

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 9th day of November, 2000.

PRESENT:	Mayor	Tim Smith
	Commissioner	Mary Lawson Brown
	Commissioner	Hernan Azula
	Commissioner	Ish Edwards
	Commissioner	James Norwood, Jr.

Also Present: City Manager Allen R. Bush, City Attorney Donald Holmes, City Clerk Betsy Jordan Driggers, Finance Director Ruby Williams, Mayor Elect Karl Flagg, Planning Director Adam Mengel, Police Capt. Robin Edwards, Fire Chief Rudy Howard, Water & Sewer Supt. Sam Willis, Main Street Manager Debbie Banks

INVOCATION – Sister Mamie Bryant; Holy Temple of God

PLEDGE OF ALLEGIANCE – Daniel Ziem

APPROVAL OF MINUTES - 10-17-00 & 10-30-00 workshop - Commissioner Brown corrected the ‘air fare’ notation on page 151 to read ‘mileage’. Commissioner Edwards moved to approve the minutes as corrected. Commissioner Norwood seconded the motion. There being no further discussion, the motion passed.

PUBLIC COMMENTS/RECOGNITION – Mayor Smith presented a proclamation to Sister Valerie Thomas of St. Marks Catholic Church naming December 1, 2000 as World Aids Day. Sister Thomas said an AIDS awareness program is planned for Dec. 1, 6:00 p.m. at the Riverfront Amphitheater.

Mayor Smith said tonight is the first night the new Clock Tower is lit up at the riverfront. This is the first stage of the project. The clock is running and the faces are lit.

STUDENT RECOGNITION – Mayor Smith asked Commissioner Norwood to assist him in recognizing the following students for academic excellence, achievement, citizenship and attendance:

Steven Marrs	Beasley Middle School
Khristin Johnson	Browning-Pearce Elementary School
Carlos Rivera	E. H. Miller School
Carlie Fisher	James A. Long Elementary School
Jessica Bellamy	Jenkins Middle School
Devon Clapp	Kelly Smith Elementary School
Martale D. Kaymore	Mellon Elementary School
Nicholas Albert	Moseley Elementary School
Omar Santos	Palatka High School
Ian Davis	Peniel Baptist Academy & High School

REQUEST FOR FUNDS – Julia McCoy, Larimer Arts Center, said their request is for \$6,000 towards the cost of a new HVAC system for the Larimer Arts Center. The A/C unit at the Larimer building has been broken since July, and the heat is stifling. They had to cut back on their programs because the building has been for the most part uninhabitable since then. Also, the boiler, which provides heat for the building, has problems and is in need of expensive repairs. They have looked into getting a grant, but it is not practical to wait on that money, which will not be available for some time. Georgia-Pacific Corporation has agreed to be a corporate sponsor for a new HVAC unit. This unit will both heat and cool the building and will eliminate the old boiler system, which is antiquated and possibly dangerous. They found an individual who can get them a rooftop unit wholesale for \$12,000, which is half the actual cost of \$24,000. G-P has agreed to sponsor \$6,000, and she would like the City to contribute the other \$6,000. She has asked the County many times for funds, but has been turned down each time. It is her goal to convince the County to donate funds to the program. She is now asking for \$6,000 to pay for the rest of the HVAC unit. This \$6,000, along with G-P’s \$6,000 will be matched by a grant she and Mr. Norton are working on. Mr. Bush said the City donates the building and provides \$5,000 for the Summer Arts Series. Mrs. McCoy

