

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 10th day of February 2005.

PRESENT:	Mayor	Karl Flagg
	Commissioner	Mary Lawson Brown
	Commissioner	Hernan Azula
	Commissioner	James Norwood
	Commissioner	George Sanders

ALSO PRESENT - City Manager Allen R. Bush; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Ruby M. Williams; Police Chief Gary Getchell; Fire Chief Ken Venables; Planning Director Adam Mengel, Parks Supt. Jeff Norton, Police Lt. Rodney Harper

INVOCATION - The Reverend Wesley Taylor, Pastor; Tabernacle Baptist Church

PLEDGE OF ALLEGIANCE - Len Freeman

APPROVAL OF MINUTES - 1-27-05 - Commissioner Sanders noted that Commissioner Azula was noted as present twice on the minutes. Commissioner Norwood moved to adopt the minutes as corrected. Commissioner Brown seconded the motion, which passed unopposed.

PUBLIC RECOGNITION:

PROCLAMATION - Step Up! Florida Day - Mayor Flagg read a Proclamation declaring Monday, February 21, 2005 as Step Up! Florida Day. He presented it to David Kastensmidt and members of the Step Up! Florida event planning team. This is a statewide initiative wherein the community is encouraged to join in transporting the 'fitness flag' from Flagler to Marion County. The City's portion is a walking route from the Clock Tower to the Ravine Gardens Entrance. Any one can join in any portion of the route.

PROCLAMATION - Gloria Sterling Day - Mayor Flagg read and presented a proclamation to Gloria Sterling declaring February 10, 2005, her 80th Birthday, as Gloria Sterling Day.

PROCLAMATION - Black History Month - Mayor Flagg read a proclamation endorsing February as Black History Month in the City of Palatka. Several local citizens who have contributed to local black heritage and history will be chosen for recognition at the February 24 meeting.

PPD LIFESAVING AWARD - Police Chief Gary Getchell presented Darlene Butler, an employee of the Hi-Way Mart on Crill Avenue, with the Palatka Police Department's Lifesaving Award. Recently a gentleman pulled into the Hi-Way Mart who was in medical distress. Ms. Butler put herself in harm's way by offering medical assistance to this gentleman by administering CPR, and saved his life by doing so.

PUBLIC COMMENTS - Sam Deputy, Palatka Main Street Promotions Committee Chairman, invited the Commission and citizens to attend the Florida Azalea Festival to be held the weekend of March 4, 5 & 6, 2005. This is a scaled down version of past Azalea Festivals, and more of a cultural event. He talked about the events planned, beginning with the Mayor Reception Friday night at the Bronson-Mulholland House. They are looking for exhibitors and vendors, and non-profits will be granted free space. All booths must be manned at all times.

CONSENT AGENDA:

- a. Approval of and authorization to execute a new Cooperative Mutual Aid Agreement with Putnam Co. Sheriff Dean Kelly's Office;
- a. Concur upon re-election of Officer Scott Reinhold to the Police Officer's Pension Board for a two-year term;
- b. Appoint the 2005 Golf Course Advisory Board members; Kevin Durscher, Greg Jungenburg, Gen Alvers, Toni Scroggins, Gene Kirkland and David Trump, for one-year terms;
- c. Approve location of pawnshop at 2423 Reid Street for occupational licensing for William E. Conrad, Jr.

Commissioner Sanders moved to pass all items on the consent agenda. Commissioner Norwood seconded the motion, which passed unopposed.

CDBG - CATF Recommendation - Community Development Block Grant Cycle 2005 - recommendation from CATF to address Madison Street Drainage. Fred Fox said this is not the 2nd public hearing; there will be a 2nd Public Hearing held at a later date. The CATF met on January 20 and 31, 2005 and voted to make a recommendation to pursue an application to address the open drainage ditch on Madison Street between 12th and 22nd Streets. Applications are tentatively due by May 19. Commissioner Norwood said this is a good project; it needs to be done not only for aesthetics, but also for public safety. Commissioner Azula moved to direct Fred Fox to proceed with an application to Fla. Dept. of Community Affairs for the 2005 CDBG Neighborhood Revitalization grant cycle to address the Madison Street Drainage Ditch. Commissioner Sanders seconded the motion, which passed unanimously according to the results of a roll call vote.

REQUEST FOR EMERGENCY ORDINANCE - Randy Braddy, 614 River Street, said he speaks for himself and a substantial number of citizens who share a like view. He turned in petitions with 141 signatures (filed). He referred to the military term "force major", which means 'an irresistible force'; this means you are facing something or someone on the battlefield, and you realize that you are outgunned and out-manned, and the opposition has superior weapons. You either turn and fight, or wave the white flag. Such a force is growth. They are facing growth from two directions - from the south and from the northeast quadrant of the US. If they don't plan to control growth and development, growth and development will control them. Some of his fellow South Historic District residents have begun doing research of cities of similar sizes and demographics. They found that governing authorities of similar counties and municipalities, such as St. Augustine, Mt. Dora, Sanford, Bunnell, Orange Park and Key West, as well as Putnam County, have all dealt with this issue, and have decided that 35 foot height limitations are sufficient for their communities for the control of growth. This is a logical step for Palatka to take.

