

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 29<sup>th</sup> day of June, 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 Edward E. Hedstrom, City Clerk Betsy Jordan Driggers, Finance Director Ruby M. Williams, Planning Director Adam Mengel, Police Chief Bill Dolinski, Fire Chief Rudy Howard, Sanitation Supt. Bernard Williams, Acting Water, Sewer & Streets Supt. Sam Willis, and Main Street Manager Debbie Banks.

INVOCATION – The Reverend Ted Griswold, Pastor; St. Pauls Episcopal Church

PLEDGE OF ALLEGIANCE – Earl Wallace

APPROVAL OF MINUTES – 5/25/00 - Commissioner Edwards moved to approve the minutes as read. Commissioner Norwood seconded the motion, which passed unopposed.

PUBLIC COMMENTS: Kate Povlich, Keep Putnam Beautiful, said CDR Systems has asked to adopt Kay Larkin Drive for the beautification program. Commissioner Brown moved to approve a Litter Removal Agreement between the City and CDR Systems, Inc., contingent upon concurrence as to form and appropriateness by the City Manager and City Attorney. Commissioner Edwards seconded the motion, which passed unopposed.

Clint Snyder, 7300 Crill Avenue, Conlee Mural Committee, said several downtown businesses along St. Johns Avenue have installed ‘burglar bars’ on their windows. He feels this gives the impression that the downtown is a high crime area, and is not the image they would like to project. They are trying to revitalize the downtown area. He would like the code amended to abolish burglar bars in the downtown C-3 district. Mayor Smith asked Mr. Hedstrom to look at the City’s options and make a report to the Commission. Commissioner Edwards said it should also be discussed with the downtown merchants’ association.

PUBLIC HEARING – Ordinance amending Section 64 of the Municipal Code to allow for billboards in C-1, C-2 and M-1 zoning districts – Mayor Smith opened the public hearing. Phil Leary, representing Republic Media, said currently billboards are allowed only in industrial zoning classifications. They would like that expanded to C-1 & C-2 districts only along established outdoor advertising corridors. He provided the Commission with a map showing the proposed corridors, running along the proposed intra-state highway system as outlined by FDOT. They propose more stringent restrictions on separation, setbacks, construction, maintenance, size and height than the City’s ordinance currently allows. Jim Scraphone, sales manager, passed out a partial list of their clients, along with a list of non-profit organizations they currently donate space to. They try to be good corporate citizens in the community. They would like to expand their base of operations. Mr. Leary said they do not plan to expand heavily at this time, but would like the opportunity for future expansion as the market and business dictates. This does not include the downtown area. It begins at the CSX tracks on Reid Street.

Adam Mengel, Planning Director, said the Planning Board voted 5 – 1 against the proposal. Some changes have been proposed, including improvements in the setbacks. Currently billboards are permitted only in M-1 districts. Mr. Bush said even though they only plan to add billboards at two sites, once this is changed it opens it up to however many billboards any company can put up, with 1,000’ separation, on a first-come first-serve basis. Mr. Mengel said Florida statutes prohibits rezoning of land specifically for billboards. The Planning Board had seen the proposed changes before the vote. Commissioner Norwood said they worked for five years to get billboards out of the City, and he believes the Planning Board had this in mind when they made their recommendation. In cities like Kissimmee you are bombarded by billboards, and he does

not want to see this happen to Palatka. In answer to Commissioner Brown's question, Mr. Leary said the County allows billboards in commercial and industrial zoning districts. The market will drive additional billboards, and they only have two sites proposed. The signs cost between \$20 – 30 thousand dollars to build. For every two structures you build you get the same tax value as a \$60,000 dollar home, but without the liability of providing services. They believe the City will grow and begin to annex property, and they need to be ready. Commissioner Brown said there are many vacant billboards up now. Mr. Leary said they now have a full-time sales person working in the area. Billboards help smaller businesses by getting people off the highway and to their shops to spend money. Mr. Scraphone said they don't want to look like Kissimmee, where there is a total lack of zoning and space requirements. Palatka still has a permitting process to go through, and if you can't get a permit, you can't build it. Commissioner Brown asked if they can do it as a conditional use. Mr. Leary said the criteria they are proposing makes it a conditional use, and Palatka already has so many conditional uses now it is a nightmare. They need to streamline the process; if it meets the criteria, they should be able to do it. Commissioner Brown said she has heard from many people who are concerned, and want some input into where billboards are allowed to go up. Mr. Leary said this is the reason they have proposed the restrictions. Mayor Smith opened the floor for public comments, limited to three minutes each.

Gene Caputo, Downtown Palatka, said their involvement came about as a result of the initial application, which included potential locations in the downtown area, which has thankfully been deleted. Billboards serve a purpose, and he uses them, but this comes down to appearance issues. He submitted a brief and unscientific survey done in February, which indicates that around 33% of the billboards in a 3-mile radius of downtown are vacant. A great number of those, plus more, are vacant today. He does not believe they need more billboard space, according to the numbers. The Planning Board said they don't want it, and Downtown Palatka makes the same recommendation.

Earl Wallace, 224 N. 6<sup>th</sup> Street, said he does not want to see the visual pollution of huge steel billboards come into Palatka. According to this proposal, they will begin at the old Winn-Dixie store and go out every main route out of town, including down Palm Avenue.

Clint Snyder, 7300 Crill Avenue, said if you drive up U.S. 1 in St. Augustine, you will get a 'belly full' of billboards. It's pollution. The present ordinance is good.

