

Proceedings of a regular meeting of the City Commission of the City of Palatka held on the 27<sup>th</sup> day of January, 2000.

PRESENT: Mayor Tim Smith  
 Commissioner Mary Lawson Brown  
 Commissioner Ish Edwards  
 Commissioner James Norwood, Jr.

ABSENT: Commissioner Hernan Azula

Also Present: City Manager Allen R. Bush, City Attorney Edward E. Hedstrom, City Clerk Betsy Jordan Driggers, City Finance Director Ruby Williams, Planning Director Adam Mengel, Police Chief Bill Dolinski, Fire Chief Rudy Howard, Assistant Fire Chief James White, Main Street Manager Debbie Banks, and Water, Sewer & Streets Supervisor Sam Willis.

INVOCATION – The Reverend Sergio Jardon, Pastor; Trinity United Methodist Church

PLEDGE OF ALLEGIANCE – Allegra Kitchens

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

PUBLIC RECOGNITION – Valerie May from Woodmen of the World presented four donated flags to Mayor Smith on behalf of Woodmen of the World, Lodge 7. They are a life insurance company and a family fraternity, and donate flags to communities.

FIRE EXPLORERS RECOGNITION – Mark Lynady presented T. J. (Travis) Minor with a plaque from the Palatka Fire Explorers honoring his achievement in reaching full-time employment status with the Palatka Fire Department. Travis joined the Explorer program five years ago, worked his way up through the ranks to head of the Explorers, and was recently hired as a full-time firefighter. Travis' parents also volunteer with the Explorers as adult advisers, and his mother, Lynn, is the Explorers' Secretary-Treasurer.

STUDENT RECOGNITION – January, 2000 – Mayor Smith asked Commissioner Norwood to assist him in presenting certificates to the following students for academic excellence, leadership, citizenship and attendance:

Meghan E. Nye	Mellon Elementary School
Andrew McCallum	Moseley Elementary School
AlShaun Hill	E. H. Miller Exceptional Education
Alice Heh	Beasley Middle School
Ashley Thomas	Jenkins Middle School
Tedra Thomas	Palatka High School
Brandon Motes	Kelly Smith Elementary
Velvis Thomas	James A. Long Elementary School
Justine Sepulveda	Browning-Pearce Elementary School
Cassandra Coleman	Peniel Baptist Elementary School
Justin Middleton	Putnam Academy

Mayor Smith recognized former city commissioners Karl Flagg and George Sanders, and former county commissioner John Thompson, who were in attendance.

PUBLIC COMMENTS: Roy Campbell, Jr., said he was under the impression there would be a public hearing on his rezoning request for the property on Kay Larkin Drive, but understands action on the rezoning was taken at a prior meeting. He would like the opportunity to get what happened at that meeting on the record, but would like to hold his comments until the end of the meeting. The Commission agreed by consensus to rehear public comments after the regular agendaed items.

PUBLIC HEARING – Application to amend certificate of Public Convenience and Necessity – Yellow Cab of Putnam County – Mayor Smith opened the public hearing.

Charles Wellborn, Yellow Cab, Inc., said some concerns have been brought to his attention since the last meeting. First, his is a small business and is not affiliated with Yellow Cab in New York, Chicago, or Atlanta. Yellow Cab is not one large company. Each Yellow Cab is owned individually and J. R. Owens owns only Yellow Cab of St. Johns County and Yellow Cab of Putnam County. They have a total of 36 vehicles between the two businesses. They are a member of Downtown Palatka and contribute to local charities, and are in the process of becoming members of the Chamber of Commerce. Second, the majority of the profits and proceeds of Yellow Cab do not go to St. Johns County. All but one employee of Yellow Cab of Putnam Co. live in Putnam County. Currently they are purchasing a piece of property in Putnam County that will serve as their office and maintenance shop. They will be employing even more Putnam County residents when this facility is completed. They should be up and running in this building by February 15. Third, the International Taxi Association has determined that for every 3,000 people populating an area, you can support one taxicab. This formula works out for Duval and St. Johns County's population to taxi cab ratio. Putnam County has around 70,000 residents, so the area should be able to support 23 taxicabs. In January 1999 they handled 26 calls per day with three cars. In December, 1999 they handled 200 calls per day with 5 cars, or 40 calls per day per car. Each car can only handle around 20 cars per day and give good service. They have had an 800% increase in business since they opened one year ago. This month they will exceed December's calls. They cannot supply the demand for their services with only five cars. They are all for competition and free enterprise; they are a small business themselves in every respect. They don't want to force anyone out of business and welcome competition. They are not changing their rates from the schedule they submitted last year. They suggest having the Commission approve everyone's rate schedule, and having them come back to the Commission to justify any rate increases. He was asked if they could live with their rate schedule for the next five years. He can't make that commitment not knowing what will change over the next five years. If fuel prices go much higher, they would have to ask for an increase, but if prices don't skyrocket they can live with these prices for the next five years. They do not see a need to increase fares. They are already charging higher fares in Palatka than they do in St. Augustine. They do see a need to increase cars. For example, yesterday they had one car down for maintenance and two making out-of-town runs, which left only two cars to run regular calls. They may even need more than 10 cars in the future. He does not see why the other company can't have 10 cars. The population of Putnam County should be able to support that. Commissioner Brown said some of the calls are going other places outside the City. She asked if they could set aside certain cars for out-of-town runs and leave the five they have for in-town runs. Mr. Wellborn said it's hard to say you're going to set a certain number of cars aside for only out-of-town runs, due to the expense, especially if you have a waiting list of people wanting rides. 90% of their calls are within the City.