He was aware of Commission Brown's comments regarding the height issue at an earlier meeting. He has approached Mr. Mengel about the issue, and who stated he was not certain if this amounted to a directive for his department to address this issue or not. The decision to approach this on an emergency basis has many connotations. There are no four-alarm fires, but time is of the essence. Webster's Dictionary states that an emergency is "a condition of urgent need for action or assistance." The word "urgent," as defined, calls for immediate action. The condition requiring assistance is anything on the horizon that affects one of three major areas of life: Sanctuary, History, or Environment. In terms of 'sanctuary,' Dr. Richard Perrillon coined this phrase while they were talking about their homes. They all ideally get up and go to work with a reasonable expectation to return home to fall into their 'sanctuary,' where they enjoy their lives and families in a familiar area of choice. 'History' in this town is limitless. Everywhere he goes he finds history. River Street is of particular historic interest, according to a Chamber of Commerce brochure. He questions whether they want to allow anything to infringe upon their 'history.' 'Environment' refers to his ability to look across his front porch and see soaring eagles, hawks, owls, and manatees by the dozens. He said his task is to prevail upon the Commissioners as artists, and asked them visualize the vista coming across the bridge into the City of Palatka, and to reflect inwardly as to whether they see future development requiring a height limitation to preserve the sanctuary of our community. If not, if they see an adulterated landscape where sanctuary, history and environment are sacrificed, so be it. The challenge is for the Commission to act as guardians of the citizens' rights. He asks that the Commission draft an ordinance limiting new buildings and building improvements' height to 35 feet, or at the very least, adopt a moratorium on structures in excess of 35 feet until the issue is addressed.

Robert Svetlik, acting President, North Historic District, said he comes from Key West. He left there because it became overdeveloped and over-congested, and big money interest was controlling the town. When the 'suits' arrived and began speculating, buying land, and building hotels, some large hotels were built along the riverfront that exceeded 40 - 50 foot heights. The people of Key West finally got together and lobbied for a 35-ft. height restriction, which was adopted. He is here because Palatka is similar to the old Key West. It is amenable and relaxed. To keep it that way, they have to control development. Developers are serious about making money and maximizing their profits on every square inch of land they can build upon. They have no interest in the community members as citizens. The developer that is currently planning a Southside development is the first of many to discover Palatka, use it and abuse it. He asks them to look hard and long before deciding what type of development they want, and what type of zoning they will give these folks. If he, as a builder, wanted to build a house without a set of

plans, he'd be laughed out the door. That is what this man wants to do, to be allowed to build without even offering a plan. He is a builder and he can make a decent living in Palatka, but he is not here to expand his wealth to infinity. Growth should be slow and deliberate.

Allegra Kitchens, 1027 S. 12th Street, said she is a lifelong resident of the City. Growth needs to be regulated and controlled. All surrounding communities have a 35-foot height regulation. She asks the Commission to put the wheels in motion and get this done.

Commissioner Brown said she brought this up in a previous meeting, as she is concerned about heights. She'd like to know more about the issue, as this issue and any potential change will impact this community for years. In the past they have had 'knee jerk' reactions to issues, which came back to haunt them later. She doesn't want to see Palatka looking like South Florida. Sometimes they are pushed into doing things they have not thoroughly thought through. She agrees they need to put certain projects on hold until this has been researched.

Commissioner Norwood asked why this is not going through the Planning Board, and is being considered as an emergency item. Mayor Flagg said Mr. Braddy made his request for the Commission to consider the item as an emergency item, which is his right.

Adam Mengel, Planning Director, said Mr. Braddy brought this item to the Commission as an emergency request. There have been general discussions on looking at some regulations, including height restrictions, which have moved into more specific topics. He cautioned the Commission about approaching this subject and asked them to keep it in the context of a general look at height restrictions in all residential zoning. Commissioner Brown's comments came after the deadline for the Feb. 1st Planning Board agenda. This has been scheduled for the March 1, 2005 Planning Board Agenda, and at that time the Board can vote to advertise it for public hearing before the Planning Board at that time. That is the appropriate avenue for this discussion, and that is his recommendation. Mayor Flagg asked if there is anything the Planning Board is considering that will precede or coincide with this process; Mr. Mengel said there is a case that will coincide with this issue, to be heard at the March 1st meeting by the Planning Board. After the Planning Board has dealt with these issues, they will then come before the City Commission at the next available meeting.

