

Minutes of a regular meeting of the City Commission of the City of Palatka held on the 8th day of December, 1999.

PRESENT:	Mayor	Tim Smith
	Commissioner	Mary Lawson Brown
	Commissioner	George E. Sanders
	Commissioner	Hernan Azula
	Commissioner	Ish Edwards

Also Present: City Manager Allen R. Bush, City Attorney Edward E. Hedstrom, City Clerk Betsy Jordan Driggers, Finance Director Ruby M. Williams, Police Lt. Robin Edwards, Fire Capt. Randy Porter, Planning Director Adam Mengel, Water, Sewer & Streets Supervisor Sam Willis, and Main Street Manager Debbie Banks.

INVOCATION – Minister Loretta Bolling, Pastor; Church of God by Faith

PLEDGE OF ALLEGIANCE – Doug Grant

APPROVAL OF MINUTES – Commissioner Brown made a motion to approve the minutes as submitted. Commissioner Edwards seconded the motion, which passed unopposed.

PUBLIC RECOGNITION – Mayor Smith recognized Commissioner Sanders for his 10 years of service to the community. One issue he took close to his heart was the appearance of the community, particularly overgrown lots, dilapidated houses and trashy areas. He has made great strides to elevate those items and keep them under continual discussion, and the City has come a long way in dealing with those issues. In the past several years the City has taken down between 20 – 25 nuisance structures. Also, he has been a great champion of Palatka’s “Tree City” designation. The tree canopy has great aesthetic, environmental and ecological value, and is an important wildlife habitat. He has been instrumental in preserving this asset for the community. Commissioner Sanders will be more formally recognized at the January 13, 2000 meeting.

Mayor Smith recognized Commissioner-elect James Norwood, and congratulated him on his victory. There will be a swearing-in ceremony for Mr. Norwood and Vice-Mayor Brown, who ran unopposed for a fourth term, on Monday, January 3, 2000 at 7:30 at City Hall, as set forth in the City’s Charter.

Mayor Smith presented Ruby Williams, City Finance Director, with the Government Finance Officers Association’s Award for Excellence in Financial Reporting, which she has received for six prior years, also. Mr. Bush said this is the highest form of recognition in governmental accounting and reporting, and its attainment represents a significant accomplishment by a government and its management. The City’s F/Y 1998 Comprehensive Annual Financial Report qualified for this award. Mayor Smith said this means that Mrs. Williams watches the taxpayers’ dollars, and makes sure they are spent and accounted for as stated in the city’s Code of Ordinances.

Mayor Smith announced the Census Bureau is looking to hire census takers for the 2000 census. The job pays \$9.00 per hour plus mileage. It is important that the City and County get an accurate census taken of the people in the community. Commissioner Brown said if they can get enough people counted Florida will qualify for two more congressional representatives and more federal funding.

STUDENT RECOGNITION – December, 1999 - Mayor Smith asked Commissioner Edwards to assist him in presenting certificates to the following students in recognition of their academic excellence, leadership, citizenship and attendance:

Shane A. Geoghagan	Mellon Elementary School
Jimmaron Poole	Moseley Elementary School
Matthew Cunningham	E. H. Miller School
James Santana	Beasley Middle School
Immanuel Hutcherson	Jenkins Middle School

Sara Laninfa
 Ben Seanor
 Christopher Shell
 Ke'andra Clayton
 Shawn Findlater
 Chad Douglas

Palatka High School
 Kelly Smith Elementary School
 James A. Long Elementary School
 Browning-Pearce Elementary School
 Peniel Baptist Academy
 Putnam Academy

PUBLIC COMMENTS: Sam Willis passed out traditional Christmas pound cakes baked by his mother, Betty Willis, to the Commissioners, Mr. Bush and Mr. Hedstrom. His mother could not attend tonight as a family member is ill. Mayor Smith asked Mr Willis to send formal thanks and gratitude to Mrs. Willis on behalf of everyone on the Commission. The holiday is about traditions and he has always looked forward to one of her cakes at Christmas time.

ARTS COUNCIL ITEMS – Discussion on this item was postponed until the January 13 meeting as there was no representation from the Arts Council present.

