

Proceedings of a regular meeting of the City Commission of the City of Palatka held on the 16th day of June, 1998.

PRESENT: Mayor Tim Smith
Commissioner Mary Lawson Brown
Commissioner George Sanders
Commissioner Hernan Azula
Commissioner Ish Edwards

Also Present: City Manager Allen R. Bush, City Attorney Edward E. Hedstrom, City Clerk Betsy Jordan Driggers, City Finance Director Ruby Williams, Planning Director Carl Honig, Police Chief Bill Dolinski, Fire Chief Rudy Howard, Water Sewer & Streets Superintendent Gene Garrett and his assistant, Sam Willis; Parks Superintendent Jeff Norton, Sanitation Superintendent Bernard Williams, and Main Street Manager Debbie Banks.

INVOCATION: The Reverend John Miles, Pastor; First Church of God

PLEDGE OF ALLEGIANCE: Carl Dennard

APPROVAL OF MINUTES - 5/19/98: Commissioner Brown made a motion to approve the minutes as submitted. Commissioner Azula seconded the motion, which passed unopposed.

EMPLOYEES OF THE MONTH - Mayor Smith asked Commissioner Brown to join him in recognizing the following employees for their outstanding performance, productivity and dedicated service to the community during the 1998 Blue Crab Festival:

Sanitation Department:

Bernard Williams, Superintendent
Joe Brown
Henry Campbell
Greg Johnson
Tim Johnson

Parks Department:

Jeff Norton, Superintendent
Fred Lumpkin
Timothy Bailey
Rita Session

Cemeteries Department:

Larry Hartman, Superintendent
William Neely
Darnel Brown

The City received numerous compliments on the cleanliness of the festival, which was in large part due to these employees' efforts in keeping the streets and riverfront clean and free of debris and staying on top of garbage collection, day and night, during the three-day weekend. Each employee received an "Employee of the Month" certificate, a city lapel pin and a check for \$25.00. Kate Povlich of Keep Putnam Beautiful presented each employee with a certificate of appreciation and a T-shirt. She thanked them for their hard work under grueling conditions and expressed appreciation for their courtesy to the out-of-town visitors.

1998 BUSINESS RECOGNITION AWARD - Gene Caputo and Debbie Banks presented an award to E.W. Lawson & Sons Funeral Home, established in 1916, for being the oldest continuously owned family business in Palatka. Mary Lawson Brown was praised for running the business in the tradition of her grandparents, Mr. & Mrs. E.W. Lawson, and for

bringing a sense of family pride to the community. Ms. Lawson Brown introduced her oldest son, Theodore, as the family's fourth generation mortician, and said the fifth generation was now in training working in the cemetery.

John Holley presented an award to the Commission in recognition of the help they gave to the 1998 PHS Choral Boosters in raising funds to send 73 students, 10 parents and chaperones to New York City for their performance at Carnegie Hall. The Handbill from the performance was mounted on a plaque and presented to the City Commission. He asked the Commission to hang it in City Hall so all the citizens could see it.

PUBLIC COMMENTS:

Allen Morris, Ashley Drive, Satsuma - said there is a sign in the men's bathroom at the riverfront park/city dock area that states the restrooms are closed at 10:30 p.m. He would like to know if this is enforced, as he and others have been there after 10:30 and have used that facility. If this is to be enforced, the sign should be outside and visible so that he and others will not be cited for using the restrooms after that time. Mr. Bush said he would check this out; the policy is to close the restroom after certain hours, but something may have happened to the door and it is possible they haven't been able to secure it. The building is going to be renovated under a FRDAP grant, and perhaps they will have gates that can be secured. Mayor Smith said they have had a problem with severe vandalism which usually happens in the late night/early morning hours. The park is open 24 hours, but the restrooms should be closed after 10:30 p.m. Commissioner Brown said if the park is going to be open, the restrooms should be open, also. Mr. Bush said many places secure restrooms at night, even though people are free to come and go; it is difficult to secure restrooms in any event. Police sometimes enforce the closing to deter criminal acts. Mayor Smith said they would try to make sure there are adequate signs posted giving everyone notice, and the facility would have a gate that could be shut and secured at the proper times, so there is no question.

Mr. Bush said he met with Mr. Ashraf (Ash) Shaikh, president of International Cuisine, Inc., a food manufacturer hoping to locate in Palatka, about an addendum to his option which is coming to a close. His business plans have expanded, the CDBG project has been abandoned, and he has utilized all the original tract and needs additional space for parking and expansion. He would like an extension of the option agreement to buy the land until June 30, 1999. He also would like to enlarge the amount of the option to include another tract of land southeast of the first tract, located at the Airport Industrial Park across from CDR Systems. Commissioner Sanders made a motion to extend the existing option agreement for purchase one year, to expire June 30, 1999, and to add the additional parcel to the option. Commissioner Edwards seconded the motion. Commissioner Azula said he is not familiar with the issue and would like some time to research it. After discussion, Commissioner Sanders amended his motion to extend the current lease for 30 days so the issue can be taken up at the July 16 meeting, giving the new commissioners an opportunity to familiarize themselves with the project. Mr. Shaikh said he would be available to meet with any member of the Commission at any time. Commissioner Brown asked how many people he anticipated employing from the area; he said there would be substantial employment; most would be from the area. There being no further discussion, the motion passed unopposed.

