627 St. Johns Avenue and 617 St. Johns Avenue, where retail shops are located. Building owners have let their buildings fall into disrepair and are hurting revitalization. If they are being used for non-profit use this takes them out of the retail market. He hopes buildings that have been vacant for years are sold and put

back into use. He supports restricting these 11 blocks from non-retail use. This will limit him as to who he can rent or sell to, but this will help downtown revitalize. All uses are not compatible with retail and restaurants. He supports adopting the overlay.

Linda Crider, 116 Kirkland Street, congratulated Staff's on its presentation. She formerly taught urban planning. Palatka has an opportunity to become fabulous while keeping its culture and river connection. This overlay is not restrictive, but encourages vitality in the retail corridor.

Ms. Crider added there will be 800 to 900 cyclists in Putnam County here next weekend for the Bike Florida Bicycle Festival. She asked that motorists respect the cyclists. Commissioner Leary asked, in her opinion, if this plan was brought before her, would she say this is a well thought-out and good plan? She answered yes, she would.

Rev. Chad Perry, 2370 Westover Drive, said he is pastor of River Community Church. He said this has always been about forming a partnership. He didn't want to take a building off the tax roll or stop people from walking down the block. They need diversity. The economy is important but not the only thing. They want to partner together to revitalize downtown Palatka. He favors allowing churches to remain in downtown Palatka.

Marquise Johnson, 127 Crestwood Avenue, said churches or houses of worship will not hinder the development of downtown. Other communities have houses of worship in their downtown area and they are thriving.

Veda Crosland-Holmes, 106 Belmont Drive, said the pictures of Holy Word Revival Church, which were shown in the Power Point presentation, fail to reflect changes made to her Church. She asked how it will affect her particular predicament. The pictures show they have not improved their curb appeal. Mayor Myers said this does not affect the overlay. Mr. Crowe said the Holy Word Revival Church was approved by conditional use by the Zoning Board and they are grandfathered in. If the church is vacant for more than a year, and another church does not come in, its use will revert to current zoning. If they are not in compliance with zoning code they will work with the Church on compliance. She said they have added lights and flowers in the window so the church is well lit. Commissioner Leary asked as to their hours of operation. She said they are open to the public at noon so people can come in and worship.

Rebecca Browning Altman, 5256 Silver Lake Drive, said she objects to the preference of retail over churches. Churches are officially discouraged from moving downtown, but they still want to be there. If retail came it would be good, but it is not coming. Downtown will never be the same with internet sales. She favors allowing churches in the retail core. She asks they be "discouraged" but not prohibited.

Rev. Barry Beauchamp, 905 Tierra Woods Drive, said they have a downtown that will not meet the 50% retail standard even if everything that comes in going forward is retail. If people are willing to comply with conditions, they should be able to locate downtown and bring a vibrant presence there. People should have a right to locate downtown if they meet certain conditions.

Rosie Harrell, 271 East River Road, said she owns property and shops downtown. They appreciate City elected officials and staff. They are against the word "prohibit." This is what she is concerned about. This issue is causing friction and discourse. They should come together.

David Harrell, 271 East River Road, said he disagrees with the zoning overlay as they are being steadfast in their point. They are creating a rift that doesn't need to be there. There is nothing going on downtown. Nobody is walking there. A church would bring people downtown.

Dawn Perry, 2370 Westover Drive, said she recommends that churches not be prohibited in the downtown zoning overlay. Churches appeared in the City's presentation as what they don't want downtown. They (The River Community Church) came in July asking for a conditional use to locate in the 200 Block and were turned down. They want to be a vibrant part of downtown. Anyone who has the call of God to do something downtown should be allowed to do so. God told them to minister out of the McCrory's building. City Hall has been filled with Christians saying they don't want this. City staff members are not the only men serving this City.

There being no further speakers coming forth, Mayor Myers closed the Public Comment portion of the hearing.

