

KARL N. FLAGG
MAYOR-COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

GEORGE E. SANDERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER



ALLEN R. BUSH
CITY MANAGER
BETSY JORDAN DRIGGERS
CITY CLERK
RUBY M. WILLIAMS
FINANCE DIRECTOR
GARY S. GETCHELL
CHIEF OF POLICE
MICHAEL LAMBERT
CHIEF FIRE DEPT.
DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

MINUTES PALATKA CITY COMMISSION

June 28, 2007

Called Workshop Meeting – 9:00 a.m.

ROLL CALL:	PRESENT:	Mayor	Karl N. Flagg
		Commissioner	Mary Lawson Brown
		Commissioner	Allegra Kitchens
		Commissioner	James Norwood, Jr.
	ABSENT:	Commissioner	George Sanders

ALSO PRESENT: City Manager Allen R. Bush, City Clerk Betsy Jordan Driggers, Finance Director Ruby M. Williams, Assistant Clerk Karen Venables, Police Chief Gary Getchell, Fire Battalion Chief Randy Porter, Public Works Director Woody Boynton, Planner’s Assistant Debbie Banks

CALL TO ORDER - Mayor Flagg called the meeting to order at 9:05 a.m. and read the following call, dated June 18, 2007:

TO MESSRS: MARY LAWSON BROWN, JAMES NORWOOD, GEORGE SANDERS
AND ALLEGRA KITCHENS:

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held at the regular meeting place of the City Commission at City Hall, 201 N. 2nd Street, Palatka, on Thursday, June 28, 2007, to commence at 9:00 a.m.

The purpose of the meeting is to hold a workshop concerning proposed revisions and provisional options to Palatka Municipal Code, Chapter 54, Section VI, Concurrency Management.

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

We acknowledge receipt of a copy of the foregoing notice of a special meeting on the 18th day of June, 2007.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ George E. Sanders
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

INVOCATION – Commissioner James Norwood, Jr.

PLEDGE OF ALLEGIANCE – Led by Chief Gary Getchell

CONCURRENCY MANAGEMENT WORKSHOP - Ameera Sayeed, Planner, Northeast Florida Regional Council (NEFRC), said she was present to discuss changes regarding the City’s transportation concurrency management ordinance. This is being discussed as a result of Florida’s 2005 growth management legislation, which requires local governments to incorporate proportionate fair share provisions into it’s concurrency management ordinance.

Ms. Sayeed referred to the proposed amendments to the City’s current Code, which was provided by Guy Parola of NEFRC (filed). On page 2, section 1, they are discussing transportation concurrency. This outlines the requirement that transportation facilities needed to serve new development have to be in place or under construction within three years of the building permit (or equivalent) approval that results in traffic generation. The next addition, Section 54-199, is a discussion of findings and determinations, beginning on page 6. Page 8 contains a discussion on proportionate fair share and describes the methodology. To clarify, the word “County” should read “City” in several passages found throughout this document. Mayor Flagg said there should be consistency in the terminology; all references to the City or City Commission should read “City.” Mrs. Banks noted those are in the City’s own ordinance; she can make those revisions when this ordinance is drawn up. Mayor Flagg also noted the word “certificate” as in “Concurrency Reservation Certificate (CRC)” is capitalized in some sections and not in others. Referring to Page 7, Section 54.199.6, Commissioner Kitchens asked if the “intent” includes eminent domain? Ms. Sayeed said that would be up to the Commission; she is only here to address proportionate fair share. Mayor Flagg said that would be a question for the City Attorney. As to page 11, Section 54-205(a), Ms. Sayeed said there are two folds to this. Sections 1(a) & (b) address issues that apply in the event that an applicant or developer meets the City’s CIP and their development is consistent with the comprehensive plan; that’s when the agreement is simple. Section 2 discusses what happens when the developer fails to meet the requirements under section 1. It is up to the City as to how they’d like to adopt that procedure. Section 2(a) discusses the procedure when the City is able to match the funds that are addressed in Section 2. Section 2(b) addresses when the city lacks funds; in that even they can go to a procedure they refer to “pipelining.” Currently the City of Palatka doesn’t have an adopted long-term concurrency management system to address improvements longer than 5 years out.

As to Section 54-205(b), the proportionate fair share is the responsibility of the local jurisdiction, which is required to coordinate with all the surrounding jurisdictions such as the County and FDOT. As to Section 54-205(c) item 3, it states applicants shall submit an application to the City, which includes an application fee of [blank] amount, which needs to be filled in by the City. Several suggestions have been made. Neighboring counties have adopted ordinances that can serve as a model for the City of Palatka. She was notified that at the end of page 25 and 26, there is a fee schedule associated with concurrency fair share, which would be a good leeway into determining this fee. This portion is about 10 years old and should be updated. The City may want to look into those fee schedules adopted by neighboring counties.

