

Proceedings of a regular meeting of the City Commission of the City of Palatka held on the 9<sup>th</sup> day of September, 1999.

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, Finance Director Ruby M. Williams, Planning Director Adam Mengel, Police Chief Bill Dolinski, Fire Capt. Randy Porter, Parks Director Jeff Norton, Cemeteries Director Larry Hartman, and Acting Water, Sewer & Streets Supervisor Sam Willis.

INVOCATION – The Reverend Barry Beauchamp, Pastor; College Park Baptist Church

PLEDGE OF ALLEGIANCE – Sam Willis

APPROVAL OF MINUTES – 6/10/99; 7/15/99 Workshop; 7/15/99 Call; 7/29/99 Call; 8/12/99 – Commissioner Brown made a motion to approve the minutes as submitted. Commissioner Azula seconded the motion, which passed unopposed.

PUBLIC HEARING – Tentative Budget and Proposed Millage Rate (7.042 mills) – Mayor Smith opened the Public Hearing.

ORDINANCE – The Clerk read an Ordinance entitled AN ORDINANCE LEVYING TAXES FOR THE YEAR 1999 TO RAISE THE NECESSARY REVENUE TO DEFRAID THE EXPENSES OF THE CITY OF PALATKA FOR THE FISCAL YEAR 1999-2000. Mr. Bush said the tentative budget the Commission received is similar to the one they previously approved. There has been an increase in insurance cost, which is reflected in the contingency. The proposed millage rate is 0% above the rolled-back rate.

Jill Jester, 418 Emmett Street, asked the Commission to consider raising the millage rate at least 1 point. She has studied the millage rate, and believes it would bring in around \$273,000 additional revenue for the City, which would provide more services. It would impact most citizens around \$6 to \$10 per year on actual taxes, and would not be an undue burden upon them. Mayor Smith said since the millage rate was published and posted, the only action the Commission can take would be to reduce the rate; they cannot raise it after publication. Commissioner Sanders asked the City Manager to verify how much revenue would be realized by raising the millage rate as Ms. Jester has suggested, and he would like to have it as a matter of record. Commissioner Azula made a motion to place the Levy Ordinance on its 1<sup>st</sup> reading. Commissioner Sanders seconded the motion. The results of a roll call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. Motion passed.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE MAKING AN APPROPRIATION OF MONIES FOR THE OPERATING EXPENSES OF THE CITY OF PALATKA FOR GENERAL ADMINISTRATION OF THE SEVERAL GOVERNMENTAL DEPARTMENTS OF THE CITY, AND FOR CONTRIBUTING TO THE SEVERAL SINKING FUNDS OF THE CITY TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY, AND FOR PALATKA GAS AUTHORITY, FOR AND DURING THE FISCAL YEAR A.D. 1999-2000. Commissioner Azula made a motion to place the Ordinance on its 1<sup>st</sup> reading. Commissioner Brown seconded the motion. The results of a roll call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders, and Mayor Smith, Yes; Nays, none.

PUBLIC COMMENTS: Lori Gallaher, Northside Neighborhood Historic District Resident, said their neighborhood group would like the City Manager and the people in charge of the Planning and Zoning Department to drive through their neighborhood and look at the unkempt houses. On 3<sup>rd</sup> Street there is a vacant house, which is wide open,

with clothes all over the front porch. It looks like a slum. People who visit the baseball park from out of town get a bad impression. She would like the Commissioners to drive through the District and see for themselves. City trucks go up and down the street all the time. They appreciate the work the City has done on the curbs and sidewalks. They are having a tour at Christmas, and would like some help before then. Commissioner Sanders said he was going to address that issue during Reports, and would see to handling the issue. Mayor Smith said the City would take any appropriate action within its means. Commissioner Sanders said the clothes and trash on that porch have been put there by a person who collects them from refuse and dumps them there. Ms. Gallaher said they have a problem with vagrants and prostitutes living in these houses.

Wayne Troiano, 1311 Prospect Street, said there is now a stop sign on Laurel and 5<sup>th</sup> Street, and he would like to know why. Mr. Bush said the City installed a stop sign as part of the Southside Historic District's traffic plan requests, which the City has tried to implement as much as possible. They need to do something on Laurel due to the speed of the cars. The City is giving the stop sign a second look. He is meeting with the Southside District on the issue next week.

**ORDINANCE REZONING 2223 & 2229 REID STREET** - Mayor Smith said at the last meeting there was a discussion on dealing with the process of allowing both sides the proper discussion venue on the issue, even though the Planning Board has recommended to deny the rezoning request. The Commission must still go through the process of placing the ordinance on 1<sup>st</sup> reading and setting a 2<sup>nd</sup> reading and public hearing date. Even though the Commission may approve the 1<sup>st</sup> reading, it does not mean the Commission is approving the change. They will simply be moving it closer to the public hearing process, which they need to do.

**ORDINANCE** – 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 LOTS 20 THROUGH 26 OF FOREST PARK SUBDIVISION FROM R-1A TO C-2; AND PROVIDING AN EFFECTIVE DATE.** Commissioner Sanders made a motion to place the ordinance on its 1<sup>st</sup> reading. Motion died for lack of a second. Mr. Hedstrom said if it is not placed on 1<sup>st</sup> reading the City cannot advertise for a public hearing. It would not be appropriate to take any public comment on the matter. The matter can be brought back if it is not resolved. Commissioner Azula seconded the motion in order to bring the matter to a public hearing. Mayor Smith said a public hearing would be set for September 23, 1999 at 7:30 p.m. for public comments. There being no further comments, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1<sup>st</sup> reading.