Mayor Flagg said they need information on this issue, and Staff needs to gather this information for the Commission. Commissioner Brown asked for a reference to a 35' structure in town, so she can get an idea of how high that is. Mr. Braddy said that is equal to a three-story building, from the ground level to the highest gable point on the roofline, not counting chimneys. Commissioner Brown said this town has begun a growth spurt, and not just on the waterfront. They need to broaden their vision and look to all points, and keep everyone in mind. They may need to build senior citizen apartments to the west or north that may exceed three stories. Palatka doesn't need to limit living space in all corners of the town. It is important to preserve the beauty of the town. Commissioner Azula asked if this request is limited to residentially zoned districts. Mr. Mengel said most of the codes he has read restrict residential structures to 35 feet. If this change is made to Palatka's code, so long as a building request is made within a residentially zoned district area, they couldn't go over three stories. Palatka's two Downtown districts have an 85-foot cap, with the ability to go higher with a conditional use. Both districts could include residential structures as well as commercial. Mayor Flagg said the City should place value on the merits of the request before them, but the proper venue and mechanism, according to the recommendation, is to allow the Planning Board to take the matter up on March 1 and schedule a public hearing.

Allegra Kitchens, 1027 S. 12th Street, said she agrees with everything they said. They don't want to adopt this after the other issue comes up, similar to what happened with the Adult Entertainment ordinance, wherein the City addressed the issue after the problem came up. She'd like them to think about placing a moratorium on construction of structures over 35 feet until this is resolved. Holly Ridge, Grand Pines, Kay Larkin Apartments are all 3-story structures. A 35-foot height restriction in a residential neighborhood is not unreasonable.

Mr. Holmes said 'moratorium' is generally a bad word in zoning, and moratoriums are looked at with some scrutiny by the courts, especially if there is not a good basis on record in support of the moratorium. He is not in favor of one. He can do some quick research on the subject and get a report back to the Commission fairly quickly. Moratoriums are generally looked at with some suspicion by the courts.

Mr. Bush asked, in the event that a proposal comes to the Planning Board for a structure over 35 feet in, say, R-3 zoning, which comes in at the same time this does, and ordinances are read and adopted simultaneously, would the new ordinance apply to the application for a building permit for that rezoned property as well? Mr. Holmes said a moratorium would temporarily stop the issuance of a building permit. If an application for a zoning change to R-3 is on the books, and then a moratorium is placed on building permits, it looks like the moratorium is being tied to a particular development proposal, and will attract suspicion from the courts at the outset. He does not believe they can apply an ordinance to a case where an application for building permit has already been made. The agenda item stated that it had nothing to do with a proposed development, and there is nothing on the agenda about any development, but it will be apparent, after a review of the record of this meeting, that this was designed to trump an application for zoning that is already in process. Since they are talking about building permits and building code, it may be OK, but he needs to research how it would affect a rezoning application that was made before the ordinance was passed.

Mr. Bush said if someone comes in with a proposal that exceeds 35', the procedure has been that the Planning Board can take into consideration a proposed ordinance before making its decision. Mr. Holmes said the Planning Board can also take into consideration that there is no height restriction at this time. In considering any application, they have to consider one could build a 10-story building, since there are no restrictions that exist now. No one can assure anyone that a building will be limited to 35 feet. The absence of a height restriction probably weighs more against a developer than for. The R-3 zoning, as it stands today, must be considered. Since the developer is proposing R-3 zoning, rather than a PUD, the Planning Board will have to consider everything allowed under R-3 as a 'worse case' scenario, as to density, height, etc. He does not know that he even wants to talk to the Planning Board about height restrictions, since there are none in place now. If an ordinance is passed before a building permit is pulled, you could probably enforce height restrictions, because they are not changing the fundamental elements of the R-3 zoning. They are changing a fundamental element of the construction code, but he is not certain they are guaranteed unlimited height, for instance, if you have R-3 zoning, now or before, now or after. He stated that right now, any application for R-3 zoning would have to be considered by the Planning Board with the understanding that, if approved, the developer/owner could construct a building of unlimited height. That is not a positive for an application for R-3 zoning. If an ordinance is recommended by the Planning Board and passed before issuance of the building permit, it will probably apply to any permit being considered after that point. Mr. Mengel agreed.

Commissioner Norwood said, since they are talking about a developer that hasn't submitted any plans, and they develop an ordinance before he does, how can that be considered as 'targeting' his development? Mr. Holmes said everything they are going to do is going to be defensible so as not to be construed as targeting that development. For that reason he believes this should go before the Planning Board so they can consider this for all of Palatka. He is very much against their considering 35-foot height restrictions targeting any one development, wherever it is. It should apply to all residential zones. The only way to build a good record is to hold Planning Board hearings. The Commission would not be well advised to pass an emergency ordinance on this.

