

Proceedings of a special called meeting of the City Commission of the City of Palatka, Florida, held on the 30th day of October, 2003.

PRESENT: Mayor Karl N. Flagg
 Commissioner Mary Lawson Brown
 Commissioner James Norwood, Jr.

ABSENT: Commissioner Hernan Azula
 Commissioner George E. Sanders

Also Present: City Manager Allen R. Bush, City Attorney Donald E. Holmes, City Clerk Betsy Jordan Driggers, Planning Director Adam Mengel

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

October 27, 2003

TO MESSRS: MARY LAWSON BROWN, HERNAN AZULA,
 JAMES NORWOOD AND GEORGE SANDERS:

You are hereby notified that a special workshop 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 12:00 noon on Thursday, October 30, 2003.

The purpose of the meeting is to consider adoption of City of Palatka Resolution #7-112, committing to extend Husson Avenue approximately 1,285 feet from its present termination point, and establishing conditions for construction of that extension.

/s/ Karl N. Flagg
 Karl N. Flagg, MAYOR

We acknowledge receipt of a copy of the foregoing notice of a special meeting this 23rd day of October, 2003.

/s/ Mary Lawson Brown
 COMMISSIONER

/s/ James Norwood, Jr.
 COMMISSIONER

 COMMISSIONER

 COMMISSIONER

RESOLUTION #7-112 - The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, COMMITTING TO EXTEND HUSSON AVENUE FROM ITS PRESENT TERMINATION POINT SOUTHERLY FOR A DISTANCE OF APPROXIMATELY 1,285 FEET; AND ESTABLISHING CONDITIONS WHICH MUCH BE MET BEFORE CONSTRUCTION OF SAID EXTENSION IS INITIATED. Commissioner Norwood moved to adopt the resolution as presented. Commissioner Brown seconded the motion. Per questions, Mr. Bush said the deeds have not been executed because the owners are awaiting this resolution. When the lift station at St. Johns & Moody was constructed in the late 1980's, they went to Mr. Whitehead, the sole owner of the property, and asked for an easement for that line to the WWTP. Discussion was that when and if Mr. Whitehead developed that property, the City would extend Husson Avenue to the WWTP. Now there is a CDBG grand for the Re-use Project, which requires that the money spent on the CDBG be within the corporate city limits; therefore it is necessary to annex the WWTP, and to do that they have to link it to current city property. The City has asked the Whitehead heirs for a deed, and this resolution is a requirement of that deed. The City Attorney has prepared this resolution, which states that when and if that property is significantly improved, the City would work with the heirs in extending Husson Avenue south. This has been the City's intent since the 1980. This is directly tied to pumping the reuse water to the golf course. Mayor Flagg asked if there is a safety net so as not to turn this into another 'Rolling Hills' with all its enclaves. Mr. Bush said he does not believe Mr. Whitehead would develop without city water & sewer. There are lines already in the ground, together with natural gas lines. If he

went to the County to ask for permission to build with wells and septic, with the central system located that close, he would be denied. Mayor Flagg asked if there is an incentive, such as tax suspension, for annexation. Mr. Bush said once he has been annexed he can't forgo taxes. Commissioner Brown said there are other incentives to annexation, such as homeowners' insurance, etc. Per the question, Mr. Bush said the current zoning is agricultural.

Mr. Holmes said the way the resolution as drafted provides some safety net; Section 3 was drafted not entirely in accord with conversations that Mr. Bush has had with the Whiteheads. In it he provided that the City would commit to initiate complete street improvements when the heirs 1) initiate substantial improvement and 2) initiate annexation of the land into the City of Palatka. He has defined initiation of substantial development as having an official subdivision plat being approved and recorded, which encompasses all of the land; the roadways and drainage facilities depicted within the plat have been constructed and 10% of the lots within the s/d have been sold to owners not related to the developers. In his opinion this would give the City some tax base with which to justify the substantial expenditure of building a road. Mr. Bush said the only thing the heirs may question is the 10% portion.