**OCCUPATIONAL PERMIT MORATORIUM** – Mr. Bush said the Commission imposed a moratorium on issuing occupational licenses on August 12 in response to a request from Downtown Palatka, Inc./Palatka Mainstreet while a review of C-3 zoning is in process. People who apply for an occupational license in that district would need final approval from the Commission. After discussion with Mr. Hedstrom, they feel this may not be the correct method for handling the Zoning in Process. Their recommendation is to drop the moratorium and issue occupational licenses under the old C-3 zoning with the understanding they will be subject to the outcome of the zoning review. Applicants will be asked to sign a document stating they understand they will not be 'grandfathered' in under the old zoning, but will be subject to whatever zoning changes may come from this review of the current zoning ordinance. The decision to go into business is strictly up to the individual, done of their own volition, knowing they will be subject to any change that may come about due to the review. Commissioner Sanders made a motion to rescind the moratorium and create a document to be signed by all occupational license applicants acknowledging they are aware of the zoning in process and they will be subject to whatever the outcome of that process is. Commissioner Edwards seconded the motion. Mayor Smith opened the floor for questions.

Bob Bronkema, 117 E. Forest Park Drive, asked once a business is set up, is there any control the City Commission has over that business. Mr. Bush said anyone who gets an occupational license at this point would not be grandfathered in under the current C-3

zoning. They will have to sign a statement acknowledging they are going into business at their own risk and will be subject to whatever changes, if any, come about due to the review. Mr. Hedstrom said if a business was in place prior to August 12, this would not affect them. Technically and legally, the Commission is within its rights to declare a moratorium, but he believes the process is going to take too long; hence, the recommendation to lift the moratorium and issue permits with the understanding that whatever changes to the zoning ordinance may come from the review will apply to that business. Mayor Smith said a document will be created that spells this out. Mr. Hedstrom said the Planning Board will hold a public hearing on whatever the proposed zoning will be.

John Key, 116 Pamela Street, Interlachen, said he is an attorney. He asked if any occupational licenses were issued during the moratorium; Mr. Hedstrom answered no. He asked if this applies to someone who has already applied for an occupational license prior to tonight's lifting of the moratorium. Mr. Hedstrom said the moratorium is not the key beginning date; it is when the 'zoning in progress' process was begun on August 12. Any application received after that date will be subject to any C-3 zoning revisions that may come about. Mr. Key asked if anyone who had applied for and been granted a license after that date would be subject to the same C-3 revisions; Mr. Hedstrom said they would. There being no further discussion, the motion passed unopposed.

2000 AZALEA FESTIVAL – Wayne Troiano, Festival Chairman, passed out a sheet detailing the events planned for the Festival. He is asking for approval of the concept and granting of alcohol and noise ordinance variances for the Festival. Mayor Smith said when he gets closer to the Festival, he needs to come back with a more detailed description of the events. He thanked him for coming in early for this festival. Commissioner Sanders asked if he is operating this as a non-profit event; Mr. Troiano said he is. Commissioner Sanders said he would like a copy of his 501(C)-(3) form on file. Commissioner Brown asked what the Sports Lounge is; Mr. Troiano said it is in the beer tent; it is a big-screen T.V. with seating. In answer to Commissioner Brown's question, neither he nor the Audio Shop received any complaints on the Car Stereo Sound Challenge. They had 22 cars and it ran smoothly. Mayor Smith said he didn't receive any complaints about the stereo challenge, but did receive a letter from someone in Mulholland Park who felt the City should hold a public discussion before every festival because of the noise and congestion they bring. The letter writer says typically the festivals are held on holidays, and he has to leave and stay in a hotel. In answer to Commissioner Azula's question, Mr. Bush said festivals have to follow whatever is allowed in C-3. Mayor Smith said the Planning Board will probably be bringing a report to the Commission in November, so whatever they do Mr. Troiano will have plenty of notice in case he needs to make some changes. Commissioner Azula made a motion to approve the concept and grant alcohol and noise ordinance variances for the 2000 Azalea Festival. Commissioner Edwards seconded the motion. Upon Commissioner Sanders' request, the motion was amended to make the approval contingent upon the Commission's receipt of a copy of his non-profit IRS status.

Jill Jester, 418 Emmett Street, said she worked on the C-3 zoning that is being proposed to the Commission. The only thing being requested of festivals is they come to Downtown Palatka, Inc. for discussion of the impact on downtown access and parking. It is her understanding the Use of Parks application form was to be revised to include a signature line for Downtown Palatka's approval. There being no further discussion, the motion passed unopposed.