clarified they pay their own utilities, and do pay a water, sewer & sanitation bill to the City. They receive \$8,800 from tourist development money, which comes from the bed tax. Use of this money is very limited. She can use it for advertising outside the County, printing inside the County, some concert funds. They receive no administrative funding. The County will not help to support the Larimer Arts Center, even though they said they would if the Arts Council changed its name to incorporate Putnam County. Commissioner Edwards said the City owns the building. The Arts Council provides needed programs for children. Something needs to be done about this now. Mr. Bush said if the City were to donate all \$6,000 now, there would be little money left in contingency with 9 months to go in the year. He said the Commission may want to donate \$3,000 now and ask Mrs. McCoy to approach the County about providing the rest. The City began the fiscal year on Oct. 1 with \$26,000 in contingency. They put a roof on the Village Center and allotted another \$6,000 towards the demolition of three houses. This leaves around \$12,000 in contingency. If they give her all \$6,000, that leaves only \$6,000 left for the rest of the year. Mrs. McCoy said the County has already turned her down three times this year. She can wait until December and approach the new county commission, and they may feel differently. The G-P money will be available in 30 – 45 days. It will be December or January before the work will be done. In every piece of literature the County or Chamber sends out, there is a picture of the Larimer Arts Center on it and they talk about all the cultural programs in this town, but they do not help support those programs. Commissioner Brown said they don't help support the golf course, either, but they advertise that Palatka has one. She inquired about the status of the property to be demolished. Mr. Bush said they are held up on two of the properties by the lienholder, who is waiting for the City to clear the lots for them so they can avoid that expense. If the City spends the money to clean the lots, the lienholder can come back and foreclose the property without having to pay the city's lien. They are trying to work it out with the lienholder so the City can recoup its expenses. Commissioner Brown said they can use those demolition funds for the Larimer Arts Center until the City gets everything worked out with the lienholder. To answer Commissioner Edwards' question, Mr. Bush said the City provides certain buildings at a nominal fee of \$1.00 per year to worthwhile, non-profit agencies, in addition to fire insurance on those buildings. The City expects these agencies to relieve the City of the burden of maintenance of the buildings. There are some things the City ends up paying for. He suggested the City go ahead and commit to \$3,000 now, and let Mrs. McCoy approach the County about participating in the cost. If they turn her down, she can come back to the City later. Mrs. McCoy said if the City will give her \$3,000 now she can go ahead and order the unit. Commissioner Brown moved to allot \$3,000 from contingency funds towards the purchase of a new HVAC unit for the Larimer Arts Center. Commissioner Edwards seconded the motion, which passed unopposed.

REPORTS:

a. Fourth Supplemental Engineering Agreement with Hoyle, Tanner & Associates. Mr. Bush said this is the engineering agreement for the work on the St. Johns Harbor Water Extension Project. The work is to be done in phases. At this time he is asking the Commission to approve the supplemental engineering agreement for the Phase I work only. He has asked for a revised contract from HTA showing the revised scope work. Commissioner Norwood moved to approve Phase 1 only of the Fourth Supplemental Engineering Agreement with Hoyle, Tanner & Associates on the St. Johns Harbor Water Extension Project at a fee of \$6,000. Commissioner Edwards seconded the motion, which passed unopposed.

b. Status of negotiations on International Cuisine's request to purchase building at City Industrial Park – Mr. Bush said Mr. Sheikh made an extremely low offer on the purchase of this building. The fair market appraisal on the building and land was quite a bit higher than his offer. He advised Mr. Sheikh the City could sell him the building for fair market value, to which Mr. Sheikh replied he needed to take that information to his Board. Mr. Sheikh has written a letter advising that one of his Board members is seriously ill and had to go to Texas for treatment. His Board will not be making a decision on this until November 22. Upon consensus of the Commission, the matter was tabled until the December Commissioner meeting.

c. Code Enforcement Board request to allocate \$400.00 to abate the nuisance at 401 Olive Street– Debbie Banks said they have sent numerous notices to the owner of this property to clean the property up. The owners accept the mail, and acknowledge they have been notified, but are not doing anything to resolve the problem. The building is structurally safe and is boarded up. When this property is cleaned up a lien will be placed upon it, which will be foreclosed upon, at the suggested of the City Attorney. Commissioner Norwood moved to allocate \$400.00 to pay the cost of abating the nuisance at 1012 Olive Street. Commissioner Azula seconded the motion, which passed unopposed.