Allegra Kitchens, Conlee Mural Committee, said they have chosen a mural site on the side of the Central States building, and the proposed billboard may block the mural.

Mayor Smith closed the public input portion of the hearing. The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REVISING SECTION 62-12 TO PERMIT BILLBOARDS IN C-1, C-2 AND M-1 ZONING DISTRICTS THAT LIE WITHIN DESIGNATED OUTDOOR ADVERTISING CORRIDORS; ESTABLISHING OUTDOOR ADVERTISING CORRIDORS ALONG S.R. 20 (CRILL AVENUE) WEST OF PALM AVENUE, U.S. 17 NORTH OF CSX RAILROAD, S.R. 19, S.R. 100 NORTH OF U.S. 17, AND PALM AVENUE BETWEEN S.R. 20 AND S.R. 100; REVISING SECTIONS 94-148(g), 94-149(g), AND 94-151(g) TO PERMIT BILLBOARDS IN THE RESPECTIVE ZONING DISTRICTS THAT LIE WITHIN THE OUTDOOR ADVERTISING CORRIDORS; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to deny placing the ordinance on its 2<sup>nd</sup> and final reading for adoption. Commissioner Azula seconded the motion. Mayor Smith said he knows they will continue to have growth, and at some point there will be a need for advertising. Billboards can be beneficial to get directions. Since there are a number of vacant billboards now, he does not believe that need exists at this time. There may be a way to do this as a conditional use, one condition being the other billboards should be full. He has received letters and calls from people in the community who do not support more billboards. He noted for the record a letter in opposition from Linda Meyers, which she submitted. He believes free-enterprise dictates its own success and hates to see government get in the way of that. Commissioner Norwood said he does not believe this is warranted due to the number of vacant billboards. They will have their place and time, but that is not now. They need to

utilize the existing billboards. Commissioner Azula concurred with Commissioner Norwood's comments. The hub of Palatka should remain clean and uncluttered. The visual impact would be too great. In response to Mayor Smith's question, Mr. Mengel said the billboard proposed at the Central States site can still be built under the current ordinance. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood and Mayor Smith, Yes; Nays, none. Motion to deny the adoption of the proposed ordinance passed.

REQUEST FOR TEEN CENTER SPACE – T'Rhonda Flagg, Chair of the local Community Support Team, introduced Debbie Newman with Helping Hands, Cheryl Lesneski and Sandy Robinson from the Health Department. Ms. Neuman said the Community Support Team has been looking for a centrally located space to provide teen programs that are being offered by various agencies. Some of the programs offered are teen pregnancy prevention, dropout prevention, violence prevention, substance abuse prevention, teens against tobacco, educational enhancement, etc. They would like to use the old Teen Town building on S. 13<sup>th</sup> Street for their programs. It is ideally located, and does not seem to be fully utilized. If they cannot use that building, they would like a recommendation on another building that they can use to bring these programs to area teens. Cheryl Lesneski, T'Rhonda Flagg and Sandy Robinson described some of the programs their agencies offer for teens. The Arts Council and Palatka Police Dept. also offer programs for teens, and need a place to work from. This county has a high rate of teen pregnancy, which is tied to substance abuse, poverty level single parent households, juvenile delinquency and adult criminal activity. There is a lot they can do to prevent this if they spend time and effort on young people. The young people in this community do not have a healthy, safe and supervised place to congregate, meet and be with adults after school and evenings. In addition to recreation, they plan to offer opportunities within the community. Ms. Robinson described the annual awards banquet for Teen HOPE (Health, Opportunity, Potential & Education), a Health Dept. program that partners with the school system to provide intensive case management to students enrolled in the program. There are now 180 students enrolled. It targets middle-school aged children. Statistics show more middle school children become pregnant between the hours of 3:00 – 6:00 p.m. than any other time. A teen center would provide a place for teens to go for tutoring and other programs. Students' grades and self-esteem improve through the program. Ms. Neuman said they will have a student decision-making body to help run the program, in order to teach them leadership and decision making skills. Mayor Smith said the Duplicate Bridge Club meets in the building and the Putnam County Scholarship Fund (Azalea Festival organizers) now use that building for meetings and storage. They are long-term tenants of that building. He suggested the Senior Center's current center might be used as a teen center after they move out of it. Unless the Azalea Festival committee gives them some consideration and finds other accommodations, there is no room in the building. Commissioner Brown suggested they contact the school board about the old neighborhood facility beside Jenkins Middle School. It has parking and plenty of space. Ms. Flagg said the school is using that space as classrooms. Commissioner Brown said it is not being used this summer, and if the program goes well enough, the school board may give them other space. Commissioner Azula said the issue is the old Teen Town; the building has been under-utilized by the Azalea Festival Committee. It has become a storage area. The bridge club renovated their part, but the other part is completely under-utilized. They should be able to talk to the Azalea people about moving and giving them another storage area that is more suitable. That building is ideal for their purposes; it is centrally located beside a park. It won't be over-run by kids and won't be used late into the night; the area is in his neighborhood. They should consider this request and provide the Azalea Committee with a separate place to store their things. The Jaycees ceased to exist many years ago and this was their meeting place. The building is no longer attractive, and if this group is willing to do something with it, they should be allowed to. The Bridge Club will be a good neighbor. Children need adult supervision and direction, and are troubled by lack of adult leadership. These ladies are doing a wonderful job. The Commission should try to accommodate them. This is more an informational and guidance center than a 'party place'. Middle Schools are close by. Commissioner Norwood said he agrees with Commissioner Azula that it is a good program, but the City has made a commitment to the Azalea Festival Committee and Bridge Club and they need to honor that. If they are going to do something else, it should be a cooperative effort between all the parties. He would like to remand this back to the City Manager to

arrange a meeting between the parties involved to come to a consensus on the best use of the building, and come back to the Commission with a recommendation. The Commission agreed. Ms. Robinson said the area at Jenkins is under construction and they were not able to use that area this summer. Mayor Smith said the Commission supports them and their services, and they will try to work something out with the parties involved in the building. Commissioner Edwards asked Ms. Robinson to advise the Commission of their functions and they will attend some of them.