REQUEST TO REDUCE DEMOLITION PERMIT FEES - John Melton, representing Pentecostal Church of God in Christ, said they are asking for a reduction in demolition fees for 10 buildings from \$75.00 to \$15.00, per their letter. They demolished buildings on Bronson Lane. Commissioner Sanders made a motion to reduce the demolition permit fees from \$75 to \$15 per building for Pentecostal Church of Christ for the demolition of the 10 buildings in question. Commissioner Brown seconded the motion. Mr. Bush said the Commission should limit this type of permit reduction to non-profit groups such as this, where the demolition benefits the community as a whole. Commissioner Sanders amended his motion to include any non-profit group seeking to demolish buildings for the good of the community. He spoke with their Reverend on this subject last week, and

he commended the Church for the fine job they did. Commissioner Brown said those old houses had been there since she was a child, and they were the first group to do anything about them. The church is also looking at putting housing on those lots through government funding. Mr. Melton said he wanted to honor his pastor, Reverend Shelton, who spoke to Mr. Sanders last week. Commissioner Brown said they have applied for Front Porch Initiative, which may help to turn the area around. Commissioner Azula asked if they could waive the entire fee; Mayor Smith said the policy of the Commission is not to waive fees, but they can reduce them. Commissioner Azula said the City realized a huge savings by not having to pay someone to demolish those buildings. Mayor Smith said he agrees, but there are many other good causes that have asked for fee waivers before. The Commission does not want to get itself into that position, as they will be waiving all fees; these fees contribute to the running of the Building and Zoning Department. Mr. Hedstrom asked if the Administrative Fee has been paid; Mr. Melton answered no. Mr. Hedstrom said the City has a lien on this property of \$75.00, which will also have to be paid before the property can be transferred. There being no further discussion, the motion passed unopposed.

PALATKA RIVERBOAT, INC. – John Henley, Vice President, said they have located a reputable and affordable vendor for their feasibility study. Their Technical Team is ready to look for investments. They would like to be able to purchase a boat, but this is not realistic. As an option they may seek an arrangement with a lease/option to purchase on a boat. They are putting together a package involving City/Community/Palatka Riverboat incentives. They are requesting a letter of intent, to be executed immediately, from the City stipulating the granting of dockage, water, garbage and sewage disposal, and electrical services. This would have a substantial cash value that can be applied to the purchase of a vessel, and would be a good bargaining ‘chip’ for the Committee. They construe this agreement as a ‘deferred payment’; they do not anticipate being a ‘ward’ of either the County or the City. All profits derived from the operation of this vessel will be spent on programs and projects that will enhance the quality of life in the City and County. This agreement would not actually come into effect until a vessel is physically acquired, and would run for one year. They are not asking for exclusivity. Mr. Henley read a copy of Palatka Riverboat, Inc.’s Mission Statement. This is an all-volunteer organization. Mayor Smith said one area of concern the Commission will have is the granting of water and sewer. Commissioner Brown said the Chamber of Commerce and the County administer a bed tax for that type of thing. They will approach the Chamber about what they plan to do; it should take care of water, sewer and electrical. They are talking more about use of the dock and rudimentary utilities and parking. Some time ago, the late Commissioner Conlee made a motion to give a 4-year exclusive use to any boat operation that comes in, and they are asking to change that to a 1-year exclusive use. Mr. Bush said other items were approved in 1997, which include minor modifications for loading, etc. and a wastewater pump-out station. The City may also be obligated to put in some larger water lines. The Commission can go ahead and modify the 4-year exclusive use and instruct him to prepare a letter to that effect along with other amenities available to Palatka Riverboat, Inc. for use in their package. Commissioner Brown said they have found money available for parking, infrastructure and docking. Commissioner Sanders made a motion to instruct the City Manager to prepare a letter offering free dockage for 1 year, minor modifications for loading, etc. and a sewage pump-out station for Palatka Riverboat, Inc. Commissioner Edwards seconded the motion, which passed unopposed.

SAVE RODMAN RESERVOIR – Ed Taylor, President of Save Rodman, said his organization has moved their headquarters to 109 N. 2<sup>nd</sup> Street in Palatka. They are also setting up an information/recruitment center at that location. They will be in the building within two weeks. They are in the process of making improvements to the building now.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 22, CEMETERIES, OF THE PALATKA MUNICIPAL CODE BY ADDING SECTION 22-8 LIMITING ALL VEHICLES TO ROADWAYS WITHIN THE CEMETERY, REQUIRING ALL MARKERS TO HAVE A CEMENT BASE, REQUIRING PERMITS FOR SETTING MARKERS, SPECIFYING BUSINESS HOURS FOR THE DELIVERY AND INSTALLATION OF VAULT AND MONUMENTS, DESIGNATING THE SUPERVISOR OF CEMETERIES AS A CODE ENFORCEMENT OFFICER;

PROVIDING PENALTIES FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula made a motion to place the ordinance on first reading. Commissioner Edwards seconded the motion. Mr. Bush said this ordinance has been discussed previously. At that time, Larry Hartman, the Cemetery Supervisor, was not present to defend his recommendations.

Larry Hartman, Cemeteries Supervisor, said vault trucks are running over and smashing in graves. He passed out pictures depicting gravesite damages due to heavy vehicles. He has no authority to tell these drivers to stay off the graves. There are some occasions where he may have to drive over some graves, but he has light vehicles. His main concern is vault trucks. Mr. Hartman then passed out photos of sunken and skewed grave markers; he said the idea behind a cement base is to keep the markers level and in place. This can be done with a \$1.50 bag of quick cement. Most outfits do this already. If it is necessary to move the stone, it is easy to remove. Mr. Bush said many other municipal cemeteries require this same type base. Mr. Hartman said he already has a permit form. Mayor Smith said when they discussed this previously, they amended some of these items. Mr. Bush said the other item under discussion was designating Mr. Hartman as a code enforcement officer, in order to give him some enforcement power. Mayor Smith said he would like a report in 6 months on how this is working, how many citations have been issued, for what violations, etc.

