

Proceedings of a regular meeting of the City Commission of the City of Palatka held on the 22nd day of April, 1999.

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

\* Commissioner Sanders arrived prior to Agenda Item #2 - Public Comments

Also present: City Manager Allen R. Bush, City Attorney Edward E. Hedstrom, City Clerk Betsy Jordan Driggers, City Finance Director Ruby M. Williams, Planning Director Adam Mengel, Police Chief Bill Dolinski, Water, Sewer & Streets Superintendent Gene Garrett; Water, Sewer & Streets Supervisor Sam Willis; Main Street Manager Debbie Banks, Parks Supervisor Jeff Norton, and Chief Building Official Ed Huntsberger.

INVOCATION - The Reverend Robert J. Cook; St. Johns River Baptist Association

PLEDGE OF ALLEGIANCE - Ted MacGibbon

APPROVAL OF MINUTES 3/25/99 - Commissioner Brown made a motion to approve the minutes as read. Commissioner Azula seconded the motion, which passed unopposed.

STUDENT RECOGNITION - Mayor Smith asked Commissioner Brown to join him in recognizing the following students for their academic excellence, leadership, citizenship and attendance:

Ganelle T. Denning	Mellon Elementary School
Jonah Iser	Moseley Elementary School
Chris Dewese	E. H. Miller School
Jeffrey Wyrwal	Beasley Middle School
Renata Isom	Jenkins Middle School
Natalie Turner	Jenkins Middle School (March Recipient)
David Schroeder	Palatka High School
Lindy Eller *	Palatka High School (March Recipient)
Casey Johns	Kelley Smith Elementary School
Ciara Mayer	James A. Long Elementary School
Jessie Hansen	Browning-Pearce Elementary School
Melody Rogers	Peniel Baptist Academy & High School
Edilberto Bonilla **	Putnam Academy
Stannekia Murray **	Putnam Co. Teen Parenting Educational Center

\* Mayor Smith presented Miss Eller with a City Lapel Pin and gave her special recognition as she is the Palatka High School Valedictorian for the graduating Class of 1999.

\*\* These students not in attendance.

PUBLIC RECOGNITION - Mayor Smith read a proclamation declaring May 11, 1999 as Delta Kappa Gamma Day in recognition of the organization's 75th Anniversary. Janice Browning accepted it on behalf of the local chapter.

Mayor Smith read a proclamation declaring the week of May 10 - 16, 1999 as Relay for Life Week in recognition of the fund-raising event which benefits the American Cancer Society. Linda Girardin and Cathy Deschenes accepted on behalf of the Society and invited the audience to come out to the Relay for Life activity held at Moseley Elementary School.

Mayor Smith read a proclamation declaring a State of Local Emergency in the City due to the recent dry conditions and fires, effective April 22 - 26, to be extended in 7-day increments by the City Manager if needed. It authorizes the City Manager to take necessary and appropriate actions to secure resources to protect human life and property and to utilize all authority granted to the City under state and county emergency management laws.

Mr. Bush introduced Adam Mengel, the new Planning Director for the City of Palatka. Adam started his employ on Monday, coming from the Putnam County Building & Zoning Department. He should do an excellent job for the City. Mayor Smith welcomed Adam on behalf of the Commission and expressed faith in his ability to do the job well.

#### PUBLIC COMMENTS:

Ken Campbell, President; Southside Historic Neighborhood Association, brought forth a traffic plan proposal for the Southside Historic District. This is a topic of great concern to the residents. They passed a resolution requesting necessary improvements be undertaken by the City of Palatka to improve vehicular traffic flow through the District, as outlined in three proposals presented by the Association to the City. They appreciate the efforts the Police Department has made in issuing citations to speeders in the neighborhood, but it is not a lasting solution. Mayor Smith said they have had many discussions on safely addressing the speed issue. He would like to have some time for the Commission and the City Manager, who is also the Traffic Engineer, to study the proposal.

James Williams, 1424 Ocean Street, said he is concerned about the \$150,000 Lefty Turner Park grant the City obtained in October, 1998. On March 22 (or 17) he spoke to Mr. Bush about the engineering and blueprints on the improvements. He does not know if there is still a committee. No one has brought him up to date on the status. If there have been meetings, no one is notifying the public as to when they are. Mr. Bush asked

Mr. Williams how many committee meetings he had attended prior to the March meeting; Mr. Williams answered none. Mr. Bush said the Committee has worked diligently towards putting together a plan for the park renovations and have an engineer on board. There is a meeting scheduled at 2:00 pm on Monday to look at the plans. Mr. Williams should be more active with the group and they can keep him informed as to what is going on. Mr. Williams said the group does not let anyone know when they have their meetings. They have to make quarterly reports to Tallahassee and he would like to obtain a copy of the April 5 report and the names of the committee members. Even some members are not informed as to when the meetings will be. Commissioner Brown said the Committee has a standing meeting date of the first Tuesday of each month. If Mr. Williams will contact her later, she will give him names and phone numbers of the members.

AUDITOR'S PRESENTATION - John Rowe and Steve Kattell with Davis, Monk & Co. presented the audit report for F/Y 1998 to the Commission. Mr. Rowe said this is the first audit they have done for the City, and believes it went very smoothly. He introduced Mr. Kattell and Tina Robinson, another member of the audit team. Mr. Kattell said he invites any questions anyone may have about the audit. He explained the audit report page by page. In summary, they made only one minor recommendation for improvement, which has been discussed with Mr. Bush and Mrs. Williams. This reflects well on the state of the City's finances and on the Finance Director, Mrs. Williams. Mr. Bush said this auditor transition was the smoothest since he has been in office, and was happy it had gone so well. Commissioner Brown said she was glad to have a home town auditing firm.

PUBLIC HEARING - Request to issue a Certificate of Public Convenience & Necessity - Alvin Lavain and Leslie Carson d/b/a Bass City (PDC) Taxi Service - Mr. Lavain said his mailing address would be 719 St. Johns Avenue, but the cars would be based at 907 St. Johns Avenue, the same as Diamond T Taxi. The phone number will be 328-2053, also the same as Diamond T Taxi. Mr. Bush said Mr. Lavain has provided the required paperwork and has met the requirements, with the exception of changing the vehicle use on the registration for the 1989 Oldsmobile from private to taxi. Commissioner Sanders said he feels that 10/20/10 liability limits on insurance is too low for any vehicle, much less a taxi. Mr. Hedstrom said this is all the state requires. Commissioner Sanders said Yellow Cab has much higher liability coverage. Mayor Smith said they could write a letter to Rep. Kelly Smith expressing the City's concerns. Mr. Bush said since they have met the requirements, he would recommend the Commission approve the request for the 1986 Buick, and add the 1989 Oldsmobile after the registration change has been made. Commissioner Brown made a motion to issue a Certificate of Convenience and Public Necessity to Bass City (PDC) Transit with the recommended stipulations. Commissioner Azula seconded the motion, which passed 4 for/1 against, opposed by Commissioner Sanders. Mr. Bush said they have been trying to bring Diamond T Taxi into compliance; their taxis are also registered to private individuals as private use vehicles.

Chief Bill Dolinski said he spoke with Mr. Williams of Diamond T Taxi before the meeting, and he advised he is in the process of changing the registrations over to taxi use.