d. & e. Planning Board Case #30 – Property on Old Wolf Bay Road - Recommendation to Annex, amend the Future Land Use Map from Urban Reserve to Commercial, and Rezone from County C-1 to City C-1; Dr. & Mrs. Michael Akhiyat, owner; and Planning Board Case # 31, Property at 167 Comfort Road – Recommendation to Annex, amend the Future Land Use Map from County IN to City Industrial, and rezone from County IH to City M-1; Trailco & Co., owner. Adam Mengel requested the Commission to direct the City Attorney to prepare ordinances on these requests for first reading in December and to advertise a public hearing for their adoption on January 12, 2001. A discussion ensued on the properties being annexed on Old Wolf Bay Road, which is an unpaved County road, and at what point this road becomes a City-maintained road, taking the road into the City, and where the money would come from to pave and maintain it. Mr. Holmes said the Commission may want to think about establishing an MSTU (Municipal Special Taxing Unit) in order to get the road paved. There being no further discussion, Commissioner Azula moved to direct the City Attorney to prepare ordinances to annex, revise the Future Land Use Map from Urban Reserve to Commercial, and rezone from County C-1 to City the property located on Old Wolf Bay Road owned by Dr. and Mrs. Michael Akhiyat; and to annex, revise the Future Land Use Map from County IN to City Industrial, and rezone from County IH to City M-1 the property located at 167 Comfort Road, owned by Trailco & Company, and to set first readings for the December Commission meeting, and to advertise these ordinances for adoption on January 12, 2001. Commissioner Brown seconded the motion, which passed unopposed.

Daniel Ziem, 401 Olive Street, asked if the Commission had just annexed these properties. Mayor Smith explained that the motion was to place the ordinances on first reading at the December meeting, and to advertise a public hearing to be held in January, at which time the annexation, land use amendment and rezoning would be considered.

f. Statewide Mutual Aid Agreement – Fire Chief Rudy Howard said the City adopted a similar agreement in 1995 and has operated under it ever since. This agreement is essentially the same. He should be listed as the primary contact, the first alternate contact should be listed as Fire Marshall John Holley, and the second alternate contact should be listed as Police Chief Bill Dolinski. Commissioner Brown moved to allow the Mayor and City Clerk to execute and attest the Statewide Mutual Aid Agreement, contingent upon its approval as to form by the City Attorney. Commissioner Azula seconded the motion, which passed unopposed.

RESOLUTION – the Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A “JOINT PARTICIPATION AGREEMENT” WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO UPDATE THE AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN (ALP) AT PALATKA’S KAY LARKIN MUNICIPAL AIRPORT. Mr. Bush said he and Mrs. Williams spend this afternoon on the telephone with FDOT coordinating all the current JPAs. At this time they are around \$5,000 short of the \$349,058 needed to match all of the current JPAs, but will be able to fund the \$5,000 shortfall with proceeds from airport revenue funds when the time comes to actually pay the City’s portion. Commissioner Edwards moved to adopt the Resolution as read. Commissioner Norwood seconded the motion. A roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood, and Mayor Smith, Yes; nays, none. The resolution was declared adopted.

RESOLUTION – the Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A “JOINT

PARTICIPATION AGREEMENT” WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF AN AIRPORT SECURITY FENCE AT PALATKA’S KAY LARKIN AIRPORT. Commissioner Azula moved to adopt the Resolution as read. Commissioner Brown seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood and Mayor Smith, Yes; Nays, none. The resolution was declared adopted.

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 THAT CERTAIN PROPERTY IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING FOR AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on 1st reading. Commissioner Norwood seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood and Mayor Smith, Yes; Nays, none. The ordinance was placed on 1st reading.

CONSENT AGENDA – staff recommendations:

- a. Adopt recommended changes to Personnel Rules & Regulations, pages 32 & 33; and
- b. Grant parking space variance for 10’ wide x 18’ long parking spaces for the Walmart Supercenter at 1010 Hwy. 19 South, Walmart Stores, Inc., Petitioners

Commissioner Norwood moved to adopt the consent agenda as recommended. Commissioner Brown seconded the motion, which passed unopposed.

