

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida held on the 11th day of December, 2003.

PRESENT:	Mayor	Karl N. Flagg
	Commissioner	Mary Lawson Brown
	Commissioner	Hernan Azula
	Commissioner	James Norwood, Jr.
	Commissioner	George E. Sanders

ALSO PRESENT: City Manager Allen R. Bush, City Attorney Donald E. Holmes, City Clerk Betsy J. Driggers, Finance Director Ruby M. Williams, Planning Dir. Adam Mengel, Police Chief Gary Getchell, Fire Chief Ken Venables, Parks Supt. Jeff Norton

INVOCATION: The Reverend Benny Reynolds, Pastor; Peniel Baptist Church

PLEDGE OF ALLEGIANCE: Reverend Bob Bronkema

APPROVAL OF MINUTES – 11/06/03 & 11/20/03 – Commissioner Norwood moved to adopt the minutes as presented. Commissioner Sanders seconded the motion, which passed unopposed.

PUBLIC RECOGNITION:

PROCLAMATION – St. Marks Episcopal Church Day – December 14, 2003. Mayor Flagg read and presented this proclamation to representatives of St. Marks Episcopal Church in recognition of their 150th Birthday Celebration.

EMPLOYEE RECOGNITION – GFOA Certificate of Achievement for Excellence in Financial Reporting – Mayor Flagg presented Ruby Williams, Finance Director, with the GFOA Certificate of Achievement in recognition of Excellence in Financial Reporting, which is the highest honor they can bestow. It will join the many other plaques on the wall the City has received over the years.

STUDENT OF THE MONTH – December, 2003 – Mayor Flagg asked Commissioner Norwood to join him in recognizing the following students for academic excellence, leadership, citizenship and attendance at their respective schools:

Yolanda Maldonado	Beasley Middle
Zachary Gurthie	Browning-Pearce Elementary
Dequondra Fields	Central Academy
Austin Knighten	Children's Reading Center
P.J. Edwards	E.H. Miller School
Sameria Johnson	James A. Long Elementary
Anthony Hayward	Jenkins Middle
Barbara Katelyn Smith	Kelly Smith Elementary
Katharina A. Anderson	Mellon Elementary
Caitlin Williamson	Moseley Elementary
Michelle Godfrey	Palatka High School
Olivia Lisle	Peniel Baptist
Montoya Hunter	River Breeze Elementary

PUBLIC COMMENTS – there were none.

CONSENT AGENDA:

- a. Accept into the record results of the 2003 City of Palatka Election, Groups 1 & 3
- b. Authorize letter to DCA requesting a revision of the CDBG N15 Environmental Review to reflect plan revision to irrigate Palatka Golf Course with effluent, instead of FPL easement.
- c. Authorize Change Order No. 1 to Armstrong Contracting Services Contract for \$4,582.50 for restoration of Old Palatka Water Works, Phase II
- d. Approve Change Order No. 2 to Oceanside Golf Services, Inc. Contract for \$3,503.10 for Golf Course Irrigation Lines Project for extra sprinkler heads & valve for Commons Area at Golf Course.
- e. Allot funding of \$1,000 to Conlee Mural Committee for F/Y 2003/04.

PUBLIC HEARING – Final Draft of Airport Improvement Plan/CIP/AMP - Bob Barnhart, Hoyle, Tanner & Associates, Airport Engineers, said in previous public hearings they have discussed chapters 1 – 8 of the plan. One of the major points in the CIP is the maximization of business development. They have been looking at adjacent properties for potential development and the length of the runway for maximum usage. There will be a short-term extension of 1,500 feet and a long-term extension in the future. They also look at navigation aids, other safety aids and an air-traffic control tower, as well as lighting runways and taxiways. They looked at strengthening Runway 9-27 to 97,000 lbs. to allow it to receive larger aircraft. Other items include storm-water improvements. The new airport manager and advisory board have also suggested improvements. There was an environmental assessment required for the runway extension, but that is the only infrastructure improvement. The FAA's concerns about projected future revenues have been addressed. The Board wanted a pure operational cost/revenue stream, which pointed out exactly what the airport made, and separate development costs, which is what they did. The airport is self-sufficient, operationally, and surplus funds are put away for capital allocations. They also learned about the 1-cent transportation tax, which can fund other improvements. Per the question, the Commission should review these goals every year, when they submit the JACIP in April of each year. The FAA/FDOT only look at the short-term plans. Mr. Bush said much of this is reflected at budget time. Commissioner Brown asked if they are recommending that the Airport Master Plan should be tied into the City's Comprehensive Plan. Mr. Bush clarified the statute requirement, saying if the City should choose to incorporate the AMP into the Comp Plan as a reference, it is recommended by them. Commissioner Brown asked Mr. Cavalla to let folks know how the airport is developing.