Commissioner Sanders said the paperwork on this proposal is not yet completed. Mr. Bush said Diamond T Taxi already has a certificate; all they are doing is asking them to bring their vehicles into compliance. If Mr. Williams completes the registration changes prior to the next meeting, he will be deemed in compliance. They can put the item on the Agenda for the next meeting to insure it is done. Mayor Smith asked Chief Dolinski to report back on the status of the vehicle registrations at the next meeting.

**REQUEST TO APPEAL HISTORIC BOARD DECISION ON VINYL FENCING MATERIAL - Mary Baker, 320 N. 3rd Street.** Mr. Hedstrom said the ordinance states the decisions of the Historic Preservation Board shall be in the form of an order setting forth the finding and/or decision of the Board and the basis of that decision, and this has not occurred in this case; there is no document on the findings. A Historic Board representative advised they never received a written request.

Mary Baker, 320 N. 3rd Street, said she made the request at the same time she made the request to build her carport. Mr. Bush said the issue is the "Green Book" guidelines, which is the set of rules and guidelines the Historic Board follows in making their decisions. The issue is to change the language to incorporate the use of "other materials" which meet the character of the neighborhood and bring it more in line with what the Department of Interior allows. At the last meeting, the question was whether or not the City would lose its historic designation if vinyl was allowed as a fencing material. They checked with the State, and they said this is not the case. The Dept. of Interior's guideline does allow "other materials" as long as the look is compatible with the neighborhood. The question before the Commission is (1) whether to modify the Green Book to include vinyl materials and bring it more in line with the Dept. of Interior's guidelines; (2) a modification of the Green Book to allow non-contributing houses to use other materials as long as it meets the character of the neighborhood; or (3) to uphold the decision of the Board and leave it as is, which allows only natural materials as apparently called for in the Green Book. Mayor Smith asked if it would be proper for the Commission to amend it, or should they ask the Historic Board to amend it. Mr. Bush said this came up at the Historic Board and they turned it down flat. The issue was then brought to the Commission. Commissioner Sanders said there is a conflict between them using this Green Book and the State's guidelines. The ordinance is written to comply with the State. Mr. Bush said the Commission adopted the Green Book in September, 1985, so it is now the governing guideline. Mr. Sanders said he believes the Green Book was written by a group advised by some U of F students, and it was added to by some of those on the Board at the time. He asked for clarification or more information on the Book's origin. Mr. Bush said he thinks they took guidelines from other cities with historic districts and chose what they wanted to compile the guidelines. Commissioner Brown asked what happens if you have to replace something on a historic house. She related a problem she had finding window sashes for her funeral home, which was built in 1922. Mary Baker said her neighbor ran into a similar problem with replacing a tin roof - the expense was prohibitive so the Board worked with him on a shingle roof. Mayor Smith said he understands that just because you have shingle or chain link on either side of you, it doesn't mean you put up your own shingle or chain link, and he thinks the fencing she brought in is quite lovely, but according to the Secretary of the

Interior's report, "substitute material is acceptable in the form and design as long as the substitute material itself conveys the visual appearance of the remaining parts of the feature of fence." This says if it is compatible, it may be allowed. Under the 'replacement' section, it says "if the essential form and detail are still evident, so that the physical evidence can be used to reestablish the feature as an integral part of the rehabilitation process, then its replacement is appropriate. The preferred option is always replacement of the entire feature in kind, that is with the same material. Because this approach may not always be technically or economically feasible, provisions are made to consider the use of compatible substitute materials." This is saying if you can't find materials, they understand that. You can still find wood, and unfortunately the Green Book says you can't use vinyl. He doesn't know what the Commission's authority is to overrule or grant variances to the Green Book is, without opening the Pandora's Box of vinyl siding, windows, etc. The point of the District is to try to keep it historic. If they want to go this route, the Green Book should be amended first. Mrs. Baker said the State and national board says it's alright. Mayor Smith said the Commission adopted the Green Book so that is the guideline. This can be changed if they decide they want to make it more compatible with the Secretary of the Interior's guidelines. If they do this, they would need to limit the liability of other non-compatible material requests coming in, because this will open the door to other synthetic products. Mrs. Baker said the District is full of window air conditioners, and that's not historic. This is nit-picking.

Ken Campbell, President of the Southside Historic Neighborhood Association, said they addressed the fencing issue at their Monday evening meeting. The Southside district has the biggest hodge-podge of fencing that any neighborhood could possibly have. They are certainly not proud of it, and they are trying to address that topic. He spoke with Tallahassee this afternoon and she said the City of Palatka adopted their historic ordinance adopting the guidelines suggested by the National Trust for Historic Preservation, and each city had the ability to fine-tune that book. The SHNA formed a committee to address the issue of fences in the neighborhood and are gathering information from other cities who are much further along in the preservation process than Palatka is, and will attempt to come up with something that is agreeable with all parties. He suggests they have a workshop involving the City Commission, the North and South historic districts, and the Preservation Board, and try to reach a consensus on what is and is not acceptable. Clearly, the Green Book states that vinyl is not acceptable. If you look further into 'substitute material', they are dealing with the historic structure itself. Tallahassee told him it does not even address substitute material where it concerns fencing. They would like to be involved in the process of fine-tuning the Green Book. Tallahassee informed him those guidelines are supposed to be reviewed and updated every two years. The City Commission is the body that makes additions or changes to those guidelines. He recommends they table the decision for now until they have held the workshops and gathered information. Commissioner Brown said these guidelines were adopted in 1985, and it is now 1999. They should set a schedule of updating all the rules and regulations the Commission adopts so they do not get out of date. She is happy that someone has taken the initiative to begin that process.

Neil Avery, South Historic District Homeowner, said he owns several houses in the South District and has also been in contact with the Preservation people and the Architectural Review Board in Charleston SC and St. Augustine. Ken was in contact with the Pensacola historic people. All these people have a Historic Architectural Review Board; if you want to put up a fence, you pull a permit for it and take it to the review board. Most of them do not have written guidelines, but review each case on its merits. None of these places allow any synthetic materials. When you have a historic neighborhood, you need to keep the character intact by using the appropriate materials. Whether or not you update the Green Book, the materials should be consistent with turn of the century materials. They are able to replicate anything on a house now. There is virtually nothing you can't get. Charleston's attitude is the materials on the houses are as important as the architectural style itself. It keeps the historic districts historic. He asked them, in that the pest control people negate subterranean termite policies if the lattice work under the house is wood, where does it end? The told him you just don't let it get started. Synthetics may be better products, but these houses are museums of a sort. Given that, he drove by the house in question, and this is not a historic house and looks nothing like a Victorian house, which gives weight to the 'case-by-case basis' to make allowances, not based on materials, but based on stylistic compromises. The point is, you have to apply for permits, issue permits and bring it before an architectural review board who can make a decision on it. The consensus is that it must be wood even though it is a new house, but stylistically there may be some room for negotiation. Mayor Smith said even though you build a new home or even a replacement home such as the homeowner who replaced a house in the Southside district, you are still required to use original materials. Mr. Avery said you should keep it consistent with the rest of the neighborhood. Over the years, no one has enforced these guidelines, and there is all sorts of 'kooky' stuff out there as a result. They should hold workshops to work out some of these problems. If Palatka wants to continue the renaissance in the historic districts and downtown, they need to come up with a specific code. If that code says someone with a non-historic house can have a non-historic fence, then so be it. Mayor Smith said it may be hard to say a certain house can have a fence because it is non-contributing, but the person next to him cannot. Mr. Avery said in the South district there is a contemporary house on the river that has an aluminum fence that looks like wrought-iron, so where do you draw the line? In St. Augustine with its salt-water environment, it is a smarter thing to use. And again, this is a contemporary house with a contemporary fence. The workshop idea is good, as there are a lot of things to be addressed. Mr. Bush said if certain items meet the character of the neighborhood, even though they are not original materials, do they distract from the neighborhood? In the case of the City's historic Bronson-Mulholland house, they are installing vinyl roofing that looks like wood shakes. This type of roofing is used exclusively in historic districts like Williamsburg, VA, a well-known historic area. It is not economically practical to put wood shakes on a 3-story tall steep roof. You can't tell it from a wood shingle. According to this, the City will not be in compliance. There has to be some allowance for things like roof shingles or a fence for a non-contributing house that looks like a wooden fence. Right now, there is an asphalt shingle roof on the Bronson house, and they want to go to something that looks more historic, but the City needs to be practical. Mayor Smith said Mrs. Baker wants a fence that looks like wood, but it isn't. Commissioner Brown made a motion to