James Williams, Diamond T Taxi, said when Yellow Cab came in they had only three cabs, and wants to know if the convenience of having more cabs is for his convenience or for the City's convenience. Mr. Wellborn said it is for the convenience of the citizens of Putnam County and Palatka. Mr. Williams asked if people need Yellow Cab's taxis because of their lower rates, which are set lower than Diamond T's. Mr. Wellborn said the City can approve his rates just as they can approve theirs. Mr. Williams asked him what Yellow Cab's current address is since they moved from Big Lots Plaza. Mr. Wellborn said right now it is 222 San Marco Avenue, St. Augustine. He asked if Yellow Cab is allowed to operate outside the City Limits without a local address. Ms. Driggers said Mr. Wellborn called her about that. There is nothing in the ordinance that addresses having a business location within the City Limits; it only addresses taxi stands and call boxes. Mayor Smith said the certificates are issued for taxis, and not for an office. Mr. Williams said he can't take his taxis to St. Augustine and pick up fares without having a license. Mr. Wellborn said their taxis only go to St. Augustine for maintenance, not to pick up fares. They stay in Palatka; the drivers keep them at their homes. Mr. Williams asked if his drivers will make more or less money if he puts on more taxis. Mr. Wellborn said hopefully they will make more money, because they will be able to pick up more fares. Mr. Williams said a total of 10 taxis are available in the City now. Mr. Wellborn said evidently that is not enough.

Mayor Smith asked why the rates are higher in Putnam County than in St. Johns County. Mr. Wellborn said he was not certain as he was not involved in setting those rates, but evidently it had something to do with keeping it closer to the rates the taxis charged in Palatka already. In answer to Mayor Smith's question, he said there are four taxi businesses in St. Johns County. Mayor Smith said he is an advocate of free market enterprise, and the difference here is that the City's ordinance requires a certificate from the City to operate a cab. He believes the reason for that was to make sure that if someone is operating a cab, the cab is safe, the insurance is current, and the business is reputable. He is opposed to regulating rates, other than utilities. Mr. Bush said the current ordinance requires cab companies to have their rates approved by the Commission, and to display the rates in the cab. Mayor Smith suggested they issue the same number of certificates to both cab companies so they can compete on a level playing field. Commissioner Norwood said he is also a proponent of free enterprise and they should not prevent a business from prospering, but he believes they are charged with looking out for the citizens of Palatka. He is concerned that if they lower their rates to the point they run the other cab companies out of business, they will have a monopoly and will raise their rates. He is also opposed to limiting the number of cars they can operate. Both cab companies have submitted rates, and it would be reasonable for the Commission to set rates to protect the public. Mr. Wellborn said the Commission already has that authority. Commissioner Norwood said the cab companies should agree on the rates charged in order to come before the Commission for a percentage of rate increase, rather than a flat amount, since the rate structures are different. Commissioner Brown asked if they would agree to have their rates controlled. Mr. Hedstrom said the ordinance reads that 'operators will charge such rates and charges as are approved by the City Commission.' That doesn't mean the Commission has the right to set the rates, but that they have the right to approve them. Commissioner Brown said the cable company always lets the Commission know when they are raising rates, but the Commission has no say in how much they charge. Mr. Hedstrom said if the rates are approved, they have to stick with them until they come back and ask for either a higher or lower rate. Commissioner Edwards moved to approve increasing the number of cabs on both Yellow Cab's and Diamond T's Certificates of Convenience and Necessity from five to ten, and to approve both rate structures. Commissioner Norwood seconded the motion. Commissioner Brown said she would like a compromise; she does not mind competition, but when a larger entity comes in that can afford more than the smaller entity, she has a problem with that. Giving the smaller business the right to purchase five more cabs is not equaling the playing field, since they may not be able to buy five more. This business has had rapid growth and does a lot of transporting outside the city limits. People are fussing about big businesses ruining downtown. Mr. Williams' cab company has been here since the 1950's. His father drove a cab. Commissioner Norwood said he has spoken with Mr. Williams, and he has agreed that everyone should live by the rates that are set. When they want to increase the rates, they should come before the Commission with a percentage of increase instead of a flat rate, so everyone will get the same increase.

Carson Leslie, PDC Transit, 103 Camp Road, E. Palatka, asked how many cabs Yellow Cab has in St. Johns County; Mr. Wellborn answered 28. He said if they bring five more cabs in, he will put everyone out of business that carries inside the city limits. He said most of his runs were outside the City limits. He has been around for a long time. If they bring in 10 cabs, he will be out of business. He wants a survey done to get feedback from the citizens to see if they want more cabs. He does not think there are enough people in the City to warrant the increase. Yellow Cab's prices will have to go up if he puts on more cabs, because the drivers will make less money. There being no further discussion, the motion passed 3 – 1, opposed by Commissioner Brown.