REQUEST FOR REVIEW OF 4/7/98 PLANNING BOARD CASE #98-6 - Mr. Woodward, attorney for the appellant, was not in attendance. Mr. Hedstrom said Mr. Oberman, the

appellant, should make his presentation to the Commission, after which representatives from Nextel would have an opportunity to counter. The Commission would then vote to either uphold or overturn the decision. Mr. Oberman has asked the Commission to review the decision to grant a conditional use to Nextel for construction of a radio tower. Mr. Oberman should provide the Commission with the record of the proceedings that took place and has the burden of demonstrating that there was no competent substantial evidence on which the Planning Board could have based its decision. In this case, the staff report presented to the Planning Board does constitute competent substantial evidence. The Commission must find that there is other competent substantial evidence which is more compelling, overwhelming, and overrides the staff report in order to overturn the decision; otherwise, they must uphold it. There being no further questions on procedure, the hearing commenced.

Mr. Sidney Oberman said he opposed the variance for certain reasons. Mr. Hedstrom said they were not hearing the variance issue at this time, as that would be heard in the circuit court. It was a two-step process; first the Planning Board granted a conditional use and then the Board of Zoning Appeals granted the variance. The Planning Board decision appeal is being heard tonight. After discussion, it was determined Mr. Oberman had not seen a copy of the staff report given to the Planning Board on April 7, and he could not demonstrate to the Commission that the application and evidence presented with it did not meet the requirements of the Planning Board in granting the conditional use. The only testimony Mr. Oberman was prepared to offer dealt with the variance, which is a separate issue. Mr. Hedstrom said Mr. Oberman could either withdraw his appeal or stand moot and allow the Commission to make its decision based on the record before them. Mr. Oberman chose to stand moot. Mr. Oberman said he objects to the presence of the tower no matter the height. There are two towers across the street at the radio station. They draw lightning like magnets during storms. He is concerned for his employees' safety and considers it very dangerous. He has problems with telephone interference from the radio station towers, and assumes he will have the same problem with this tower. He also objects based on the construction time and congestion in the area caused by the construction.

Mr. Hedstrom said the ordinance specifically allows towers in M-1 districts as a conditional use provided certain criteria were favorably met. The staff report indicates the application was in compliance with that criteria. The Planning Commission heard and rejected Mr. Oberman's arguments based on testimony given at the hearing. Commissioner Edwards said permits, etc. are granted according to a criteria, regardless of personal feelings on whether it is a good or bad project, and a motion to uphold the 4/7/98 Planning Board decision to grant a conditional use to Nextel. Commissioner Sanders seconded the motion.

Commissioner Brown asked Nextel representatives to address Mr. Oberman's concerns on lightning, employee safety and telephone interference. She has experienced interference on her business telephone lines from the radio station and incurred expenses trying to fix the problem several times. Mr. Robert T. Rosen, attorney for Nextel, said they stand on the evidence presented at the hearing, and would address these questions outside of the hearing. There being no further discussion, the motion was voted on and passed unopposed.

Cheryl Pence, attorney and city planner representing Nextel, said they addressed Mr. Oberman's concerns on these issues at the previous hearings. Lightning is always a concern, but these towers are over-engineered to deal with lightning strikes. They assured him they would go above and beyond that which is required by any code to deal with that issue. They

also assured him the FCC does not allow them to interfere with telephone reception; they are on a different frequency than a radio station. If he gets interference he should let them know and they will take care of it. They took Mr. Oberman's issues very seriously.

Tom West, Nextel representative, said the tower will not attract more lightning than would already strike a specific area. If it is the point of contact of a lightning arc, it will dissipate the charge into the ground much faster than it would if it struck a tree or building. People are not in more jeopardy because of the presence of a tower than they are a tree or other object, and do need to take some personal responsibility when a lightning storm approaches. Mayor Smith asked him to clarify why employees standing in water would not be in jeopardy when the lightning strike was dissipated into the ground. Mr. West said it would travel through the ground. Cattle are killed during lightning strikes due to their design, but there is a difference in potential (cows have two hooves in front on the ground, two in back, torso in the middle - not clear on his point of how this threat differs from the threat to humans). There is a distance of 180 feet from the tower to Mr. Oberman's property, which should be sufficient distance. Lightning doesn't always strike the highest point. Commissioner Brown noted in the report there was some concern about a collapse; Mr. West said the tower would only be 180' high and it would take a category 5 hurricane to pick it up and throw it over towards Mr. Oberman's property before it would do any damage. If the tower were to collapse it would buckle in on itself and would get nowhere near his property. Mr. Oberman said his property line is less than 60' from the site. Mr. West said it was safer having a tower there to take a lightning strike than a building, tree or person.