Mike Cavalla, Airport Manager, said the most important part of this page is the Capital Improvement Plan especially over the next five years, which lays out the funding sequence. They have a good mix of projects with potentially 'earmarked' money coming from Congress for a runway extension. That does not detract from other short-term improvement, which lays the groundwork for the future expansion. Mr. Bush said the City is working closely with Putnam County in developing complimentary comprehensive plans to incorporate airport growth. Mr. Barnhart said the next step is to send the AMP/CIP/ALP to FAA and FDOT for comments, and at that point it will be accepted or not. If accepted, it will be incorporated into the JACIP.

Commissioner Brown moved to adopt the final draft of the Airport Improvement Plan/CIP/AIP to be submitted to FAA and FDOT for acceptance. Commissioner Azula seconded the motion. The motion passed five in favor, none against, per the results of a roll-call vote

APPEAL OF DENIAL OF CERTIFICATE OF APPROPRIATENESS FOR REMOVAL OR DEMOLITION – 212 & 214 Main Street – Historic Board Cases 03-43 & 03-44 – St. Marks Episcopal Church. Mac McLeod, attorney for St. Marks Episcopal Church, said the Code sets out specific requirements for review of cases by the Historic Board. The first problem is that the Board was required to have a record made to speak about this appeal. Procedurally, they are not on the correct footing to even have an appeal. Under criteria, a requirement is that the Historic Preservation Board shall consider the design and appearance and evaluate according to written criteria, and then approve or deny, by written order, an application that has become before it. The tape is unintelligible, and the minutes do not provide written criteria. It does not provide evidence that any of these criteria were met. Another request was the potential demolition of these structures. There is nothing in the record to say that consideration of the Historic Preservation Act has occurred, and no evidence that the City has conferred with the County Historic Preservation Board, as called for if it intends to deny permission for demolition, and suspension of the decision until such consultation has taken place. There is nothing in the record to indicate that occurred. As to the decision, the ordinance states that in a case where the Board has disapproved the plans and denied a Certificate of Appropriateness, the Secretary shall furnish the applicant and building official with a copy of the Board's written order together with a copy of any recommendation for changes necessary to be made. There is no written order in this case. This is procedural issue. This balances the reasonable justice and equity of the actions taken, according to the ordinance. There is nothing in the record other than a single opinion of a single board member as to the

reason why the Certificate was denied. There are some contrary views regarding relocation and demolition. There are pro and con reasons in the record for relocation or demolition, but not discussion by the Board. That could have been cured by a discussion and written order stating why the certificate was denied, but one was never given. He can attack findings of fact, but there are none. His clients have an appeal with no record. They probably should not be here at the decision, grant the appeal and send this case back to the Board so that a written order can be offered so that an appeal can be made. The minutes don't even indicate why the denial occurred.

Last, when dealing with these issues with a religious body, the game is far different for governmental bodies. Even the Supreme Court has found that although historic elements are compelling, religious freedom is a trumping issue. Where churches have acquired property so as to foster their faith and make facilities available to the citizens, both Federal and State Courts have found that without the most compelling interest, when these applications are denied it flies in the face of first amendment rights of freedom of religion. Mr. McLeod then cited several cases to make his point. He said the church is willing to relocate the building and/or give it away within the historic district or anywhere within the City. The record does say the building is in disrepair, and gave the Church six different options: preservation, relocation within the district, relocation in another district, relocation anywhere in the City. The last option is to demolish. There have been no procedural requirements met to hear this appeal, and the recommendation, whatever it is grounding in which is not even in the record, flies in the face of freedom of religion. The most historically significant building near that site is St. Mark's Episcopal Church. He asks the Commission grant this appeal and reverse the decision.