DECEMBER MEETING DATE – Mr. Bush said a memorandum outlining a meeting date conflict shows the NEFLC December Christmas Party meeting and an FLC Insurance Trust Meeting which Commissioner Brown will be attending both fall on December 14. He said the Commission may want to consider setting another date for the December meeting. After discussion, Commissioner Norwood moved to change the December meeting date to December 12, 2000. Commissioner Azula seconded the motion, which passed unopposed.

SPECIAL MEETING PLACE DESIGNATION – Mr. Bush said Mayor-Elect Karl Flaggs will be installed as Mayor on December 20, 2000 at 7:30 p.m. and has expressed his desire to hold his installation ceremony at the Ravine State Gardens Civic Center. The Charter provides that the Commission can hold its meeting place at City Hall, or at Price Martin Center, or “such other place as shall be designated by the City Commission.” Commissioner Edwards moved to designate a special meeting of the City Commission to be held on December 20, 2000, at 7:30 p.m. at the Ravine Gardens Civic Center. Commissioner Norwood seconded the motion, which passed unopposed.

CITY HALL CLOSING – 12/11/00 – Mr. Bush said a memo included with the Agenda outlines the need for closing City Hall and the Annex for 10 – 15 hours for an update of the computer systems. This will not be an employee holiday. Even though the doors will be locked, employees will be at work and the phones will be answered. Commissioner Edwards moved to close City Hall and the City Hall Annex to the public on December 11, 2000 for the purpose of upgrading the City’s computer systems. Commissioner Azula seconded the motion, which passed unopposed. Mayor Smith asked Ms. Driggers to notify the newspaper of the closing.

COMMISSIONERS’ REPORTS:

Commissioner Brown:

- She is concerned about an overgrown lot at 10th & Main. The City cleaned it up once, but it is grown up again. The homeowner living beside it is an elderly lady who lives alone, and there is a lot of drug activity on that lot. People have tried to break into her house. The bushes are getting high again, and that hides the activity. Debbie Banks said that property is currently being dealt with by the Code Enforcement Board. Commissioner Brown asked Capt. Edwards to step up patrol in that area to curb the illegal activity in order to provide some relief to the homeowners there.

- She left word with Senator Holzendorf that they would like her to come back for a dedication ceremony at Lefty Turner Park. The dedication plaque is ready to be affixed to the building.
- At their last meeting the Commission approved purchasing a membership with the National League of Cities. She has rethought this, and has decided to withdraw her request. She believes the money could be put to better use elsewhere. She would like to hold off on joining the National League of Cities until a later date.
- She would like to see the newspaper publish a ‘City Report Card’ at the end of this year that will let people know of all the City’s accomplishments during the year. It will help people understand how hard the City Commission and staff works, and will encourage people to get out and vote at city elections. Mr. Bush said much of that is addressed in the CAFR each year. They can come up with an abbreviated version of that report. The City has done some tremendous projects over the last two years.

Commissioner Edwards:

- He has received more complaints about the noise from boomboxes and car stereos in the vicinity of St. Johns Avenue and the Armory on Moseley. He got with James Griffith at the PD about this once before and they narrowed the times down when the noise was bad. The PD issued 6 tickets in that vicinity one night, three of which were also DUI’s. There is still a big problem around Beasley Middle School. He asked Capt. Edwards to step up patrols in that area.