hold the workshops to come to a consensus on these issues. Mayor Smith said he will form a committee consisting of a member each from the Commission, each historic district and the Historic Preservation Board, acting as a core group, and they can hold workshops to look at these issues. Commissioner Sanders seconded the motion.

Julie Sorenson, 406 Bronson St. in the North Historic District, said she is an architectural designer and was a historic preservationist for years, and knows what this is all about. Using Charleston and Savannah as examples is like comparing apples and oranges. Those cities have been designated as national historic treasures, and Palatka is not. She lives in a house that, were she to restore the fence to its original state and be true to the historic character, she would have to use hog-fence, as the original builder kept hogs, chickens and cows. The rule of thumb has been exactly what Mr. Bush said; if it is in keeping with the spirit of the neighborhood. If Mrs. Baker took this to court, the Board would get beat. She can speak with some authority as she went through this in the City of St. Paul, and they thought they had everything nailed down in that very historic area, for which she was the preservationist. If there is a conflict between the City and the Dept. of the Interior, the Dept. of the Interior is going to prevail, bottom line. The fencing Mrs. Baker wants is more expensive than a wood fence; her issue is maintenance. It will not detract from the neighborhood. Mrs. Baker is exactly right about the air conditioners. She saw a fence go in down the street from her on 4th street that is anything but in compliance, but no one even murmured about it. At this point it is a done deal, and how important is it? These are not homes that were built in the 1700's or 1800's in many instances, they were mostly built in the 1900's. She does not consider her house a historic house; it is a romantic revivalist house that were a dime a dozen in the early 1900s. The Commission has set a group up within the town to make arbitrary decisions that often are capricious. In Commissioner Brown's case, if restorations on a building that is not on the national registry are going to amount to an exorbitant expense, you can make changes. Commissioner Brown said her building is not in the historic district. Mrs. Sorensen said Commissioner Brown's building has more historic significance than her own house, which has no historic significance, as it is very much a part of the history of Palatka. When the Commission considers this, please be realistic and practical about it; this is Palatka, not Charleston. They can't be so restrictive that they stop people from doing things to their home that are an improvement. The things that Mrs. Baker has done to her little tract house have only been attractive. There being no further discussion, the motion passed unopposed. Commissioner Brown suggested Commissioner Azula as the Commission's representative for the Committee, as he does not live in either historic district.

Mayor Smith said an item of concern for the Historic Board is that, in order for the Commission to hear an appeal, the Board should provide the Commission with an order stating their decision as outlined by Mr. Hedstrom earlier.

PETITION TO RELOCATE THE CARING CENTER brought by Southside Historic District Residents - Ken Campbell, President of the SHNA, asked everyone in the audience in support of the petition to stand and be recognized. (It is noted that a large number of people stood and the district was well-represented). He read the petition

demanding the City take action to remove The Caring Center from its present address of 529 Kirby Street due to zoning changes that now allow only single-family residences in the neighborhood. They have concerns for the safety of the residents in view of the recent murder of Virginia Blue, the shelter manager, allegedly by one of the residents of the shelter. (A complete petition is included in the Agenda). Commissioner Brown said she is a member of the Caring Center Board and the Shelter has been closed for the past few weeks. She would like to take the petitions to their Board, which is going to meet on Monday. If given some time, they will work something out. They do want to shelter people, but at the same time they do not want to make people unhappy. If there is no shelter somewhere in this town, you will find people sleeping on your porch, which is a scary thing. An audience member said she was being accosted on the streets and in her home by shelter residents. Commissioner Brown said she is only one person; they are meeting Monday and will discuss the petition. She will ask the newspaper to report on the outcome of the meeting and how long the Center will be closed.

Ken Campbell, SHNA President, said they don't wish this facility on anyone else's neighborhood either; this type of facility shouldn't be in any residential neighborhood. It should be a commercial facility that is monitored by the Police Department. Maybe one of the larger empty commercial buildings around town could be converted into a better facility than this one. Mayor Smith said several of the Board members have spoken to him about their desire to find the right facility in the right part of town. They are just as concerned about these issues, and in all fairness that Board should be given the opportunity to meet and come up with a solution that is amenable to everyone. Commissioner Azula asked what kind of authority the Commission has to close the facility, and how would they go about it if they did. Mr. Hedstrom said a multi-family use existed in the neighborhood at one time. It was re-zoned from R3 to R1, and the Caring Center was 'grandfathered'; technically it is called a 'non-conforming use of a structure'. It is his opinion that this Commission does not have the legal authority to terminate an otherwise valid non-conforming use. If the Caring Center is a nuisance, it opens a different avenue of approach, but just because it is a 'grandfathered' use and just because there has been a murder committed there, that does not give the Commission the authority to terminate that grandfathered use; the Commission would lose in court. If the building stays vacant for six months, it loses its grandfathered status and reverts to R1 zoning, and any subsequent use has to comply with the R1 zoning. Commissioner Edwards said he supports this petition; the Center is a nuisance and should not be in a residential area. He hopes Commissioner Brown and her Board can work something out. Commissioner Azula said he agrees with Commissioner Edwards, as does the rest of the Commission, but there are more problems there than just that one facility. Citizens living in the Oak Street area complain about the prostitution in the apartment buildings and behind the Elks Club and this needs to be addressed. There should be more patrol to stop these people and ask them what they are doing out that late at night. At 7:00 or 8:00 pm, the waterfront is extremely dangerous, and it is well lit. Some of these other streets are not as well-lit. It creates a bad image for the City. These people have money invested in their homes. Commissioner Brown said several of the Board members are aware of how the community feels and they have been looking for alternative sites for the Center. It may take them some time to come up with a final solution. She is also concerned about

people's safety; all people's safety. Mr. Campbell said when the Shelter was first incorporated, the document stated it was a temporary shelter for people who had been displaced due to a catastrophe. It appears that a year or so after incorporation, the articles were amended to make it a true homeless shelter for Putnam County. Commissioner Brown said it was meant to be a temporary shelter with a 3-day stay and each case was evaluated for extenuating circumstances. In some cases the people were allowed to stay there long enough to get a job and a paycheck. Others who lost their homes were allowed to stay until they found another home. Mr. Campbell said the wording in the articles of incorporation was actually changed from a 'temporary' shelter to a 'homeless' shelter, which is his point.