George Black, 30 yr veteran with FP&L, said he has been struck by lightning and has worked with electricity all his life. He asked how many feet of ground grid they would have (Mr. West's answer was unintelligible). Lightning would hit the tower and there is no way to measure how far out the ground charge will go. He questioned Nextel's point that it would go no more than 185 feet. There is more to this than Nextel claims. Mayor Smith asked if Southern Building Code requirements address grounding requirements. Carl Honig, Planning Director, said the 1997 code would apply to this. There are other requirements and codes within the tower ordinance itself, and this would all have to come in signed and sealed by their engineer. Nextel presented a lot of evidence at the hearing regarding the ground grid. All of this will be reviewed as part of the building permit process. Commissioner Brown said their main concern is that Nextel make it as safe as possible for the people in the area.

REQUEST TO REVISE MUNICIPAL CODE SECTION 26-11.10, set forth per Ordinance 84-10 - Allegra Kitchens, 1027 S. 12th Street, representing herself, said she believes the Commissioners as elected representatives in city government should have the final say over anything that affects the citizens of Palatka. The decision of any board appointed by the Commission should be available to scrutiny by the Commission if that board takes an action that may not be legal. On April 9, 1998 the Board of Zoning Appeals granted a variance to Nextel Corporation against the advice of the City Attorney, who did not believe the applicant legally met the criteria for the variance. The code states an aggrieved citizen can only appeal a decision by that board through the courts. Code section 26-12.7 gives aggrieved citizens the right of appeal to the City Commission, and she would like to have Section 26-11.10 amended to give citizens the same right to appeal decisions made by the Zoning Board of Appeals before having to go to court. Mayor Smith said he had spoken with Ms. Kitchens earlier and understands her point that certain individuals may not have the financial ability to take these issues to the courts; avenues of appeal should be made available to people

regardless of their means. Mr. Hedstrom said there is no difference between either board which necessitates the difference in appeals processes; Ordinance 84-10, which set forth the appeals process, was implemented due to allegations of 'politics' in appeal matters brought before the Commission. Commissioner Azula said the Commission is elected by the people to represent them and doesn't think any board should be above the Commission. The Commission should have the opportunity to hear an appeal, and if anyone feels the outcome is improper, they should be able to appeal to the courts. Mr. Bush gave a brief history of the controversy that lead up to the 1984 ordinance. Mr. Hedstrom said in 1984, when this section was changed, the law was different and the Commission could actually re-decide the case based on evidence presented to it after the decision was appealed. The current law states that the Commission acts as an appellate court; they can't re-decide, but have to review what the lower court did and decide whether they did it properly or improperly, which would eliminate the charge of 'politics' that occurred in 1984. The appeal process would be the same as the process followed for the Planning Board. If this section were changed, an aggrieved party would still be able to contest the decision in court; this would merely add another step to the process.

Sid Oberman, 900 Kirby Street, said he has spent thousands of dollars just to get to this point, and has no more money left to fight the Zoning Board's decision. Mayor Smith said even if this ordinance were passed and a decision overturned, there may still be attorney's fees involved if the other party becomes aggrieved and decides to take the Commission's decision to court. Mr. Oberman said the way it is now, the Board could make illegal decisions, which he feels in this instance they did, and if no one appeals it, they can get away with it. Either there are some politics involved between the Zoning Appeals Board and the Nextel people, or maybe they just made a mistake. Mayor Smith and Commissioner Brown said the people on these boards serve without pay and make decisions based on criteria. Commissioner Brown made a motion to ask the city attorney to draw up an ordinance amending section 26-11.10 to direct appeals of the Zoning Board of Appeals decisions to the Commission. Commissioner Azula seconded the motion, which passed unopposed.

REQUEST TO ACCEPT WATER & SEWER EASEMENT - Alpine Summit Properties, Inc.
- Mr. Bush said this is an easement that would carry water & sewer line extensions to Reflect-A-Light on Hwy 17 N. The commission agreed to participate to a certain extent in extending those lines to encourage future development in that area to come into the City. They should be able to obtain an easement across the FP&L easement. Commissioner Edwards made a motion to accept the easement from Alpine Summit Properties, Inc. Commissioners Brown and Sanders seconded the motion, which passed unopposed.