**POLITICAL PARTIES' REQUEST FOR OFFICE SPACE** – Mayor Smith said since both the Democratic and Republican parties have requested space, and there is only space available for one, they have been trying to work out a compromise between the Democratic Party and Save Rodman to share some office space, in order to accommodate both organizations. They have yet to work out an agreement. They cannot give space to one without giving space to another. Commissioner Brown moved to give the City Manager authority to commit office space to both parties only if such space can be found for both. Commissioner Edwards seconded the motion, which passed unopposed.

**SENIOR CENTER LONG-TERM LEASE FOR LAND** – Steve Overturf, Palatka-Putnam Senior Citizens Center said they have obtained a \$150,000 grant to fund the building of a new Senior Citizens' Center. The City has obtained property behind the Westgate Shopping Center, and the former director, the late Sarah Elrod, was negotiating with Mr. Bush about obtaining a portion of that property for the new Center. They need a long-term lease on the land in order to obtain the grant and build the facility. Both Mr. Hedstrom and Mr. Bush have seen the restrictive covenants on the grant. Mayor Smith said this has been the intent for that property all along. Mr. Hedstrom said they would like a 50 – 99 year lease on the land, with a reverter clause if it ceases to be used. Mr. Bush said if a grant is available, the group from the teen center could also construct a building on that site. The new building is proposed next to and west of the existing building, fronting the parking lot. Commissioner Brown moved to grant a long-term lease on the land adjacent to Westgate Shopping Center to the Palatka-Putnam Senior Citizens Center, the details to be worked out between the City Manager, City Attorney and Mr. Overturf, as they pertain to the covenants of the grant, with a reverter clause. Commissioner Azula seconded the motion, saying Mrs. Elrod put many hours into this project. Mr. Hedstrom said for the record he also represents the Senior Citizens Center, but sees no conflict between the parties' interests. The documents have to be signed before July 14, 2000. Mayor Smith said there are two lots there, and one will be designated for the Senior Citizens' Center. Commissioner Norwood said he would like to see plans for the building and its placement on the property. Commissioner Brown said she wants to see city property used for public purposes only. Mr. Bush said Mr. Overturf plans to retain an architect to draw up plans for the building, and he will bring that drawing back to the Commission. Commissioner Norwood said he would like to see the details worked out as soon as possible in order to relieve the Seniors' anxiety over whether they will have a meeting place. There being no further discussion, the vote was taken and the motion passed unopposed. Mayor Smith thanked Debra LeRoy, who works for Representative Kelly Smith, for putting many hours of work into this project.

With concurrence from the Commission, Agenda Item 13 was moved ahead of the remaining Orders of the Day.

**ORDINANCE** – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY AMENDING SECTION 78-170 PERTAINING TO OCCUPATIONAL FEES FOR NUDE DANCERS AND STRIP SHOWS AND CROSS-REFERENCING WITH SECTION 46-131 (PUBLIC NUDITY); BY ADDING SECTION 46-140 TO PROVIDE A CROSS-REFERENCE TO OCCUPATIONAL FEES FOR NUDE DANCERS AND STRIP-SHOWS; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on a single reading for emergency adoption. Commissioner Norwood seconded the motion. Mayor Smith opened the floor for discussion.

John Harris, Spurs Saloon, thanked the Commission for waiving the occupational license fee on the male review show he recently contracted for his establishment. The tickets for the show sold out two days in advance. It was a tasteful show. The women who came

were middle- to upper- class and professionals. It was held a block from the Palatka Police Station in a clean section of town. He presented a petition with 369 names of people who were on St. Johns Avenue in the past two weeks, who would like to see this type of entertainment in downtown Palatka. He did not solicit this; it was given to him to bring to the Commission. These petitioners feel it is unjust for the City Commission to restrict their right to entertainment that does not violate any city ordinance, and feel the \$1,000/day license fee is unjust and unnecessary, and should be eliminated. Commissioner Brown asked if all those people are from Palatka; Mr. Harris said these people spend money on St. Johns Avenue. They are from Palatka, E. Palatka, San Mateo; he gathered the signatures on St. Johns Avenue. He was not trying to get only people who live in Palatka to sign it, but anyone who did business downtown. Mr. Harris cited FS 212-04, Admission Rates and Procedures, pertaining to sales tax on ticket sales. In a case from Black's Law Dictionary, a judge defined an excise tax as a tax imposed on performance of act, engagement of occupation, or enjoyment of privilege. FS 212-04, Section B, says, "no municipality of the state shall levy an excise tax on admissions" and includes customer protection regulations. He said this tax is not reasonable. Under the ordinance pertaining to price controls, he cited "no county, municipality, or other entity of local government shall adopt or maintain in effect an ordinance or rule which has the effect of imposing price controls upon a lawful business activity." The license fee forces the license holder to purchase a license for which they cannot get reimbursed, and the intention of the fee is to force the potential license holder to not purchase the license. This is not legal, according to statute. The City already has a right to levy an occupational tax, which must be based upon a reasonable classification, and must be uniform throughout that class. The City's entertainment license costs \$25.00/year. This one-day license is not reasonable within the same classification as the entertainment license. The Commissioners are elected officials. Their real obligation is to the citizens and the U.S. Constitution. He read an e-mail he received at 3:30 a.m. today saying the Constitution is the 'absolute rule of action' and written by the people. Any act or ordinance in opposition to it is null and void. A constitutional right is a right guaranteed to the citizens by the Constitution in order to prevent legislative interference therewith. He read the 1<sup>st</sup> Constitutional Amendment, pertaining to freedom of assembly. They are breaking no laws when they assemble, and the Commission is saying they don't care what they are doing, they don't like it, and are going to pass an ordinance restricting their right to assemble. This law is unbreakable. The Commission has no right to tax people if they are not breaking any laws. The commissioners should be ashamed using their elected power to impose their beliefs on a person's right to assemble. They have no right to try to circumvent the 1<sup>st</sup> Amendment by pricing them out of their right to assemble.