Nancy Henderschott, Emmett Street, asked if the Shelter could be closed due to code violations. Mayor Smith said they could look into it. Mr. Wally Stembler wrote him a letter saying there are several groups and agencies providing services to needy people, and he believes it is time to pull these groups together, pool the resources and find the right facility that all these separate factions like the homeless shelter, soup kitchen, Christian Service Center, etc., could work from. It would receive more community support as it would be a visible operation instead of a fragmented, behind-the-scenes operation. Commissioner Brown said he is a past Board member who is coming back to help pull something together.

Mary Lou Johnson, 223 Dodge Street (directly across the street from the Caring Center) said she left town for four days because she had so many people coming by her house bringing truckloads of things for the Center and wanting to pick things up from the Center. There was a constant stream of traffic there; she was trying to help the police keep an eye on it and advise them of the traffic. Her neighbor told her that someone entered the building last night and is now living there. It is not secured and no one is watching it; this should be addressed.

Steve Mulholl, 513 Kirby Street, said sitting on the front porch of his home he can see the entire Caring Center. He has been there for close to 6 years and they have had a constant crowd of strangers wandering around in the streets on a daily basis. He and his neighbors have put up with this and he personally has done some volunteer work there. Since the shelter has been closed during the past two weeks, he can count the strangers in the neighborhood on one hand. They are brought into the neighborhood by police and other agencies, go into the Center, break a rule, get kicked out, and then live on the streets of their neighborhood. They call the police to have them evicted from vacant houses and then find them sleeping on their porches. The neighborhood has been very tolerant, but cannot tolerate the uneasiness caused by having these people imported into their neighborhood any longer. Put these unfortunate people in an appropriate place. Obviously, the people that go to the Caring House are not screened. Mrs. Blue's murderer was a convicted felon with open warrants, according to the newspaper, and yet he lived in that house for three weeks. Mayor Smith said he would pass these concerns along to the appropriate board.

REQUEST TO HEAR APPEAL OF PLANNING BOARD DECISION - Case #98-41 - Day Care Center at 717 & 719 St. Johns Avenue - Mr. Hedstrom said there are some materials included for this panel's consideration that were not presented to the Planning Board. Since the Commission is acting in an appellate quasi-judicial role, it would be inappropriate for them to consider anything that was not considered by the Planning Board. Those documents are the maps attached to the minutes. The rest of the packet is a verbatim transcript of the audio tape and the minutes prepared by staff. The Commission's function is to look at what the Planning Board considered and determine if they have "competent substantial evidence" to support their decision, and not to re-hear the evidence and come up with their own conclusions and decisions. If they find there was competent substantial evidence, the Commission should uphold their decision; if not, they should overrule it. Since this is a review, it is inappropriate to hear any new testimony, so the only people who should be allowed to address the issue are those who addressed it at the Planning Board hearing. People who did not speak to the Planning Board should not be allowed to speak at this appeal, since that would constitute new evidence the Planning Board did not hear. People who did speak should stick to their original testimony and not try to introduce new evidence. Commissioner Brown asked what they should do if there is new evidence that should be presented to the Planning Board. Mr. Hedstrom said the Commission could direct the Planning Board to re-hear the case, taking into account the new information available. Commissioner Sanders asked if that is an option, then what is the Commission's purpose in hearing this now? Mr. Hedstrom said the Commission can either decide to hear the appeal or send it back to the Planning Board and not hear the appeal.

Lawrence Hutcherson, Palatka, said he wants to address issues taken directly from the verbatim transcript. Commissioner Edwards clarified that the maps in the packet should not be considered. He clarified that if they continued with their appeal, the Commission could make a binding decision tonight and they would be unable to take this back to the Planning Board, and they also have the option to stop the appeal and send it back to the Planning Board. Mayor Smith asked if the new maps went to the Planning Board; Mr. Hutcherson said no. Commissioner Edwards said he wanted to give them the opportunity to take this back to the Planning Board before the Commission hears it, since there is new evidence they cannot consider. Mayor Smith said the Planning Board opted not to re-hear the case without re-application. Mr. Bush said the Commission can instruct the Planning Board to re-hear the case and take into account the new evidence. Commissioner Brown asked if they can send this back to the Planning Board after their presentation? Mr. Hedstrom said you can. Mr. Hutcherson said Mr. Isom told him there was never a request made for maps of anyone else who had applied. They did submit hand sketches and were told by a Board member to get a professional drawing done. Mrs. Isom said Mr. Bush verified with Building & Zoning that professionally drawn maps were not stipulated for other applicants. Mayor Smith asked if Mr. Hutcherson was part of the original presentation to the Planning Board; he replied he was not. Mr. Bush clarified that the question Mrs. Isom asked him was if a professional architect or engineer had to draw the plans; he said no, it was not necessary. Mr. Hedstrom said if Mr. Hutcherson is going to merely paraphrase the original arguments and stick exactly to what was said without injecting any new theories, arguments or factual comparisons, that

is appropriate; if he is going to make new arguments, that is inappropriate. Mr. Hutcherson said he does not believe the information included in his responses was known to the Board at that time, and if not, he is hoping the Board members will state that. Mr. Hedstrom said his point is if he is going to present an argument that wasn't presented to the Planning Board, this Commission cannot consider it. The facts as testified to are in the record. If his 'twist' wasn't presented to the Planning Board, it can't be presented here. The Commission can read what everyone said. They are not re-weighting the evidence, but are reviewing the original evidence.

Mr. Hutcherson said he will stick strictly to what was said at the meeting. He said on page 2 of the transcript referring to the recommendation on the requested drawings, there were some concerns the economic restructuring committee had, and with the submission of those particular drawings, from what he understand by reading the record of Mr. Caputo's comments, those concerns should have been dropped. It says after Mr. Caputo visited the site, he realized the Isoms had everything that was required so far as space, parking, turn-around, etc. and he changed his position. At the bottom of page 2 a comment was made that the nature of downtown is retail, but there are many non-retail agencies in that area that could utilize this business. Mr. Huntsberger provided him with information today that the proposed business met the requirements of both City ordinance for accessory and conditional uses, and the state comprehensive planning requirements for commercial use. These are facts presented in the original arguments. On page 3, Mr. Efstathion of Kiddie Kampus said his focus was the noise factor. The principal services offered are to newborns to 1-1/2 years of age. His comments are speculation; no one has done a study to determine the noise factor. (Mr. Hutcherson was stopped on this argument as it was not presented in the original argument). Mr. Efstathion's observances are speculation and not backed up by scientific evidence or study, and should not have been considered by the Planning Board. The day-care is also designed for drop-in business. Commissioner Sanders said there was no reference made to the age of the children in the original record. Mr. Hutcherson said there was a statement on Page 4 about the compatibility referred to on Page 2, and they addressed that statement about the building's meeting the City ordinance and State comprehensive plan requirements. This type of business is not new to retail or shopping areas. In the downtown development plan, they plan to bring in more business and money into the area. This program will provide day-care services to the wages workers and those individuals who work in the non-retail agencies. By having it downtown, the individuals who utilize the service can visit their children at lunch and can walk to the building. This business is compatible with the growth plan and provides a needed service. On the safety issue concerning traffic, a day-care facility was approved at 13th & Madison Streets (Mr. Hutcherson was stopped as this was not in the original argument). Mr. Hutcherson said there are no safety concerns other than the Fire Department's internal provisions. The front doors of the business are sealed; there is no way for a child to access St. Johns Avenue traffic. The safety concern is a non-issue, along with the noise issue. The owners are asking the Commission to render a favorable decision on their behalf, with the option of adding additional information as it becomes available, such as the noise study and other concerns. Mr. Efstathion's business can benefit from this day-care. Having children in the area energizes the downtown.