REQUEST FOR LIQUOR VARIANCE - Teresa Knever said she is having a benefit at Pete's Bar on July 18. There will be a cookout in the parking lot, and they would like to get the open container law set aside for one day, from 12:00 noon until 8:00 p.m., so patrons from the bar can carry their beverages outside to the picnic area in the parking lot. Vick's Bar has given them permission to use their parking lot for parking. Richard Poland, the owner of the bar, contacted ATF; they are sending him some papers to fill out and will allow alcohol to be consumed in his parking lot if the city grants permission. She did not have an estimate of the number of people expected to attend. Chief Dolinski said if they stay within the guidelines they shouldn't have problems, but they would try to have extra patrol on hand. Mr. Hedstrom said the ordinance provides open containers are permitted on private property with the consent of the owner, but no one except the owner or a person placed in charge by the

owner can have an open container on private property used for commercial purposes unless otherwise authorized by state law. If it is not authorized by state law, then the City's ordinance would prevent it. He will verify this and will advise Ms. Knever of his findings.

REPORTS:

a) Zeagler Drive Re-paving Project - Mr. Bush said he has been working with FEMA and state disaster relief people in order to get funding to repair the road. Final approval for the money has been received and Ayres Associates has been retained as project engineer. Construction could be completed by August 30.

David Kemp, Ayres Associates - said he coordinated the survey work, which is in progress, and then will proceed with the geotechnical work. This work needs to be completed before they can do the engineering design. Final plans for bids should be ready in 2 - 3 weeks, and there will be a 2-week bid period. There will be approximately 30 days of construction; they will try to keep one lane open so as not to completely close the road. Commissioner Sanders asked if they have asked the hospital to look at their holding pond so that this doesn't happen again. Mr. Bush said he believes they will make some modifications. Ditches and culverts will be installed on either side of the road and under the end in order to carry the water out. Commissioner Sanders said he understands the hospital's holding pond is very shallow and does not have the capacity to hold water that it should. Mayor Smith said the Commission should write a letter to the hospital and ask them to review their storm water retention system. Mr. Kemp said the hospital had started to reconstruct the outfall structure and have been asked to halt until the City completes its engineering so they can coordinate the final grades for the drainage improvements. Commissioner Brown said Zeagler Drive is the route the emergency people travel and they need to be kept informed of construction dates. Even if one lane is kept open it may cause delays for emergency vehicles. Mr. Kemp said emergency vehicle traffic would be addressed. Mr. Bush said they would keep everyone informed of the status of the road. Commissioner Edwards asked if the culverts, ditches and swales would alleviate the water standing in Palatka Health Care's parking lot. Mr. Bush said the ditch on St. Johns Avenue needs to be improved; also, their parking lot is lower than their swale and needs to be redesigned. Mr. Kemp said they would have to coordinate with the County where St. Johns Avenue meets Zeagler Drive to raise that grade. The City needs to discuss whether they want sidewalks; he would strongly recommend they stay with the swale section as it is a more efficient system for that area. Commissioner Sanders said the people in that area would like to have sidewalks, and nursing home residents could be taken to the doctors' offices in their wheelchairs. Mr. Kemp said they could add that option to the plans. Commissioner Azula made a motion to approve the contract for Ayres Associates contingent upon review by the city attorney. Commissioner Edwards seconded the motion, which passed unopposed. Commissioner Edwards said the county has started a repaving project on St. Johns Avenue and suggested they coordinate their efforts. Mr. Kemp said they had spoken with them and they are aware of the project. Mr. Bush will contact the county public works director on coordinating the grade.

b) Planning Board recommendation - 3501 St. Johns Avenue; request for annexation, land use amendment to commercial from Putnam County urban service, and rezoning to C-1 (general commercial district) from C-1 (Putnam County Commercial District) - Jake and Gladys Jacoway - Planning Director Carl Honig recommended having a first reading on the rezoning ordinance at the next meeting, July 16, and a final reading for all in August.

Jake Jacoway, 1516 Moseley Avenue, said he is expanding his building office space at 3501 St. Johns Avenue; the addition now under construction faces Arden Drive. As long as he is in the process of annexing he can hook up to city water & sewer and get garbage collection now. The City needs to run new lines under Arden Drive so he can hook up. Commissioner Brown made a motion to accept the Planning Board's recommendation for the annexation, land use amendment and rezoning for 3501 St. Johns Avenue and to allow the extension of city services in the interim period. Commissioner Sanders seconded the motion, which passed unopposed. Mayor Smith said as the City moves into these areas, they need to install lines under the road sufficient to service more than one property in case others want to annex.

SOUTHSIDE NEIGHBORHOOD HISTORIC DISTRICT GAS STREET LIGHT PROJECT

- Mr. Bush said he approached the Gas Authority about getting a better monthly rate for the gas lights, and the best they could do is \$12.44 per month, which is rather expensive for lights that are there for aesthetic purposes. He asked if they had examined going to an electric flicker light, which would be less expensive.