RECESS – Upon receiving concurrence of the Commission, Mayor Myers called for a five-minute recess at 8:45 p.m.

RECONVENE - Mayor Myers reconvened the March 13, 2014 City Commission meeting at 8:50 p.m. and continued with the Orders of the Day.

Commissioner Leary said he met with Dr. Kennedy and others on this issue and reached out to colleagues around the State. He is a professional planner in this field for 20 years. In 1916 the US Supreme court upheld a zoning case in Euclid NY and this started zoning in the US. There are only a handful of communities without zoning. His position is based strictly on his experience as a professional land use planner as well as his experience in economic development. This is a plan that can be changed. All zoning ordinances go through review and analysis on a 3 to 5 year basis. The Planning Board members are citizens and recommended approval of the overlay. He's received calls in favor and against. A former bank president, Skip Lorenzen, called him and said this issue is not about religious freedom or about pitting churches against business, but is about trying to find solutions to Palatka's economic woes. The redesign is ½ of 1% of the entire City, or 25 acres out of 5,300 acres. Churches are allowed in 70% of the City. He supports the overlay zoning. He supports the City's extremely competent and professional staff. They are the nucleus of progress in the City.

Commissioner Norwood said he's spoken to local pastors. He knows they object to the word "prohibited." He likes the overlay, but doesn't like some of the language. Most people support the overlay but object to the language. He asked if there is any way to change the word "prohibited" to a different word that accomplishes the same thing. He asked if they could put churches under a conditional use. Mr. Crowe said the word prohibited is standard zoning jargon. They try to be clear-cut so people will know exactly where they stand. This word does not have a negative connotation. The Planning Board discussed keeping churches as a conditional use in great length. They felt this is a policy move to bring back retail and not lull people into a false sense of security where they will ultimately fail. He strongly believes they need to take this step.

Mr. Holmes said conditional uses are defined as uses that are not appropriate but with safeguards they could be. They will need to define criteria that would allow churches to go in. If the underlying philosophy is that churches are not compatible with retail, and that is key to a retail corridor, then fundamentally churches are not compatible with that retail definition. They would be hard pressed to come up with criteria that churches could meet. At the Zoning Board meeting the churches suggested the Overlay could say 'strongly discouraged" but that doesn't sound honest. If they say churches, the Elks Club and other things are not compatible, they need to mean it. It is not straightforward and candid to say it could be allowed, but will likely never be allowed. Commissioner Leary said the courts have discouraged ambiguity in zoning ordinances; they need to be clear-cut. Commissioner Norwood said most people here tonight are from churches. Churches are not the only things not allowed. All non-retail uses are not allowed. This is not all about churches; it is about what a retail corridor should look like.

Commissioner Kitchens provided background history on the two current downtown zoning classifications: Downtown River-area Entertainment and Downtown Business districts. The City took the Town of Deland's ordinance and patterned this after that ordinance. They tweaked it a little for Palatka. There were existing uses like churches and fraternal organizations that were added back. There were other uses specifically not allowed. That's the way it's been since 2006. Retail and restaurants are allowed uses in both districts. Churches are allowed in the current ordinance. People say they want to revitalize downtown through an overlay use, and they pulled out 22 different uses to prohibit so more restaurants and retail uses would come in. The bottom line is they want to encourage retail. They are still allowing non-retail uses. It is said government buildings kill downtown. She is a shopper; when she walks down a street she's not going to stop at an office or church. She worked downtown for 36 years. She and her co-workers shopped and ate downtown. Churches turn out and go eat. Churches have full time staff. Churches should be left as an allowable use as a conditional use. You can't put a church within 300 feet of a liquor serving establishment and that prohibits them from large portions of downtown now. There are not people lined up to put a restaurant or retail downtown. If the existing churches have to close for any reason they won't be able to come back. Many times planners don't know what citizens want. Churches represent thousands of people in the community. She checked surrounding cities that have been cited as positive examples of redevelopment. None of them prohibit churches downtown.