The Commission, by consent, moved Agenda Item 6 to the front of the Orders of the Day. The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REMOVING FIREFIGHTERS FROM THE CITY EMPLOYEES' RETIREMENT PLAN AND CREATING THE FIREFIGHTERS' RETIREMENT PLAN; AND PROVIDING AND EFFECTIVE DATE. Commissioner Brown moved to place the Ordinance as amended on its 2<sup>nd</sup> reading for adoption. Commissioner Edwards seconded the motion. Mr. Bush said the Commission has the final version of the Ordinance. The results of a roll call vote are as follows:

Commissioners Brown, Edwards, Norwood, and Mayor Smith, Yes; Nays, none. The ordinance was declared adopted. Firefighter Board members Ish Edwards and Mark Lynady were administered the Oath of Office by the Clerk.

PUBLIC HEARING – 1010 Hwy 19 South – Rezone from County C-2 to City C-2 and amend the Future Land Use Map – Walmart Stores, Inc. Planning Director Adam Mengel said the agent for Walmart Stores has requested a time extension on the adoption of these two ordinances. They are attempting to resolve some issues from the Objections, Recommendations and Comments report filed by DCA. This will allow for a 30-day review of the City's responses to those concerns, to be conducted mainly by DOT and Putnam County. The City can either open this public hearing and then continue it until March 9, or close the hearing, in which case the City will re-advertise for another public hearing on March 9 on the adoption of the large scale comprehensive plan amendment, which will be submitted to DCA, and a later passage of the rezoning ordinance. Mr. Bush asked what advertising costs would be saved by continuing the hearing; Ms. Driggers answered around \$300.00. She asked Mr. Hedstrom if the hearing can be postponed to a time certain that is not the next meeting in February; Mr. Hedstrom said you can postpone it to a time certain, March 9, without re-advertising. Mr. Mengel said he spoke with the City's reviewer at DCA, who said there would be no formal time extension by DCA and the City need not take action at this time.

Mayor Smith opened the public hearing. Commissioner Edwards moved to continue the public hearing on the reading of the Land Use and Rezoning Ordinances for Walmart Stores, Inc. on the property located at 1010 Hwy 19 South until March 9, 2000. Commissioner Brown seconded the motion. Mayor Smith opened for discussion.

Jeannie Barr, homeowner at Carriage Woods, said they have learned that the State has moved up the restructuring of Hwy 20 to 2002. They don't think they can stop Super Walmart, but would at least like to get the roads improved before they open, and would like Walmart to put off construction for two years. She asked if they could hold off rezoning until the roads are addressed. Mayor Smith said they would look at all those issues; they may be able to coincide construction completion with road restructuring. Mrs. Barr asked why they voted to annex the property; she is surprised the business owners haven't banded together to try to keep out Super Walmart. Commissioner Brown said the City held a public hearing on the matter and no one objected. This store will create 250 additional jobs for the area. Commissioner Edwards said the Regional Planning Council had questions about the traffic in the area, and asked who is responsible for making improvements to the roadways. Mr. Mengel said the responsibility is shared between local government (City and County). Walmart is paying for turn lanes and other improvements shown in the drawings. D.O. T. is asking to 4-lane Moody Road, but they have proposed a two-lane roadway with a de-acceleration lane. Mr. Mengel said Walmart first proposed this development to the County, but needed water and sewer, so annexation was a necessary step for utilities.

Rosemary Nemic, Carriage Woods, said she is concerned by the bottleneck that is created by the narrowing of Hwy 19 just past Moody Road, where the intended entrance to Super Walmart is. Two years ago she was involved in a rear-end collision at that intersection. They have created a nightmare there. There is not going to be an entrance or exit onto Hwy 20. Mayor Smith said they have planned de-acceleration lanes and turn lanes for Hwy 19, and the intended improvements to Moody and Hwy 20 is to encourage traffic on those roads instead of Hwy 19. Mrs. Nemic asked if D.O.T. has plans to widen Hwy 19 further south; the bottleneck is a problem now. Mr. Mengel said the entrance to Walmart will be 400 ft. south from Moody and Hwy 19, and they proposed another 200 ft. of "decel" or stacking lane, and there are preliminary discussions of extending it to 400 ft. There would be one through lane, one for turning South on Moody, and one for turning into Walmart. They also proposed a light at Moody & Hwy 19, which will be safer than what they have now. Mrs. Nemic asked if there is a traffic projection; Mr. Mengel said around 11,000 per day. Commissioner Edwards said all this will be reviewed by the state before passage. Commissioner Brown said the City is just a small part of that area; the County has most of the roadways. Mayor Smith said the City is working with both the County and D.O.T. on the entire area. The City's involvement ends with the City Limits. The necessity to widen Hwy 19 further south would be more of Putnam County's and

D.O.T.'s department. None of them are in this alone. Mr. Mengel said Moody Road is a county road and Hwy 19 is a state road. Mayor Smith said they should do a speed survey to look at lowering the speed limit in front of Carriage Gate. The County is aware of the problems with Moody Road. They would be better served to collectively lobby the State to make improvements to Hwy 19. Mr. Mengel said there are some out-parcels there which would not have access directly onto Hwy 19. D.O.T. has asked Walmart to move their entrance further down Hwy 19 to allow for more separation between proposed traffic signals. There being no further discussion, the motion to continue the Public Hearing to March 9 passed unopposed.