Kenneth Isom, Carol's husband and co-operator of the day care, asked if they met the criteria for conditional use. Ed Huntsberger said they did not and that is why this was denied.

Adam Mengel, Planning Director, said on January 5 the Planning Board met and voted to advertise this request for the February 2 meeting. A decision was made to table the request due to some issues that had not been resolved with the site plan, fencing and parking. The next hearing was March 2, when the request was denied. The staff report under conditional use requirements addresses several concerns. The Comprehensive Plan designates this a commercial area and it meets the zoning. This is a conditional use in a C-3 district and subject to several conditions. The finding says the requested use is not in-kind with surrounding business and there is a threat to the children, public safety and welfare in this commercial neighborhood due to the traffic on St. Johns Avenue. Day cares typically are not disruptive to commercial neighborhoods and provide a necessary local service; however, in this case the request is not compatible. The number of children allowed in the proposed center and structural fire & safety improvements are determined by HRS. There is concern with ingress/egress to the property, dropping off and picking up of children, accessibility in case of fire or catastrophe, and adequate off-street parking for employees. The site plan presented at the hearing did not identify the number of parking spaces designated. There are no other real issues the staff raises. The conclusion is the applicant must obtain approval from the Fla. State Dept. Of Children & Families and must identify parking for day care employees. It falls short of making a recommendation as to the use, but it is clear from discussion that the request did not meet those conditions. Commissioner Brown said at the second hearing they answered the questions. Mr. Mengel said the Planning Board's feeling is that based on the 'homework' they were given at the February 2 meeting, they did not adequately address those concerns at the March 2 meeting. The Board's vote to deny the request was based on the evidence provided at that hearing, as noted in the minutes.

Kenneth Isom said the minutes of the March 2 meeting will show that Mr. Caputo said he was denying the request because they did not have professional drawings. They tried to take care of that matter and tried to comply. If they present measurements, would the Board not have enough of an idea that there was enough space? Mayor Smith said obviously that was not enough information. Mr. Isom said on page 4 of the transcript, some suggestions were made by Mr. Huntsberger as to how to rectify the problem. (The Commission read page 4). Mr. Isom said the entire process has not been fair to them as applicants; they tried to comply. If there are other issues of concern, they should have been stated when they first applied. Ken Burnett came out and looked it over, and he said it met the qualifications. They have addressed the matters for conditional use. Now there is a problem with getting an approval. Mayor Smith asked if he was provided with the request for information at the February 2 meeting, or at the March 2 meeting; Mr. Isom answered the February 2 meeting. At the March meeting, they came in with their own drawings because they said it didn't have to be professionally done. They tried to show ingress/egress as best as they could. He does not know what it is supposed to look like. If the parking spaces had to be 10 x 20, and needed to show up on the drawings, and they needed one space for every two employees, they should have told them. This is just a

technicality. If they meet the conditions and have the space, there should be no problem. Mr. Hedstrom asked where the discussion about the drawing was in the minutes. Mr. Isom said Mr. Caputo and Commissioner Brown met them at the site and they all discussed what was needed (Page 5 refers to a sketch - the Commission read the passage). Mr. Isom said Mr. Caputo told them they needed a professional drawing. He wants it on the record that after they met with Building & Zoning, they asked if anyone else had to provide professional drawings, and he wants this looked into. Commissioner Azula asked for a copy of the drawing that was presented to the Planning Board. Mrs. Isom passed around a copy of the drawing and said it was the same as the professional drawing with the exception of the parking spaces. Mr. Hedstrom asked if there was a transcript of the Board's discussion of the issue after the public hearing was closed. Mr. Isom said they do have a copy of those minutes, but they are not verbatim.

Carol Isom, applicant, said she gets a sense of unfairness and round-robin. On the day she met with Mr. Caputo, she was not aware of how important a figure he was in the process other than his association with the downtown beautification committee. He told her what she needed, after she was told by the Board she needed a professional architectural design drawing of the site. She and Commissioner Brown called Mr. Huntsberger, who told her she needed an architectural design to scale. Come to find out, they really didn't need that. Mr. Caputo said they didn't need a professional design, but if they followed his suggestions she would be alright. She presented her design to the Board (the pencil sketch) based on Mr. Caputo's suggestions. It is identical to the professional drawings, except for the ingress/egress designation. She wants to know what the real issue is here. Mayor Smith said they should direct their attention to some of the comments in the minutes. The minutes show Mr. Robert's concerns were with traffic, ingress/egress onto St. Johns Avenue, pedestrian traffic, parked cars blocking the view, and questionable compatibility with other buildings. The minutes show Mr. Stewart said there were too many questions and they could table it again with other stipulations for noise studies, etc. as shown in the minutes. Mrs. Isom said these issues were addressed; Mayor Smith said apparently they were not addressed to the satisfaction of the Board. Mrs. Isom asked what would satisfy them. Commissioner Brown said on the ingress/egress issue, that area has been a parking lot for those businesses for years, and people have been going in and out of there. Did anyone bring that to their attention? She believes there is a lot of confusion and misunderstanding - they did not understand what they needed to do. She found the requirements confusing herself. If there is anyway to clarify these issues, they should do it. They did what they thought they should have done. Now that they have the professional drawings and clarifications on the traffic, these need to be presented to the Board. She went to look at the site and that is why she was present at the on-site meeting. Mrs. Isom said she is not clear on why the request was denied, and doesn't feel they gave her the real reason. Their traffic concerns are unfounded. There is no downtown traffic at drop-off and pick-up times. The children are secured in the building by 8:00 a.m. The play area is to the rear of the building. By pick up time, downtown is essentially closed. Mayor Smith said he can only read the Planning Board's objections and concerns. Mr. Hedstrom re-stated the Board's concerns listed in the minutes. His interpretation is they saw things differently than she is seeing them, which is not unusual, but these are the reasons. She said Mr. Huntsberger put out a traffic

counter, but has anyone actually come out to see what goes on early in the morning, or is this just something they are pitching out there? They need to check it out. She has checked it out and this is not going on - it should not be a concern. Commissioner Sanders clarified the other portion of the building is a beauty salon. He is concerned about the proximity to the bars in that area. Commissioner Azula said he is very confused; the things they need to do are not specifically listed for them. The requirements are vague and the concerns about noise and traffic are vague. Do they meet the requirements? Were they informed about what they needed to take to the Board? He does not think they were. He heard Mr. Bush say they did not necessarily need a professional drawing. The Commission was not even given the same drawing as the Planning Board, and that is evidence. There is no communication. He understands the merchants' concerns and the Isom's concerns. He does not think all the issues have been addressed. He made a motion to send this back to the Planning Board and make sure the Isoms are informed as to what they need. Commissioner Brown seconded the motion. Mr. Mengel said there is a procedure package given to each conditional use applicant, and the Isoms were provided with this. Section 27 addresses exactly what is required for conditional use, and mentions site plans drawn to an appropriate scale, showing proposed construction, provisions for ingress/egress, off-street parking and loading areas, refuse and service areas, etc. At the time of application, they are also given a section of page 1756 that states what criteria the Planning Board uses to base their decision on. His office is available to answer any questions they may have. Commissioner Brown said she does not believe they were not provided with these things, but they did not have a clear understanding of what they should do. They did get with Mr. Huntsberger on some of it, but most of the problem is with confusion. Mr. Mengel said in this process it is best to ask the question if you are not sure. The conditions are there. If something is unclear, they will help them out.