Jamie Watts, 209 Tropic Avenue, San Mateo, said he is not going to complain about the codes enforcement portion; he has no problem with that. He does have a problem with requiring concrete foundations. He does not believe concrete bases keep monuments from sinking, due to expansion and contraction, and passed out pictures to illustrate his point. He does not know if these are poured bases or dry concrete bases. He has a report from Building & Zoning that shows there are 14,284 mobile homes in Putnam County without concrete bases. Mr. Bush said that is not a good comparison; some of them look terrible, also. Mr. Watts said the stones he sets without concrete do settle, but they also settle with concrete, and are more difficult to level with concrete bases. He does not believe this is the best way. He stands behind his bases, and will re-level anything that has settled. In answer to Mayor Smith's question, Mr. Hartman said the City does not set any stones. Mr. Watts said on a scale of 1 – 10, granite is the 7<sup>th</sup> most stable material. Cement cannot be rated due to the difference in mixtures and hardness. Concrete breaks apart, but granite does not. Mr. Bush said many professional stone companies will simply put a large bag of concrete under the stone when they set it. If you do it right, it will not settle. This is all they are asking. Mr. Hartman says this holds them in place.

Margaret Watts, San Mateo, said Mr. Hartman has never installed stones, and the City does not install stones, so they have no experience with this. Who is going to maintain these stones? Even though it is a minimum expense initially, the expense to re-set is there, and someone will have to be responsible for it. Jamie Watts said Jacksonville's Memory Gardens requires concrete under their stones; they also spend 4 out of 12 months per year resetting their stones. The only reason they have to do that is because they require the foundation. If the pictures show it doesn't help, what is the sense of doing it? Mr. Bush said Mr. Hartman has led him to believe the use of the concrete holds the stone in place better than loose dirt that just washes away. Commissioner Brown said once that bag of concrete solidifies, it makes a good solid base for the stone to sit on. To her, the main concern with this ordinance is the vehicles running over the graves and damaging them. Many cemeteries have tilted headstones. Mayor Smith said he is concerned about not specifying what the cement base is. They are calling it a bag of concrete. If you do have to correct the marker, you have more work. Other than that particular part, he agrees with the rest of the ordinance. Mr. Watts said the concrete does slow the sinking process, but there are stones in Oak Hill West, the new cemetery, placed in 1994 that are sinking. Mr. Hartman said that is not the case; the photo he has shows a stone that is sinking because it does not have a cement base. Some of these companies just come in, throw the stone on the ground, and leave. If they would put a little cement under it, it holds it in place. Other companies provide cement bases, and he doesn't have any problems with those stones. Commissioner Brown said they don't want to make this so cost prohibitive that people don't put stones on their graves. It is more important to have some type of tombstone on a grave. Commissioner Azula said he made the motion to go ahead with the first reading so they can set a public hearing for all this discussion. Mr.

Watts said he will be on his honeymoon on Sept. 23 and asked if the public hearing can be put off until October. Mayor Smith said the public hearing can be set for October 14. Mrs. Watts passed out a copy of the Duval County cemetery permit, which she spoke of at their last discussion on this ordinance.

James Williams, 1424 Ocean Street, asked if the cement base requirements would be retroactive to apply to existing headstones. Mayor Smith said it would not. There being no further discussion, a roll call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. The public hearing and 2<sup>nd</sup> reading are set for October 14.

**APPOINTMENT – BOARD OF ZONING APPEALS** – Commissioner Brown made a motion to accept Amanda Watt’s letter of resignation, and to create a vacancy for Charles Gauthier’s seat, both of whose terms expire July, 2001. Commissioner Sanders seconded the motion, which passed unopposed. Commissioner Brown made a motion to appoint Marcia Lane to the vacancy created by Amanda Watts resignation, term to expire July, 2001, and to try to get another city resident to fill the remaining vacancy. Commissioner Sanders seconded the motion, which passed unopposed. Mrs. Lane stood and was recognized by the Commission.

**ORDINANCE** – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BY REVISING SECTION 2-162; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Brown made a motion to accept the Pension Board’s recommendation and place the ordinance on its 1<sup>st</sup> reading. Commissioner Edwards seconded the motion, which passed unopposed. The results of a roll call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. Motion passed.

**ORDINANCE** – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REMOVING FIREFIGHTERS FROM THE CITY EMPLOYEES RETIREMENT PLAN AND CREATING THE FIREFIGHTERS RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula made a motion to place the ordinance on its 1<sup>st</sup> reading. Commissioner Brown seconded the motion. Mayor Smith said this ordinance was drafted in response to a House Bill passed by the legislature requiring that firefighter and police retirement funds be separated from general employee funds. The Police and Fire Departments could have elected to have either a joint fund or separate funds, and both elected not to have a joint Police/Fire fund. The Police voted to stay with the general employees, but research may dictate they split away, also. This ordinance will also establish a separate 5-member board. Mr. Bush said he will be competitively negotiating this plan document with the Firefighters, and this will be done before the final passage of the ordinance. There being no further discussion, a roll call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. Motion passed.

**ORDINANCE** – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BE AMENDED BY REVISING APPENDIX “A” TO SECTION 86-314 AND APPENDIX “A” TO SECTION 86-315 THEREOF, PROVIDING NEW WATER RATE SCHEDULES EFFECTIVE OCTOBER 1, 1999, BOTH WITHIN AND OUTSIDE THE CITY LIMITS; AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards made a motion to place the ordinance on its 1<sup>st</sup> reading. Commissioner Sanders seconded the motion. Mr. Bush said this increase is in keeping with the Bond Resolution adopted in conjunction with the Bond Issue for the sewer line repairs. This is the 2<sup>nd</sup> increase, approximately 3% total. Commissioner Brown said this will increase water bills by approximately \$0.24. There being no further discussion, a roll call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. Motion passed.