Adam Mengel, City Planner, was asked by Mr. Holmes if the Board has passed a resolution adopting the audio recording as its official record, or has it passed a resolution adopting the minutes. Mr. Mengel said the minutes have always served as the official record. In the case of denial, providing a recommendation, which they have done in this instance. The practice has been to rely upon the written minutes. To clarify the postponement issue, the Code states, "If the Board concludes that demolition should be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to appear before the Board to offer any evidence he may desire to present concerning the order. Within the period of postponement the Board shall consult with the Putnam County Historical Society and others to ascertain what the city or other organization may do to preserve such structure." He said that is not a "will," but an "if," postponement was chosen, which it was not. Mr. Holmes read that the Board "... shall postpone, if it finds that balancing the interest of the City and preserving the integrity of the District is in the interest of the owner of the property. Approval of the plans for demolition is required by considerations of reasonable justice and equity." He read that as imposing a two-step criteria in the case of demolition; "That the Board finds that the removal of the structure would not be detrimental to the historic and architectural character of the District, in which case the demolition would be approved, or 2) absent that finding, that balancing the interest of the City in preserving the integrity of the district and the interest of the owner of the property, balancing those two, approval of the plans for demolition is required by considerations of reasonable justice and equity. If they find in the latter event, the Board shall issue an order postponing demolition for a period not to exceed three months." He said that's where the applicant is afforded an opportunity to appear before the Board to offer evidence. Mr. McLeod concurred.

Mr. Holmes asked if the applicant met the two criteria for demolition; Mr. Mengel said the Board felt they had not. Mr. Holmes said the application for a Certificate of Appropriateness contains some detailed information, and asked if the applicant met those standards. Mr. Mengel said the board felt they did not. There were site schematics that showed footprints, but that was the extent of the submittal. Mr. Holmes said the ordinance sets out their tasks in deciding whether to issue Certificates of Appropriateness, and the standards for demolition are well set forth. If there wasn't discussion on these standards, or the preservation of historical and architectural interest, or interests of the City preserving the District vs. the interest of the applicant, which is a balancing test that is required, it would be hard for him to find that the Board complied with the ordinance without more information, and there is none. He does not know if the standards were debated. Discussed or held up as a focal point of the discussion.

Mayor Flagg said based on the discussion thus far, there are some procedural inequities that do exist, and he is recommending this issue be remanded back to the Historic Preservation Board so that procedure can be followed. Commissioner Azula moved to remand Historic Board Case No. 03-43 & 03-44 to the Historic Preservation Board for rehearing. Commissioner Sanders seconded the motion. Mr. Holmes asked that if the Commission receives testimony at this time from the public, it only be on the issue of the appeal, and not demolition. They are not now 'trying' this case. Mr. Mengel said their next Historic Preservation Board meeting is scheduled for January 15.

Julie Sorensen – 406 Bronson Street, said she feels several points should be clarified. There was a qualified survey done of both the exterior and interior of the houses. She is a certified historic preservationist, architectural and designed, and a surveyor and did those surveys. The report was given orally. Per the question, she will prepare a written report for the January 15 meeting. As to the question on freedom of religion, if the structure in question is also a historic structure, and the church has taken advantage of the fact that it is a historic structure, then the issue of freedom of religion becomes muddy. There was a census taken of that district before it was designated a historic district, and the church was there at the time and was an active participant in the approval of that designation. When the question was broached at the meeting, there was never any indication that this conflicted with their freedom to practice religion. They were evasive about why the structures needed to be demolished. The main concern of any historic district is they don't want these lots to become parking lots. You have either taken advantage of being part of a historic district or you have not, and she believes St. Marks meets the criteria of having been an active participant.

There being no further discussion on the motion, a roll-call vote was taken and the motion passed, five in favor, none opposing. Mr. Holmes suggested that the Historic Board, in conjunction with the City Manager and Clerk, arrive at a plan as to how they will keep an official record of their meetings, and to notice people that they should be prepared to make a verbatim record of these meetings in advance. This is a common practice amongst governments.