Mr. Isom said off-street parking and loading areas are required, but it does not say he needs to show 10 x 20 parking spaces, or any of that. The drawing they presented was what was asked for. Mayor Smith said parking space requirements are established in the Ordinances. You can take any piece of property and draw really small parking spaces and say you have enough parking, and that not be the case. He believes there was adequate discussion between the City's building officials and the applicants, and there was adequate discussion between the Planning Board and the applicants, because this went on over two meetings, and they were asked to provide specific information at the February 2 meeting, and at the March 2 meeting it was not there. The Commission's role is to review the information and decide if the Planning Board made the proper decision based on the information they were provided. Commissioner Azula said Mr. Bush told them a hand drawing was sufficient. Mr. Bush said they asked him if the drawing had to be done by a professional architect, and he told them "no", but it does have to spell out the conditions that are asked for in the instructions they received. Mr. Isom said even though they didn't put the parking spaces on the initial drawing, they did show how much room they had from St. Johns Avenue to the back of the building and how much would be used for parking. No one told them they had to have parking spaces designated until they met with Mr. Bush.

Gene Caputo, Chairman, Economic Restructuring Committee for Mainstreet and Downtown Palatka, said the true focal point of this is the applicant's responsibility to meet the conditions set forth by the Code and the Planning Board. It is very clearly spelled out in the minutes what was not done. At the first meeting he gave a lengthy and technical presentation to the Board wherein he presented a vast amount of information solely for the purpose of being able to discuss that information with the Commission tonight. He got it on the record so they could speak openly to it. That information ranged from what the Comprehensive Plan calls for, what the Institute of Transportation Engineers calls for, what the Code sets forth in terms of standards and conditions, and a variety of other data. The key to this discussion is they are talking about a 'conditional use' and the Planning Board has the right to apply reasonable safeguards and conditions set forth by the Code, along with additional reasonable safeguards and conditions they determine appropriate. At the first meeting, he presented a letter from Downtown Palatka indicating their objection based upon transportation, ingress/egress, parking, and pedestrian safety. He presented the data from the Institute of Transportation Engineers. The package the Isom's presented to staff for presentation to the Planning Board did not include the basic requirements that are necessary for the Board to grant a conditional use, which by its very nature has to be quantified, before the Board can issue permits and certificates of occupancy. If the data the Planning Board calls for can not be quantified, then how can the applicant meet the conditions that are set forth? They were looking for the applicant to submit to the Planning Board a not necessarily professionally drawn rendering, but something that would show actual footage, dimensions that can be quantified, that a permit can be based upon, that can be enforced and that a certificate of occupancy can be based upon. He did meet with the applicant on-site in an attempt to help her do this. Commissioner Brown was there, as she happened to stop when she saw them talking and became part of the meeting. She listened to the suggestions he gave to Mrs. Isom. To paraphrase Commissioner Brown's comment to Mrs. Isom, she said "Listen to what he is telling you because he is a man of his word." His word to her was, based on his 35 years of experience in urban planning and zoning administration, he was able to see by looking at the site that there was a strong possibility of their meeting the requirements the Planning Board had called for, and eliminating Downtown Palatka's concerns. Mary suggested to Mrs. Isom that she do that, and submit that drawing back to the Planning Board for the March meeting. What was submitted was a drawing that did not show these things. The very basic information upon which a conditional use must be granted, that was desperately needed by the Planning Board, was not provided, and this is the reason the request was denied. As far as them not knowing, he can only say it is their responsibility to know; they received a package ahead of time as part of their application process. He met with them, not as a representative of the City but as a representative of Downtown. Yes, Downtown had objections and concerns for other reasons, specifically compatibility. The City's own comprehensive plan for Downtown calls primarily for retail commercial of a direct economic generator nature. This is not a direct, but an indirect economic generator. This is a support facility for retail. Furthermore, the City's own comprehensive plan, in Objective A-134 says that the City shall not issue variances, special use permits, building permits or zoning changes in any case where the proposed land use is not consistent with the City of Palatka Adopted Comprehensive Plan. He does differ somewhat with Staff because it doesn't meet the complete terms of the

comprehensive plan, as the plan for Downtown calls for primary economic generator retail uses. There is a lot of peripheral area to the downtown they feel would be a better location than this. As to the quantifiable aspect, it is very clear, and is not a matter of opinion or subjectivity, but a matter of the applicant not presenting the required data the Planning Board called for. They knew about it at the first meeting and between meetings. In Commissioner Brown's presence he explained it to her, and it was brought to her at the 2nd meeting, and the materials were not submitted. In terms of the issuance of a conditional use, the conditions could not be attached because the information was not presented; therefore, the Planning Board, Staff and Commission have no way of enforcing the conditions that should have been placed upon it but couldn't because the information was not presented by the applicant. She was, in fact, given many opportunities to present it prior to the final decision by the Planning Board. As to Mrs. Isom's contention there is not a traffic problem, DOT did do the traffic counts. They were all surprised to find the amount of traffic that does exist on St. Johns Avenue. He agrees that the traffic is not there during her peak drop off/pick up hours, but there is more than substantial traffic on that portion of St. Johns Avenue. The conditional use cannot be met and the permits cannot be issued without the information the Planning Board asked her to submit, and it was not submitted. They were told at least three times what they needed to submit. From their perspective, they were looking at the number of offstreet parking spaces, the amount of automobile maneuverability space, the location of fences, the total footage and dimensions of the entire site, inclusive of those sub-dimensional areas showing parking, ingress/egress and maneuverability. He told her she needed to show exactly how much space she had for these things; it didn't have to be professionally drawn, but it had to be accurate. Then the City would have a method by which they can measure their approval; it is all a matter of measurability and accountability. The accountability is on the applicant's shoulders; you don't pay City staff to fill out applications for applicants, and you don't have a Planning Board to help an applicant through the process, although in some cases that can be done; but that is not the purpose. They are there to uphold the ordinance, and in this case the ordinance could not be upheld or administered and conditions could not be set forth. This is the bottom line for the denial. There are no hidden reasons. This is very clearly spelled out in the ordinance and in the application package.