## REPORTS

a. Ordinance revising election years – Mr. Hedstrom passed out a memo outlining the procedure for revising the Charter to change elections from odd to even years. Elections for each commissioner and Mayor will be held on the next regular odd year for a three-year term, and at the end of that term they will all be on even year rotation from that point on for four-year terms. Groups 2, 4 and the Mayor will run for a three-year term in the fall of 2001, and for a four-year term in the fall of 2004. Groups 1 and 3 will run for a three-year term in the fall of 2003, and for a four-year term in the fall of 2006. This does not shorten any sitting commissioner's term. Each commissioner will serve out their current term. You can't change the Charter to shorten or lengthen an existing term without a referendum. They will also need to change qualifying deadlines to coincide with the county, state and federal deadlines. If Mayor Smith announces his resignation, there will be an election fall of 2000 to fulfill the term, another election fall of 2001 for a three-year term, and an election fall of 2004 for a four-year term. Commissioner Brown said they should table this until Commissioner Azula can attend. Mayor Smith said they need to think about this and wait to take any action until the next meeting. This will be saving the City around \$7,000 per election.

Mr. Hedstrom requested to speak to another item that is not on the Agenda. The Commission agreed to hear the item by consensus. Mr. Hedstrom said the City has a code enforcement lien on a piece of property owned by an individual who also owns a piece of property outside the city limits, but inside Putnam County. The statute provides that any code enforcement lien against any property also constitutes a lien against all other property in that same county owned by that same owner. This owner is selling the piece of property in the County, and the title company picked up this lien. The Code Enforcement Board approved releasing the property outside the city limits from the lien, and he would like concurrence on that action from the City Commission. In answer to Mayor Smith's question, Mr. Hedstrom said the property inside the City Limits is still not being maintained. The lien is continuing to accrue and exceeds the value of the property by around 500%. Debbie Banks said she believes it is an unsafe structure and overgrown property, but will check on that. The Code Enforcement Board asked them to take care of the property, but the owner did not seem to have any interest in doing so. Mr. Hedstrom did say the owner offered to donate the property to the City or Habitat for Humanity. He is not advocating any position on that. If the Commission concurs on the Code Enforcement Board's action, they will be setting a precedent. The issue is whether or not they want to release these properties from code enforcement liens. Commissioner Norwood said the Code is in place for a purpose. He finds it far-fetched that the City would release a piece of property and not recoup the money for the liens. This indicates the City will never recover that money. They need to maintain the 'teeth' in the code enforcement policies. The City is always trying to find revenue sources. Ms. Banks said this took the Code Enforcement Board by surprise; they did not know liens automatically apply to other pieces of property. Mayor Smith agreed with Commissioner Norwood; he suggested either Mr. Hedstrom or Mr. Mengel write the owner stating the City is willing to work with them if they make some commitment to improve the property inside the city limits. Our issue is not with their other property. He is surprised they did not want to make an effort to improve the property with the code enforcement problem. If they are not willing to negotiate, the lien should stay. Responsibility comes with property ownership. Mr. Hedstrom said he would write that letter.

Rev. Karl Flagg, a former Code Enforcement Board member, asked if the Code Enforcement Board has already consented to this release. Mr. Hedstrom said they agreed to do it. He looked into it and advised the owner he wanted to bring this to the City

Commission before he prepared a release, as they would be the ones to sign it. Rev. Flagg asked what obligation the Commission has to uphold what the Code Enforcement does. Mr. Hedstrom said that is for the Commission to decide. Rev. Flagg said the owners expect the Code Enforcement's decision to be binding; Mr. Hedstrom said he believes the Code Enforcement Board was not aware of the statute and made an uninformed decision. Rev. Flagg said that statute needs to be publicized. They will set a negative precedence if they go along with the Code Enforcement Board's decision. Commissioner Norwood suggested they direct Mr. Hedstrom to ask the Code Enforcement Board to revisit the issue with the understanding that the Commission would like to release it, but would also like the city property to be brought up to code. Mr. Hedstrom said he will place it on the agenda for that Board's next meeting. Commissioner Brown said the City takes its boards' recommendations and acts upon them, but don't always agree with their decisions. Rev. Flagg said the Code Enforcement Board is quasi-judicial, which puts it on a different playing field. Mayor Smith asked which entity has to sign off on any lien after its satisfaction; Mr. Hedstrom said the City Commission, not the Code Enforcement Board, They can recommend the lien be satisfied for an amount less than the lien, plus payment of the \$75.00 administrative fee. Ms. Banks said many times the fines are completely wiped out, but not the administrative fee. The Mayor and Clerk do the actual legal release of the lien.

b. "Did You Know" column for PDN – Ms. Driggers said Jay Schlichter asked her to report to the Commission that his editor, Mr. Palmer, has agreed to run the piece, and will call to set up a time to meet with Staff and talk about the semantics of the plan.

c. Arts Council name change – Julie McCoy with the Palatka-Putnam Arts Council provided the Commission with a copy of the letter stating they would never move away from the City in exchange for permission for the name change. She would like to sit down with both City and County Commissioners and talk about the area's cultural future and what can be done. She has done many things people did not think were possible, and did them without a staff. If she had a paid staff, she would be able to accomplish much more. Mayor Smith said Ms. McCoy has met the stipulation upon which the name change was granted at the last meeting, so the motion is upheld and the issue is closed.