Allegra Kitchens, 1027 S. 12<sup>th</sup> Street, said the occupational license fee is already on the books, and the reason they are adopting this ordinance is due to Mr. Harris' previous assertion that the nudity ordinance was unclear as it did not state within it that there was a separate occupational license fee for this type of show. The Commission is only cross-referencing the ordinance to the occupational license fee that is already on the books. It tells the license holder there is a fee for strip shows, but does not stop people from assembling. She can go there any time she wants to without having to pay the \$1,000. They need to pass the ordinance. Commissioner Norwood asked if \$1,000 is the maximum fee they can impose or can they make it higher. He does not believe \$1,000 is enough. Commissioner Brown said several years ago people came to the Commission in droves saying they did not want this type of entertainment in the downtown district when the previous owner of Mr. Harris' bar was having strip shows. She does not need to go to Mr. Harris' establishment to watch it, and would not impose her opinion on others. She does not drink, but does not stop people from going to his bar to drink nor put a huge fine on it. They established this fee because the citizens of Palatka told them they do not want this in the downtown area. This is the only way they have of discouraging it. At the last meeting Mr. Harris said this was a one-time show, and now he is chastising the Commission for acting in the best interest of the citizens. Mr. Harris said making a license available for 'topless dancers and strip shows' is not eliminating it, it condones it. The amount of the fee does not matter. Why not just say you can't do it, and forget the fee altogether. Putting a license fee on something that is legal is illegal. You can make those people happy without infringing on others' rights. They should set a reasonable fee and then fine people \$1,000 for violating the ordinance. If people in his business take off their clothes right now, it is a misdemeanor crime. It is cheaper to do it without the

Commission's permission and simply pay the fine. Commissioner Brown said it's not about the money. Mr. Harris said they are not breaking the law. Commissioner Norwood said last month before the Commission voted to allow Mr. Harris' show to go on, he stated that if they let him get his foot in the door, he would want to 'kick it in'. This is a prime example of that. He has not forgotten what he was elected to do, and that is to uphold the laws of the City so they can have a city to be proud of. He believes that the citizens of Palatka do not want or need this type of show. The fee is not adequate. He promotes free enterprise, but believes a line should be drawn when it is detrimental to the community. Commissioner Edwards said they are not here to vote on the fee tonight, and if Mr. Harris wants it changed, he should meet with Mr. Mengel and draw something up to take to the Planning Board. They should let this go through the proper channels.

Adam Mengel, Planning Director, asked how to enforce the current code, which states public nudity is prohibited except in certain situations like doctor's offices, dressing rooms, hotels, rented rooms, or private homes. The occupation license states 'topless dancers' and clearly is not in compliance with the Code. The discussion earlier clarified it to stripping down to something that complies with the Code, but topless is topless and nude is nude. To say it is a show as it complies with the Code is problematic to enforce, and likely in direct conflict with existing conditions within the Code that says you can't have public nudity in any case. He believes the problem is the license itself. Mr. Hedstrom said they eliminated the phrase "exhibitions of topless dancers and strip shows" and substituted "exhibitions of nude dancers and/or strip shows"; topless is no longer the issue. The only purpose of this ordinance adoption is to cross-reference the ordinance to the license fee to solve Mr. Harris' concern that he was not informed of the fee. That is what this accomplishes. When it says "nude" it is clarified that the provisions of the public nudity ordinance set forth per the occupational license shall govern any exhibitions of nude dancers and/or strip shows. The anti-nudity ordinance does not affect the occupational license. It just means you can take off more clothes. It doesn't matter if you don't strip completely nude. If you have a strip show done for the purpose which strip shows are done, it triggers the occupational license. Mr. Mengel said it is still unclear, because it references nudity, and if it complies with the Code it is not nudity. Mr. Hedstrom said the code states the limitations on public nudity; it is defined within the limitations of the public nudity ordinance. Mayor Smith said they have a nudity ordinance, which states what you can and can't do. Some establishments in the community have their waitpersons already dressed to the limits of the nudity ordinance, and are not required to pay anything. The point of the nudity ordinance was to set a line that couldn't be crossed. In this case, because it is a show, the City says they have to pay a fee, when another establishment down the street does it every day. There is a conflict. He has not seen the other establishment's waitpersons himself, but this has been brought to his attention. The ordinance needs to be refined. The issue should be remanded back to the Planning Board. There is also a need for additional enforcement. He has been informed of other things going on in other establishments, behind closed doors, which is clearly not allowed. This nudity ordinance is a good one and has been tested in the Supreme Court; the issue is with the occupational license fee. It needs to be fair across the board. Mr. Mengel said the distinction between the dress of waitpersons and a strip show is that a show is a show, but the waitperson's uniform is a costume that complies with the code. He understood the change was to be a strip show that allows a 'stripper' to strip down to a costume that complies with the code, not topless or nude. The occupational license seems to be a waiver of the ordinance that allows you to pay the fee and do whatever you want. Mr. Hedstrom said they should be read together. Mayor Smith said the waitpersons have to strip something off to get down to their 'uniforms'. The point tonight is just to cross-reference the ordinance to the fee, so there will be no confusion in the future. His point is that other establishments are pushing the limits of the ordinances. Commissioner Azula said he has seen more things going on in different drinking establishments in Palatka than in Las Vegas. There is no control going on. He does not believe it is fair to force establishments to pay \$1,000 to abide by the nudity ordinance for one day. It needs to be revised. There is a double standard. They cannot legislate morality but can legislate what people can strip to. He is in complete agreement with the nudity ordinance, but not with the occupational license. He does not believe any commission has the right to impose a \$1,000 fee on anything. Other establishments are getting around it. Commissioner Brown said this was established to get people's attention and let them know that the citizens did not want it. Mayor Smith said the

