

Proceedings of a special meeting of the City Commission of the City of Palatka held on the 29th day of July, 1999.

PRESENT: Mayor Tim Smith
 Commissioner Mary Lawson Brown
 Commissioner George Sanders

**ABSENT: 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, and Planning Director Adam Mengel

Mayor Smith called the meeting to order and read the following call:

TO MESSRS: MARY LAWSON BROWN, GEORGE E. SANDERS,
 HERNAN AZULA AND ISH EDWARDS

You are hereby notified that a special meeting of the City Commission is called to be held at the regular meeting place of the City Commission at City Hall, 201 N. 2nd Street, in the City of Palatka at 4:00 p.m. Thursday, July 29, 1999.

The purpose of the meeting is to:

1. Hold a Public Hearing on Wal-Mart Stores, Inc. Request to Annex property located at 1010 Hwy 19 South
 - a. ANNEXATION ORDINANCE - Adopt
2. Hold a Public Hearing on Wal-Mart Stores, Inc. Application for Large Scale Comprehensive Plan Amendment from County Commercial and Urban Reserve to Commercial – Review and Consent to Transmit Application to Dept. of Community Affairs
3. Planning Board recommendation to rezone property located at 1010 Hwy 19 South from County C-2 and AG to City C-2
 - a. REZONING ORDINANCE – 1st Reading
4. Approval of Expenditures for Travel and Lodging for Commissioner Brown’s attendance of the Florida Conference of Black State Legislators
5. Planning Board Appointment – Acceptance of Randy Matthews’ Letter of Resignation and consideration of applicants to fill remainder of term expiring 12/31/99.

/S/ Tim Smith, Mayor

We acknowledge receipt of a copy of the foregoing notice of a special meeting this 27th day of July, 1999.

/s/ Mary Lawson Brown

/s/ George Sanders

/s/ Hernan Azula

/s/ Ish Edwards

**Commissioners Azula and Edwards both have both advised they would not be attending today’s meeting due to employment conflicts.

PUBLIC HEARING – ANNEXATION – Mayor Smith opened the public hearing.

ORDINANCE – the Clerk read an Ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA, ALL THAT PART OF THE RIGHT-OF-WAY OF

STATE ROAD 19 THAT LIES WITHIN THE SW ¼ OF THE SW ¼ OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST AND THE NE ¼ OF THE SE ¼ OF THE SE ¼ OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST; TOGETHER WITH A TRACT OF LAND IN THE E ½ OF THE SE ¼ OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA, PUTNAM COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown made a motion to adopt the ordinance as read. Commissioner Sanders seconded the motion.

Adam Mengel, Planning Director, gave the Commission a background report on this request. He passed out site plans and a boundary survey. The legal description includes a corridor of Hwy 19, which connects this property to the City Limits for annexation purposes. This is approximately 30 acres, fronting on Hwy 19. There is one existing house, which will be demolished, and one business, which has been moved.