QUIT-CLAIM REQUEST on a portion of city r/w along 420 Olive Street - Robert McCombs – Mr. Bush read Mr. McCombs's request into the record. He recently renovated a home at 420 Olive Street, and found that the home encroaches approximately 3' into city right of way. A building located directly north of this building also encroached 3', and 3' of the right of way was deeded to that owner. Given this fact, he recommends the same be granted to Mr. McCombs. Any costs incurred will be borne by Mr. McCombs. Commissioner Brown moved to quit-claim 3' of the Olive Street right of way running along 420 Olive Street to Robert McCombs. Commissioner Sanders seconded the motion, which passed unopposed.

RESOLUTION – The Clerk read a resolution entitled AN RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON ADVALOREM TAXES LEVIED WITHIN THE INCORPORATED AREA OF THE CITY, STATING A NEED FOR SUCH LEVY, PROVIDING FOR THE MAILING OF THIS RESOLUTION AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the resolution as presented. Commissioner Azula seconded the motion. A roll-call vote was taken, with the following results: Commissioner Azula, Brown, Norwood, Sanders, and Mayor Flagg, Yes. The Resolution was declared adopted.

VILLAGE RECREATION CENTER OCCUPANCY – Mayor Flagg said the Commission made a decision on the occupancy of this facility at the 11/20/03 meeting, and since that time there have been many requests made to lease this building. They need to give some direction to the City Manager and Clerk. They need to get a master plan for the future of this building or sell it. He cannot see them maintaining this facility without a plan. If they are going to keep it as a community facility and lease it out for a nominal fee, they need to provide for it in the budget. Also, the name needs to reflect someone in the community who has put a lot into this community. Commissioner Norwood said the Scholarship Foundation did make some renovations, and asked how much money the

City has put into it in the past 5 years. Mr. Bush said a new roof was put on, and some other things, but he does not have an exact figure at this time. Commissioner Azula said if they retain the facility he believes they should charge the City Manager to come up with a plan to make the facility into a community center much like the Price Martin Center. There are many groups that need meeting places on a regular schedule. Mr. Bush said he will advertise the availability of the facility and see who responds. There will be no long-term leases. Commissioner Azula said people can book it for their regularly scheduled meetings for a fee. They need to maximize the usage of the facility. Commissioner Norwood said he noted that the Putnam County Scholarship Fund has put in an application for the building. Mr. Bush said he can treat them the same as other groups, if this is how the Commission wants to use the building. Commissioner Azula moved to instruct the City Manager to prepare a plan for the use of the facility and advertise the availability of the building for meetings on a regular basis, and not just utilization by one group. Commissioner Brown seconded the motion, and asked for clarification that clubs could reserve the building for scheduled meetings for a fee, such as the third Thursday of each month. If a fee is charged, nominal fee requirements would not apply. Mr. Holmes concurred. Commissioner Brown said they have leased many buildings for \$1/year, and when something goes wrong folks expect the City to come rushing in to fix it. They should be doing certain things themselves. Mayor Flagg said the City should be doing regular inspection on these buildings. There being no further discussion, the motion passed with Commissioner Norwood in opposition. Mayor Flagg said they can determine the level of community interest through community response. Any decision will have to come before this Commission. There being no further discussion, the motion passed unopposed. Commissioner Azula then moved to make the renaming of facility a part of the overall plan, with community input. Commissioner Brown seconded the motion, which passed unopposed.

PUTNAM COUNTY SCHOLARSHIP FOUNDATION – Requesting the use of the building at 513 S. 13th Street – Bill Whitlock, President, said when they received the last request from the City Attorney, they weren't aware that they had no President to answer the letter. His hands were tied as to answering the letter; he is only the vice-president. Since that time he has presented the information to the Commission, plus a copy of both the PCSF and Azalea Festival's books. They have made many improvements to the building, and these improvements have been made by just a few people. They tore out the ceiling, put in the duct work, re-ran electrical to the lights, and made other improvements in their spare time, and have done a lot of work to the building. He spends more time in the community volunteering than he does on his paying job. He never felt that it would be so hard to do community work here and get so little recognition for it. They are asking the Commission to reconsider reinstating their lease, and if not, then give them until the end of March to stay in the building to plan the upcoming Festival. If they are put out on December 31 they will have no place to plan the Festival. Mayor Flagg said this Commission has always been pro-PCFS and Azalea Festival. He does like direct messages, and word has circulated that members of his organization has determined that the City Commission has been at fault for many things going wrong with his organization and the Festival. He disagrees; this Commission has not 'slammed' the Festival or his organization, and has been supportive of both over the years, which the record will reflect. The lease arrangement will end on December 31. They will be able to have meetings there, based on the new arrangement.