As to Section 54-205(c) 4, this refers to time lapse from the time application is made, and comes straight from the model ordinance adopted by FDOT. This provides the timelines for both the Planning Director and applicant. It states the Planning Director shall inform the applicant of any deficiencies in the application within 10 business days. It allows 30 days for the applicant to address deficiencies. It also allows for an extension not to exceed 60 days. The processing of paperwork is quite extensive, so applications should be made no fewer than 14 days prior to the Commission meeting during which it will be discussed. In determining proportionate fair share, there are ways to calculate it, and they typically use FDOT’s method. Page 15 contains that formula, but the City can choose a different methodology. Each component of that methodology would need to be addressed and fleshed out. A discussion ensued on development trips and trip counts, segment identification, and a radius format versus ‘miles away from the development’ format for upgrades.

Per Mayor Flagg's question regarding segments per say, Mr. Boynton said they have identified a maximum service volume for main collector roads such as Moseley or Husson, North 19, for segments or miles of roadway, so it would be easy to create an inventory of those. Anything on the periphery would typically go to a state road system, so you would look at the whole corridor. For instance, if the development came in around the middle of Moseley, and if 100% of the traffic turned right towards the State's system, you wouldn't need to look at Moseley south, only Moseley north. The radius is typical, but also to the point of impact of least de minimis, which is a number set by City personnel. At some point, the City would be looking at the "least impact" situation on a roadway system, and for Palatka, that is typically the state system. Ms. Sayeed said typically for a City like Palatka, you don't necessarily go with segment length, but roadway length, and you analyze it at that level.

Commissioner Norwood asked, if a large development of 800 – 1,200 residents comes in, would the City have to create a collector system for that traffic that would impact roads that are not now collector roads? Mr. Boynton said yes, depending on which roadways they impact, the current levels of service on that roadway, and what the new development would increase that level of service to. They need to begin talking about either modeling current City traffic and looking at where the City's going, current levels of service is on roadways, and what level of service they want to set on roadways. They can set minimum levels of service standards for roadways that would "trip" improvements, but that depends upon the developments. They need to look at roadways like Moseley, which has a huge "S" curve in the middle of it, so it won't handle as much volume as Husson, which runs next to it as a "straight shot." As NEFRC develops this ordinance, they need to concurrently look at land development codes, concurrency management system and 5-year CIP. This is just a small building block that the City sorely needs as the Comp Plan is amended.

Ms. Sayeed said, as to 54-204(d), Item 6 (page 16), in the discussion of right-of-way dedication and to what extent you give payment credits in the proportionate fair share agreement, there is a blank noted for assignment of a percentage. This is something the City, staff and property appraiser should get into, whether it should be a 1 to 1 ratio match for r/w, or 80% of assessed property value. It was noted that "City property appraiser" should be corrected to "County property appraiser." Mr. Bush said the Planning Director will have primary responsibility for interpreting what it would be. Mr. Boynton said they may not want to put that percentage into the ordinance up front. If a development is giving up right of way as part of their development, the value of the r/w would come off the fee. This deals strictly with the portion of the applicant's property they are willing to put into the 'mix' and what value the City Commission would assign to it. Case in point, Oaks Landing, which is donating property for the turn lane. If this had been in place, Oaks Landing would have been able to use the value of that land to offset their proportionate fair share, instead of paying for all of the improvements. The higher that number, the more benefit to the developer. Commissioner Kitchens noted the section states essentially that the property owner sets the value of the property or fair market value, at the discretion of the owner. Ms. Sayeed said that would be between the applicant and property appraiser; if the property appraiser has a low value set to it, the applicant can appeal that and has an opportunity to prove their case. Typically, due to the time frame involved, the developer is willing to negotiate these points. The City sets the final value. Mayor Flagg said, as to the bracketed amount, it should just say that it's up to the City Commission's discretion. Mr. Boynton said they may recommend a new cost per mile to go from a two to a four-lane road, it would have to be updated annually or recommended by Staff.

Ms. Sayeed noted Section 54-204(e), page 16, item 1, as to proportionate fair share credits, this is in the event that improvements are made, and there is no impact fee; there is credit given for that. You can't charge proportionate fair share and transportation impact fees for the same improvements. They would need to coordinate this section with the City's impact fee ordinance. Mr. Bush said impact fees don't cover the total cost of these improvements. This is applied to the total cost of the impact. The balance would come from the developer. Commissioner Kitchens said it should be spelled out that impact fees for other services will not be affected by concurrency fees. Ms. Banks noted the passage notes the application to transportation impact fees. Concurrence to add the word "transportation" to "impact fees" in all instances in this section.