Ken Campbell, President, Southside Historic District - said if they went with electric they would have to install electric meters at each pole; there is already a gas line at each proposed location for the poles and there would be much less cost involved. Mr. Bush said FP&L may be willing to arrange a flat fee for their lights, and they could be cut on & off. Mr. Campbell said they wanted a more upscale look than the flickering bulb and preferred the gas lights. He asked if the city would consider budgeting in a portion of the annual fee and the Southside organization would pay the rest. Mr. Bush said currently the city pays around \$135,000 a year for street lights. It is policy to put them at intersections unless there are extenuating circumstances. Mr. Campbell also requested the city allow use of the tax increment money to mount historic street markers on the poles. Mr. Bush said the Lemon Street markers downtown cost around \$150 each. Mayor Smith said if some of the Main Street Manager's duties involve the Southside Historic District, part of her salary could be a legitimate expenditure with those funds and they could offset part of her salary toward the street lights. Commissioner Brown said Rural Development published a book on raising money for historical preservation projects. She will get a copy to Mr. Campbell. Mr. Campbell said they have looked at matching grants but the monthly gas bill does not qualify for funds. Commissioner Edwards said they need to look at budgeting money to help the historic districts as they are trying to market Palatka as a historic town for tourist development. Mr. Bush said if the lights are put on the corners they will be drowned out by the regular street lights and suggested if they are placed in darker sections by someone's yard the property owner could share in the cost. Mr. Campbell said not all the corners have street lights. They are trying to improve the neighborhood so as to attract more people, which will generate more taxes for the City, and they ask the City make their share of the investment. Mr. Bush suggested having one installed at a corner with a light so they can see how effective it is. Mayor Smith agreed and noted that gas street lights are not necessarily for visibility, but have aesthetic and historic value. The gas authority is going to install a turn-off valve on each pole, but the lights will most likely burn constantly. Mr. Campbell will get with Mr. Bush on choosing a corner to have one light installed so they can look at it. Mayor Smith cautioned the on/off switch not be readily accessible so as to discourage vandalism. Commissioner Brown asked how they determined which houses are historical. Mr. Campbell said when the neighborhood was designated historical, they all became historical.

RESOLUTION TO FINANCE 3 PATROL CARS AND ACCEPTANCE OF BID FOR FINANCING - Bill Dolinski, Chief of Police, said these patrol cars will replace three cars that are being taken out of service. The cars are being purchased from a dealer in Georgia and he was able to beat state contract prices by \$400.00 per vehicle. Mayor Smith asked if the local dealerships were aware of the opportunity to sell these vehicles to the city; Chief Dolinski said locally the cars would cost \$2,000 - \$3,000 more. They had specified Ford Crown Victorias and the local dealership was approached about bidding. Cars purchased under state contract are made available directly from the manufacturer. Commissioner Azula said Chief Dolinski had done a good job in getting these prices; he spoke with Mr. Coco from the Ford dealership who said he couldn't match that price, but is very satisfied with the process as he does the service for the vehicles. Chief Dolinski said they are buying these cars instead of leasing them as they could only get the Chevy Lumina under lease; for safety purposes they wanted to go with the Ford Crown Victorias. These vehicles are coming fully loaded and equipped. Mr. Bush said the financing was bid out among the local banks and SunTrust came in the lowest with a fixed rate of 4.5 percent. The Clerk read a resolution entitled **RESOLUTION AUTHORIZING PURCHASE OF POLICE CARS**. Commissioner Sanders made a motion to adopt the Resolution as read. Commissioner Edwards seconded the motion. The results of a roll call vote are as follows: Azula, Edwards, Sanders, Brown and Smith, yes; no nays. The Resolution was declared adopted.

DESIGNATION OF VOTING DELEGATE TO FLORIDA LEAGUE OF CITIES' ANNUAL CONFERENCE - After discussion, Commissioner Edwards agreed to accept the designation. Commissioner Brown made a motion to designate Commissioner Edwards as the voting delegate to the Florida League of Cities' Annual Conference. Commissioner Azula seconded the motion, which passed unopposed.

LIBRARY BOARD APPOINTMENT - Commissioner Brown made a motion to nominate Ruth E. Benjamin to the Putnam County Board of Commissioners for reappointment to the Library Board for an additional 3-year term, to expire 6/30/01. Commissioner Edwards seconded the motion, which passed unopposed.

HISTORIC PRESERVATION BOARD APPOINTMENTS - 3 year terms to expire 6/2001 - Commissioner Brown made a motion to reappoint architectural representative John Alexander for a 3-year term to expire June, 2001. Commissioner Azula seconded the motion, which passed unopposed.

