



favor of this. He would like to ask the Walmart representatives some questions. The current Walmart uses up their parking spaces by bringing in out-of-town RV or car lot sales. If they are asking for this size reduction to give them more space to bring in competing, out-of-county dealers, he does not want to grant the variance. On the other hand, if they have granted other businesses the same variance, he would like to know if there were special circumstances behind those requests. Mr. Mengel said Mr. Ayala said they needed the extra number of spaces to satisfy Walmart's internal parking space requirement of 1,200 spaces for this size store. Palatka's code specifies they need just under 1,000. If they go beyond Palatka's required minimum, they will have the ability to bring in out-of-county dealers for special sales. Mayor Smith said the City has already granted a lot of variances on this project. He asked Mr. Hedstrom if the Commission has the ability to limit non-county businesses coming in and using places like Walmart parking lots to compete with local businesses who provide jobs and pay taxes all year. The County has dealt with similar issues. Mr. Hedstrom said the Code does not prevent it, and it deals with occupational licenses and tent sale provisions. There is no provision that says you can't do it. Mayor Smith asked if they can construct a fee schedule that would hinder non-local dealerships from coming in and conducting sales. He believes in free enterprise, but it does not seem fair that Palatka is being asked to give them concessions that they will be able to ultimately use against local businesses. Commissioner Azula said he also believes in free enterprise, but finds it unfair that businesses from out-of-county can come in and take local money away with them. They don't even tag the vehicles they sell here, but tag them in whatever county they came from. They are within their rights to put an occupational license fee of, say, \$1,500 per day on out-of-town dealership parking lot sales, which would discourage it. These are high-ticket items. Palatka is an easy target because there is nothing on the books to discourage these type sales. Most other communities do. Commissioner Brown asked if we can find out what others counties do. Commissioner Azula said when Duval County has their sale at the coliseum, it costs out-of-county dealers so much money to come in that only local dealerships can afford to participate. Mayor Smith said a few months ago Walmart brought in an out-of-county RV dealership for a parking lot sale, and when the City informed them the sale was illegal, they opted to just pay the fine and continue with the sale, rather than shut it down. Obviously, enforcement and the fee structure is not where it should be. He asked Mr. Mengel or Ms. Driggers to do some research on temporary sales in other counties. He does not want to hurt local dealerships who have parking lot sales. They should probably also require that sales tax and tags be registered in this county. If the City has issued variances for that size parking space before, then he will have a hard time denying this. If everyone is asking for variances, maybe they should revise their requirements.

Marcia Lane, 210 E. Forest Park Drive, said she is on the Zoning Board of Appeals. This request was denied because they could not show a hardship. There are a lot of SUVs and trucks on the road, and the extra space is very important. 10' widths are not unreasonable. Walmart knew the parking requirements before they came in. Walmart claims this is how they build all their supercenters. If that is true, they can purchase more property and make their parking lot larger. There is property for sale. They are going to make money here, and the City needs to think about convenience for its citizens. Changing the size requirements will allow 200 more cars into this area which will create a larger traffic hazard. A similar request from a local business was turned down the same day. She is all for Walmart, but doesn't believe they need smaller parking spaces.

Betty Willis, 606 S. 13<sup>th</sup> Street, said she is also a member of the Zoning Board of Appeals. Walmart initially asked for a number of variances in a 'bundle' request, but the Board required them to break the requests down individually. They granted the landscaping and sign variances, but denied this one. They do not have to have it. Wider spaces are needed. According to the Code, variances are granted if there is a hardship, and the only hardship here will be on the customer who will be forced to park in a narrower space. Mr. Ayala said they had to have the variance because that is what Walmart requires. She does not care what Walmart requires, but only about what Palatka requires. Commissioner Norwood asked under what circumstances the Commission granted other variances. Mr. Hedstrom said if the Board granted the variance, no one appealed it, so the Commission would not have heard it. Mrs. Willis said she recalls a request from Winn Dixie, but not from Publix. She believes that was included in their