Adam Mengel, Planning Director, per the question, said the subdivision plat would be reviewed by the plat review committee, as well as SJRWMD and likely some sort of rezoning action would have to take place. There are no thresholds built into the program as far as percentage of lots sold. He has spoken about this with Mr. Holmes; there needs to be some definition of what constitutes development on a piece of property, and what level of development. Mr. Bush said they are losing sight of what they are here to do. They have a \$750,000 CDBG grant to complete a re-use project. The Whiteheads are willing to give the City an easement in exchange for eventual tie-in to central water & sewer lines, which will run across this easement. If they require them to annex before the road is built, he won't do that if he has to just let it sit there accruing city taxes for years before he begins development. Mr. Holmes said if they go ahead and build the road before the annexation, he has a road that serves only his property, but the City does not realize any taxes from it. Mr. Bush said he can't tie into the central system until he annexes. If the Commission does not feel they can trust this developer, they will just have to return the \$750,000 to the State and forget the project. He will still have to be annexed and have begun development before the City will extend the road. Mayor Flagg said the question still remains as to where the money will come from to extend the road to be able to live up to the agreement. Mr. Bush said they will budget the funds when the time comes. They will get significant development fees when development begins. There is considerable acreage to be developed. This is no different than building a lift station at the end of Corbett Road, which was instrumental in Wal-mart locating at Moody & SR 19, or extending a line down Hwy 20 and the subsequent development there.

Mr. Holmes offered a revision to Section 3, definition of Initiation of Substantial Development, striking "10% owner threshold." Mr. Bush said obviously if platting and annexation have occurred, the developers are serious about development. Their construction of roadways and drainage facilities within the development will take place simultaneously, and suggested adding something to that affect. They will be required to construct those things. The City doesn't want to make it impossible for them to comply. Commissioner Brown said they don't want to make another Hoot Owl Ridge, where lots were sold without platting, roads or drainage. Mr. Bush said that could never happen. Commissioner Norwood moved to amend Section 3 leaving the requirement upon the developer to annex, initiate substantial development including recording of a plat with approval by the City of Palatka, and development of roadway and drainage facilities depicted within the plat; and striking #3, reference to selling 10% of the lots. Commissioner Brown seconded the motion. Further discussion included questions about whether construction of the extension will come prior to or simultaneously with the development of streets & drainage in #2. Mr. Holmes said they may need to strike that passage entirely as it would be hard to enforce. They can't tear up the road if he doesn't begin constructing roads and drainage within a certain amount of time. Mr. Holmes proposed another amendment. There being a consensus to vote on first amendment to dispose of that motion, a roll-call vote was taken, with the following results: Commissioners Brown, Norwood and Mayor Flagg - no. Amendment defeated.

Commissioner Brown moved to revise Section 3 to read, "In exchange for the conveyance to the City of the land described above, the City commits to initiate and complete street improvements traversing the entire length of the land described above at such time as the present owner of said land, or their assigns, initiates substantial development of the land adjacent to the land described above and at such time as the land adjacent to the land described above is annexed into the boundaries of the City of Palatka. "Initiation of substantial development" shall be deemed to have occurred when 1) an official subdivision plat has been approved by the City of Palatka and recorded encompassing substantially all of the land which is adjacent to the Husson Avenue extension and which is owned by the present owners of the Husson Avenue extension; and 2) the owner/developer of the subdivision makes a binding commitment to the City of Palatka to initiate construction of the roadways and drainage facilities depicted within the subdivision plat simultaneously with the construction of the Husson Avenue Street Improvements." Commissioner Norwood seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Brown, Norwood and Mayor Flagg - yes. Motion to amend Resolution #7-112 passed.

There being no further discussion on the main motion to pass the Resolution as amended, a roll-call vote was taken, with the following results: Commissioners Brown, Norwood and Mayor Flagg - yes; Nays - none. Resolution #7-112 was declared adopted

There being no further business to discuss, the meeting was adjourned upon a motion by Commissioner Brown

CITY CLERK

MAYOR