Mayor Flagg noted the petition states 'residential or commercial' zoning, which changes what the petitioner is saying. The petitioner was addressing only residentially zoned areas. That petition may need to be redone before it becomes before the Planning Board so the request can be made clear. Mr. Braddy said for the most part he agrees with everything said here tonight. He did not mention any specific projects when making his presentation. As to the petition, an individual sat in front of Publix/K-mart for several hours getting passers-by to sign the petition. His request does not address just the River Street area; it extends to all of Palatka.

Commissioner Norwood moved to forward the request to the Planning Board as an agenda item for its March 1 meeting, for advertisement for public hearing. Commissioner Azula seconded the motion, which passed unanimously upon a roll-call vote. Commissioner Brown said as to the comment that Mr. Mengel did not know what direction he was to proceed in, the Commission needs to give him a clear directive to address this. Mr. Mengel said although he did not receive a clear directive, he did feel that while he did not get specific direction from the Commission, he felt a consensus was reached that he do so. Mayor Flagg said the Commission needs to be

comprehensive in its scope and planning so everyone will have the tools necessary for responsible development. Commissioner Norwood said he wants to also make certain they are addressing aesthetics and design on retention ponds. Mayor Flagg said they need to capitalize on their relationship with NEFRPC to see that they are involved in all of their processes, which includes regulations for retention ponds. The Florida League of Cities has limitless information they can pull from.

PALATKA HOUSING AUTHORITY'S REQUEST TO CLOSE BRONSON STREET - At 20th Street to vehicular traffic - John Nelson, PHA Executive Director, passed around a schematic/map of the proposed closing. They plan to construct a playground on Bronson Street at 20th Street, and the present flow of traffic endangers the children that will be playing there. There is an inordinate amount of traffic that goes into that community, and they want to provide a wholesome environment for their residents. The street in question serves only this community. Madison Street serves residents and public safety providers. They would like the Commission to allow the PHA to temporarily close Bronson Street with yellow planters containing flowers. They will have reflectors and adequate signage, which will be in place prior to the closing, letting people know a date certain as to when the street will be closed. He has provided them with a resolution from the Palatka Housing Authority Board asking for this closure, which is part of the record.

Mayor Flagg asked if there is precedent from other communities on this type of closure and the expected results. Mr. Nelson said this is happening across the US. Creating gated communities and cul-de-sacs helps to eliminate the traffic and pedestrian flow from these communities. It will not have an effect on emergency vehicles. Fire and other emergency vehicles only approach on Madison Street now. Mayor Flagg noted the Housing Authority held a public hearing on this proposed closure on January 21, and a public commission meeting that same day. They have also held community meetings to discuss this with residents.

Mr. Holmes said this is not a vacating of the street; it is only the closing of a street to vehicular traffic. If the Commission were vacating the street, the property would go to the adjacent property owners. His only concern is that this should be done by written resolution. As to whatever method they use to close the street, the Commission should make certain it is in keeping with whatever FDOT guidelines there may be in order to protect the City from liability for closing what has been, until now, an open vehicular pathway, as it pertains to visibility, soft barriers, etc. Mr. Bush said the PHA should submit a plan to the City, who will see that it meets all FDOT requirements prior to approval by the Commission. Mr. Holmes said the Commission should consider a written resolution on the next meeting agenda.

Commissioner Brown moved to direct that a resolution closing Bronson Street at 20th Street to vehicular traffic be brought before the Commission on at its next regular meeting on February 24, 2005. Commissioner Azula seconded the motion, which passed unopposed. Mayor Flagg said the resolution should reflect the proper signage, grace period, and all specifics Mr. Nelson has already dealt with.

ROCHESTER IMPORTS, INC. - Various Requests - to approve the concept of a sale of a portion of the Main Street r/w and portion of 20th Street at fair market value; allow installation of a storm drain where a ditch now exists, and permission to remove curbing to allow ingress/egress to property north of the ditch; to install speed bumps in a section of Main Street to slow traffic coming into and out of Rochester Imports' parking lot.

Wynn Kenyon, Rochester Imports, passed out a sketch of the property they'd like to purchase to the Commission (filed). Commissioner Azula asked that all materials to be considered by the Commission be given to the Clerk prior to the agenda deadline so that they can have time for proper consideration. Mr. Kenyon said they'd like to purchase the section of property outlined in red in order to square off the property for a sidewalk and fire escape area for escape from the side of the building. The east and west side of 20th street is already closed from that property back to Madison Street.

Mayor Flagg referred to the 2nd page of the schematic, noting the proposed land purchase is 27 feet from the building. He understands they want to straighten up the property line, but they need to be concerned with what's left of the roadway and if it will allow two-way traffic. Mr. Kenyon

said John Turner is going to provide a survey showing actual distances and square footage. From the corner of the building there will still be 35 - 40 feet to the existing curbing for Main Street.