REPORTS:

a) Report of Canvassing Committee – acceptance of minutes – 12/3/99 and 12/7/99 – City Clerk Betsy Driggers, Committee secretary, reported the Canvassing Board met on these two occasions, and she has previously submitted the minutes on those meetings to the members of the Commission for prior reading and approval. The minutes have been approved by each member of the committee, and the original minutes are attached to and made a part of the minutes of this meeting. Commissioner Azula made a motion to accept the report of the Canvassing Committee for its 12/3/99 and 12/7/99 meetings. Commissioner Edwards seconded the motion, which passed unopposed.

b) Putnam County/City of Palatka Leachate Agreement – Mr. Bush said this is similar to the agreement they have had with Putnam County for years. The County produces leachate from wells and drains in the landfill, and those have to go to a central sanitary system. The City allows them to dump this leachate into a sanitary sewer beside Crystal Cove Marina that flows into a lift station. In exchange, the County accepts the City's sludge and deposits from the grit machine at no charge; this is a trade-off. The agreement has been approved by Mr. Hedstrom. Commissioner Brown made a motion to execute the agreement with Putnam County for disposal of leachate and sludge from the grit machine. Commissioner Azula seconded the motion, which passed unopposed. Mr. Bush said a provision was added prohibiting any other metals exceeding EPA guidelines.

c) Champion Community Memorandum of Understanding – Chamber of Commerce – Mr. Bush said the City has a Champion City designation. When they submitted the EC/EZ application, they were a qualifying City, but were not fortunate enough to be chosen for that designation. They need to execute this memorandum of understanding in order to retain the Champion City designation, which benefits the City, especially on grant applications. All of the work and responsibilities fall upon the Chamber of Commerce, who is heading this up. Commissioner Brown said Enterprise Florida sends people to areas that have benefits for businesses that locate in Florida, and they target areas with sufficient labor force and land mass. Commissioner Brown made a motion to approve and execute the Champion Community Memorandum of Understanding. Commissioner Azula seconded the motion, which passed unopposed.

d) Sprint-Com Lease Agreement for space on water tank tower – Mr. Bush said Sprint-Com is looking for a location for their transmitter. They would like to locate their equipment on the City's water tank tower and have offered \$1,000 per month to lease the space. This is a good rate, as the usual rate is \$800 per month. It has a 15% escalation clause at each 5-year renewal period, which will allow the City to pay for the maintenance contract they now have on the tank, and will provide extra funds to put a logo on the tank should they desire. He passed out a diagram of the equipment, which is a 6-foot panel that attaches to a rail on the side of the tank tower. It will not be obtrusive and will not extend above the top of the tank. Mr. Hedstrom has reviewed the contract and has recommended several changes. He would like approval on this, contingent upon getting the recommended changes made. Commissioner Sanders made a motion to

approve and execute the agreement with Sprint-Com to lease space on the water tank tower. Commissioner Azula seconded the motion, which passed unopposed.

e) Request to amend future land use map and rezone a parcel of land on Kay Larkin Drive – Roy Campbell, agent for Putnam Obstetrics and Gynecology, owner – Adam Mengel said the Planning Board voted to recommend this request to amend the future land use map and rezoning. He is requesting the Commission's approval to advertise ordinances making these changes. Mr. Bush said the Planning Board was probably not aware that when this property was originally annexed into the City, the Commission at that time was concerned about establishing a residential area, especially multi-family units, around an airport due to the noise factors. When jet traffic increases, which it will due to the runway expansion currently underway, the noise will increase along with it. It will generate complaints from residents, which future Commissions will have to deal with. In exchange for allowing this property to annex and rezone, which was primarily light industrial with a small piece of R-4 underneath Runway 35, the owners agreed to rezone it in a manner that was acceptable to the Airport Committee, the Airport Engineers, the Planning Board and City Commission. According to the minutes from 1993, they established a commercial buffer zone adjacent to the industrial park and Runway 35 in exchange for a residential classification on an adjoining tract. A map included in an additional handout shows where the buffer lies. This buffer is the land currently classified as C-2, which is in question tonight. The land on either side has been developed. They are now asking to transform that buffer into residential use. Whether the Commission today houses the same concerns as the 1993 Commission remains to be seen, but based on this information which the Planning Board was not aware of at the time they made their decision, he recommends it be sent back to the Planning Board with the additional information, and let them reconsider their recommendation. Mr. Mengel said they are requesting to rezone 9.99 acres on the East side of Kay Larkin Drive, north of the current 6 acre project under development. Mr. Bush said the important issue is the light industrial was done away with, and this was a condition to the annexation as a protection for the airport. The C-2 zoning was established as one of the major considerations for that rezoning. Larger aircraft generates more noise, which could generate citizen complainants looking to shut down or move the airport. There is an 'aviation easement' attached to the original annexation agreement giving planes the right to fly over those properties, which recognizes that there is an airport there and there is noise associated with that. If this is remanded back to the Planning Board, he would like to bring in the airport consultants to speak to the Planning Board on this. Commissioner Sanders said he believes this is the best course of action. People complain loudly when they locate next to airports, and it could be costly to the City. They need to protect that site for industrial development. Commissioner Edwards said someone who moves next to an airport should expect high noise levels. Mr. Bush said they will still complain, and future commissions will be besieged with those complaints. They established these conditions back in 1993 to protect the airport and insure this would not happen.