Planning Department should look at establishing a fair enforcement of this ordinance across the board, and the Police Chief should be directed to establishment enforcement of the existing ordinances. There being no further 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 declared adopted.

The Commission returned to the Order of the Day.

**BULK SALE OF WATER – ST. JOHNS HARBOR WATER ASSOCIATION** – Doug Norman, Project Engineer for HTA, gave an overview of HTA and its ongoing projects with the City. Tonight's proposal was put together by his firm, Richard Hickman Land Surveying, and Crystal Engineering & Construction.

Al McLarn, Chief Engineer with HTA, Project Manager, said they would like to discuss St. Johns Harbor Association's need for good quality drinking water. Currently there are water quality violations imposed by DEP on the current well. They can either build an expensive treatment plant, which would be a financial drain on the community; or they can purchase water in bulk from an existing water system such as Palatka's. There are other complicated issues with building their own treatment plant, such as disposal, etc. The best solution is to ask the Commission to consider allowing the Association to connect to the City's existing water system. They propose extending the existing water main almost 12 miles up Hwy 17 north to Bostwick with an 8" main, then along Palmetto Road to W. River Road, and then to the Association. Palatka's water treatment plant is running at about 50% of capacity. There is adequate pressure at the interconnection point to service the Association. This is a viable alternative and it would benefit both parties.

Glen Walter, Crystal Engineering, said the Association has been working with DEP on this issue, and what they are proposing is of no risk to the City in terms of funding. They have received a grant funding 85% of the proposed water line. The Association will cover the remaining cost. There are benefits for both parties. They will build 12 miles of infrastructure at no cost to the City, with a minimum of 150 new customers at the end of that line. This is a long-term gain that provides for future development. They would like permission to enter into negotiations with City staff to determine if they can work out the details. There are many issues that need to be resolved. If they can work out an agreement they will bring it back to the Commission for final approval.

Lee Johns, Treasurer/Director, St. Johns Harbor Water Association, said the County Commission went with them to DEP in Tallahassee and the Florida Land Sales Board. Their developer has never handled the water system correctly; they have had problems with the developer and the system for 22 years. One well is only 250' deep and is not adequate. They are Palatka's neighbors, many of them are senior citizens, and they need help desperately. If they have to go with the 'membrane' treatment, people will not be able to pay their water bills. This is a win/win situation for both parties. They have TDS's, sulfate, radon, and nitrate in their water. Wells in their area are drying up, and if their well runs dry they will have no water at all. Commissioner Edward moved to direct the City Manager and City Attorney to begin negotiations with St. Johns Harbor Water Association for the purpose of bulk water sales. Commissioner Azula seconded the motion. Mayor Smith said the late Commissioner Conlee was opposed to the sale of water outside the City Limits for years, because that is one of the few reasons people will annex into the City. He always believed they should treat this as a business, and should try to sell water & sewer in the County, much like the Gas Authority. The City does have to protect its incentive so that people will annex. The City should establish an 'urban water district', which won't require you to annex. The water will cost more. One of the ways the County will grow is to have access to water & sewer. This will minimize septic tanks and will protect the City's interests. This is a way to get past Rice Creek and will protect the City's right to sell water to urban areas. Commissioner Brown said she sat on this Commission with Commissioner Conlee, and the reason they did that was because of what happened with Rolling Hills. Those residents promised to annex to get water & sewer, and when the time came to annex they wouldn't do it. They need to have all services run together. The Association should sign an Agreement to Annex. This is the only way the Commission has to entice people into the City Limits. Sooner or later, they will become contiguous. Mayor Smith asked who would be responsible for maintenance