plans. Commissioner Norwood asked why the request would not have been taken before the Zoning Appeals Board. Mr. Mengel said they have discovered other instances where other businesses received consideration for smaller spaces, but does not recall the reasons for the variances. Commissioner Norwood said there needs to be some consistency. They need to determine what is reasonable and adequate, and establish the code accordingly. There needs to be one level set and adhered to. Variances should only be granted for hardships. Ms. Driggers said Walmart is prepared to appear at the September 28<sup>th</sup> meeting. Commissioner Brown said more research on the issue should be done and this needs to come back at a later date. Mayor Smith said a minutes search should be done on earlier variances to determine why there were granted. Palatka should set its requirements and tell people that's it, and not to ask for a variance unless there is a hardship. He does not believe Walmart has demonstrated a hardship. This is a 'dollars and cents' issue with them. They should be consistent with enforcement of the Code. If the ordinance needs to be amended to require 9-1/2' width on parking spaces, then they should amend it and stick to it. Commissioner Norwood said the Commission needs to support the decisions these Boards make. He does not want to undermine them. They all need to play by the same rules. He moved to table the matter until September 28, 2000, to give time to determine why Publix and Krystal were granted variances. Commissioner Brown seconded the motion. Mayor Smith asked Mr. Mengel to do the research on prior granted variances and bring a report back on September 28. Commissioner Norwood said Walmart's input is not needed, and they should not be allowed to influence any decision the Commission makes, especially since future code restrictions may depend upon it. Mayor Smith said this information will be presented that night, and if they want to come and listen, they are welcome to. They will not be coming to make any presentation. Mr. Hedstrom said since this is an appeal, they will not be allowed to introduce any new testimony. They can only present their same case. There being no further discussion, the motion passed unopposed. Commissioner Brown moved to ask Mr. Mengel to research what other cities have done to restrict out-of-town dealership parking lot sales, and bring a report back on September 28, 2000. Commissioner Norwood seconded the motion, which passed unopposed.

RESOLUTION - Mr. Bush said the DEP came in and reviewed the secondary containment at the Kay Larkin Airport Fuel Farm. The City has three 25,000 gallon fuel tanks in a large concrete containment area out there. During the inspection some minor cracks were discovered, and they indicated that even though it is a solid poured block wall, it is not a monolithic pour and does not meet their new requirements. It is in violation as it is. The engineers said a special coating applied to the inside walls will meet DEP requirements. The tanks also need repainting. The price on this work is \$52,000. He applied for an FDOT joint participation agreement, which is attached. Under this agreement, FDOT will pay 80% of the costs and the City will be responsible for the remaining 20%. He would like the Commission to approve a resolution executing the JPA and entering into an agreement with FDOT on the Fuel Farm upgrade.

The Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO DESIGN AND CONSTRUCT AN UPGRADE TO THE FUEL FARM AT PALATKA'S KAY LARKIN MUNICIPAL AIRPORT. Commissioner Brown moved to adopt the resolution as read. Commissioner Azula seconded the motion. Commissioner Norwood asked how this affects the budget. Mr. Bush said the City will be responsible for around \$10,000. He previously plugged \$5,000 into the airport budget for this. The initial quote was probably high, and he does not believe it will cost that much. Any amount over the \$5,000 will come from airport contingency funds. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Norwood and Mayor Smith, yes, Nays, none. The resolution was declared adopted.

OLD WATER WORKS CONSTRUCTION BID AWARD – Bob Taylor, project architect, said he was previously authorized to meet with the two contractors who submitted bids on this project to try to get an 'apples to apples' comparison on their bids and to give them an opportunity to refine their proposals. Mr. Bush was present at that meeting. After determining what each contractor's bid included, he wrote to each contractor asking them to further refine their proposals. He copied each contractor on the

letter he wrote to the other. The apparent low bidder now is Scott Peterson Construction Company. He is confident they can do the majority of the work to restore the roof and the building, replace the doors and windows, upgrade the electrical service, provide some interior and exterior lighting for security, and seal, restore and refinish the exterior of the building. It includes a \$1,000 allowance for a security system. When this contractor's work is done, the building will be essentially complete on the exterior, but not on the interior. It is conceivable that the air conditioning can be added back to the contract, among other things. After this work is completed they can appeal to the State for more funds to complete the project. Mr. Bush said the dollar figure in the grant is \$204,000. Mr. Taylor said the apparent low bid is \$198,890. Commissioner Norwood moved to award the construction bid for the restoration of the Old Palatka Waterworks Building to Scott Peterson Company for \$198,890. Commissioner Brown seconded the motion, which passed unopposed.