ORDINANCE – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BE AMENDED BY REVISING APPENDIX “A” TO SECTION 86-344 AND APPENDIX “A” TO SECTION 86-345 THEREOF, PROVIDING NEW SEWER CHARGES EFFECTIVE OCTOBER 1, 1999, INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula made a motion to place the ordinance on its 1<sup>st</sup> reading. Commissioner Sanders seconded the motion. The results of a roll call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes; Nays, none. Motion passed.

ORDINANCE – 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 CERTAIN PROPERTY IN SECTION 2, TOWNSHIP 10, RANGE 26 EAST, FROM COUNTY IL TO CITY C-2; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown made a motion to place the ordinance on its 1<sup>st</sup> reading. Commissioner Azula seconded the motion. The results of a roll call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith, Yes, Nays, none. Motion passed.

ORDINANCE – 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 CERTAIN PROPERTY IN SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST, FROM COUNTY R-2 TO CITY R-1; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown made a motion to place the ordinance on its 1<sup>st</sup> reading. Commissioner Azula seconded the motion. The results of a roll call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith; Yes, Nays, none. Motion passed.

ORDINANCE – 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 CERTAIN PROPERTIES IN THE NE ¼ OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 26 EAST, FROM COUNTY R-2 TO CITY PBG-1; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula made a motion to place the ordinance on its 1<sup>st</sup> reading. Commissioner Edwards seconded the motion. The results of a roll-call vote are as follows: Commissioners Azula, Brown, Edwards, Sanders and Mayor Smith; Yes, Nays, none. Motion passed. Commissioner Brown said the School Board is taking too much land off the tax rolls. Adam Mengel, Planning Director, said the land is coming off the County’s tax rolls, rather than the City’s tax rolls. Commissioner Brown said schools don’t pay taxes, they take tax money.

PROTECTION OF RIGHTS OF WAY – Adam Mengel, Planning Director, said he and Sam Willis have several cases of cars parking on the parkway between the sidewalk and roadways. It destroys grass and causes erosion of the parkway into the road and stormwater systems. There are potential problems with water meters and other utilities. He would like action from the Commission to direct the Planning Board and staff to come up with a recommendation on this. They are not looking to outright prohibit parking on the parkways, as there are places in the City where there is insufficient parking. Commissioner Brown said that situation applies to her street. There is no off-street parking available. Mayor Smith suggested they have their own city workers be careful of causing erosion while working on lines. Commissioner Edwards made a motion to direct the Planning Board to consider protection of right-of-way issues, and to make a report back to the Commission. Commissioner Brown seconded the motion, which passed unopposed. Commissioner Sanders said he has noticed that cars park right on the corner of roads that dead end and allow only a right or left-hand turn. He has seen garbage trucks have to back up because they can’t make the corner.

Daniel Ziem, 401 Olive Street, said there is an ordinance that states there is no parking between the curb and sidewalk. They have many brand-new curbs on the Northside, and he would hate to see them damaged. Mr. Bush said the ordinance does not address cars

parking on the parkway, only on sidewalks. Mr. Mengel said they have been enforcing Ordinance 70-33, which addresses parking on the sidewalks.

Jill Jester, 418 Emmett Street, said she recognizes the houses are built to the lot line; however, to her knowledge, every house has at least a single driveway. Some families tend to have more than one car, and don't want to block each other in. It looks bad, the streets are narrow anyway, the grass dies, and some people just park anywhere, which creates a hazard, especially at the corner of Laurel and Emmett at the apartment house. They tolerate it, but it is a difficult situation. Mr. Bush said the Planning Board should look at a design the University of Florida made a presentation on for the North and South Historic Districts, which uses brick turned up on end in order to let the water drain through; it also creates a parking area.

**MINIMUM MAINTENANCE STANDARDS** – Jill Jester, 418 Emmett Street, said as a member of the Planning Board they have run into difficulty with an applicant who is running a business out of her home on Crill Avenue. The neighbors have come to the Planning Board seeking help to get her property cleaned up. The only control the Planning Board has is taking away her home occupational license. The complaints don't have to do with her business (locksmith), but with excess vehicles and trash. She overhauls racecar engines in her driveway at night. Bunky Roberts wants to push this issue off onto Code Enforcement, thinking they can deal with the appearance issue. Minimum maintenance standards cannot be applied to her because she is homestead exempt. Her business is not the issue. Mr. Hedstrom said the statute prohibits a code enforcement lien from attaching homesteaded property. You could amend the MMS ordinance to apply to homesteaded property, but you couldn't get a lien against homesteaded property. They should have an alternative method of enforcing ordinances wherein a citation is issued for violating codes dealing with property. It will go to County court for enforcement. This is an action against the individual, not the property. It is initiated through the Building and Zoning Department. Mayor Smith asked if someone is granted a home occupation license and is piling junk in the yard related to the business, does the Planning Board have recourse to rescind the condition use? Mr. Hedstrom said yes, if that person violates the condition of granting the home occupation. Mayor Smith asked Ms. Jester to provide that address to the Planning Department so they can address the issue. Commissioner Brown said they want to make sure the citizens are fairly treated and taken care of; they don't want to become a 'police state'. Mayor Smith said they also have a responsibility to the rest of the neighborhood.