Ms. Sayeed said, in the instance that several developments impact one roadway, it is up to the City to determine how to address proportionate fair share as a conglomerate. They can do it individually or collectively (a 'pool'). This is not a recommendation, but an option they can consider if they foresee several developers will impact one roadway. It would be one less step for the City to put it all together rather than individually. Mr. Boynton said all developers may not trigger the same level of impact, but having all developers on board would lower the City's monetary involvement and cost of improvements. The Planning Dept. is usually aware of all developments in the hopper, but if five developments are already on the road and later a 6th developer comes along and trips the threshold, the whole cost would be laid on that one developer unless impact fees are in place. They are taking steps to minimize that end cost. During discussion, Ms. Sayeed said when talking about consecutive developers coming in, that's not related to the concurrency management procedure. They are talking about multiple developers with a vested interest in one area. If there are six developers, this tells all six developers what their share will be. The provision is there in the event that simultaneous development occurs. Mr. Boynton said if there are two or three large tracts of land that could be developed contiguous to a tract being developed, they could approach those landowners to bring them on board. The issue is timing. It could be that a landowner is just a large landowner and not a developer. Commissioner Norwood said the Planning Department should be more aggressive when they see peripheral development taking place. There aren't very many large tracts of land in the City so they need to be looking at future growth projections as to what direction the City is going, as well as urban service boundaries.

Mayor Flagg noted the numbering in section 54-204 and 205 is confusing, and there are other confusing numbering aspects in the document. Mrs. Banks said they'd caught those and would address them.

Ms. Sayeed said as to the importance of proportionate fair share, it is the responsibility of the local jurisdiction to address all agencies, including county and state, and get them involved. Mr. Bush asked, if there is a standard per unit to apply to all existing streets that may or may not require improvements, would the City set a fee based on impact on roadway capacity and collect that fee without having to go back to the developer five years later when you get ready to improve the road? Ms. Sing said if the roadway improvement is not programmed into the City's 5-year capital improvement plan, you would then go to item 2 in section 205 and follow that procedure. For purposes of proportionate fair share, if a developer is not impacting a roadway at that time, it wouldn't apply. Subsequent developments may. A developer must pay their fair share regardless of whether it is three or five years down the road. They are looking at a three-year and a five-year horizon. As growth continues to occur, they will be updating levels of service. Each developer will build upon the last developer's improvements. The only way they get away scot-free is if they don't trip any service improvement thresholds. Proportionate fair share is designed to address those sub- DRIs (Developments of Regional Impact).

Mr. Boynton asked if the City can reject a development if the City needs to, say, four-lane a road to make a major corridor to handle impact, and doesn't have the money to do so. Ms. Sayeed said the City has to go through several procedures to prove it doesn't have the matching funds. It must exhaust all its resources to look for dollars to match. Then the City enters into an agreement that spells out either the developer takes on the cost, or the improvements will be made in phases. They could get funds from FDOT if it is a DOT facility, but it is difficult for a local jurisdiction to prove it has no funds to match, and can't make such a blanket statement if they haven't done the research. The likelihood they can't match even 1% is not very likely. Mr. Boynton said this ordinance would now put a certain responsibility upon the City to participate in roadway improvements. They can force a developer to bring a road up to meet a certain design standard, but if they are talking about lowering their level of service in order to force a developer to make those improvements, the City will also have to participate in those improvements. They have to be sure that the Comp Plan, CIP and concurrency management system are where they need to be. This is something mandated by the Legislature, but now commits the City to address the existing traffic volume and levels. Ms. Sayeed said this also forces local governments and private partnerships to create a public-private partnership, and that legislation forces that partnership cooperation. It says it is not solely the public's burden to take on the burdens and impacts created by new development.

Commissioner Brown asked how they would address the County's cooperation and bring everyone to the table on this. Ms. Sayeed said it is required that the local jurisdiction brings all parties into the mix. The City has to keep other jurisdictions posted on developments, and who gets involved in the improvements. Commissioner Kitchens said there is nothing that says the City has to annex every piece of property or allow every development that wants to come in. This just says what the City is responsible for if it is allowed to happen. If the City is financially strapped, they can't irresponsibly annex property they can't service. They don't have to annex some developer's project. Mayor Flagg said that is the purpose of establishing urban service boundaries. There has to be some methodical aspect of dealing with annexations, rather than the piecemeal 'hit and miss' method. They can't let the floodgates down and let any and everything come through. They need an incentive to deal with enclaves. What they have currently will not meet future needs.