Mayor Smith said last weekend a young girl was missing and they initially believed she disappeared in the area of Ravine Gardens. The local authorities that were looking for her were extremely concerned about the accessibility of the old waterworks building. The old tanks are open, and if someone fell in, it could go undetected. A pump house is also open, and has a drop of 10' – 15', parts of which are filled with water. He is very concerned about the safety of kids getting into this area. The City needs to look at a plan to minimize those situations, whether it involves filling in, covering, or something that is within the City's means to do. Mr. Bush said several years ago they constructed a substantial fence around the whole area to keep people out. The fence has not even slowed them down. On Friday afternoons they have repaired holes in the fence so large you can drive a car through them, and on Monday morning they are back again. A fence does not deter them. At one time they talked about filling them in, but the Committee was not in favor of that. They may need to look at leveling those tanks in the near future. He has been told that skateboarders have constructed ramps in one of the tanks. If someone can get hurt, they need to come up with a plan to take to the committee and inform them that something needs to be done now. Mr. Taylor said those tanks are very large and it will take a substantial amount of fill. Commissioner Norwood said public safety comes first, and they need to take action now and use whatever resources they can to remedy the situation. Mr. Bush said if they start bringing in fill now, you can't skateboard through it, even if it doesn't fill it completely. He asked Jeff Norton to make an inspection and report back. Commissioner Brown asked if they have surveillance cameras that can be used to identify the offenders, which may slow down the worst offenders. Mr. Bush asked Officer Fells to check into installing cameras at the Old Water Plant site and to have an officer check the lighting at night to see if it is adequate.

#### CONSENT ITEMS:

- a. Appointment of Otha E. "Eddie" Collins as Commission Representative to the Police Officers' Pension Board for a two-year term to expire September, 2002.
- b. Appointment of Sherrel Mack to Zoning Board of Appeals for a 5-year term to expire July, 2005.

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

This ends the items on the agenda.

Mayor Smith said there has been some discussion on the St. Joseph Cemetery on Hwy 20. He would like to propose the City approach the County to determine if they are willing to help the City maintain that facility. It is owner-less and not maintained, and even though the City does not own it the City gets blamed for the way it looks. He asked Mr. Bush to get a cost figure on mowing the grass similar to what is done in City cemeteries. Mr. Bush asked if he wants the entire cemetery mowed or just along the roadway. Mayor Smith said the entire cemetery. Commissioner Brown said the people buried there were citizens of Palatka and have been buried there for a long time. At one time they were going to approach someone about getting prison labor to maintain it. If it is cut down in the winter, it won't be as hard to maintain. She asked if one of the city's prison crews can do it. Mayor Smith said they can contract with a private crew to mow and weed-eat around the headstones once a month. The City gets the black eye on how it

looks because it is across the street from the cemetery the City does maintain. People do not know it does not belong to the City. To answer the question, Commissioner Brown said the cemetery was owned by St. Joseph's Society and most all of the people in that organization are dead. At one point Judge Eastmore ordered the City to maintain it. Mr. Bush said that order had no legal standing because it is not in the corporate limits of the city. Commissioner Brown said after Judge Eastmore left the bench, the city stopped maintaining it. Commissioner Norwood said if people are still being buried in the cemetery, someone is buying the lots. Commissioner Brown said the lots were sold long ago. There are families there with no live members to keep the lots clean. They didn't set aside any money for maintenance. Back then no one thought about making people set aside money to take care of it because families traditionally took care of their plots.

Rev. Karl Flagg, 1300 Oak Street, said the legislature has classified that cemetery as 'abandoned' and Putnam County is by law totally responsible for it. It would be a disgrace for the City to ask the County to work with it; it should be the other way around. He believes the leadership of the City should approach the County and say they are willing to work with them. He is not happy with the way the rest of the City looks at this time, with overgrown right-of-ways and medians. The City can say they are willing to assist the County and specify how they are willing to assist. The County has full knowledge of the legislative mandate and that is why they asked Keep Putnam Beautiful to assist with their volunteers. There is no money to be made at the cemetery, and no one in charge. The state has abandoned it. The County has 100% of the responsibility and liability. Mowing will be no easy task. Many of the graves have sunk, and there are a lot of trees. The biggest issue is liability. If people are held harmless on the work, the community may rally. Mayor Smith said he has participated with volunteer groups and they brought in their own mowers. Mr. Bush said they can't keep it up like they do their own, but it can be improved by cutting the grass. He will go to the County and ask if they are willing to pay for an employee who will come under Mr. Hartman's supervision, along with a mower and other equipment, that will be dedicated to maintaining that cemetery. Commissioner Brown said community service could be utilized, but they will need supervision. Mayor Smith said the point is it is an eyesore, and the City receives the blame. The least expensive option is to let a private contractor maintain it. Rev. Flagg said a cemeteries task force committee exists that takes up the cause of abandoned cemeteries in the County, and they may have some options.

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

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CITY CLERK

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MAYOR