Mayor Smith said there is a shortfall in revenue on the Art Train project and asked the Commission to consider donating an additional \$500 in cash towards the project. Palatka is the only stop in N. Florida for this event. Commissioner Brown moved to approve a donation of \$500.00 to The Arts Council for the Art Train project. Commissioner Edwards seconded the motion. Ms. McCoy said none of her grant funding for the project will be available to her until April, and some not until June. She is just needs to pay the museum when the train arrives. The basic fee is \$8,000, and another \$4,500 is needed for water lines, electricity, phones, diesel fuel, hotel accommodations, and other necessities. The \$15,000 they are paying is only 1/3 of the actual cost of the stop. Mr. Bush said they cannot run the electrical lines and will have to rely solely on diesel power. He understands Art Train has money in their budget to cover that. Ms. McCoy said if that is the case, they will need around 12,000 gallons of fuel at around \$1.05 per gallon. There being no further discussion, the motion passed unopposed. Commissioner Norwood asked if the Arts Council has ever submitted a budget to the City. Ms. McCoy said the City funds the summer concert series. They get no general operating expenses from the City, but the City helps to maintain the outside of the building and have offered matching funds for grants. The City normally contributes \$5,000 towards the concert series, and contributes the use of the building. They contributed a \$7,800 match for the grant to upgrade the building. They also help to maintain the building. Commissioner Brown suggested she contact the Humanities Council and Vista about volunteers and grant support, and said if she will call her at home she will provide her with a name and phone number to contact. Ms. McCoy said the County gave them \$5,000 this year for general operating expenses on a reimbursement basis. The County asked them to change the name so they can get them out of the "other agencies" (that ask for money) category. She would still like to sit down with both commissions to work out a plan for services.

RESOLUTION – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, HONORING CONGRESSWOMAN CORRINE BROWN FOR HER SERVICE TO THE CITIZENS OF THE CITY OF PALATKA (declaring

January 31, 2000 Congresswoman Corrine Brown Day). Commissioner Brown moved to adopt the resolution as stated. Commissioner Norwood seconded the motion. The results of a roll-call vote are as follows: Commissioners Brown, Edwards, Norwood and Mayor Smith, Yes, Nays, none. The Resolution was declared adopted. Mayor Smith reminded everyone of the program on Monday night, January 31, at Price-Martin Center.

ORDINANCE – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 2-170(d) AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on its 2<sup>nd</sup> reading for adoption. Commissioner Edwards seconded the motion. The results of a roll-call vote are as follows: Commissioners Brown, Edwards, Norwood and Mayor Smith, Yes, Nays, none. The ordinance was declared adopted.

APPOINTMENT – Historic Preservation Board – Commissioner Brown moved to accept Nancy Henderschott’s resignation from the Historic Preservation Board. Commissioner Norwood seconded the motion, which passed unopposed.

Adam Mengel, Planning Director, asked the Commission to postpone any appointment to this position, as they are planning a revision of the board make-up as part of the Green Book revision process. Presently there are nine members on that board, which makes it hard to get a quorum of five. There being no further discussion, the motion passed unopposed. Commissioner Brown moved to accept Staff’s recommendation to leave the position unfilled pending revisions to the board make-up. Commissioner Norwood seconded the motion, which passed unopposed.

DECLARATION OF SURPLUS PROPERTY – Mr. Bush said Fire Chief Howard had asked to dispose of property at the last meeting, which he has listed in his memo, which is attached to the agenda. Chief Howard said there are 30 complete air packs with spare bottles. Several Volunteer Departments have contacted him about purchasing them for \$250 for complete packs, or \$100 per bottle. Jacksonville sold their packs at \$500 per pack and \$150 per bottle. If there are any remaining bottles and packs after the sale, he would like to donate them to departments with no airpacks. He would like all money raised to go towards the purchase of a vision camera. Commissioner Brown moved to declare the items listed in Chief Howard’s memo of 1/25/00 as surplus property and to designate the funds raised from their sale to the purchase of a vision camera for the Fire Department. Commissioner Norwood seconded the motion, which passed unopposed.

This ends the items on the Agenda.

PUBLIC COMMENTS, Revisited – Roy Campbell, 65 Lewis Blvd, St. Augustine, said he appeared before the Commission in December asking for a zoning change which had been approved by the Planning Board. At that time, Mr. Bush raised two concerns. One that there was a written agreement between Dr. Wolfenden and the City that would place restrictions upon the property they asked to be rezoned. His other concern was about airport noise, and thought because of those issues the item should be sent back to the Planning Board. At that time, he explained Mr. Bush’s relationship to a competing construction company and competing development, and explained that sending this back to the Planning Board would cause delays that would probably kill the project. With that understanding, the Commission agreed to address those two issues at tonight’s meeting, when they would bring in all their arguments for and against and make a decision based on that to avoid sending it back to the Planning Board. He was also assured by Mr. Bush that he would talk to the Airport Authority to determine what their concerns were, and he would set up a meeting between all those parties and himself before tonight’s meeting. He never heard from Mr. Bush nor the Airport Authority, until the newspaper called him asking for his response to action taken by the Commission at the last meeting, January 13, when he understands that a copy of a letter from the D.O.T. and the written agreement with Dr. Wolfenden were presented to the Commission by Mr. Bush. The Commission, with full notice of what it may mean to his project, took action and remanded the issue back to the Planning Board, based on those two documents, without any notice to him that the issue would be acted upon at that meeting. Consequently, he is here tonight as he was told he would be on the agenda and this would be the night they would argue those