of the line once it is in place. Mr. Walter said the Association will either hire an outside contractor, or contract with City Staff to do the maintenance and upkeep. Mayor Smith asked if fire hydrants can be installed along the line. He said if that line had been in place when LaFarge broke ground, they would have had to tie into it. Mrs. Johns said they still have the one well, which can service hydrants, and it has a hydrant next to it. Mayor Smith said it would be good to install a hydrant per mile of the proposed line. Mr. Bush asked who was going to read their meters and do the billing. Mr. Walter said they will probably go to an outside contractor for that. They could also enter into a full service agreement if the City so desires. The build-out is around 400 homes, or 100,000 gallons capacity. Commissioner Azula said the City is already heading that way, and there will be a lot of industrial growth in that direction. Commissioner Norwood said he wants to help people, but not get to a point that people have no reason to annex. They are talking about running a water line for 12 miles, and he is concerned about having unacceptables coming back on chlorine residuals and chloroforms, etc. with seepage coming into that line. Those lines need to be monitored and serviced so it does not pose a potential problem with DEP. Mrs. Johns said they have regular testing. Mr. Walter said they do not plan on having chlorine stations. They plan on having a 50,000 gal. storage tank which they will re-chlorinate and pump into the Association's system. It will be a re-pumping station. Mayor Smith said they need to have good water all through the system, not just at the end. It does the City no good to not be able to sell water all down the line. Mr. Walter said under the provisions of the State Revolving Fund what they build must be limited to the Association's use. There are add-on restrictions. Mayor Smith said the State is here asking for a favor, and that goes both ways. Other people will want to tie in, and the water will need to be re-chlorinated all the way up. Mr. Bush said a master meter will be set up somewhere close to the City; what goes through that master meter will be what they pay for. From that point on, the maintenance is up to the Association. Under the agreement, after other people begin to tie in, they can discuss maintenance further out. There being no further discussion, the motion passed unopposed.

HOT SOUTHERN NIGHTS FESTIVAL – Susan Troiano, Putnam County Scholarship Foundation, said they are here to request a riverfront park festival permit for Aug. 27 – Sept., 2000, and for noise and alcohol variances during the Festival. Commissioner Brown asked if they will be selling beer only under the tent. Mrs. Troiano said the tent will be at the amphitheater, and they will be selling only beer. Commissioner Brown said at Crab Festival people were walking around selling beer out of backpacks on the streets, and she does not think that is a good precedence to set. Alcohol consumption should be done in a confined space where police can monitor it. When it is being sold on the street like that, there is no regulation to it. It puts an undue burden on the police. Commissioner Azula concurred, saying people running around with kegs on their backs is not necessary. Beer sales should be confined to the beer tent. Mayor Smith said if that is the Commission's position, each festival organizer should be made aware of that now so they can plan accordingly. Commissioner Edwards moved to grant the parks reservation permit, noise and beer sales variances for the Hot Southern Night Festival. Commissioner Azula seconded the motion. Commissioner Norwood said he did not see the beer backpacks at the Festival. He does not drink, but will not deny others the right to do so. He does not agree with selling beer at festivals. When they address these issues they should apply to all festivals. The police have an obligation to make sure individuals who are being served alcohol are being carded. If people are serving to minors, their licenses should be revoked. The police officers have every opportunity to check I.D. Commissioner Brown said adults can buy beer and pass it to minors, but if beer sales and consumption is confined to a tent, there is not much chance of that going on. The Commission is generous in allowing it in a confined area where people have the opportunity to drink it and have a good time, but not be out bothering those who do not wish to be around it. Mayor Smith directed the City Manager to notify Blue Crab Festival that they do not want people wandering the streets with alcoholic beverages, and to confine sales and consumption of beer to a confined area. Answering the question, Mrs. Troiano said the boundaries will be the same as last year; the amphitheater, the midway at the old jail site, and the sports bar on the corner across from the Highrise. The festival will begin Sept.1. Mayor Smith asked her to speak with Martha Pace at the Democratic Executive Committee, as they also are planning a political forum at the courthouse that evening, and they may want to combine them. There being no further discussion, the motion passed unopposed.

SPEEDY CASH PAWNBROKER LOCATION – Mike Lynn, Speedy Cash, 701 Reid Street, said they have been at this location for five years, but can no longer continue as a title loan company. They would like to continue doing business at that location as a pawnbroker. They will continue to run an attractive retail outlet.

Daniel Buchanan, owner, River City Gold N Guns, 708 St. Johns Avenue, said he has been engaged in the pawnbroker business and has been a member of the Florida Pawnbrokers' Assoc. for 14 years. This is the 2<sup>nd</sup> time since 1990 that the title loan industry has been regulated out of business. He was not engaged in title loans, and understands free enterprise. They had a discussion a long time ago about having too many pawn shops in the downtown area. There is his shop, Mr. Hodge's shop across from Wendy's on Reid St., and Mr. Boyd on Hwy 100. They work with local law enforcement and are hometown people. He just put up a sign that says "Pawn Shop" on the side of the old bakery, right next to Speedy Cash, hoping to direct people to his pawnshop. He will now have to add a big arrow to it directing people to his location and not Speedy Cash, as it is not his intention to advertise for Mr. Lynn's business. He went to Speedy Cash a long time ago to ask for permission to put up a sign over their business when they were in the title loan business; they turned him down. There was no business conflict there at that time. He does not want to see them set up business at 701 Reid Street, next to his business, but if they do, he can't do anything about it. In answer to the question, he said Super Pawn is out of business; the proprietor was arrested for dealing in stolen goods. At one time the City talked about restricting the distance between pawnshops so they would not end up with 'pawn shop row' like Jacksonville. Now Mr. Lynn is locating a pawnshop next to his. Commissioner Azula moved to approve a pawn broker location at 701 Reid Street for Speedy Cash, Inc. Commissioner Norwood seconded the motion, which passed unopposed.