Carol Isom said what Mr. Caputo told her to do the day he and Commissioner Brown met with her on-site is on the sketch she presented at the next meeting of the Planning Board, but they said it wasn't professional, and this is the wording they used; she did not present a professional scale drawing. After the meeting, she found out she didn't really have to have a professional scale drawing. She is confused again. She is told one thing and then told something else. She drew this the way he told her to draw it. In March, he told the Board it had to be professional, but he told her it had to be accurate. Mr. Caputo said he did tell her when she got something drawn, he would be happy to go over it with her. She did not call upon him, and what was eventually submitted did not meet the standards of the Board. Mayor Smith asked if there was a discussion of the drawing in the minutes of the March 2 meeting. (The commission read the minutes pertaining to the discussion). Mr. Hedstrom said, in looking at the section dealing with conditional uses, dealing with what the petition must contain when filed, says it requires site plans at an appropriate

scale, showing placement of structures, ingress/egress, off-street parking, on-street parking, but no where does it require the number of parking places shown on site. It just says site plan appropriate to scale. Does the term 'site plan' automatically include parking places? Mr. Mengel said it does, and it also includes the number and size of spaces in that requirement. Mr. Hedstrom asked if the site plan was to scale; Mr. Mengel said it was not. In answer to Mr. Hedstrom's questions, Mr. Huntsberger said it showed a location of the structure, it showed an area beside the building that would allow for ingress/egress, it showed an area for off-street parking and off-street loading, but it didn't show (garbled); it did not show refuse and service areas, it showed the required set backs required by the zoning ordinances and other open spaces, it did not show proposed utility hook-ups or plans for screening and buffering with reference to type, dimensions and character, it did not show proposed landscaping and provisions for trees protected by city regulation, it did not show proposed signs and lighting including type, dimension and character. Mayor Smith asked if the package they were given stated those items should be included; Mr. Hedstrom said it does. Mayor Smith said the drawing he is looking at doesn't show most of those items. Mr. Isom asked if they have to show utility hook-ups, etc. for an existing building, and has that been required of any other applicants? Mr. Hedstrom said the water hook-ups would not be applicable since it is an existing building. Mr. Isom said if they eliminate some of those things that are not required for an existing building, that list would be a lot shorter. Mr. Hedstrom agreed. There being no further discussion, the motion passed 3 - 2, with Mayor Smith and Commissioner Edwards opposing. In answer to Mr. Isom's question on fees, Mayor Smith said there will be no additional Planning Board application fee. In answer to Mr. Huntsberger's question, Mr. Hedstrom said this is a review of the old application with the addition of new material. There will be some advertising cost to the Isoms, but no application fee.

**WATER QUALITY COMPLAINT** - Robert Cavuoti, 2206 Prosper Street, said he has lived there approximately 19 years and over the years he has had problems with City water, mostly rust. In late May or early June of 1998 the rust problem escalated, and he called the City water department to flush the hydrant. This would curtail the problem a day or so, then there would be more rust. He produced a bottle of rusty water and said this is what is coming out of his kitchen faucet. He called the City numerous times to come to his house and open the hydrant up and flush the lines. When the hydrant is closed, the rust comes into his house. First he was told the Fire Department was not opening the hydrants properly. After many calls at all hours of the day and night, Mr. Willis came to his house and they discussed replacing pipes. He suggested putting a filter in front of his and his neighbor's house at the City's expense, and when the City fixes its pipes, they can take the filter out. In late July Commissioner Azula came to his house with Mr. Willis to see the rusty water for himself. He brought with him a jug of drinking water. After more calls to Mr. Bush, they finally installed a filter around the 2nd week of August. The filters were designed for normal water, so the filter gets clogged up after a day or two; the pressure in his house drops dramatically and the pipes start to shake. He had to call the water department every other day or so to change the filters. He asked for a case of filters so he could change it himself in August and was told by Mr. Willis he couldn't do that. This is now April and the situation hasn't changed. He calls the water department twice a week to come out and change the filter. He produced two types of

filters the City has used on his house. They are drinking pieces of metal, not dissolved metal. He produced a filter that had been on his system for three hours, which showed discoloration from the rust. He had typical usage in his house. He invites any Commissioner to come to his house to see it. His point is this has totally disrupted his family's quality of life. When he has to call the water department on the weekend, he has to go through the Sheriff's Dept. Last Sunday night he had to call the Sheriff's Department because he had no water pressure. The city worker said he couldn't come over because he didn't have keys to the building to get the filter, and then Mr. Willis called him later to say the worker couldn't come over due to child care problems. This was around 9:00 - 10:00 pm; he wanted water in his house. He wants the Commission to know this is a very serious problem. This is a 15,000 gallon filter designed normal water. In one or two days he only uses a few hundred gallons, and the filter is ready to be changed. Mr. Bush asked Mr. Cavuoti when the rusty water sample was taken. Mr. Cavuoti said in early June, 1998. Mr. Bush said they have taken water samples from his house at times that are crystal clear. There were problems back in June, and they began an accelerated flushing problem. Mr. Cavuoti told him personally there was a great improvement. Mr. Cavuoti said he did not tell him that. Mr. Bush said he did. Mayor Smith asked what the City is doing to eliminate this. Mr. Bush said this is a one-sided picture; last June there was some flushing done in that area that broke a lot of rust loose and there was a problem then. There is work being done now to the pipes in that area. Mr. Cavuoti said when they do that type of flushing the residents are not notified. The reason they were flushing is because the water was rusty. Mayor Smith said they have those type problems and they do the flushing on a regular basis. He does not want to get into what the water looked like then versus what it looks like now, but they need to come to a solution. Mr. Bush said last weekend they went out to Mr. Cavuoti's and took samples at his meter, his house, and the hydrant. They sent the samples to a test lab and have the results. The water meets all DEP requirements for dissolved solids. Commissioner Azula said they are still replacing two filters a week, so there must be a problem. Mr. Bush said all water systems have a certain amount of dissolved and suspended solids that will clog a very fine micron type of filter. His water meets DEP requirements. They are trying to resolve the problem. The question is, is there a problem, and if there is, what can they do. The City is changing the lines on Geary Street; it will be completed by early next week. Those lines contribute to rust in that area. Every City that has this type of iron lines runs an aggressive flushing program; you have to. They have been running that program in that neighborhood. They haven't had complaints from any other neighbors. Mr. Cavuoti said they change Mrs. Lewis' filter when they change his. They are the two people who have complained and pushed the issue. Sam Willis brought in some water samples taken the Monday after Easter weekend when Mr. Cavuoti called the office and told (Debbie Fulgham) the water was very rusty and the filters needed changing. Mr. Garrett said he took one sample from his house and one from the filter. The samples are both crystal clear. He is not saying there is not an occasional rust problem, but it is not there all the time. He can put one of these fine micron filters anywhere in town, and within 30 minutes it will look like this. It meets DEP allowed limits. They do have an aggressive flushing program. The City is replacing lines on Geary and Cleveland Streets, which should almost eliminate the rust entirely. The work is being done now. The City is doing everything it can do in the