issues. He has reviewed the letter from Al Roberts with D.O.T. It was obviously solicited by Mr. Bush, with a friendly "Al" at the top, which is his first hint that this was not a purely business letter. Later in the letter he makes the comment that "as stated above the residential land use of any type is not compatible with operation of the airport. Land use that is not compatible with the operation of the airport is not consistent with that airport's master plan." He has reviewed the 1984 Airport Master Plan, its 1993 update and the 1999 environmental survey. Clearly a lot of money was spent doing sound surveys at the airport, not only for current use but also for projected use as outlined in the plan. The sound surveys are available for anyone's review. They clearly show and clearly explain that anything below 65 decibels is compatible for all uses, including residential uses. He also reviewed the agreement between Dr. Wolfenden and the City (He showed the Commission a map of the property under discussion). The agreement between Dr. Wolfenden and the City designates a small piece of property as a buffer zone, to remain vacant, and is the only legal document between Dr. Wolfenden and the City placing any restrictions on any of the property. There were discussions that the C-2 designated property would be a zoning that would buffer the industrial area from the residential when the property was annexed, but there is no legal document stating there are any more restrictions to this zoning than for any other zoning. The property is still subject to the same rules, regulations, and due process requirements of any other zoning request. He asked if any member of the panel differs with any of his assertions.

Mr. Bush said he objects to the notion Mr. Campbell put forth that tries to tie his objections to this rezoning request to competing tax credit applications. The City has been trying to protect this airport for many years. Mr. Campbell was not even on the scene when this deal was worked out. There was some R-4 zoned property underneath Runway 35, the runway facing south. Previously they went through negotiations with Dr. Wolfenden and his attorney, as he wanted to do some sort of multi-family there. At the time, the Commission was somewhat opposed to doing this and that C-2 was created as a buffer between the multi-family and the adjacent airport property. It is common knowledge that anytime you have multi-family residences adjacent to an airport, it leads to noise problems. The Commission felt this was a compromise at the time. When the Planning Board took the issue up, they did not take up the issue of the protection of the airport, and apparently overlooked what happened in 1993 and 1994 when this agreement was worked out. He has gotten the Commission's permission to allow him to go back to the Planning Board and make the Airport's case to see if that has any effect on their decision. This is where they stand today. He assumes the Planning Board notified him of the meeting. Mr. Mengel said he made Mr. Campbell aware that he needs to go back to the Planning Board. Mr. Bush said he does not believe Mr. Campbell was 'blind-sided' at tonight's meeting. His argument that this is all due to competing tax credit applications is certainly not the case. They have been trying to protect this airport long before now. Mr. Campbell said these are still the same two issues they discussed in December. No new issues have been raised. They agreed at that point to discuss both these issues at tonight's meeting. Nothing has come up that changes the agreement made at the previous meeting. He was not notified that any action would be taken at the January 13 meeting, and they had time to notify him. He is disappointed that he did not get what he feels to be due process with the Commission's full awareness of what the repercussions might be, with the exception of Commissioner Norwood, who was not sitting on the commission when they made the agreement. He hopes everything will work out alright. Mr. Bush said he will be at the Planning Board meeting on 2/1/00.

Mayor Smith said Mr. Campbell stated the C-2 area was intended to be a buffer between the industrial use and residential use. Mr. Campbell agreed. Mayor Smith asked if he is now saying they don't need that buffer; Mr. Campbell said the agreement was it would be zoned C-2 but there was never any agreement that it would always remain C-2, but would be subject to all the rules and regulations of rezoning. Mayor Smith asked if he understands that when they designate varying classes of zoning, they do that to buffer uses from each other. He is misrepresenting that the C-2 is a zoning that should not be properly in place because of a particular piece he has decided to seek to rezone. The purpose of zoning classifications is that they are separated as much as possible. He said Mr. Campbell has also indicated there are some 'shenanigans' going on with this, and he strongly disagrees and takes offense to his accusations. First, he has purposely asked to rezone only 9.99 acres in order to avoid the Large Scale Land Use Amendment process