Mr. Holmes said, speaking as an owner of adjacent property, he has spoken with Mr. Kenyon about this and told him he didn't have a problem with the concept, but he didn't understand he wanted to take 27 feet of that existing Main Street. He doesn't know what the ramifications will be for two-way traffic. The FDOT plans to put a divider down Reid Street that not allow crossing on Reid except at four access points, and one of those is 19th Street. The significance is that he owns the property from 21st Street to 23rd Street. At this time they can cross the divider and go east, but once the divider is there, they won't be able to. The easiest way for them to get out is to go 21st to Main Street to the stoplight and go east. When Rochester Imports bought the building, Mr. Kenyon knew it was built on the line of Main Street. If what they are doing impairs traffic on Main Street and impacts the owners of adjacent property, it causes him some heartburn. Where Main Street is not used now, it probably will be once the dividers go in. Mr. Kenyon said the roadway is now around 60-odd feet; it will go back down to around 35 feet. The map in front of them is a little misleading. The curb varies from 3 - 6 feet along there. Mayor Flagg said the surveyor, city engineer and city manager need to get together on this to bring back for consideration at a later meeting. The City will only consider selling a part of the right of way if ingress and egress is not hampered. Mr. Kenyon said he has lined up Mr. Turner for the survey. As to the speed bumps, Mr. Bush said they have come to an agreement with Mr. Kenyon on the speed bumps. The city also stated that there would have to be adequate lanes in order to preserve two-way traffic. If and when the survey is done, the property will be appraised for fair market value.

Commissioner Brown asked if it is wise for the Commission to sell that strip, when they know the dividers are coming. Once you leave 11th Street, The only way to get to the Northside is via 19th Street. They may need to open that up in the future. There is also undeveloped property there; there may be a business that comes in. Mr. Bush said they looked at that; a small portion of 20th Street runs into the building, and the portion on the other side of it is closed. 21st Street, while not open, is still a public right-of-way all the way through. A portion of the 20th Street right of way was vacated prior to Rochester's ownership of the property. As to the appraisal, Mr. Bush said the City would like to select the appraiser, but the expense should fall upon Rochester Imports. He will do a revised memorandum of understand so that they will all know how they are to proceed. After further discussion, Commissioner Norwood asked for consensus to table this until the information can be compiled for them to consider. Mayor Flagg said this will come back as an agenda request as a future meeting.

RESOLUTION - Putnam County Hazard Mitigation Plan - the Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING THE PUTNAM COUNTY LOCAL HAZARD MITIGATION DOCUMENT. Commissioner Norwood moved to adopt Resolution No. 7-131 as read. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Resolution 7-131 was declared adopted.

PUBLIC HEARING - ORDINANCE No. 05-07 - Amending Chapter 10, Code of Ordinances - Alcoholic Beverages. ORDINANCE - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING AND REPLACING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA TO AMEND THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO ALCOHOLIC BEVERAGES; PROVIDING FOR SCOPE AND APPLICABILITY; PROVIDING FOR MEASUREMENT OF DISTANCE; PROVIDING FOR CLOSING HOURS; PROVIDING FOR VACATION OF PREMISES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the Ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. Mayor Flagg called speakers in the order of the Speaker Cards that were turned in to the Clerk, and asked each speaker to keep their comments to three minutes.

Rev. Dolly Harrell, Pentecostal Revival Center, SR 19 South, said the City is coming closer to her all the time. She was present in the 1980's when the City amended the setbacks from 1,000 feet to 300 feet. The proposed 300 feet from property line to property line is too close. She was taken aback tonight when the papers were being passed about on Mayor Flagg. He was elected to be Mayor not because he owns a funeral home, but because he is a Christian man and pastors a

church, and is respected. The other folks were elected because they are respected, also. She is glad the time limits are more reasonable. She asked the Commission to make the setbacks further. A bar 300 feet from her church would interrupt God's house, which is precious.

Ruth Burke, 500 Mulholland Park, said the 300-foot setback is not fair. The City owns 123-plus properties that are exempt from this ordinance and the property tax rolls, which includes downtown buildings. All the downtown business property owners are violated by this. The hours are important, and are similar to other towns, but zero lot line buildings should be exempt from this ordinance. If passed as is, it renders her buildings useless. She has been paying taxes on her buildings since she purchased them. Mr. Sharp purchased buildings on the 900 Block that abut her church. She doesn't have a problem with him putting four bars next to her church. Mr. Sharp will be able to open much faster than she will be able to open her buildings as a church, due to the hurricane damage. She is not concerned with riverfront development; they can build anything they want there. The City shouldn't be exempt from anything.