**WATER BILL – 418 EMMETT STREET** – Jill Jester said she is representing the owner of the house at 418 Emmett, Sherri K. Dickey. She purchased the property in July 1996; originally the house had 5-apartment units. Since she purchased it, it has never been used as an apartment house; she stated to Joe Pickens, Citizens Bank and City Hall it would be converted back to its original state as an historic home, and would no longer be apartments. City Staff was unwilling to reduce the usage from five meters to one, and has been charging her for three meters for three years. Her deposit card shows the use as residential. Their water usage is below the minimum, an average of 3 – 4 thousand gallons per month. Mr. Bush reviewed this and changed the usage from three meters to one, which she appreciates. She is now asking for a refund of the overpayments Ms. Dickey has made over the last three years. In answer to Mayor Smith's question, Ms. Jester said this is grandfathered-zoned multi-family non-conforming, but has been single family since she bought the home. Legally they can't call it single family, because Ms. Dickey and herself are not considered a family, even though they grew up together and consider each other family; on paper, on legal documents, they cannot share the same last name and will never be considered a family. Mayor Smith said as the owner, she can state it is a single-family home, and whoever lives there, lives there. If she is willing to state this is a single family home and let the zoning reflect R-1A, then he believes it is reasonable to call it single family from this day on. Mr. Bush said Ms. Jester talked with him about this and was very insistent this was a single family home. The City has to abide by its ordinance; when Ms. Dickey came in and applied it was listed as a multi-family, and is still listed as a multi-family residence. The capacity is there; there are five electric meters on this house; three downstairs in Ms. Dickey's name and two upstairs in Ms. Jester's name. By ordinance they have to charge this, and should have been charging for five, but apparently there was some discussion at the time she turned the water on and

it was reduced to three. Based on her assurances, he has reduced it now to single-family. Ms. Jester called him the next day and told him her goal is to turn in into a boarding house. Ms. Jester said that is a goal, but it is not now a boarding house. In that case they would obtain an occupational license and the zoning would have to be amended. They are not running a business and do not now operate a business in the house. The house is not even completed; the upstairs has not been addressed. The backyard pool is not ready. Commissioner Brown asked if they are paying five different light bills. Ms. Jester said the reason they still have 5 meters is because FP&L wanted \$10,000 to take the 5 meters down to one. Then they would have had to re-wire the house to bring it back to one breaker box and then bring the breaker box up to City Code. The total bill would have been almost \$30,000. Mr. Bush said because she has five meters and individual bedrooms, bathrooms, etc. and listed as multi-family with the property appraiser, the City was obligated by ordinance to charge as a multi-family. Ms. Jester said she read the ordinance, and does not see that the number of FP&L meters dictates the water fee. She has copies of bills from six homes within one block of her house that have more than one FP&L meter and only one water bill. Specifically, 528 Kirby has three FP&L meters and one water bill; 622 Emmett has two FP&L meters and one water bill; 409 Emmett Street has two FP&L meters and two distinctly separate units, and one water bill. The Azalea House is an active B&B and has only one water bill. Mr. Bush said they pay a commercial water bill, which is completely different. Ms. Jester said Pauline Pellicer is going to open her house as a B&B, but has only one water bill. Mr. Bush said she has a construction meter only. Mayor Smith said they need to review these. Ms. Jester said she is being billed on potential usage, which was never achieved. Mr. Bush said she is being billed per the ordinance. They have had this problem in the past. At one time the City relied on apartment building owners to inform them when their apartments were rented; the City lost money because people were not informing them they had rented apartments out. That is when this ordinance was drafted; the number of units dictates the multiplier on the water bill; it is based on potential rentals. Ms. Jester said the day this property was purchased, all the interior door locks were removed and walls were torn down. The upstairs kitchens were removed. This is no longer an apartment house. She would like the City to reimburse her \$2,683.62 for overpayments on water fees. Commissioner Brown and Mr. Bush said they would like a chance to review the other homes. Mr. Bush asked Mrs. Williams if anyone had come in during that three-year period and stated this house was no longer multi-family; Mrs. Williams answered not to her knowledge; if it is an apartment complex or building, they have to go by the number of units in the building. Ms. Jester said there have been no units in there since July 1996. Mr. Bush said it was classified as a Boarding House with five units; apparently there was some discussion previously and it was determined three units remained. Ms. Jester said that is not correct; this is not a boarding house, and even though she is considering opening it as a boarding house in the future, she does not feel it should have any bearing on how many meters they have been charged for. Ms. Dickey has never had apartments and has never claimed to have apartments. In answer to Ms. Jester's question, Commissioner Edwards said her home does not look like apartments. Mr. Bush said he would like time to research this, as he would be surprised if they had a duplex there that was paying only one bill, even if there is only one family in it. Ms. Jester asked they be judged not on what others do, but on their own actions. She and Ms. Dickey are the only occupants of the house, and have been the only occupants for the last three years. Mr. Bush said she is in an R-1A district, and if the zoning is changed, she will not be able to operate as a boarding house. Ms. Jester said the house was grandfathered in as multi-family non-conforming. Mayor Smith said they have to be either one or the other. They can't have it both ways. Ms. Jester said she wants to be treated the same as her neighbors. The man with the duplex rents one half to his brother and other people. Mr. Bush said she has stated her goal is to open this house as a boarding house. Ms. Jester said that is something they may want to do, but not necessarily. They can go to single family, and later change the zoning back to multi-family through specific procedures. That is one of the reasons they bought the property. No one told them they needed to change the zoning back to single family.