Susan Motley, an attorney representing Wal-Mart, introduced Leo Ayala, the project engineer for the new Wal-Mart Supercenter. She said the store is a combination of a full retail store, which Palatka has now, and a full size supermarket. They would like to bring this land into the City, change the land use to Commercial, and rezone it appropriately. They have done a traffic study, which shows the significantly impacted roadways will not be degraded below the preferred level of service in the land use plan. The conceptual site plan shows the new store in relation to Hwy 19 and Moody Road. The store is around 226,000 sf, including the Garden Center, which is under shade cloth. They are hoping to save many of the existing trees on the site. Commissioner Sanders said the City has a Tree Ordinance, which they should consult when making their plans. A certain amount of trees are required to be left at the site. Ms. Motley said Wal-Mart has been using the services of Steve Clark, an urban forester from Tennessee. They want to preserve as many existing good trees as possible. Mr. Bush said the green area is obviously more than the 10% required. Mr. Ayala said it includes the retention pond, an existing borrow pit, and other areas they intend to leave as natural as they can. The rest of the property (30%) will be open, which will serve as a buffer for residential areas. There will be trees in the parking lot. They will have a more definitive plan after their forester has given his input. Ms. Motley said they will try to save as many trees in the parking area as possible; some cities are very cooperative and will allow them to eliminate 'islands' in exchange for saving existing trees, so they can provide optimum parking space. Commissioner Brown said she is concerned about leaving up trees for noise buffers; the residents are very concerned about noise and privacy issues. An operation like this produces a lot of noise, especially during the hours when people are trying to sleep. The Winn Dixie development has produced a big noise problem for those residents. Mayor Smith asked if they were prepared to meet Code as it concerns storage trailers for seasonal use. Ms. Motley said additional storage space has already been incorporated into the store so the trailers will not be necessary. In answer to Mayor Smith's question, Ms. Motley said the level of highway service is "C", which will not be violated or degraded. Mayor Smith said when they get to the point of setting up the landscape plan they should meet with the City Manager and the Tree Committee to get their input. Palatka is a Tree City and they are concerned with protecting all the trees they can. Mr. Bush said the traffic will shift to the south, and asked if there are any improvements planned and where they anticipate the traffic flow to be. Mr. Ayala said they are coordinating with FDOT as to their requirements for Hwy 19. They will have a deceleration lane/right turn lane into the property and a left turn lane. They are proposing the same for Moody Road. Mr. Bush asked if they anticipate a traffic light for the intersection of Hwy 19 & Moody Road. Ms. Motley said FDOT anticipates a traffic signal will be needed once the store is built and the traffic is there; at this point a definite decision has not been made as it is not now required. On Hwy 20 they will provide a right turn lane eastbound onto Moody. Commissioner Brown said Moody Road has not been a highly traveled road in the past. Mr. Ayala said they have been negotiating with Putnam County, and will be doing some improvements to Moody Road; there are r/w issues involved. In answer to Commissioner Brown's questions, Ms. Motley said the new store will employ around 450 people, most of which will be full-time, compared to the present store's 250. In answer to Mayor Smith's question, she does not know who owns the existing facility, but she will find out. Mayor Smith said they do not want to leave that building vacant and would offer the

City's services to promote the vacated building through the Chamber of Commerce. Ms. Motley said Wal-Mart has a corporate department that deals with their surplus properties; most of these buildings do not stay vacant for long.

David Givens, Moody Road, said he thought he would live on Moody Road forever, but knows he will not be able to stay. His property is right beside the new store. He and his wife are looking for a new place. No one has come and offered to buy his home. His concerns have been somewhat alleviated by what he has heard today. Mayor Smith said they experienced problems with another development when they did not ask these kinds of questions up front, and there was quite an impact on what was a very quiet residential area. They are trying to do everything they can to minimize the impact to him and his neighbors. Mr. Givens said he is not trying to stop progress, but if they pass this, he will be moving. There being no further discussion, a roll-call vote was taken with the following results: Commissioner Brown, Sanders and Mayor Smith; Yes; Nays, none. Ordinance 99-10 was declared adopted.

PUBLIC HEARING – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT APPLICATION TRANSMITTAL TO DCA – Mayor Smith opened the Public Hearing.

Adam Mengel, Planning Director, said this application on behalf of Wal-Mart requires no ordinance reading at this time; this is to approve the transmittal of the application to DCA. Commissioner Brown made a motion to transmit the Large Scale Comprehensive Plan Amendment Application to DCA for approval. Commissioner Sanders seconded the motion. Mr. Mengel said this is the 2nd of the two allowed large scale amendments for the year. They can do small scale (less than 10 acres) and EAR amendments before the end of the year. There being no further discussion, the motion passed unopposed.

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 THAT CERTAIN PROPERTY IN THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST FROM COUNTY C-2 AND AG TO CITY C-2; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Brown made a motion to place the ordinance on its 1st reading. Commissioner Sanders seconded the motion. The results of a roll-call vote are as follows: Commissioners Brown and Sanders and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1st reading.