Adam Mengel said they talked about this at the last meeting; a conditional use review does allow contiguous parcels to have either another licensed premises or a church locate next to a licensed premise, or a bar, or a school. Conditional Use reviews include things like buffers, land uses, etc. It is a process to go through which allows for an appeals process through the City Commission. He read Section 10-6(a) of the ordinance, saying it clearly states that the City is not exempting itself from the ordinance. It exempts certain listed buildings, under certain circumstances, but not all city properties. They are the Golf Course, Ravine Gardens State Park, Bronson-Mulholland House, Price-Martin Center, Larimer Arts Center, Tilghman House, Airport or Chamber of Commerce. Hours of operation will still apply.

Steven Hilker, Esquire, said he read the ordinance and has a concern on Section 10-3, referring to setbacks of 300 feet from property line to property line between churches and licensed premises. The current ordinance measures the distance door to door. He believes the reason is to have licensed premises located in a way so as not to be easily approached physically from door to door. Mr. Mengel said that is correct. Mr. Hilker said he has been here for 27 years and owns the corner of 7th & Reid. In looking at downtown usages, it made sense to him. He questions the need to change that regulation from door to door, to property line to property line. Mr. Mengel said as to the portal-to-portal requirement, from an enforcement standpoint, there was difficulty determining where the main portal was; the 'main portal' changed depending upon convenience. The Code states it is a measurement of the distance ". . . as a pedestrian would normally, safely, legally travel." Suddenly, main entrances would shift to side or rear doors when it became advantageous to do so. They would have to get out and pace it off with a wheel several times to get an accurate measurement. Parcel line to parcel line is easier from an enforcement standpoint. They can use a property appraiser's map and scale to measure it. Mr. Flagg said the 300-foot clause triggers the conditional use process; it does not cause an automatic denial of a permit.

Mr. Hilker said the other problem he has with Section 10-3, is if a church cannot locate within 300 feet of a tavern and vice-versa, and a tavern can't locate within 300 feet of another tavern, this appears to violate Article 1, Section 2 of the Florida Constitution as well as Article 1, Section 3, pertaining to religious freedom & equal protection of the laws, and the inalienable right to be rewarded for industry and to require, possess and protect property. He is for places of reasonable entertainment, but as a property owner, doesn't see why the current ordinance setbacks can't protect churches. The current ordinance has served the religious community and hospitality industries well for many years. Mr. Holmes said the ordinance doesn't prohibit licensed establishments from locating within 300 feet of a church and vice versa, so there is no prohibition. The courts haven't found a constitutional concern with requiring churches to adhere to land use requirements. The ordinance is drafted based upon precedents set by ordinances and he is confident it will stand constitutional muster.

Alex Sharp, 822 S. 15th Street, said Palatka is on the verge of unprecedented growth not seen since the beginning of the 20th century. Currently, there exist many other issues that are more important than what they are discussing tonight. The City has crime, poverty and drug issues that are more important. He believes that the commission has already decided what they are going to do. He asks that they reconsider the adoption of this ordinance, as it will harm existing and potential businesses.

Russell Kohuth, 167 Fighting Town Lane, Blue Ridge, Georgia, said he would not talk much on the alcohol ordinance, as the writing is on the wall. The City Attorney probably knows he will be busy defending lawsuits. He loves Palatka for the comedy, and said he believes he has moved into one of the greatest comedies he has ever seen. They want to move the town forward, but this doesn't move the town forward. The ministers on the Commission are mixing church and state, which is illegal. They are killing the City. If they want to make it a fine, Christian community, he is all for that. As soon as they pass this ordinance, he will give the Rainbow Cafe away to a food kitchen, and when they put 715 St. Johns Avenue out of business, he will give those 15,000 square feet to people who take care of the poor. He then handed Commissioners Norwood and Azula a flyer and asked them to read it and pass it towards the center.

Allegra Kitchens, 1027 S. 12th Street, said this is a very good ordinance. She agrees the setbacks can be greater than 300 feet. To clear up Mrs. Burke's concern, she read the definition for religious institutions, and said she believes that does not apply to church-owned property used for commercial purposes. As to the issues Mr. Sharp brought up, those are social issues that can be addressed. As to soup kitchens, Putnam County is full of hungry people who could use the help.

John Key, Esquire, 712 St. Johns Avenue, questioned Section 10-6(e), middle paragraph, which talks about outside areas being screened or fenced in a manner to prevent the exchange of alcoholic beverages, and is trying to reconcile that with a vision of sidewalk cafes and those types of things, and asked what type of barrier they are speaking of? Some have suggested chicken wire fencing might be appropriate for the City, considering the rural nature. Will this be decided on a case-by-case basis? Orlando has a similar type of law where barriers are not impenetrable, and allows patrons to watch what is going on in the street.

Mr. Key presented a petition (filed) signed by more than 200 people who are against this ordinance; half are residents, and half come here for commerce. He read some of the names from the petition, including attorneys, downtown businesspersons, and one developer. This ordinance directly affects businesses, and business people should have the majority of say and weight as to what happens. He feels the decision has already been made, but he'd appreciate it if the Commission could take one more look at this.