Sherri Dickey, 418 Emmett, said she feels an undue burden has been placed on her. She feels very unwelcome here. Bottom line is she pays three water bills and only has one house. She was told when she cut the water on she bought five houses. She filled out her paperwork as residential, and told City Hall she didn't intend to run this as apartments.

She has paid three water bills for three years. Potential usage should not be the issue. She does not understand how the FP&L meters dictate water usage. Mayor Smith said they went through this whole issue several years ago; the ordinance came from that discussion. They realize re-metering is a huge expense, so to protect the City's interest they established this procedure. Multiple meters is a determining factor, as well as zoning. He would like an opportunity to look at some of the records and speak with Mr. Bush; he would not be comfortable with making any decision tonight. Ms. Jester invited all the Commissioners, Mr. Bush and Mr. Hedstrom to come look at her home and walk through it. They can talk to her neighbors, also. Mr. Bush asked if additional people have stayed there since she moved it. Ms. Dickey said she has guests; all her family members live in Texas. There are no rental scenarios.

Edison Lambana, 200 Belmont Drive, said he has known Mr. Knott (duplex owner) for 14 years, and that has always been a single family home. It was designed and built to look like two apartments, but it is not. His brother has lived in that house for 14 years. Ms. Jester said she is not here to slander her neighbors, but her property does not look like rental property, and is charged as rental property. Commissioner Azula said the Commission is at a disadvantage; this item was not on the agenda and they have not had time to consider it properly. Ms. Jester said she mentioned this the day she went to talk to Mr. Bush about the meter; she was not given a response until after the agenda was printed. She asked to be put on the agenda, but was told it was too late. Mr. Bush said he told her she could still speak to the topic. Mayor Smith said the Commission is still at a disadvantage; they have not had the opportunity to review her documents, etc. Ms. Dickey said she has been at a disadvantage for three years. She feels she has been excluded. She would like to make this her home, but has not been made to feel welcome. She took a crack house in the Southside Historic District and made it into a beautiful home, which she is proud of. Many other people have done the same thing. Her neighbors are thrilled with what she has done. She appreciates that the City has taken her back to one meter, but she is also frustrated that she has overpaid her water bill for the last three years. Mr. Bush said they are not closing the door on the issue, but would just like to have time to examine the facts.

CHAMBER OF COMMERCE BUILDING UPDATE – Wes Larson, Chamber of Commerce President, showed the Commission an artists' concept of the new Chamber building. They have finalized their plans. The structure utilizes the front part of the existing building and adds about 2700 sf to the back of the building after demolishing what is now there; the building will have a total about 4,100 sf. The entrance will shift from Reid to 11<sup>th</sup> Street. The new part of the building will look exactly like the front part in terms of the exterior. The roof will look just like tin, so the building will have a very historic look. He passed around a drawing of the floor plan. It will contain a visitor's center. The new building, including the parking lot, takes up less surface than the present structure and parking lot. They will build out over the half of the parking lot they don't use and make a more effective use of the property. The architects' estimate of the structure is around \$360,000 with furnishings. They have raised all but \$60,000 to build it. It will be attractive and a big asset for Putnam County. Mayor Smith thanked Mr. Larson for coming in and sharing the design. This could go a long way to spur other improvements on both 11<sup>th</sup> and Reid Streets. Mr. Larson said the Historical Society is very excited about the new building. Mayor Smith congratulated Mr. Larson and the Committee of 100 on the Lafarge announcement, and hopes it will lead to other economic development opportunities.

COMMISSION MEETING ROOM MURAL DESIGN – Mr. Bush said he would like to get approval on the design for the back wall. They have contracted with an art student from the Florida School of the Arts to do the work. There are three different sections; two side panels and a large city seal in the center. He produced some renderings of scenes from Ravine Gardens and asked for some suggestions. Mayor Smith and Commissioner Brown suggested directing the artist to make at least one panel a depiction of something in the town itself, such as Mug Race, a River/Bridge scene or the fountain at night, and one panel of a more distinguishable natural scene, or maybe something from the past that is distinguishably Palatka. Commissioners Edwards and Sanders suggested making both scenes from the riverfront; one the Mug Race and one of a steamboat scene. Mr. Bush said they should come up with some photos to give the artist as suggestions.

Allegra Kitchens, Conlee Mural Committee, said there is a beautiful mural behind the stage at the Civic Center which is going to be torn down; the Mural Committee is going to try to save it; it may fit in the Commission Room. Commissioner Brown said if it can't be used it at City Hall she would like to see it down at Price-Martin.

CRITERION BICYCLE RACES - Edison Lambana, Pace Bicycle Shop, said the Race is set for September 18 and 19. They have some famous international cyclists coming for it. He believes the Mayor, Commissioners and City Manager do not get credit for what they do for the City. Over the last two months, he has experienced some negative reactions, and is amazed at how the City has helped him handle the negatives he has had to face. He had criticized the Commission at one time, but did not know how well they could work with him. He is very impressed with this administration, and has seen how they work both sides of the issue. As a citizen and small business owner, he appreciates their help. Over the last two weeks he has seen Mr. Bush and Ms. Driggers struggle to help him resolve his issues and appreciates everything they have done for him. He will tell anyone what a great leadership the City has at this time. Mayor Smith said their successes are measured by the people who live here and will work with the City to work out issues and problems. They always try to work out issues to benefit both sides.