Commissioner Edwards made a motion to accept the resignation of Kay Powell and appoint Nancy Henderschott as Southside Historic District Representative for a 3-year term to expire June, 2001. Commissioner Sanders seconded the motion, which passed unopposed.

In consideration of the applicants to fill the seat vacated by Mrs. Jeanette Fisher, term expiring, Mayor Smith said William R. Revels had made many attempts to get on this board. Commissioner Brown said he had done a lot of volunteer work with the Historical Society and made a motion to appoint William R. Revels as the Northside Historic District representative for a 3-year term to expire June, 2001. Commissioner Sanders seconded the motion, which passed unopposed.

ASSIGNMENT OF WHITEHEAD PROPERTY OPTION TO PURCHASE - SJRWMD to City of Palatka - Mr. Hedstrom said SJRWMD has assigned the City its option to purchase

the additional Whitehead property which the city has been considering using for a 're-use' program. The option must be exercised by the third week of June. Commissioner Brown said there is a black cemetery by the R.R. tracks somewhere behind the plant, and the church needs to be made aware of this as the cemetery would need to be set aside. Mr. Hedstrom said the owner is to provide clear title and survey work as part of the process. Commissioner Brown asked Mr. Hedstrom to make sure the City doesn't infringe on anyone. Mayor Smith gave a brief background on the project; SJRWMD proposed to buy a 286-acre tract of land adjacent to the city's sewer plant. They were going to work with the City to find an agricultural user that would be able to use the waste water effluent so the City could discontinue discharging it into the river. The City Manager has since worked with three different tree-farming organizations; the last one, Robinson's Tree Farm, was within minutes of signing the agreement and then the heavy rainfall came, flooded the property, and he backed out. The option is expiring next week, so they tried to find a way to continue to pursue the option as the owner stated he is not willing to continue it. In May the City proposed to SJRWMD if they would purchase the property as they had agreed, and until the City found a tenant for the property the City would put \$10,000 per year toward paying off its debt with SJRWMD, with the City ultimately owning the property. In the meantime, through Commissioner Edward's efforts and the St. Johns River restoration effort through the Legislature, SJRWMD has offered to put \$250,000 towards the project if the City will make up the difference of \$109,000. Then, DER offered to fund an extra \$500,000 if the City could install the spray irrigation and get the effluent out of the river this year so they can say to the Legislature they funded a project that removed 2.1 million gallons of treated effluent from the river. The City agreed to do this and have received a commitment from DEP for \$750,000 for this project. The City will still pursue the agricultural use. The City will own the property outright and can begin installing the irrigation system. Commissioner Brown said last year the Division of Forestry was looking for acreage to lease which they could plant trees on, which may provide some leverage to work from. Mayor Smith said there is a stand of 9-yr. old trees on the property now which could be harvested within a few years. Commissioner Brown made a motion to accept the assignment of the Whitehead Property Option to Purchase from SJRWMD. Commissioner Azula seconded the motion. Commissioner Edwards asked if he should declare a conflict of interest since he works for SJRWMD. Mr. Hedstrom said it wouldn't create a conflict since he wasn't benefiting personally from this. There being no further discussion, the motion passed unopposed.

Mayor Smith requested the Commission write a letter of thanks to Representative Thrasher and Ernie Frye from DEP for their part in helping the City meet its goal of reducing effluent pumped into the river. Commissioner Brown made a motion approve the writing of a letter of thanks to Representative Thrasher and Ernie Frye. Commissioner Sanders seconded the motion, which passed unopposed. Commissioner Brown thanked the Commission for their work on this project. Commissioner Edwards said mention is made of Palatka's efforts to achieve zero discharge at many district meetings on the subject.

COMMISSIONER REPORTS:

Commissioner Brown reported that the St. Johns River was designated a historical river. The designation encompasses the lower river basin, or from Palatka to Jacksonville. Commissioner Edwards said he pulled the executive order from Washington which states the designation does not interfere with private property rights at all, and they can end the designation at any time. It is up to the communities as to how much help they want. Commissioner Brown asked they inquire about getting riverboat money.

Commissioner Brown said she tried to make a call to an individual today but found their telephone service cut off. Apparently they had a \$1,000 or so telephone bill due to a practice called "slamming" done by long distance telephone companies to subscribers, and asked the newspaper reporter to put something in the paper to warn people about this. Mayor Smith said recently there was a lengthy article in the Gainesville Sun on the subject.

Commissioner Brown said she went to an insurance trust meeting last month and learned the League of Cities is now looking at doing bonding at 4.8%. She believes it is too late for the City to take advantage of it, but made Mr. Bush aware of it for future reference. They also had praise for Palatka as being instrumental in establishing the insurance trust.