Rev. Wesley Taylor, Tabernacle Baptist Church, 2701 Reid Street, resident of Palatka, is here on behalf of the congregation of his church and himself. He represents a several-hundred member congregation and is here to express support of this proposed ordinance. He has addressed this at a workshop previously. He'd like to see a more restrictive ordinance, but respects others' right to entertainment. They believe this action is valid. The setbacks have been changed many times over the years. As to long-term establishments, the Tabernacle Baptist Church celebrates its 50th Anniversary and they intend to be here for many years to come.

Askew Vickers, 207 N. 18th Street, asked if the City properties are exempt from beverages being used after hours. Mr. Mengel again referred him to Section 10-6(a), saying the answer is no, not by caterers or anyone else. Mr. Vickers said some time ago he asked the Commission about the purpose of changing the ordinance, and they stated they had had a number of complaints, and asked if that is still the answer. Mayor Flagg said he cannot change a law by himself; it takes three out of the five of them present to change a law. As to Mr. Vickers' queries of earlier conversations they had, Mayor Flagg said he does not recall the exact conversations, which took place some time ago. Mr. Vickers said he has not heard one valid reason for changing this ordinance, and believes this is just something they decided to do, instead of something the City needs.

Commissioner Azula said after listening to the citizens today, he is reluctant to pass this ordinance due to the distance setbacks and barriers required for café-style restaurants. If they have to put up a fence, it will destroy the view. In Greenville, SC, the downtown has outside cafes with no barriers of any type. The tourist business is tremendous in that area, and Greenville's downtown is similar to Palatka's. This is what they are seeking here. It may not be possible to have outside cafes in some areas, but in some areas they can.

Commissioner Brown said she has listened to all comments tonight. She is depressed that they have so many divisions in this town. Many ordinances on the books don't fit the old mold; they are making corrections to things that no longer work, trying to make them work. One of the

reasons they are changing this is because of people and businesses that have come in that have not been good for the citizens. This is a small town with a lot of churches. They all have to live together. They can't legislate morality. She is not happy with everything in this ordinance, but changes must be made because of the abuse of the few. They can't go anywhere without people coming up and telling them what is right and wrong. Things in the ordinance may not fit altogether, but they can tweak this down the line. They need ideas from the citizens on how to make things better. They need to learn to compromise, and understand they can't all have everything they want.

Commissioner Sanders said he is in favor of this ordinance; it is fair and good for the area. Some hours were extended. Distances are fair. He is originally from South Carolina; unless they have changed the laws, the bars there all closed at sundown. Commissioner Azula said he was there six months ago, and the bars now say open much later than sundown.

Commissioner Norwood said the business owners should determine what type of barriers they put up. He has seen some businesses with planters as barriers that were very pleasant. This is a good ordinance that will move the City forward. Citizens have had ample opportunity to participate. All their decisions may not be popular with all people, but they have to do what is best for the community as a whole.

There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula - No, and stated he wants to go on record his vote is due to the reference to barriers and distance requirements; Commissioners Brown, Norwood, Sanders and Mayor Flagg, Yes; The Motion carried four in favor, one against. Ordinance No. 05-07 was declared adopted. Commissioner Brown said she wants to go on record stating that business that have been in operation, serving food and alcohol, should have a grandfathered-in option to stay open later.

PUBLIC HEARING - 4406 W. Madison Street, - Planning Board Recommendation to Amend the Land Use Map and Rezone from County R-1A to City R-3 (multi-family residential) - Johnnie O. Givens, Sr., owner

ORDINANCE - #05-08 - Amending Land Use - Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN TEN ACRES IN SIZE) AS DESCRIBED HEREINAFTER; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the Ordinance as read. Commissioner Azula seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-08 was declared adopted.

ORDINANCE - #05-09 - Rezoning - 2nd Reading for Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA, BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 2, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the Ordinance as read. Commissioner Azula seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance 05-09 was declared adopted.

PUBLIC HEARING - 3111 St. Johns Avenue - Planning Board recommendation to amend the Land Use Map and Rezone from County R-1A, C-1, C-2 & PUD to City C-1 (General Commercial) - First Assembly of God, owner

ORDINANCE - #05-10 - Land Use Map Revision - Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN TEN ACRES IN SIZE) AS DESCRIBED HEREINAFTER; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to adopt the ordinance as read. Commissioner Brown seconded the motion. A roll call vote was

taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-10 was declared adopted.

ORDINANCE - #05-11 - Rezoning - 2nd Reading for Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA, BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-11 was declared adopted.

PUBLIC HEARING - 6918 & 6926 Crill Avenue - Planning Board Recommendation to Amend the Land Use Map and Rezone from County R-2 to City C-1 (General Commercial) - Arlen B. & Patricia Keen, owners.