#### REPORTS:

a. State of the Sanitation Dept. Report – Bernard Williams, Superintendent gave a report on the state of his department, a copy of which is attached to and made a part of these minutes. His department's slogan is "Make it Go Away". Commissioner Norwood commended the personnel in the Sanitation Dept. for their hard work and dedication. The people who work on the sanitation trucks are some of the hardest working people in the City. They need to make sure they keep up their equipment. At one time the equipment wasn't being kept up, and the City doesn't want to get back to that point. Mr. Garrett has expressed his concern over equipment servicing. Mr. Bush said they have a good vehicle maintenance program, and they are watched closely. If a vehicle becomes too costly to keep on the road, they turn it over. Mr. Williams said the maintenance department has greatly improved since Mr. Garrett was involved with it, and they do not intend to return to past practices. Mr. Bush said they are trying to build up enough reserve in the general fund to pay cash for the sanitation trucks in the future. Commissioners Norwood and Brown commented that the runs are made on a timely basis. Commissioner Azula said the Department is doing a great job, but the older overhead packer is so filthy you can't even see through the windshield. Mr. Williams said the acid in food does that to the windshield; they could invest in a \$1,000 heavy-duty plastic shield, but since the vehicles are mechanically sound and are being washed twice a week, he doesn't see the need for it. He will speak to his drivers about whether or not they can see out of the windshield. Until a short while ago they had only one truck doing the work of two trucks. Mr. Bush said he has spoken with Mr. Williams about making the appearance of the trucks a priority. Mayor Smith thanked Mr. Williams for a good report.

b. Planning Board Recommendation to Amend the Municipal Code to allow indoor pistol ranges as a conditional use in C-3 zoned areas – Adam Mengel said he outlined the events leading up to this recommendation in a memo included in the agenda package. Commissioner Edwards moved to direct the City attorney to draw up an ordinance amending the code, per the Planning Board's recommendation, to be placed on first reading on July 14 and advertised for public hearing and final action on August 17, 2000. Commissioner Azula seconded the motion, which passed unopposed.

c. Schedule of adoption of EAR-based amendments – Mr. Mengel said this is an 18-month process, and they need to schedule the final phase of the project, which was started three years ago. He would like to set up advertising based on the schedule he provided in the agenda package and notify DCA of the hearings. Commissioner Brown said she has spoken to Mr. Mengel about CDBG and the Affordable Housing Study Commission and their concern with Comprehensive Plans. She wants to be sure they have fulfilled those things they promised to do. There are going to be changes in the CDBG program and DCA's approach to infrastructure, housing and economic development. Part of Palatka's plan was put together by the NEFRPC and is based on so much data. If DCA does not like a city's comprehensive plan, they take away all their funding. She wants to make sure they are in compliance. They also need to look at the housing element in the City. They used to do housing rehabilitation with CDBG, but they have cut back funding and are urging cities to use SHIP money for housing, which is very hard to get. People who come from other areas, who are not city or county officials, talk about these issues at their meetings and they do not think highly of what they do or don't do for people. Commissioner Norwood moved to approve the EAR-based comprehensive plan amendment hearing schedule as recommended by Mr. Mengel. Commissioner Norwood seconded the motion, which passed unopposed.

RESOLUTION – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ASSESSING AGAINST CERTAIN PROPERTIES WITHIN THE CITY OF PALATKA, FLORIDA, COSTS INCURRED BY THE CITY OF PALATKA IN THE ABATEMENT OF NUISANCES PURSUANT TO SECTION 30-32 THROUGH 30-40 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA. Commissioner Edwards moved to adopt the resolution as read. Commissioner Azula 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 OF THE CITY OF PALATKA, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST AN AGREEMENT FOR MAINTENANCE WITH FDOT FOR PORTIONS OF RIGHTS-OF-WAY ALONG SR 15, SR 20 AND SR 100, FIN PROJECT NO. 21479317203, CONTRACT NO. B-B057. Commissioner Azula moved to adopt the resolution as read. Commissioner Brown 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.

PUBLIC HEARING – Request to amend future land use map to Commercial from County Urban Reserve, and rezone to C-1A from County C-1 – 6905 Old Wolf Bay Rd., Putnam Diagnostic Imaging Center, Owner. Mayor Smith opened the public hearing.

ORDINANCE – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) AS DESCRIBED HERINAFTER, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on its single reading for adoption. 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 ordinance 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 CERTAIN PROPERTY IN THE NW ¼ OF THE SW ¼ OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUTNAM COUNTY, FLORIDA, FROM COUNTY C-1 (COMMERCIAL) TO CITY C-1A (NEIGHBORHOOD COMMERCIAL); AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on its 2<sup>nd</sup> reading for adoption. Commissioner Edwards 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 ordinance was declared adopted.

RESIGNATION – Commissioner Brown moved to accept Robert Worthington’s letter of resignation from the Palatka Historic Preservation Board. Commissioner Norwood seconded the motion, which passed unopposed.

APPOINTMENT – Commissioner Brown moved to reappoint Clint Snyder to the Palatka Historic Preservation Board for a three-year term to expire June 30, 2003. Commissioner Edwards seconded the motion, which passed unopposed.

APPOINTMENT – Mayor Smith said the Putnam Co. Historical Society asked the City of Palatka to appoint a commissioner/liaison whom they could bring issues and requests to. Commissioner Norwood made a motion to appoint Commissioner Edwards as liaison to the Putnam County Historic Preservation Society. Commissioner Azula seconded the motion, which passed unopposed.