that would probably also raise some of these questions. Second, its been told to him in the community that someone in Mr. Campbell's camp is saying the reason the City is trying to delay this project is because that's the site the City wants for its highrise replacement project. The City already has a site chosen, which they are working as feverishly fast as they can to bring to fruition because of the value of the property located downtown which they would like to free up. He is personally offended that these accusations are coming from a person or persons in his group, who is saying these things without factual knowledge. To say the reason the City is doing this is because they want that site is offensive. They would be just as offended of his trying to rezone any buffer zone. Irregardless of Mr. Campbell's project, there are many more millions of dollars spent at the airport for the good of this City versus 100 additional units he plans to place on that site. When he asked for certain items for his last project, the City of Palatka went out of its way to accommodate him, making sure that the items he needed to make his project successful were provided, and that project was a great thing for this City. He finds it very interesting that now the City is the "son of a gun" in this whole deal. Mr. Campbell said none of those rumors came from any of his people. Mayor Smith said he won't use any names, but they did. Mr. Campbell said to his knowledge they weren't said by anyone from his company. They do have suspicions about Mr. Bush's motives; he has expressed them himself. Mr. Bush told him directly the City would not support their project, and he also said that to the SHIP Committee, so they do have a foundation for questioning his motives. Mr. Bush said he told the SHIP Committee the City had its own project it was supporting at the time and the City could not support Mr. Campbell's project. As Mayor Smith mentioned, the City supported his last project to the tune of \$170,000 in improvements to help him get it. In this case, he is interested in the future of the Airport. Just two weeks ago the newspaper reported that NAS Jax was being blasted by people living around it, wanting to control flights in and out, and NAS Jax was there prior to WWII. These people have moved in, and now they have noise problems. The City was protecting the airport in 1993 before he came on the scene, and is continuing to protect it now. Mr. Campbell said he is just as much behind the airport as anyone else, but would like the opportunity to make the argument for a zoning change, and they have to rely on what they are told. They were told to be at this meeting tonight, and they depended on that. Mr. Bush said they were told to be at the Planning Board, and should have realized it had been remanded back. Mr. Campbell said he realized it after action had been taken. He came here tonight to make sure the action was on the record. He still has not received any notice. He contacted Ms. Driggers after the newspaper contacted him, and she informed him the item had been remanded back to the Planning Board. In answer to Mr. Bush's question, Mr. Mengel said on something like this they usually just contact the party and inform them they need to be present because it has been sent back to the Board. Mr. Campbell asked if they do that through the newspapers. Mr. Mengel said a phone call is the usual manner.

Mr. Hedstrom said he wants to get on the record, and be certain that Mr. Campbell understands, the procedural status the matter was in after the December meeting. The Commission agreed to sort of 'fast track' this item, which was one of the arguments for not sending it back to the Planning Board in December. The procedure is to place the ordinance on first reading, which was scheduled for January 13, and the Commission at that time would vote to place it on first reading. Then it is advertised for its 2<sup>nd</sup> reading and public hearing, which would have been tonight. Since the Planning Commission recommendation is simply a recommendation, the Commission always has an opportunity at that 'first reading' meeting to vote not to place it on first reading, or they can put it on first reading and advertise it and vote on it at the 2<sup>nd</sup> meeting, which would have been today. Compare that to a situation in which the Boards make decisions, which are subject to appeal to the Commission. When those appeals come to the Commission, then they cannot vote when it first comes before them. They must advertise it for hearing and hold a public hearing. On recommendations coming from boards such as the Planning Board, it's a two-step process and the Commission always has the opportunity to vote it down and not put it on first reading. He believes there was discussion at the December meeting that the first reading would be the first reading in January and the 2<sup>nd</sup> reading and public hearing would be tonight. Mr. Campbell said the process seems to him to be contradictory to the agreement they reached in January. Commissioner Brown said in between meetings you have a chance to ask questions and do research, and you change your mind. She is sensitive to noise problems, since the Commission has been

blasted by people who come in about other noise problems. They are getting reading to expand the airport, and she has been pushing for international trade since 1985. If that jet traffic picks up there, it will be hard for people to live in the area. She recalled problems with NAS and training missions when she first came on the Commission, and attended a meeting with Congressman Chappell and those residents. If someone gets disturbed enough at 2:00 a.m. or so, they disturb the Commissioners at 2:00 a.m., also. When the Commission originally worked this out with Dr. Wolfenden, he agreed that this C-2 would be a buffer area to protect the residents in exchange for the R-2 zoning change. When he came in to change it, she did her research on the matter. He does not need to blast the Commission for being concerned. Mr. Campbell said that was the agreement in 1993, but in 1999 they did a sound study, and if he gets the chance to provide them with the sound studies and this all comes out in the open, they will agree that the sound will not affect people living there. It's no closer than Ragsdale. Commissioner Brown said no one told her about a sound study, but that's the agreement they came up with in 1993. Mr. Bush said those noise footprints are very conservative and are generally based upon existing traffic. They do projections out over a period of years, but they don't know what an airport is going to be in the future. Generally they are based on additional numbers of general aviation aircraft landing and taking off. The letter from Mr. Roberts, the FDOT Aviation Director, speaks for itself. He can show the Commission newspaper articles as recently as two weeks ago about citizens complaining about airports, and if you look at these residences, they are certainly no closer than this area of C-2. When people hear this noise, no matter what type of overflight or noise easements you have, they are going to show up at City Hall complaining and trying to get something done about it. The whole idea behind this is to protect that airport, and that is all they are trying to accomplish. It is not some conspiracy to undermine his efforts for tax credits. This has been going on for many years, long before he came on the scene. Commissioner Brown said the people living beside the Winn Dixie Marketplace were camped out in the Commission Room for a while about trucks loading and unloading, and once something like that is in place, there is no way to settle it. They went back and forth on the issue, and felt very sorry for them, but once they got in there, that was it. Winn Dixie and the City did agree to change some of their schedules, but not enough to suit the residents. Mr. Campbell said he believes once the Commission has the chance to hear the experts, they will be able to sleep at night.