Roy Campbell, Owner's Agent, said Mr. Bush, in conjunction with Fred Fox, is trying to develop a project using tax credits, and it is Mr. Bush's feeling that this project is in competition with his project for tax credits. Susan Roe, who Mr. Bush has been working with, was present at the Planning Board meeting, so he is aware that they are up against time constraints, which is why they are trying to rezone only 9.99 acres instead of trying to go through a large-scale comprehensive plan amendment. Mr. Bush is also aware that if they are delayed and are forced to go back to the Planning Board, they will not meet their deadline in order to apply for the tax credits. He is not saying this is Mr. Bush's sole purpose for doing this, but he is aware of this and Ms. Roe was taking notes at last night's meeting. There are 13.3 acres at that location, and there is a 65' buffer they have purchased which will remain commercial forever. This buffer will separate this project from the industrial site. This is not the appropriate time to discuss any controversial issues, and there should be no problem with going ahead with advertising a public hearing. If Mr. Bush has problems they can argue them at that final meeting. That way their tax credit application will not be delayed. Any delay now would prevent them from going forward with this project. Commissioner Sanders said they do not want to make any hasty decisions. Mr. Bush said his concerns have nothing to do with competing for tax credits. Ms. Roe is not familiar with the situation at the airport. His concerns are the same concerns that he had in 1993. Perhaps there is some way they can take this back to

the Planning Board and expedite this, or even call a special meeting to consider this if the Commission chooses. The City owes it to itself to at least have their airport engineers take a look at this and make sure they are not doing something that will have an adverse effect on the future development of the airport. Mr. Hedstrom said this bears looking into as Mr. Pickens, the attorney for the Putnam OB/GYN Trust, made representation that some restrictions were going to be recorded, although he does not recall what those restrictions were. He wants to establish whether or not those restrictions bind this buffer to remaining C-2 as opposed to R-3. He asked Mr. Campbell if he had checked the title; Mr. Campbell said he had and there is nothing in either the zoning or annexation ordinance that reflects any restrictions. Mr. Hedstrom said he believes there is separate documentation that was executed by John Wolfenden at that time. Mr. Campbell said they know there is a sound easement, but Dr. Wolfenden knows of no other documents that were executed nor any other agreements. Mayor Smith said they should go ahead and vote to advertise this ordinance for a public hearing, and have the airport engineers come in and lay out a footprint of projected noise which the attorneys can look at, along with restrictions, covenants, easements, etc. The Commission can make a decision based on that information at the public hearing. He wants Mr. Campbell to understand that the city's major concern is they have a huge investment in this airport and that is why they went this route. Mr. Campbell said he was not aware of the prior discussions, but did review the airport plan, which specifically eliminates this particular runway as a consideration for future development. Mayor Smith said this is a secondary runway that would not carry the majority of the traffic, but the primary runway is not that far from where these houses would be. If they bring in cargo jets, it will get very noisy. No one will remember who built it and who said what, but they will be dealing with those residents who will expect the City to do something about it. He wants Mr. Campbell to understand that if the Commission has those concerns, they may not grant approval. His vote will not be based on whether or not they are in competition with each other, as that does not bother him, but will be based on what is best for the airport and the city. Mr. Campbell said they discussed those same concerns on their first project. Commissioner Azula made a motion to advertise public hearings set for January 27, 2000 on ordinances amending the Future Land Use Map to medium-density residential from commercial, and to rezone to R-2 from C-2 the property located on the east side of Kay Larkin Drive owned by Putnam OB/GYN Trust, and to direct Mr. Hedstrom to prepare those ordinances. Commissioner Edwards seconded the motion. Commissioner Brown said she went to the Summit of the Americas in Miami specifically to look into doing international trade. It is possible that they can trade with the Caribbean, and the Jacksonville Port Authority is considering off-loading cargo here. The airport traffic will pick up considerably. Now it doesn't bother anyone because the traffic is light. There being no further discussion, the motion passed unopposed. Mr. Bush told Mr. Campbell he would contact him as to when the airport engineers will be in town to discuss the matter.