PERSONNEL RULES – Mr. Bush said this is to address personnel policy on leaving city vehicles unattended, use of city property, and disclosing computer passwords. Commissioner Brown moved to adopt the policies as presented. Commissioner Edwards seconded the motion. Police Chief Bill Dolinski said they need to make some exceptions for police vehicles; they have to leave the air conditioning running in the K-9 unit when the dog is in it, and they have to leave the engine running when making traffic stops while the lights are going, or it runs the battery down. Mr. Bush asked Chief Dolinski to propose exceptions for Police Department vehicles to exempt them from turning their vehicles off while making routine traffic stops and for the K-9 unit while occupied by the dog. There being no further discussion, the motion passed unopposed.

DRUG TASK FORCE VEHICLE – Chief Dolinski said his department has joined with FDLE and Putnam/St. Johns/Flagler Counties to create a tri-county drug task force, which is being overseen by FDLE. They have to purchase an unmarked and unrecognizable vehicle for use by the officer working the program. They have been looking at used vehicles, but most of them have high mileage. They found a new Dodge Intrepid from Beck Chrysler for \$18,710. The state contract price is \$16,492. St. Johns Chevrolet also submitted a quote for a Chevy Impala for \$16,936. This is the end of the model year, and they are having a difficult time getting into this price range. He would like approval to purchase a vehicle in the \$17,500 price range. He believes they can get the money from this year’s budget. Commissioner Brown moved to purchase a drug task force vehicle in the \$17,500 price range from a local dealer. Commissioner Norwood seconded the motion, which passed unopposed.

DESIGNATION OF VOTING DELEGATE – Commissioner Edwards moved to appoint Commissioner Norwood as the City’s voting delegate to the League of Cities’ Annual Conference to be held in August. Commissioner Azula seconded the motion, which passed unopposed.

MORROCCO SHRINE CIRCUS DONATION – Mayor Smith said last year this request was turned down because they couldn’t guarantee that local children would benefit from the donation or receive tickets to the circus. Commissioner Edwards moved to deny the request for donation to the Morocco Shrine Circus. Commissioner Norwood seconded the motion, which passed unopposed.

#### COMMISSIONER REPORTS:

Commissioner Brown said at one time the City sponsored a summertime employee picnic, and they would like to start that practice again. She would like staff to try to plan an employee picnic for August at Booker/Lefty Turner Park.

Commissioner Brown said she would like to invite the Jacksonville Port Authority marketing director and State Rep. Toni Hill to Palatka. She has spoken to them about offloading cargo that the Jacksonville Port cannot handle, which would help with expanding the Airport and help get Palatka into international trade.

Commissioner Brown said on Sundays the biker bar in her neighborhood has outside entertainment, and they do not consider the people living in the area. The noise gets very

loud. She would like to find a way to ask them to either take their shows inside or tone down the noise, which gets so bad the neighbors' dishes and windows rattle. Sunday should be a day that people don't have to deal with all that noise. You can hear it for several blocks. Mr. Bush asked Chief Dolinski to use his Department's decibel meters to check the sound levels at the biker bar on Sundays.

Commissioner Edwards said he and Mr. Bush met with Jim Whitaker from the Arc on opening up their swimming pool for public programs. He was very receptive to it, and offered to charge \$1.00/yr. rental. The next step is to approach the County's recreation committee about sharing the cost of chemicals and coordinating the programs. Mr. Bush said they need to coordinate their efforts with Commissioner Norwood so he can present it to the County Recreation Committee. If they charge a fee, they can almost break even.

Commissioner Azula thanked all those in the audience who stayed for the entire meeting.

Commissioner Norwood said the pension conference in Naples was quite informative.

Commissioner Norwood said the citizens really appreciate the Police Department's increased presence in the community. They have been concentrating on traffic and noise control.

Commissioner Norwood said now that Bronson St. has been paved, people are speeding up and down it, and he would like to see a four-way stop sign and posted speed limits. He complimented the Streets Dept. for the good sidewalk work they are doing on the Northside. The neighbors are very appreciative. He would like to see the tree stump in front of Calvary Baptist Church removed. Sam Willis said he would take care of it.

Commissioner Edwards said today 3<sup>rd</sup> Street was repaved, and he does not believe they put the traffic light sensors back under the pavement, as he sat at the light at 3<sup>rd</sup> & Reid and the light would not change. Mr. Willis said the sensors aren't affected by the overlay, but the stop grid is missing, so he may not have been actually stopped over the grid, which would cause the light to change. The grid will be repainted.

Mayor Smith said he would like to establish a 'consent agenda' section for board appointments and resignations. All the consent items can be passed under one motion, and any commissioner has the ability to pull an item out of the block.

He offered special congratulations to Mr. Hedstrom, who made the final cut today on his quest to become a judge. He is one of three finalists hoping to be appointed to replace Judge Boyles upon his retirement in September.

Karl Flagg, 1701 Oak Street, Palatka, asked the Mayor to make a proclamation in honor of James "Lefty" Turner's birthday celebration on July 8<sup>th</sup>. He is living at Palatka Health Care Nursing Home at this time. Mayor Smith asked him to provide the City with the proper information, so they can have the proclamation issued. Commissioner Brown said she will fax the information to Congresswoman Brown, who will write him a letter.

Mayor Smith said the repaving on S. 18<sup>th</sup> Street and it needs to go to Crill Avenue, and not stop at President St. Mr. Willis said his map shows repaving up to Crill Avenue.

Mrs. Driggers said there are two openings on the Board of Zoning Appeals, and the Commission is accepting applications from anyone that is interested in serving. The openings are not occupation-specific; the only requirement is voter registration and county residency.

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

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CITY CLERK

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MAYOR