Commissioner Brown reported she had gone to a Greenways and Trails meeting and they now have a draft for a new seed money grant; she gave the document to the Clerk for copying and distribution to the Commission members. Palatka needs to call its own committee back together as they will soon be 'sunsetting' the program and they need to get their grants secured before the year 2000.

Commissioner Brown reported some of the other cities are very interested in having quarterly meetings in order to discuss shared topics. She suggested setting the first meeting for sometime in September. Mayor Smith suggested having it in conjunction with the NEFLC meeting in September, setting a special meeting for 4:00 p.m., before the dinner meeting.

Commissioner Brown asked the Clerk to copy and distribute the Riverboat Committee's business plan to the Commission for their review and comments.

Commissioner Sanders said they have lost some trees at the Bronson-Mulholland House and he and Jeff Norton have been trying to locate some hickory trees to replace them.

Commissioner Sanders reported on a meeting held this past week at the Chamber of Commerce on the grocery cart situation. Lt. Oyster, Bernard Williams, Commissioner Edwards and he were there along with representatives from area stores. They were working towards finding a solution to getting these carts out of the City Lot impound. The City's ordinance sets forth fines of \$10.00 per cart plus storage charges if merchants want to get them back once they've been impounded, and they believe this is too expensive. They want the City to revise the ordinance. They asked for police enforcement of the laws prohibiting people from taking shopping carts from store property, but police cannot stop every individual who takes a shopping cart and make them take the cart back to the store. This is not the City's responsibility. There's no excuse for the carts piled up at the entrance to Alhambra Trailer Park as this is right behind the major stores and an employee could walk over and get the carts. Since the meeting, someone has been picking up the carts there. The stores talked about placing larger signs advising customers not to take the carts out of the parking lot. He suggested they place a large decal on the front of the cart advising the customer not to remove the cart from the parking lot. The stores should take all the necessary precautions themselves to see the cart stays there. There is another meeting to be held on the 25th or 26th of this month to try to work out a solution to the problem. At this point there are 75 carts at the Lot; 35 or so belong to Winn Dixie alone, and have been there for quite some time. The Ordinance should stand as it is. Once before the City allowed the merchants to get their carts back at no charge, and they want the City to do it again. Six surrounding cities

have been contacted about their problems with and solutions to shopping cart abandonment, and their replies were they didn't have a problem, the stores collected them. There are certain areas in which most of these carts are abandoned. He has observed people pushing carts down the sidewalk with children in them and no groceries, and believes this presents a liability hazard for the City. Mayor Smith asked him to let the rest of the Commission know when the meeting would take place. He said he had been contacted by Larry Pritchett to come to the first meeting and was told the merchants were upset about the City confiscating the carts from the right-of-way and charging them to get them back. The Commission had this discussion less than two years ago, and all the merchants agreed then to round up their own carts, and authorized the City to bring those people they caught taking carts off store property back to the store and the managers would press charges against them for theft. Commissioner Sanders said the problem is after the cart and person have been taken back to the store, the managers decline to press charges. Mayor Smith said he understood the merchants to say at the meeting that they couldn't send their own employees out to round up the carts as they weren't covered by insurance. It is the store's responsibility to pick these carts up, not the City's, and they just leave them on the street. They may be picking them up now, but it may not last, and then the problem will present itself again. Commissioner Brown said she had previously mentioned an idea she had picked up on a trip up north. Those stores have a lock and chain on their carts and charge people a quarter for using the cart; when they take the carts back to the lock up, they get their quarter back, and this deterred theft. Senior citizens could be issued tokens to use in place of a quarter. The stores could save money by buying the locks in bulk. Mr. Hedstrom said the City's ordinance addressed the problem from the standpoint of abandoned property in the public right-of-way. It doesn't address policing the store's property and keeping it from being removed. Even though we know whose property it is, if it is abandoned we can assume the store has abandoned it and we are entitled to pick it up; this makes it the store's problem if they don't want it to be considered abandoned. Mayor Smith said if they don't redeem them after six months they can be sold for scrap.

Commissioner Sanders passed out a copy of properties the city has cleaned up and liened for fees. Several of them have no tax certificates on them; they amount to \$4,705.77. He has spoken to Mr Hedstrom about how to get the City's money back on that; the total of all of it amounts to over \$28,000 the City has spent. Some of them have as many as seven different liens against them. Mr. Hedstrom said title searches would need to be done at \$50 - \$75 each, and some may have mortgages and liens which are ahead of the City's. He can order the searches on the properties with no tax certificates and present his findings to the Commission. The title search fees may be added to the liens. Commissioner Sanders asked if the City is going to continue to cut the grass on these properties with all the liens against them. Mr. Hedstrom said tax certificates expire after seven years, so the most you would ever have is seven. Unless the City wants to continue to spend money on these properties, they should consider issuing citations. Mr. Bush said the City could go ahead and file their liens and begin paying taxes on the properties with certificates if it doesn't amount to much; after seven years the title is clear and the City can foreclose. Mr. Hedstrom said some of the properties may have liens other than taxes which would be cost prohibitive to pursue. Mayor Smith asked if there is ever a point the County decides to stop issuing tax certificates and forecloses the property themselves. Mr. Hedstrom said they can, but rarely do. Mayor Smith said if they could get some of these properties and donate them to an organization like Habitat for Humanity, the City wouldn't have to keep mowing the grass. Allegra Kitchens said if any of the certificates were held by Putnam County and is older than two years, the