ORDINANCE – 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 CERTAIN PROPERTY IN THE NW ¼ OF THE SW ¼ OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUTNAM COUNTY, FLORIDA, FROM COUNTY C-1 (COMMERCIAL) TO CITY C-1A (NEIGHBORHOOD COMMERCIAL); AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown made a motion to place the ordinance on its 1st reading. Commissioner Edwards seconded the motion. The results of a roll-call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. The ordinance was placed on its 1st reading.

ORDINANCE – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BE AMENDED BY DELETING SECTION 18-62 WHICH PROVIDES FOR A FIRE DISTRICT IN CERTAIN AREAS OF THE CITY; RENUMBERING SECTION 18-63, VIOLATIONS, TO SECTION 18-62; AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards made a motion to place the ordinance on its 1st reading. Commissioner Azula seconded the motion. The results of a roll-call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1st reading.

ORDINANCE creating the Firefighters Pension Plan and Firefighters' Pension Board, and removing firefighters from the existing pension ordinance. Mr. Bush said the City, the firefighters and their respective attorneys have come to an agreement on an ordinance, which has been advertised for a second reading and adoption tonight. Today he was notified by the City's actuary that she has three or four minor problems with the ordinance, and these should be changed before the ordinance is adopted. The firefighters have asked the Commission to go ahead and appoint the Board, so they can meet and begin doing business. The items should be worked out before the first meeting in January. In answer to Mayor Smith's question, Ms. Driggers said the attorney advised they do not have to re-advertise the ordinance if the Commission votes to postpone the vote until the January 13 meeting. Commissioner Brown made a motion to postpone the vote on this ordinance until the January 13 meeting. Commissioner Azula seconded the motion, which passed unopposed.

PLANNING BOARD APPOINTMENTS – Commissioner Edwards made a motion to reappoint W. W. “Bunky” Roberts, Bob Burch and Jill Jester to the Planning Board for three-year terms to expire December 31, 2002. Commissioner Sanders seconded the motion, which passed unopposed.

DECLARATION OF SURPLUS EQUIPMENT: Mr. Bush said both the telephone and computer systems were replaced with newer systems that are Y2K compliant. The old systems are at least 15 years old or older. Commissioner Brown made a motion to declare the old telephone system and the old computer system as surplus equipment, for disposal. Commissioner Azula seconded the motion, which passed unopposed.

This concludes the items on the Agenda.

COMMISSIONERS' REPORTS

Commissioner Brown said the construction on the Lefty Turner Park pavilion has begun.

The Riverboat Committee has gained ownership of the riverboat parade float, and they want to get it in shape to put it in area parades for promotion. The Fire Department has agreed to help in this endeavor, and she wants to thank them for that.

Mayor Smith said people ask him if it is necessary for every fire truck and every police car to blow their sirens during a parade. Captain Porter said that is up to the parade organizer; sometimes they say not to blow them too much and sometimes they say to make a lot of noise, so they do what the parade organizers ask.

Commissioner Brown thanked Sam Willis and his prison crew for cleaning up the property beside Mrs. Gray's house, which she has been trying to get cleared for some time now. It looks very nice and Mrs. Gray feels more comfortable now having it done.

Commissioner Brown said some people are complaining that they can't afford the upkeep on some of these vacant lots and are asking if they can donate them to the City. It would be a good employee incentive to offer these lots to them to help get them in a home. HUD has a program to train people ages 16 – 24 on how to build, maintain and upgrade houses at the Technical Center if the training personnel is provided. They need electricians, plumbers, carpenters, etc. The City needs to look into doing this with the Technical Center. It would be a good way to get properties back on the tax rolls. Mayor Smith said this is two items; one is accepting the lots and the other is a training issue. He would be reluctant to try to put people in competition with private enterprise builders, but if they don't have enough people to hire for their businesses, they should try and find out how to get these people trained and into this program. Commissioner Brown said HUD will train people so they can work for contractors as a course in school. They can build a house as a class project for city employees who have longevity and need. Mayor Smith said there will be some cost associated with this, even if the lot is just given to the City. The employee would have to cover those. It would have to be done on an employee seniority basis. The lots would have to be free and clear of any judgements or liens, or you can't borrow money on them. Commissioner Brown said the cost of a few years' taxes would still be a reasonable price for the land.

Commissioner Brown said Congresswoman Brown has been very good to the City and she would like the City to sponsor a Corrine Brown Day. They may be able to get her here on the last Monday in January (January 31). They need to show their appreciation for the things she has done for this county. Wes Larson has said the Chamber will be glad to help. She would like a resolution, proclamation or declaration of a day in her honor. She will get a group together to make plans, and will make a report back.