Wayne Troiano, 1311 Prospect Street, said they were operating under the old lease arrangement, and were informed by Mr. Bush that they needed to execute a new lease agreement. In the old lease it said they had to keep up the building, but it also said the money would be reimbursed by the City for their improvements. They were under the impression that, when they were included in the 16 groups, they had to meet insurance regulations, they presented their records, and that was the only thing holding up being approved for a lease. He was told that if they had done that on time, they would have been approved, and they believed that if they gave the City the information, that that would suffice. They have done a lot to the building over the years. He would like to be a priority for occupancy for the building since they have done so much for that building.

Mayor Flagg said this is about more than late paperwork. There are subleasing arrangements going on, and they don't know who all is in there. The Commission has

made it very clear that the facility will be turned back over to the City. The City Manager cannot override the Commission. Commissioner Brown asked if they can be out of the building as of April 1; Mr. Troiano said they can, but it is impossible at this time. Per the question, their items are stored in the old AA room. Mr. Bush said he can sit down and talk with them about the possibility of allowing them to use it for storage. He has been charged with coming up with a leasing plan for the facility. Mr. Troiano said the building would not be as nice as it is without the work they have put into it. The sub-leasing is mostly being done for no charge; the only group that pays is Bass Country Cloggers, who helps out with electricity and water. Mayor Flagg said the Commission would be favorable to festival storage, but the PCSF's occupancy will cease at midnight on 12/31/03.

Commissioner Brown asked if they can make allowances where they can. Mr. Troiano said they are in and out all week conducting the Festival's business. They are asking to have the building until April 1; if someone wants to come in and have meetings, they have no problem with that. Mr. Bush said the storage is separate and can be closed off, and he can talk with them and the Commission about that use that until after the Festival, but as to the building, he has been instructed by the Commission to turn it into a community facility. Mr. Troiano said they have already put a lot of money into the facility and shouldn't have to pay for it. Mayor Flagg said they received a benefit for their time and money; they utilized the facility. It is his understanding that the a/c unit was donated. They are appreciated in the Community for what they do, but the Commission has spoken. If there are any adjustments, Mr. Bush can make that recommendation. Per the question, Mr. Bush said the entire facility will not be up for rent after December 31; only a portion of it.

BETTER PLACE FUNDS - Mr. Bush read his report on the Street Paving Plan (filed). Anderson Columbia gave the lowest and best quote for the work, and is already working in the area on SR 20. They will honor the same bid they gave the County, which is \$50.94 per ton, in place. He asked for a motion to allow him to award this bid to Anderson-Columbia. Commissioner Sanders moved to accept the piggy-backed bid from Columbia-Anderson for repaving streets pursuant to the 2003/04 Better Place Street Paving Plan. Commissioner Brown seconded the motion, which passed unopposed.

ADMINISTRATIVE REPORTS:

EDSA/RIVERFRONT MASTER PLAN - Cathy Nagengast, Main Street Manager - said they met with EDSA a few weeks ago and received a status and draft report. She read her report (filed). She is also working on a very detailed marketing study, which includes a building inventory. She has been trying to stay a step ahead of the team so that the project goes smoothly. In order to have an accurate master plan, they need to have three surveys performed. If they don't have them performed prior to the master plan, they will have to do them anyway at an additional cost. One is the bathometric survey, which targets the depth of the river in a certain geographical area. Another is a Submerged Aquatic Vegetation survey, which will be performed by an environmental specialist. SJRWMD had one, but it was an arial survey, which was not acceptable. The last is a Wind/Wave survey, which determines the direction of wind and waves, and is an environmental issue related to the marina. Because of the process, DCA will require a DRI performed because of storage of boats and dry-docking and permits required; however, if they put together a boating facility citing plan they can get an exemption. She obtained a guideline on-line. The marina consultant recently did one for St. Johns County for which they won an award. Having the plan guarantees that they get the permits. EDSA is finalizing the market study. They are traveling to Tallahassee in January to meet with various agencies to obtain grant funds. They hope to host another public forum this summer to get further recommendations and input.