City can purchase the certificates, pay the taxes, make a tax deed application, and not have to foreclose. Mayor Smith suggested petitioning the County on some of these properties with seven certificates. Commissioner Brown suggested looking at what the City did with the houses on Ocean Street. The City rehabilitated the houses and only had to pay for the property. Allegra Kitchens agreed to determine the tax status of the houses on the list.

Commissioner Azula said there have been some big fires in the area. He has gotten complaints from firemen of deficient and/or contaminated bunker gear and wants to know if anything has been done about it. Also he has spoken to some of the Firemen who have gotten hand-me-down uniforms instead of new ones, and have a hard time getting equipment.

Rudy Howard, Fire Chief, said the bunker gear contaminated at Seminole was replaced with brand new bunker gear. The gear that was not heavily contaminated was washed and the Fire Explorers are using that gear. Every person in the department has been issued bunker gear and the ones that were damaged were replaced. If there are personnel that have complaints, he would like them to come to him. Commissioner Azula said it was his understanding that they did come to Chief Howard first, but nothing was done. Chief Howard stated that he cannot correct something if he does not know about it. Everyone has been issued new uniforms this year and everyone received new pants. Today he told a man to go home to get a new T-Shirt and was told his shirts were all damaged, so he issued him three new uniforms on the spot. Every time something has deteriorated, he tries his best to replace it as soon as possible, whether it is a pair of gloves, T-shirts, pants, or whatever. He has requested new bunker gear for the new personnel that will be coming in. He asked Commissioner Azula to advise the complainants to bring these things to his attention and he will be glad to address them. Commissioner Azula said he had spoken to Mr. Bush about the gear after the Lot fire, and was shown some of the gear last week. Mr. Bush said these people need to show the damaged gear to the Chief and let him take care of it. Chief Howard said if any Commissioner has a problem he will address it and report back as soon as possible.

Commissioner Edwards said he would hold another Town Meeting at the Price-Martin Center on June 22 at 7:00 p.m.

Commissioner Edwards said he is unhappy with the cable T.V. service. His bill has gone up again and he is supposed to be getting all the new channels; recently the new channels have been scrambled and he would like to know why. Mr. Bush said he already has a call in to the cable office as the same thing happened at his house. Mayor Smith said he has spoken to the cable people and they advised him the channels after #59 are part of the "upper tier package"; if you want those additional channels it costs \$1.00 - \$1.99 per month, and you must also rent a converter for each television, which costs \$2.00 per converter per month. The FCC is requiring that converters be available for purchase by private individuals by the year 2000 so you won't have to rent them. New televisions will be built with converters built-in. Commissioner Brown said at one time the City talked about taking over the service and it shook them up a bit; maybe they need another shake. Mr. Bush said they need to have Bob Brady come back before the Commission and explain the new charges. Commissioner Brown said they also promised them free community access service announcements, but are now charging \$10.00 for them because of a new machine. If they agree to do these things they should be held to it. They said the City could buy a machine that would enable them to put their meetings on community access and they would do that for free. Mayor Smith said the City should be thinking about moving towards that. Mayor Smith said the cable

company's agreement is non-exclusive; any other company could come in and compete, but none have. Commissioner Brown said maybe the Commission needs to take it over, like the water, sewer & garbage. Mayor Smith said their competition is the satellite dish business. Commissioner Brown said problems arise with satellites when you have more than one television in the house.

Commissioner Edwards asked Mr. Bush to check in to the painting of the Bronson House. Mr. Bush said the City has put in for a grant to redo the entire building. Commissioner Edwards said there is a lot of bare wood showing and it needs to be done soon. He could get some estimates on getting enough work done to get by until the grant comes in. Commissioner Brown said the Price-Martin Center has some leaks that need to be taken care of. Mr. Bush said they budget each year to do more work on that building.

Mayor Smith asked Mr. Bush to review the City's travel expenditure reimbursement policy and compare it to the State and County policies.

Chief Howard said he would like to address Commissioner Azula's report on the bunker gear. He gave his own gear to one of the new firefighters and took a set of the yellow gear for himself, just so that firefighter could have a better set of gear. He is the Chief of the department and he should be informed of these complaints first.

There being no further business, the meeting was adjourned.

CITY CLERK

MAYOR