ORDINANCE - #05-12 - Land Use Map Amendment - Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN TEN ACRES IN SIZE) AS DESCRIBED HEREINAFTER; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Azula seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-12 was declared adopted.

ORDINANCE - #05-13 - Rezoning - 2nd Reading for Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA, BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to pass the ordinance on 2nd reading for adoption. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-13 was declared adopted.

PUBLIC HEARING - 307 & 309 South SR 19 - Planning Board Recommendation to amend the Land Use Map and Rezone from County C-2 to City C-2 (Intensive Commercial) - Grayson & Ann Meade, owners.

ORDINANCE - #05-14 - Amending the Land Use Map - Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN TEN ACRES IN SIZE) AS DESCRIBED HEREINAFTER; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to adopt the ordinance as read. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance 05-14 was declared adopted.

ORDINANCE - #05-15 - Rezoning - 2nd Reading for Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA, BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2nd reading for adoption. Commissioner Sanders seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-15 was declared adopted.

PUBLIC HEARING - 836 S. Moody Road - Planning Board recommendation to Amend the Land Use Map and Rezone from County Agricultural to City C-1 (General Commercial) - David and Suzie Givens, owners

ORDINANCE - #05-16 - Land Use Map Amendment - For Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN TEN ACRES IN SIZE) AS DESCRIBED HEREINAFTER; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as read. Commissioner Azula seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-16 was declared adopted.

ORDINANCE - #05-17 - Rezoning - 2nd Reading for Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA, BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on second reading for adoption. Commissioner Azula seconded the motion, which passed unopposed. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance #05-17 was declared adopted.

PUBLIC HEARING - 3308 Crill Avenue - Planning Board Recommendation to Amend the Land Use Map and Rezone from County C-1 to City C-2 (Intensive Commercial) - Foy Gerald Mattox as Trustee for the Foy Gerald Mattox Living Trust, owner

ORDINANCE - #05-18 - Land Use Amendment - For Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN TEN ACRES IN SIZE) AS DESCRIBED HEREINAFTER; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as read. Commissioner Brown seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-18 was declared adopted.

ORDINANCE - #05-19 - Rezoning - 2nd Reading for Adoption - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA, BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on second reading for adoption. Commissioner Sanders seconded the motion. A roll call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-19 was declared adopted.

ADMINISTRATIVE REPORTS - City Attorney Don Holmes - Noted the effective date of the passage of the alcohol ordinance was changed to take affect on March 10, 2005, in order to provide notice to affected businesses, and to give lead-time for notices. This is within the Commission's discretion.

COMMISSIONER COMMENTS:

Commissioner Norwood:

- Said he'd like the City Manger to address leaks on garbage trucks, which he has discussed with Mr. Bush. Mr. Bush said there is one truck that is being replaced this fiscal year. Some of them are older and in need of replacement. One of the directives for the new Public Works Director is to bring back a recommendation on replacement/repair of these vehicles.

Commissioner Azula:

- Said he saw a garbage truck going down Palm Avenue at an excessive rate of speed, in excess of 45 mph, with two men hanging off the back. This is very unsafe. Mayor Flagg said it seems to him that each individual crew is likely interpreting rules & regulations for themselves, and this should be addressed.

- Said he appreciates the process they went through leading up to the passage of the Alcohol Ordinance. He believes the ordinance they passed tonight needs to be revised fairly soon to address the problems. He appreciates the citizens' and commissioners' opinions in that some things were brought to their attentions tonight that need to be addressed. He agrees with the closing times, although it affects Mr. Vickers directly, as his business is open late into the night, and his patrons would like to drink alcohol into the early mornings hours. This is no reflection on him or his business. This gives everyone a uniform time for closure.

Commissioner Brown:

- Thanked the Planning Board and staff for bringing forth so many annexations. They need to get the boundaries of this town squared up.
- Said now is the time to press the people with property downtown to do something with their properties. Some years ago a University of Florida plan for downtown redevelopment recommended 2nd floor apartments for downtown. This is going on all over the US. The Commission and staff can find a way to assist folks to do this. There are loans available. People who take this initiative will be impacted by the taxes they will have to pay once they make improvements. They need to provide tax breaks for those making property improvements in order to help those they need to help the most. She'd like the Commission to direct Mr. Bush and Staff to start help promoting second floor residential in downtown so they don't have to sit and wait for a developer. She'd like a consensus on this today. Staff needs an understanding of their direction. Commissioner Norwood agreed. Mr. Bush said she is referring to incremental tax increases for improvements; he can take that up with the County property appraiser. Commissioner Brown said Palatka can lead the way on this type of initiative. The Commission gave consensus to direct Mr. Bush to take action on this item.

There being no further business to discuss, the meeting was adjourned at 8:45 p.m. upon a motion by Commissioner Brown.

CITY CLERK

MAYOR