#### COMMISSIONER REPORTS:

Commissioner Brown asked the Commissioners to look over the agenda for Congresswoman Brown's reception, and notify her with any changes or suggestions.

Commissioner Norwood thanked the Streets Department for their repairs to Eagle and 13<sup>th</sup> Streets. He knows they are not finished yet, but it looks good so far. Mr. Willis said they are also working on 20<sup>th</sup> Street. Commissioner Brown asked if they could get the small strip on Eagle Street that runs into 20<sup>th</sup> Street paved. Mr. Bush said the next round of CDBG can target that area.

Commissioner Norwood thanked Mr. Bush for his time, effort and support of the Booker Park project, and the organization of the Senator Betty Holzendorf ceremony.

Mr. Bush said he passed out a memorandum on the Southside Historic District's request to annex Westview Cemetery into their boundaries. There is both a local and federal designation of historic boundaries. He spoke with Bill Adams, who drafted the original historic districts, and his opinion is he feels the City can draft a new description of the City ordinance, which would not change the Federal description, which includes the Cemetery. The City Commission will need to amend the existing ordinance after review by the Historic Preservation Board. The Commission directed the Historic Preservation Board to take up the issue, and the City Attorney to begin preparation of the ordinance. Mr. Hedstrom said he will begin upon receipt of the revised legal descriptions, and the ordinance will be placed on first reading after the Historic Board's recommendation.

Mr. Bush said he has received a request to spend some money on Fred Green Park, which is one of the facilities the City turned over to the County along with the recreation program. The fields are leased to the County recreation program, but the City still owns them. Many of the improvements to the facilities are made on a 50/50 basis with the

County. In recent years the Babe Ruth Association has had exclusive use of the field, since the County has not utilized it. They have made many improvements and spent a lot of money on the field. They made a request to replace the outfield and backstop fences, which look terrible and is not safe. They also need higher fences at the batter's cage. He passed out a memorandum with a map attachment showing the proposed improvements. Babe Ruth Association secured a very good price on the improvements from Lowman Fence. Babe Ruth volunteers are doing some of the work. The City should remove the old outfield fence, which they will replace at a cost of \$2,934.73. The City's share of that will be \$1,467.37, which should come from the General Fund contingency. Commissioner Edwards moved to appropriate \$1,467.37 towards replacement of the outfield fence at Fred Green Park. Commissioner Norwood seconded the motion. Commissioner Norwood said the bathrooms are also in bad shape. Mr. Bush said the Babe Ruth people have been working on the bathrooms and the concession stands. In answer to Commissioner Brown's question, Mr. Bush said Babe Ruth is a baseball league that people pay to belong to. Commissioner Brown said she wants to make sure the citizens are not getting 'double-taxed'. Mr. Bush said since the City still owns the facilities, they still go 50/50 on infrastructure improvements. Mayor Smith said the County is making plans to develop a six-field complex on a 25-acre tract at the end of St. Johns Avenue. The City fields will become more and more just practice fields. Commissioner Norwood said teams from out of town use the restroom facilities, which are an embarrassment. Mayor Smith said the same thing happens to those bathrooms as what happened to the ones at the Holzendorf pavilion. It's not the out-of-town people that do the damage, it's our own citizens, and it doesn't matter who they are, they need to be dealt with. When anyone spends money on having a nice facility, they should be able to count on it staying nice. Someone took a hammer and busted a sink off the wall at the Riverfront restrooms. There is no point to that type of vandalism, and unfortunately visitors get the wrong impression when they see it. Commissioner Norwood said the City is taking steps to stop the vandalism. Commissioner Brown called for the question; there being no further discussion, the motion passed unopposed.

Mayor Smith said Clint Snyder with the Conlee Mural Committee has asked for permission to proceed with two proposed murals for the blocked-in windows in front of the Price Martin Center, similar to those at City Hall. Commissioner Norwood moved to allow the Conlee Mural Committee to place two window murals in the blocked-in windows at Price Martin Center. Commissioner Brown seconded the motion, which passed unopposed.

Ms. Driggers thanked Mr. Bush for allowing her to attend the International Institute of Municipal Clerk's Region III meeting in Orlando. While she was there, she took a class in Parliamentary Procedure, which was very interesting and informative. She said she will make copies of a handout she received which explains the various tiers of motions and rules of parliamentary procedure and pass those out to the Commission. Knowing that Mr. Hedstrom is more or less the Commission's parliamentarian, she would still like to contact one of the parliamentary associations and get further training in order to receive certification. Mayor Smith suggested she invite a representative to Palatka to hold a workshop with the Commission, as they could all use the training. Parliamentary procedure is what keeps everything in its place, and typically will keep you out of trouble. He is certainly not an expert in the field. The Commission looks to the City Attorney and the Clerk to let them know if they are not proceeding in a correct fashion. He would also like to have a short list copy of that information on hand for meetings. Mr. Hedstrom complimented the Commission on their use of parliamentary procedure, saying they follow correct procedure 99% of the time. Very few difficult parliamentary issues have come before the commission; on the whole it is very smooth.

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

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CITY CLERK

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MAYOR