PRE-ANNEXATION AGREEMENT BETWEEN CITY OF PALATKA AND WAL-MART STORES, INC., (as agents for the respective parcel owners) – Mr. Hedstrom said Ms. Motley had submitted the agreement. They need to make to changes to the agreement per their discussions. He is asking the Commission to approve the agreement subject to those changes. They will present it for signatures next week. Commissioner Sanders made a motion to approve the Pre-Annexation Agreement subject to the two changes stipulated by the City Attorney. Commissioner Brown seconded the motion, which passed unopposed.

APPROVAL OF TRAVEL EXPENDITURES for Vice-Mayor Brown's Conference of Black State Legislators' trip – Commissioner Sanders made a motion to approve the expenditures for travel expense, conference registration and hotel expense. Commissioner Brown seconded the motion, which passed unopposed.

PLANNING BOARD APPOINTMENT – Commissioner Sanders made a motion to accept the resignation of Randall Mathews from the Board, and to appoint Jill Jester to serve the remainder of his term which expires December 31, 1999. Commissioner Brown seconded the motion, which passed unopposed.

This ends the items on the Agenda.

Mr. Bush said he had received a request from Ed Taylor with Save Rodman Reservoir, Inc. for use of office space at 109 N. 2nd Street, which he read to the Commission. He will make improvements to the building at his expense. From the letter, he assumes they are asking to use the building at little or no rental fee. This is a non-profit organization.

They have done this in the past with stipulations they are responsible for their own utilities or other costs incurred as a result of their use of the building. They understand their occupancy would be only temporary. There have been demands for that space in the past, and the City has received fair market value rental income, which is \$300.00 per side. Commissioner Sanders made a motion to allow Save Rodman Reservoir, Inc. the use of the building with the stipulation they provide the improvements and utilities at their own expense. Commissioner Brown seconded the motion.

Jill Jester, Emmett Street, said they should also improve the exterior of the building. Mr. Bush said they can add that to the lease agreement, and also should incorporate insurance expense into the lease. Commissioner Sanders amended his motion to stipulate they make improvements to the outside of the building and carry insurance at their expense.

Allegra Kitchens, Palatka, said she also feels they should make improvements to the outside of the building. Also, that is the office where the Mural Committee has the four City Hall mural panels, which Julia McCoy has been working on. Per discussion, there are two sides to the building and Save Rodman can use the other side until the panels are removed. There being no further discussion, the motion passed with two voting in favor and one abstention by Mayor Smith.

Commissioner Sanders said he has asked Jeff Norton to get him photos of the trees at the WWTP; there are approximately 500 trees there of many varieties. They have 100 persimmon trees on order. There are an additional 1,000 trees being potted at Jenkins Middle School. He is going to hold many of these trees that are too young to do anything with. There are many locations they can place these trees. They are trying to obtain four hickory trees from an out-of-state nursery to replace the two at the Bronson House that were lost earlier this year.

Commissioner Brown asked if Commissioner Sanders would have his Tree Committee look at a dead tree at the corner of 7th & Bronson; the tree is in danger of falling.

Mayor Smith asked Mr. Mengel if they could require new businesses to replace dead trees they have planted as required landscaping, and force them to maintain required landscaping. Mr. Mengel said there is a maintenance requirement. Mayor Smith said the maintenance requirement should be brought to their attention. Mr. Mengel said this could be handled through code enforcement; if they are not being maintained, they should be notified. His department should also be doing follow-up inspections on facilities for one year. Mr. Bush said they should be required to replace dead trees and plants with similar plants; eventually the cost will force them to maintain them. They should be inspected periodically, especially if their plans call for drastic landscape changes.

Commissioner Brown said she would like to apply for nomination to Mayor John Delaney's American Heritage River Advisory Committee, and hopes other commissioners and citizens from Palatka will also apply so they will have a voice in these matters and get their fair share of benefits. They also need to make sure they do not infringe upon the rights of our citizens when they start deciding what they will do. Mayor Smith said Ms. Driggers has applications for that committee.