Commissioner Norwood said if the City finds it doesn't have the resources to commit to a certain project, they could enter into negotiations with a developer to determine to what percentage the City can participate. Mr. Bush said this law assures that current residents aren't paying for new development. Historically, in order to make sure existing citizens aren't paying for impact from new citizens, the developer has always been made to make improvements. If they are willing to pay all the cost, the State doesn't care. Ms. Sayeed said this addresses the City's lack of matching funds. They already know which roads are reaching capacity or failing. If a developer wants to build 100 units, they know whether the road has the capacity to handle those 100 units or not. This assists in monitoring and pacing development. Because of planning and concurrency management, they know if the roadway is deficient. Mr. Bush said if the developer so chooses, the developer could pay for 100% of the improvements. Ms. Sayeed concurred, saying at that point the proportionate fair share is not an issue. This can be used in the event the City is strapped for funds.

Mr. Boynton said the City needs to push certain projects to the front. They need to find money to commission modeling studies and other studies they need to have in hand in order to be certain they are making the right decisions on concurrency management. Many citizens already believe the City is operating at maximum capacity on its roadways now, when those roadways are actually operating at levels of service A or B. It is a big leap to get the citizens to understand that most roadways can handle twice the amount of traffic they currently handle, so there needs to be some education done in the community so that citizens will understand appropriate roadway capacities and what will need to be done.

Commissioner Norwood asked if they've looked at costs for those studies, and if so, are they included in the 2007-08 budget? Mr. Boynton said yes and no; He's spoken with an engineering firm that just completed a modeling study on Palm Coast that indicates a complete modeling study of the City can be done for upwards of **\$100,000**, which would allow the City to input certain figures in order to obtain the required information for each development as applications come in. Other engineers have indicated that for \$15 – \$20 thousand they can look at several key intersections and what improvements would need to be made to handle those developments individually. They can minimize it and get a feel for intersection improvements, or commit the money and get the whole picture, and then take those figures to FDOT to determine major roadway improvements. That money has not been appropriated for 2007-08. Commissioner Norwood said it should be done this fiscal year. They need to have these studies in order to make decisions and make things happen.

Optional provisions regarding cross jurisdictional Impacts --- Mayor Flagg said because of the layout of the City, they are not on the edge of or fringe of the County, so there wouldn't be much impact to a surrounding county, but any annexation will require a relationship with Putnam County. This should automatically create an intergovernmental relationship between the City and County. Palatka does not touch any other City, so it is also not likely to create an impact on another city within the County.

Ms. Sayeed said this is an optional provision provided to address the intergovernmental coordination process. This is not connected with proportionate fair share, and is more a concurrency analysis procedure, and should be addressed there. These are very good to have for fair share agreements, but

should mirror what is identified in concurrency management. She's not aware that this is something the City has. Mayor Flagg asked if this is covered under the current code. Mr. Boynton said it is addressed as a de minimis impact. They address it with a "5%" rule of thumb. They don't actually draw any boundaries. They have several interlocal agreements with the County and discuss smaller development impacts with them. With any developer that would cross jurisdictional lines, it is Palatka's responsibility as the lead agency to contact all the players up front, and not wait until the project is well underway.

Commissioner Norwood said much of this hinges upon the establishment of urban service boundaries, and asked where the City stands on that. They need to set a timeline for getting that process underway and start moving forward. Mayor Flagg said the City's planning director, when one is hired, will be a key player, with the City Manager, and the County's Administrator and Planner, along with the respective Public Works departments. Mr. Bush said the County is supposed to be coordinating those meetings. Commissioner Norwood said this proposal will help to alleviate some of stress on the City's staff by putting it on the developers. It allows the City to create a partnership with developers, and allows developers to know where the City stands. It takes away the guesswork. It outlines the responsibilities of all parties. The proposed revisions, as put forth, with corrections as noted, is beneficial.

Commissioner Kitchens said this appears to be a good ordinance and is one they have to have by law, and is a good thing to have on the books. It will force developers to pay for their impacts to the City and County. They should get with the City Attorney on tweaking this. They need to stress that the City is not bound by law to annex upon demand. This allows the City to put a halt on developments until the City gets where it needs to be financially. This provides the city with options and the tools it needs to control growth. Everything costs money and requires staff time, and development creates the need for more staff. The Legislature has clamped down on funding, but is requiring cities to spend more money due to its passage of un-funded mandates.

Commissioner Brown said the County has always expected the City to take care of it's own needs, which they have always done. Once the City gets its partnerships together, they need to have everyone at the table to leverage from all available resources. This means the burden will not be as great as if they had to do this all alone. They need to have knowledge and proper planning for growth in place so they won't need to turn a lot of folks down. At the same time, they don't need to give anyone a free ride. They don't want to turn into South Florida; they like this area's rural atmosphere and green spaces.

Mayor Flagg thanked all participants, and noted they need to address and comply with certain requirements to move this legislation forward.

There being no further business to discuss, Mayor Flagg adjourned the workshop at 10:38 p.m.

CITY CLERK

MAYOR

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.