Commissioner Brown said the Secretary of Community Affairs has offered her help with getting this project underway, so she should be contacted. Per the question, Mr. Bush said he will be contacting Mr. Taylor reference his reception after the first of the year. Commissioner Brown suggested we contact him to determine what days he is available. She said there are two congresspersons involved in this. Congresswoman Brown pushed very hard for the Heritage River Designation and part of her district runs along the River.

She needs to be included in these talks. Ms. Nagengast said she has been in contact with her office on this. She is also in contact with Corps of Engineers.

Jeff Norton and Mayor Flagg presented Ms. Nagengast with a 'hard hat' because of all the 'ducking' she has had to do because of the master plan issues.

CSX PROPERTY ACQUISITION - Allen R. Bush, City Manager - Mr. Bush read his report into the record (filed.) The survey will be completed on the 16th, and the new closing date is February 15.

SALE OF WATER TO EAST PALATKA - Mr. Bush read his report into the record (filed). He expects the Putnam County BOCC to make a decision early next year as to which option they have decided to pursue, and once they notify him of their choice he will come back to the Commission. Per the question, if they decide to purchase water from the City, they have the capacity to pump one million gallons per day to East Putnam, but lines have to be built and other infrastructure needs have to be met.

COMMISSIONER COMMENTS

Commissioner Brown:

- Adverse Publicity – Commissioner Brown said she mentioned the recent spate of adverse publicity in the newspaper at the last meeting. She went out of town last week and when she was introduced as the Vice Mayor of Palatka, folks immediately identified her with 'the town with all the prostitution.' She does not want to infringe on anyone's first amendment rights, but she wishes this had been thought through more carefully. It is hard to bring people into this down with this type of publicity. She wants to remind their people to be mindful of what they say and who they say it to.
- Riverboat update - said they received more funds through the legislature, and will know more about when the funds will be available in January.
- Noted that there were more young ladies in the student awards than young men, which is a fitting thing for her last meeting of her twentieth year on the Commission. She thanks the citizens for allowing her to serve and will do so to the best of her ability.

Commissioner Azula:

- Congratulated Vice Mayor Brown upon completion of her twentieth year on the Commission.
- Thanked the Commission for its support over the past year, which has been a difficult and trying year for him.
- Wished a Merry Christmas to all city employees and urged everyone to pray for out Troops overseas and their families.

Commissioner Sanders:

- Said as to the recent publicity, he is very proud of the work the PD is doing, and for the plans the Chief is making. He was very disappointed with the number of residents who attended the meeting the PD put together to solve these problems. If they didn't have the City & County law enforcement departments working hard to solve the problem, there were be a much larger problem. There are problems with drugs and alcohol, also, and they are facing up to those problems and trying to solve them.
- Wished all employees a Merry Christmas and Happy New Year. They have made a lot of progress over the years and will continue to move forward.

Commissioner Norwood:

- Thanked the Commission for its support during the past four years, and looks forward to the next four years. The staff has done a lot to give them support

materials to help them make sound decisions. He thanked the citizens for the opportunity to serve.

- Wished the employees, citizens and Commission members a Merry Christmas and Blessed New Year.

OTHER BUSINESS: Alarm Ordinance - The Clerk asked if the Commission would like to set a date for first reading of the Alarm Ordinance. Commissioner Azula moved to schedule the 1st reading of the alarm reduction ordinance on the first meeting in January. Commissioner Sanders seconded the motion, which passed unopposed.

There being no further business to discuss, the meeting was adjourned at 8:20 p.m. upon a motion by Commissioner Brown.

CITY CLERK

MAYOR