Commissioner Brown said she lives and works downtown. She has listened to everything anyone has said on this issue. She has gone out and found people to talk to. She spoke with the downtown business people about how they feel about the overlay. They have told her they are afraid to come here to speak because they don't want to be boycotted. She does whatever she can do to improve the town. Every time they have someone who wants to come in the meeting room fills up with negativity. They have fiscal responsibility for this City. They aren't getting rid of churches. They need to look at the impact that's going to hit the next generation. Churches and government have taken huge chunks of property off the tax rolls. They are scrambling to balance the City's budget. People who work for them who haven't gotten raises in five years only got a three percent raise this year. If churches were paying taxes on the buildings they are taking off the tax rolls, she would not object. If they keep going like they are going and allow people to continue to take downtown property out of the retail category, they won't survive. This is only eleven blocks on one street. They have a fiscal responsibility to take care of people. She has received a lot of training on how to make cities thrive. They need to promote tourism and retail so people will come here, spend money and leave. She's been to many cities who promote tourism. In order to promote tourism you have to have something for tourists to do. They don't make enough in taxes to pay for everything they need. The hotel will help them fix their infrastructure, which benefits the community. She's seen negativity on the television about Palatka not wanting churches, and that is not true. They have not tried to close churches. Badgering them and telling them they aren't looking out for people is a sin. She takes care of people. They need to make changes instead of continuing doing what they've been doing or there will be no one left. The young people will leave and old people will die.

Mayor Myers said he appreciate thoughtful citizen input. This is a difficult decision. The bottom line is creating economic development by promoting business in the central business district. They need profitable businesses that create jobs and this overlay accomplishes this without damaging the spiritual fiber of the community. He supports all churches and particularly downtown churches, as he is a member of a church that has been here for 150 years. They work very hard to be a contributing member of the community. This overlay does not in anyway impede their ability to provide spiritual guidance. It makes the city a better place for all citizens. He supports this ordinance.

Commissioner Brown moved to pass the ordinance on first reading as read. Commissioner Leary seconded the motion. Mr. Holmes asked the Commission to consider a change pertaining to offices. In speaking to other planners, he's been advised that in trying to keep a retail corridor of similar uses, it's thought that offices that employ a large number of people will prohibit a retail corridor. He is advising the Commission to allow offices, but to limit the number of employees. Just as they've eliminated fraternal organizations, large offices will make holes in the retail corridor. Discussion ensued on how to insert that change to the ordinance. Mr. Crowe said he prefers to address each office use as listed instead of inserting just one paragraph. Commissioner Leary moved to amend the ordinance to allow offices with not more than 10 employees in the retail core overlay. It was established through discussion, and Mr. Crowe stated, that if a business has 11 people employed, and one leaves, that business would be able to replace that employee as this is a grandfathered use. If the business went out of business, and a new office came in, the new business would be limited to 10 people. Commissioner Norwood seconded the motion, which passed four in favor, opposed by Commissioner Kitchens. Commissioner Kitchens noted when a non-profit organization rents a building; it does not take that that building off the tax roll.

There being no further discussion on the main motion to pass the ordinance as amended on first reading, a roll-call vote was taken, with the following results: Commissioners Brown, Leary, Norwood and Mayor Myers, Yes; Commissioner Kitchens, No. The Ordinance was declared passed on first reading as amended by a vote of four in favor, one opposed.

8. CITY MANAGER & ADMINISTRATIVE REPORTS

Charles Rudd, Main Street Manager, announced The Arts Council's "Everything Chocolate" event will be held on Saturday night.

Mayor Myers said he hopes everyone will support the upcoming Elite Pro Series BassMaster Tournament and Florida Bike Festival the weekend of March 21 – 23.

9. COMMISSIONER COMMENTS – There were none.

10. ADJOURN – There being no further business to discuss, the meeting was adjourned upon a motion by Commissioner Brown at 9:10 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