Commissioner Azula:

- Congratulated Capt. Edwards on his recent promotion, and said it would be nice to know when these promotions happen. The old CodeBook specified that the Commission approved promotions at the Police Department, but it was taken out of the new CodeBook. He had Mrs. Driggers research when that was changed some time ago, after the new CodeBooks came out. He believes at the very least a memorandum advising the Commission of promotions should be sent out. Mr. Bush is the City Manager, but the Commission needs to know what is going on. Commissioner Brown said the Commission also used to reappoint all the appointed officials every two years, but they stopped doing that also. Commissioner Azula asked when this change was made. Mr. Bush said they made the change when the City adopted the FLC’s model ordinance changing the form of government to a City Manger form of government. The City Manager now appoints the appointed officials with concurrence from the Commission. Previously the Commission appointed them. This brought the City into the ‘modern era’ of city government. Commissioner Azula said he would be happy with a memorandum notifying him of these changes. Mr. Bush said he has no problem with issuing a memo notifying everyone of promotions, and thinks it is a good idea. He will make sure the Commission is notified in the future.
- Commissioner Norwood said he noticed the proliferation of political signs during this year’s elections. As the election dates neared, signs popped up all over the City, including on City right of ways. He did not feel it was appropriate to address the problem in the middle of elections, but wants to address it now. The ordinance is very clear in that signs are not allowed on city right of way. This ordinance needs to be enforced during any election. They should ask everyone who runs for elected office to abide by the City’s ordinance, and the elections office should notify each candidate of the City’s ordinances. Mayor Smith said when he ran for office he received something from Adam Mengel advising him of the City’s sign ordinance. Commissioner Brown said in some areas there is no sidewalk, which is what is normally used to determine right of way. Most people take care of their property all the way to the curb and are under the impression it belongs to them. Also, where there is no sidewalk it is hard to tell where the r/w starts and stops. This year many people were upset with the City for removing political signs. They need to let people know where the right of way is. Commissioner Norwood said the ordinance states it is five feet from the curb. There were many signs between the sidewalk and the street. They have to honor the ordinance and they should expect everyone else to honor it, too. Also, when the City picks up illegal signs they place them behind the

building department, and when people come collect their signs they put them right back where the City picked them up from. That shows a blatant disregard for the ordinance. He believes one of the City's major problems is that they do not enforce the ordinances that are on the books. The City needs to get to a point that they are enforcing them. If they do not intent to enforce them they should not put them on the books. Commissioner Azula said what was irritating to him was that they removed all the political signs, but left all the real estate signs, which were also in violation. This was not right. The ordinance needs to be enforced for all signs, not just political. All the real estates agencies should be notified, also. Commissioner Brown said this is just like the yard sale issue; people were not aware of the ordinance and were having yard sales every weekend. Once the newspaper addressed it, the yard sales stopped. She would like to see some education going on.

Adam Mengel, Planning Director, said there are some items of concern. The ordinance says residents are required to maintain the parkway. Also, the supervisor of elections made a statement that political signs are a form of free speech. According to City code, signs are permitted no earlier than 30 days prior to the election and must be collected 15 days after. The supervisor of elections may not have notified the candidates about that provision. The elections office does not address putting political signs in the r/w. The other concern he has is the definition of a political sign – is it a sign for a candidate, or for an idea, or a party? His office looks at them from the standpoint of a temporary sign, which typically do not require permits. There is a distinction there. Temporary signs cannot be placed in the r/w in any situation. The County is also looking at this issue. Their discussion started out along these lines and they have almost over-regulated them. The City could create something five or six pages long just in the City's code to address political signs. His department did send out notices to every candidate spelling out what was considered a violation of the code. They also notified each candidate that their signs had been picked up and where they could retrieve them. There were some problems with some of the City's collection efforts in regards to where the right of way actually was. This is what happens when you have road crews going out trying to make that determination. Mr. Bush said he told them if they were unsure about where the right of way was, to leave the sign. Betsy Driggers, City Clerk, said she had many calls on this item, especially during this last primary election, from people wanting to know exactly where it states that signs are not allowed on city right of way, since there is no provision for it under the section entitled 'political signs'. When she and Mr. Mengel spoke about it, even he was under the impression the code did not specifically state that signs could not be erected in the right of way. She had previously asked Mr. Hedstrom to give her an opinion on where it was stated, and he told her it is stated in Section 62-88, "Posting or Painting Signs on Trees, Utility Poles, Curbs, or Similar Places." He said that the right of way is 'any other portion of any street'. Nowhere does it say the words 'plant', 'erect' or 'right of way'. It does say 'fasten'. It may make matters easier to revise that section so that it reads more plainly, and cross-reference it under the 'political signs' section.