Commissioner Brown said CDBG funds coming into the State may be cut by 75%, which will put Palatka at a disadvantage. The League is going to look into this. They are going to try and make some recommendations to their congress people and may need a resolution to get this blocked.

She went to an Affordable Housing Study meeting; they are looking at the City's comprehensive plan and how it needs to be upgraded. The City may need to make some changes so that the State will not make unfunded mandates.

She went to a legislative convention and brought back a tape on the 10-20-Life sentencing program, which Chief Dolinski is going to try to have run on Cable T.V. If you get caught with a gun committing a crime, you get 10 years. If you use the gun, you get 20 years. If you kill someone, you get life in prison. They need to get this information out to the public, especially young people. This is mandatory sentencing. Also, there is a crime prevention grant available out of Mr. Butterworth's office for school policing, and a summit on black-on-black crime; she gave this information to Chief Dolinski.

Commissioner Sanders said he intends to get the problem with the house on Main Street taken care of tomorrow; it needs to be boarded up and secured. He is not sure who owns the house; it may be Mr. Smart. There were some undesirables living in the house.

To address a complaint made by Mr. Marlow at a prior meeting about City Departments not being run efficiently, Commissioner Sanders asked Jeff Norton to give a report on the broken hand-rail at the floating dock. Mr. Norton said the rail was repaired several weeks prior to that meeting. Commissioner Sanders said the police have been working on the prostitute problem on St. Johns Avenue. They can't assign a police officer to each individual; when you get it under control in one area, they come back in another. Mayor Smith suggested the police begin arresting the people seeking the prostitutes' services, as he has seen other police departments do, in a reverse sting situation. Chief Dolinski said it does work, and they are looking at putting something like this together. Commissioner Brown said they have cameras on the posts, and if they get shots of this it is admissible in court. Chief Dolinski said you have to have voice to go with it. Prostitutes are not going to solicit officers in uniform. Mayor Smith said these prostitutes are out and back on the streets soon after arrest; the service goes both ways. Those seeking the services are just as guilty as those offering the services. Commissioner Azula said some cities are using a 'no trespass' approach, wherein prostitutes are given trespass warnings, and if they are seen in the area again, can be picked up and arrested. It has been effective in large cities. Chief Dolinski said they run into problems with people's constitutional rights. You can't warn people against trespass for a large area of public property. They have problems at the City Dock and can enforce trespass warnings there, but when it comes to public

streets, enforcement gets vague. Mr. Hedstrom said it can be done as a condition of probation, stemming from prosecution.

Commissioner Sanders said another complaint was made by a gentleman who runs a second-hand shop on St. Johns Avenue about police who have told him they don't live in the City due to the high crime rate. After talking to him, he meted it down to one police officer, and the only identity he could give was that he was overweight and bald. A few certain people do most of the complaining, and many of their complaints are unfounded or exaggerated. Many burglary complaints could have been avoided if the victim had used proper caution. He has worked diligently to research complaints, and those on the Police Department in particular, as misinformation is very a vicious thing. Usually the facts prove otherwise.

Commissioner Edwards said September 12 at 12:00 noon at the National Guard Armory there will be a Change of Command Ceremony. On September 18 at 7:00 p.m. at the Shrine Club there will be an awards ceremony for the bike racers. He and Edison will be handing out the awards. On September 24 at 8:30 a.m., SJRWMD will have a local government day. He believes the Commission has already received an invitation for this function. He urged the Commission to attend all these functions.

Commissioner Edwards said Jeff Norton made a presentation at a Recreation Committee meeting, and did a very good job. Mr. Norton said in April he made a presentation asking for a \$5,000 grant for lighting for Hank Bryan Park; since the County did not want to get into buying lights and then having to do the maintenance, they asked for money for equipment for a work-out area, which the County approved, up to \$5,000. Commissioner Edwards said they should draft a letter to the County thanking them for the grant. Mr. Norton said the project should commence in 2 weeks. Commissioner Edwards said they also were awarded a \$50,000 FRDAP grant for Hank Bryan Park. Commissioner Brown said they should give Mr. Norton the employee of the month award.

Mayor Smith said they should contact Representative Smith's office to set a time for him to come and accept his award on behalf of the Florida League of Cities.

Mrs. Driggers said the Commission needs to be thinking about the two citizens they would like to appoint to the new Firefighters' pension board; the only requirement is they be legal residents of Palatka. Commissioner Brown said they should appoint a Commissioner as one of the two, and made a motion to appoint Commissioner Azula as one of the Commission's representatives to the Firefighters' Pension Board. Commissioner Edwards seconded the motion, which passed unopposed.

Mrs. Driggers said Mr. Gauthier's position on the Zoning Board of Appeals is open due to his developing cancer. Commissioner Brown said she would get some applications from people who live in the city limits. She asked if he is able to appear and receive a certificate of appreciation from the Commission; if not, they should get one to him.

Randy Porter reported on Fire Chief Rudy Howard's condition. He is going to physical therapy and has nine calcium spurs in his knee. He goes back to the doctor on the 16<sup>th</sup> and hopes to be released to come back to work at that time.

Adam Mengel said they met today with their ISO field representative, and over the next two weeks will be completing their application. The last update was in 1996; the next update will be in another five years.

Mayor Smith said the new storage business across from Hardee's is having an open house on September 17 from 9:00 a.m. to 11:00a.m.; they will be having a ribbon-cutting ceremony and everyone is invited.

There being no further business to discuss, the meeting was adjourned.

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CITY CLERK

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MAYOR