Commissioner Sanders said two elderly widows who live towards the east end of Main Street have called him twice about young people with skateboards skating on the street and sidewalks. They get into their yards and tear up their flowerbeds. If they come out and say anything to them, the young people curse at them. He hates to see elderly people disturbed or abused by young people who use profanity to them. These young men have a red automobile and come in every afternoon around 3:30 or 4:00. He wants the police to put a stop to this. They should pick them up and take them to their parents. Mayor Smith asked Lt. Edwards to check into any remedy these people have.

Commissioner Azula congratulated the Commission on working so well together. There was an editorial in the newspaper that referred to this Commission as being a 3 – 2 voting commission. He went through the minutes for the last two years, and discovered that there were 208 votes unopposed, 111 unanimous, and 11 split votes. Of the 11 split votes, there were no two voted the same way. They were always voted differently by different people. They have a good voting record and this commission should be commended for their ability to work together for the benefit of the citizens. It was misleading for the paper to say there were 3 – 2 votes on important issues. It is misleading to say there are tie-breaker votes. There was not one time the same two commissioners were on a 3 – 2 vote. They all have their city's best interest at heart. This is reckless journalism. Commissioner Brown said the newspaper people should come to more meetings before they make these type of judgements. Mayor Smith said he was somewhat surprised at the newspaper's comments, also.

Mayor Smith said he would like the Commission to review their committee assignments and asked the Clerk to supply a list of those assignments to the Commission so they can review them and decide if they want to change any of those assignments.

He reminded the Commission the new officer installation will be on January 3. They will arrange to have a judge present. He encouraged the new officers to invite their families to participate. Commissioner Brown said they can use Price-Martin. Mayor Smith said the Charter allows them to use an alternate site. He will leave that up to the two officers being sworn in that night. They will need to inform Ms. Driggers as to their guests and preferences, as she will be making the arrangements.

Mayor Smith asked Mr. Mengel if the Walmart large scale amendment is going to be finalized this year, or if it will move into next year due to DCA's review. Mr. Mengel said it should still count for 1999, as that is when it was submitted.

Mayor Smith said on December 15 and 16 there is an American Heritage River Committee meeting in Deland. He and Commissioner Edwards will be there as SJRWMD representatives, and Commissioner Brown will be there as she on the steering committee. Thursday's meeting (the 16th) is open to the public; there is a \$10.00 registration fee. It will be held at the Stetson University Gymnasium.

Mr. Bush said he has an item that is not on the agenda, but he needs to proceed with it. The land the water treatment plant sits on used to be a platted subdivision. Years ago the city tried to buy all those lots and they succeeded for the most part, but there were as many as four small out-parcels they were unable to locate owners on. The owners of two of these properties have come forward and are talking about doing something with their properties, and are asking for ingress and egress to their properties. This would be rather difficult because of the development. They have had the lots appraised and he needs commission approval to authorize Mr. Hedstrom to offer to purchase these lots for the appraised value of \$6,000 for both lots. They have been trying to locate these owners for years in order to try and affect a sale, and this is a good opportunity. The owners have been paying their taxes. Commissioner Azula made a motion to authorize the City

Attorney to offer the appraised value of the land to the owners of the property under discussion in order to affect a sale. Commissioner Edwards seconded the motion, which passed unopposed. Commissioner Brown said to make sure they put these items on the agenda, as they have had issues come up they could not vote on in the past as they weren't listed on the agenda. This is a standing policy. Mr. Bush said they are just giving the attorney the authority to attempt to negotiate the purchase of the lots.

Commissioner Brown said she brought cake and invited everyone present to have a piece of cake after the meeting is adjourned.

James Williams, Ocean Street, said he wanted to ask about putting liens on properties for people not cutting their grass. He wants the city to look into doing work on properties owned by people on fixed incomes that are paying their taxes. Most have tax exemptions on their properties. City crews should go around and clean them up, and elderly people should get some type of consideration before the City puts liens on their properties for not cleaning them up. Commissioner Sanders said the neighbors ought to take into consideration the elderly people in their areas, and should help them out. Churches and other organizations also should be able to help them. Mayor Smith said prison crews are not allowed on private property. On those lots that the owners are unwilling to keep up or can't be found, the City has to contract to have the work done, and the City is out the money. Being responsible to the taxpayer, the City then has to file a lien to try and recover the money so they can go a clean another lot. It is not something they like to do. Also, you can't lien homesteaded property, so they don't even have that option there. Commissioner Sanders' suggestion of fostering a sense of 'helping your neighbor' particularly through churches and civic groups is appropriate. They should keep a list of those who need help.

There being no further business to discuss, the meeting was adjourned.

CITY CLERK

MAYOR