Commissioner Norwood said there needs to be some mechanism in place to enforce the ordinances, and they need to be sure this is happening. For example, they need to be sure no one is selling liquor after 2:00 a.m. This also very clear-cut. Commissioner Brown said the PD was supposed to hold a workshop on the ordinances with the bar owners. Commissioner Norwood said the bar owners need to understand the ordinances. Mayor Smith agreed and said not only are there problems with times that alcohol is served, but also with occupancy numbers, illegal activities, etc. They know what is going on in some of these bars, and someone needs to be enforcing the Code. Commissioner Norwood said the City needs to use the resources they already have, whether it be code enforcement, the PD, or whatever, so they are making sure they don't have undesirable activities going on in violation of the ordinances. Mayor Smith said a discussion needs to take place with the department heads as to what their responsibilities are, and there needs to be some periodic oversight of what is going on. It's well and good for the Commission to say it needs to be done, but some action needs to be taken. Mr. Bush said this falls primarily on the PD and Fire Marshall. He asked Capt. Edwards to notify Chief Dolinski that he would like to discuss this matter with them. He knows the police are busy and have people all over the city, but they

need to put some pressure on the bar businesses and make people aware that the City is serious about enforcing the ordinances. The outcome may be put together a team that includes the Fire Marshall to make the rounds to these establishments.

Mayor Smith:

- The first phase of the Clock Tower is finished and the tower is up. He asked the Commission to drive by and take a look when they leave tonight. He especially thanked Chief Howard and his staff for their help today. They really took charge of the situation. The tower was erected in about four hours. It will make a very nice addition to the waterfront. The clock faces are lit.
- The Zirkelbach people were here this week and met with him, Mayor Elect Flagg and Vice Mayor Brown. It looks like that project is moving along nicely. There are still a lot of things to be worked out, but everyone is positive and upbeat about what can happen there. In a few years a transformation of our downtown and riverfront will take place. The property values will rise accordingly. Mr. Bush said they came up with some very good ideas to move the project forward, and Zirkelbach's people were very amenable to the City's suggestions.
- At the next meeting he will bring the Commission an "annual report" from the General Pension Board, to let the Commission know where the Fund stands and bring them up to date on some of the items they discussed at the last meeting. The Commission should also consider replacing him on that board, as he sits as it's Chairman. This should be done fairly quickly.

Chief Howard said the City has installed two pieces of playground equipment at Hank Bryan Park, and next week they will see a sidewalk go in and the "walk-around" will be finished. Mayor Smith said the City received not only a FRDAP grant but also a contribution from the Pilot Club for the purchase of handicapped-accessible playground equipment. He asked the Commission to be sure and thank Pilot Club members when they see them around town.

Daniel Ziem, 401 Olive Street, asked why Agenda Item #8 was skipped over. Mayor Smith explained that is a 'Consent Agenda', and there the Commission just agrees to accept the recommendations made by staff. If any Commissioner wants to pull an item off for discussion, they can. Sometimes that agenda will be lengthier.

Ms. Driggers reminded the Commissioners that the arrangements have been made for their attendance at the FLC Legislative Conference in Orlando on November 16 & 17. Also, the FLC Christmas meeting is set for December 14, and spouses are invited. They should mark their calendars and try to let her know as soon as possible if they plan to attend. It will be at Magnolia Point in Green Cove Springs. The dress is semi-formal. Commissioner Brown said to be sure to invite the City Attorney and Mayor Elect.

Mayor Elect Flagg said there is a meeting of the NEFRPC on Monday that he has been invited to. Mayor Smith said that is primarily for newly elected officials.

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

CITY CLERK

MAYOR