Mr. Bush said the Chamber Transportation Committee has taken up the issue of landscaping on roads, particularly the intrastate system coming through town. They understand from DOT that it helps if you have a plan in place. They are pursuing a master plan for at least all of the state roads to begin with, and hope to expand that to include many of the local roads.

Commissioner Sanders related a story of trash in the yard of an apartment house on SR 20 beside the Hudson Paper Company building. There were mattresses, garbage and a refrigerator in the yard. He reported it to the building department. They put the refrigerator in the house and pulled the mattresses to the curb. While he was at the service station on the corner getting gas, the clamshell sanitation truck came by, and he asked them to pick up those mattresses, which they did. He has spoken to Mr. Williams of Sanitation, who asked him to publicize the Sanitation Department's rules on picking these types of items up on Tuesday of each week. People should notify the Sanitation

Department of this type of trash. When that trash sits out all week it looks bad. Mr. Bush said that type of trash is supposed to be called in, but if it is put out on Wednesday or Thursday, it sits out all week. Citations may be in order. They all receive flyers and brochures that tell them what the policy is. Commissioner Brown said someone may be moving into an apartment during the week and there may be trash left from the previous tenants. Mr. Bush said they should call Sanitation. There is an information hanger on the roll-out cans when then are issued. Commissioner Sanders said he thinks one of the men who lives at the same house is doing lawn mower repair in the front lawn. Commissioner Brown suggested they put an item in the newspaper on garbage pickup rules.

Clint Snyder, 7300 Crill Avenue, said he came to see the Wal-Mart rendering, but arrived late. Mr. Snyder was advised the Wal-Mart representatives had the rendering in the lobby of City Hall, if he would like to see it.

Commissioner Sanders said he would like to get the health officer to look at an abandoned house on Crill Avenue that is beside Mr. Buck's office; he thinks someone is staying in it at night. He has seen a bicycle there at night around the back. He would like someone to take a look at it with him tomorrow. Mr. Bush told him to contact Mr. Mengel about going with him to look at it.

Commissioner Brown said there is a lot that needs to be cleared off at 10th & Main Street. She would like code enforcement to take a look at it and get it cleaned up. People hide from the police in there, and there is drug activity back in there, also. There is a lady that lives next door to the property who is very concerned about the activity.

Ms. Driggers reported she had called the League office to determine who is running for office for the election at the League conference in August. There is only one office up for election and that is 2nd vice president; there are two candidates, Scott Black of Dade City and Alex Sekete of Pembroke Pines. During the conference the Nominating Committee will nominate candidates for Directors. The League is not supporting any one candidate in particular.

Ms. Driggers said she researched the issue on Mr. Eugene Foster, who appeared at the last meeting and asked if he could rent one of the buildings in the 100 block to use as a church. The reason he could not rent the building at 109 N. 2nd a few months ago is he could not get Building & Zoning approval to occupy the building as a church. Neither the building nor its bathroom is handicap accessible, and there are not sufficient exits for use as a congregational building. It is suitable for office or retail use, but not for church services. She has spoken with his secretary and informed her that if he can get Building & Zoning approval to use either of the remaining buildings as a church, and get permission from Mr. Bush to make the necessary alterations, he can rent them.

Mayor Smith introduced Jay Schlichter, the new Daily News reporter who will be covering the City beat.

Adam Mengel said Debbie Banks has just returned from her Level One Florida Association of Code Enforcement training and they are awaiting the results of her exam. She reported that Daytona Beach is imposing maximum fines on properties for various code violations, and once the amount of the fines exceeds the assessed value of the property, they are initiating foreclosure proceedings on the properties. Commissioner Brown asked if she was in line for a new job title or promotion now that she has this training. Mr. Bush said the normal step-in-grade would apply, and they will review her status because of her additional training.

Mayor Smith reminded everyone that August 12 is the next regular commission meeting.

There being no further business, the meeting was adjourned.

CITY CLERK

MAYOR