interim. Mayor Smith said the City should supply Mr. Cavuoti with some filters, continue the flushing, and report back to the Commission on the status. Mr. Bush said he is going to pull periodic water samples for the next Commission meeting and see what the water looks like. Mayor Smith said everyone in the City gets rusty water at one time or another due to a broken line or major flushing, or other reasons. With the replacement of the lines on Geary and Cleveland, most of the problem will be eliminated. Mr. Garrett said those lines are flushed three times a week. You will get the coloration on that type of filter anywhere in town after three hours. This is something you can't see in the water with naked eyes. Mr. Cavuoti said it's pulling out pieces of metal you can't see but you are drinking. Mr. Bush said it is considered safe to drink by DEP standards. Mr. Cavuoti asked him if he is on record saying it doesn't hurt you. Mr. Bush and Mayor Smith said what they are saying is it meets DEP standards and is considered safe by their standards. Mr. Cavuoti said a lady from DEP came to his house in June and said it wasn't. Mr. Bush said there was a severe rust problem in early June, they broke some loose, and he can save this sample from last June and bring it down to make his case, but the City has made an honest effort to clean his water up. Mr. Cavuoti said he appreciates that, but he has had to make many calls over the months to get this done. The DEP lady had concerns about the total loss of water pressure inside the homes when flushing occurs. Loss of water pressure is an indication of no check valve in the water meter, which could contaminate the water. They were not given a written 'boil notice', which she spoke to Mr. Bush about. Mr. Willis said they never lost complete pressure on that line; the state requires they maintain a 20 psi line pressure; at no time did it go below that. Mr. Cavuoti said she wrote in her letter she turned the kitchen faucet on and for 5 minutes air came out; to her, this was a severe loss of water pressure. What he is concerned with now is the rusty water and how many times the filters need to be changed. They need to be changed at least three times a week. If they will supply him with the filters, he will change them. Mr. Bush gave Mr. Cavuoti a copy of the water quality report; he said all groundwater has suspended solids. His water meets DEP requirements. The last page shows the data for the sample that came out of the ground. These samples are taken at the wells; you see the suspended solids. Then look at the 2nd page at the suspended solid data for the sample from his house. This means the water is just as good at his house as it is when it comes out of the wells supplying the City of Palatka. Mayor Smith said he can't say he will never have rust, but the City is taking steps to curtail the problem. The City can supply Mr. Cavuoti with 3 filters a week until the lines are changed out. Mr. Garrett said he will take daily samples from the hydrant & meter. Commissioner Azula made a motion to supply Mr. Cavuoti with filters until the water problems have been resolved, and to move ahead as soon as possible with the completion of work on Geary & Cleveland Street pipes. Commissioner Brown seconded the motion, which passed unopposed.

BLUE CRAB FESTIVAL COMMITTEE - Request for use of Riverfront Park for Festival and request for liquor variance - Commissioner Sanders made a motion to approve the liquor variance. Commissioner Edwards seconded the motion, which passed unopposed.

REQUEST TO ERECT TEMPORARY SIGN AT RIVERFRONT PARK - Free Spirit Crusade advertisement - Commissioner Sanders said they have talked about this before; they do not need signs there blocking the view at the park. Commissioner Sanders made a motion to adopt a policy to deny use of the Riverfront Park for any type of sign. Commissioner Azula seconded the motion, which passed unopposed.

REQUEST TO PROVIDE WATER SERVICE TO ST. JOHNS HARBOR - Mr. Bush said they have a request from St. Johns Harbor Water Association to provide water service on a bulk purchase basis to their development about 9 miles north of Palatka. This would constitute a 'drop in the bucket' amount of use. The Commission can ask them to apply for a grant for a water line extension, much like the Barge Port did. This may be a good opportunity to get a line extension. The City would have to be careful in setting up an agreement because of line maintenance and new tie-ins. Commissioner Brown said in the past their policy has been not to do this. This is the only way they have of enticing people to come into the City. If the County came to them as they did with the Barge Port, she might consider it. Mr. Bush said they would not want to endanger their annexation requirement. They do have one situation where they sell to another government agency, which is the Barge Port. The Association may constitute a government entity. Commissioner Azula inquired as to water capacity; Mr. Bush said they have the capacity to pump 5.7 million gal. per day; they pump between 2 - 2.5 million gal. per day now. That subdivision will probably never annex, being 9 miles away. Mayor Smith said other subdivisions have agreed to annex but did not. The only advantage he sees is the opportunity to get their line extended out Hwy 17 at someone else's expense. He personally would like to sell to East Palatka.

Ted MacGibbon, 419 Emmett Street, said they gave water once to Rolling Hills, and at least half the subdivision has yet to annex into the City. They lied to get the water. The City sold out cheap to the Barge Port. He pays City taxes to get water, and anyone who gets water ought to pay City taxes. Commissioner Brown made a motion to deny providing water & sewer services to anyone not annexing into the City at this time, and deny the request. Commissioner Azula seconded the motion, which passed unopposed.

APPOINTMENT - Commissioner Brown made a motion to reappoint Lucille Isom to the Palatka Housing Authority for a four year term to expire April 12, 2003. Commissioner Azula seconded the motion, which passed unopposed.

DISCUSSION OF PARKING PROBLEMS IN C-3 DISTRICT - Commissioner Brown said in her neighborhood there are a lot of bars popping up. She is concerned about parking for the two bars at the corner of St. Johns & 10th Street. On a Friday or Saturday night, there is not enough on-street parking for the patrons. They had to deny an auction house to come in that area due to inadequate parking, and yet the bars met the parking requirements. The ordinance needs to be amended to address parking for bars. At least 12 people live alone in her area, and it is very disturbing to have people parking around her neighborhood in the late night/early morning hours. She would like the Commission to consider the issue and talk about it at the next meeting. Mayor Smith asked what the requirement is for a lounge. Mr. Huntsberger said it is one space for every three seats. In

C-3, it is one parking space for every 1,000 sf in the building. Mayor Smith said a lounge is not much different than an auction house and should require the same amount of parking space. 'Lounges' should be a conditional use, instead of using retail parking requirements.

Gene Caputo said there is a Mainstreet committee looking at this very issue right now. They meet every week, and are meeting tomorrow at noon in Debbie Banks' office. Commissioner Brown is invited to come. They will make their report to Downtown and then will bring it to the Commission. They are working on the entire C-3 district, from the RR to the River. Commissioner Brown said the bikes coming to the biker bar are quite loud.

#### COMMISSIONER REPORTS:

Commissioner Brown said Jeff Norton sent her a memo on the Farmer's Market proposal. Some issues need to be worked out and she hopes to bring it to the next meeting.

Commissioner Brown said she had recently attended an Affordable Housing Study Commission meeting. They are seriously looking for a way to put every citizen in Florida into safe, sanitary and affordable housing by the year 2010. She wants to make sure Palatka is on schedule with their comprehensive plan. She advised the new regime against mandates.

Commissioner Sanders said he will have a list of vacant lots in conjunction with the demolition of old houses for Commissioner Edwards by next week. Mr. Bush said he spoke with Mr. Hedstrom today on the status of the Blue Room; they are still trying to get the title information from Mr. Simmons. Commissioner Brown said the Housing Finance people may have money available for demolition. She has a name to contact for information.

Commissioner Edwards said the Machine Shop on Reid Street is an eyesore and should be looked at from a Codes violation angle. Mr. Huntsberger said the Codes Board is looking at it and they have been in contact with Mr. Becker, the owner.

Mr. Bush re-addressed Mr. Cavuoti's complaint; if you put one of those filters at the water plant, it will turn the same color. There is always some dissolved iron in the water.

Commissioner Brown commended Chief Dolinski on the great job his Department did on the investigation of Virginia Blue's murder. Mayor Smith commended the Fire Department for the job they did at Palatka Health Care Center.

There being no further business, the meeting was adjourned.

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CITY CLERK

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MAYOR

