

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 17th day of August, 2000.

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

Also Present: City Manger Allen R. Bush, City Attorney Edward E. Hedstrom, City Clerk Betsy Jordan Driggers, Finance Director Ruby Williams, Planning Director Adam Mengel, Police Chief Bill Dolinski, Fire Chief Rudy Howard, Parks Supt. Jeff Norton, Main Street Mgr. Debbie Banks, and Acting Water, Sewer & Streets Supt. Sam Willis

INVOCATION – The Reverend Karl Flagg

PLEDGE OF ALLEGIANCE – Marshall Fulgham

APPROVAL OF MINUTES – June 29, 2000 & July 14, 2000 Workshop – Commissioner Edwards moved to accept the minutes as presented. Commissioner Brown seconded the motion, which passed unopposed.

PUBLIC RECOGNITION – Mayor Smith read a proclamation on behalf of the Muscular Dystrophy Association honoring City Firefighters and proclaiming the week of August 28 – Sept. 24, 2000 as Firefighters’ Appreciation Week.

EMPLOYEE OF THE MONTH AND RECOGNITION OF EXTREME COURAGE – Sam Willis said Rhett McCamey, a Streets Dept. employee, and Arthur Coley, a former Streets Dept. employee who was employed by the City when the act occurred, intervened in a ‘road rage’ attack and prevented serious injury to a 79-year old man on June 28, 2000. For performance above and beyond the call of duty, and displaying extreme courage and integrity, Rhett McCamey was honored as Employee of the Month and Mayor Smith presented him with a lapel pin, certificate and check for \$25.00. Mayor Smith also presented Arthur Coley with a certificate, lapel pin and check for \$25.00 in honor of his extreme courage and integrity for his restraining the attacker and preventing harm to the victim.

CLOCK TOWER DONATION – Anne Jones, Skeet Alford and Marshall Fulgham presented Mayor Smith with a donation of \$30,000 on behalf of the Blue Crab Festival for the Millenium Clock Tower, saying if it weren’t for the cooperation they receive from the City, they would not be able to have such a successful Festival year after year. Speaking on behalf of the Clock Tower Committee, Mayor Smith thanked them for their generous donation and said it is commendable that their festival gives so much back to the community.

BLUE CRAB STORAGE BUILDING – Item 5 was moved to the front of the Orders of the Day at the request of Mayor Smith and upon unanimous consent of the Commission. Commissioner Brown moved to allow Blue Crab Festival to build a storage building, at their expense, on City property located behind the City Hall Annex at 205 N. 2nd Street, as presented in their plans which have been approved by the City Manger. Commissioner Azula seconded the motion, which passed unopposed.

TRIBUTE TO JAMES H. ‘LEFTY’ TURNER – Mayor Smith lead a tribute to the Late “Lefty” Turner, a member of the Negro Baseball League and retired City Recreation Department Employee, who passed away on August 13, 2000. He recalled Lefty’s recent birthday celebration, and how much he meant to the residents of Palatka, young and old. He called for a moment of silence in Lefty Turner’s honor.

PUBLIC COMMENTS – Webster Marlow, 120 Kirkland Street, said he has seen great improvements on Emmett Street, but there are many patches. He hopes they will repave the road. Mr. Bush said the City has recently issued a large bond for road improvements, and Emmett Street is on the repaving list.

PUBLIC HEARING – PISTOL RANGE - ORDINANCE amending the Code to allow indoor pistol ranges as a condition use in C-3 zoned districts – 2nd reading, adoption. Mayor Smith opened the Public Hearing. Adam Mengel, Planning Director, said this amendment was recommended for passage by the Planning Board on behalf of a petition brought by Danny Buchanan, River City Guns & Gold, in order to open a pistol range next door to his existing business. If the ordinance passes, Mr. Buchanan would be allowed to apply to the Planning Board for a conditional use before he could open his range at this location.

ORDINANCE – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING SECTION 94-150(e) OF THE CODE OF ORDINANCES BY ADDING INDOOR PISTOL AND RIFLE RANGES AS A CONDITIONAL USE IN C-3 ZONED DISTRICTS AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to adopt the Ordinance as presented. Commissioner Azula seconded the motion. Commissioner Norwood said he believes it is good that Mr. Buchanan wants to create a safe environment for the use of weapons for the citizens, but he hesitates to approve that business in a central location such as Downtown Palatka. When the surrounding business people came in, that location was a bakery, and not a pistol range. These ordinances are in place for a reason. Children need a safe environment downtown. A day care center was proposed in that same block which was turned down. He cannot support this. It is an appropriate business for the outskirts of town, and the Palatka PD has set that example. Commissioner Brown said she has spoken to people on both sides of the issue. People who live in the area are very uncomfortable with it. Other business owners around the site do not want it. Commissioner Edwards said he is very familiar with indoor gun ranges, and you can stand in the parking lot and not hear gunfire. He understands others' concerns, but he has never heard of a gunfight going on around a pistol range. He supports this and is looking forward to its opening so he can patronize it. Mayor Smith submitted a letter from Richard Cobb, whose main concern is with lead poisoning. He noted that Mr. Buchanan said lead bullets will not be used at the range. The other letter is from Todd Pitstick, owner of the Corner Coffee Shop located next door, who said that if he knew a pistol range was going there, he would have looked for another location for his coffee shop. He is not opposed to pistol ranges, but not next door to his coffee shop. He is concerned with the noise and ventilation system.

Danny Buchanan, petitioner, River City Gold & Guns, 708 St. Johns Avenue, said he has been in the firearms business at his location since 1986 and has sold approximately 8,000 handguns, rifles and shotguns from that location. Children will not be allowed in the pistol range. He asked his supporters to make themselves known by a show of hands. He is aware of Mr. Pitstick's opposition to his locating there. He has wanted to do this for 14 years. He has the support of the Sheriff's Dept. You can hear the noise from the PD range in Walmart's parking lot. Outside his range you will hear sounds no louder than normal conversation. He has taken steps to soundproof his building. Shooters spend a lot of money on their sport. There is no ordinance addressing firing arms inside a pistol range. This is the safest sport in the world. There are many safety rules. There are now 1,036 concealed weapons permits in Putnam County. Putnam County was first in the state and 7th in the nation for rapes in 1992. A woman carrying a gun is less likely to be the victim of violent crime. Commissioner Azula said he has received calls 6 to 1 against this ordinance. The callers' main concerns are with noise and air pollution. Mr. Buchanan said on the coffee shop side there will be a concrete filled block wall mounted with 6" wide x 4" deep channel iron. Between the iron they will wedge closed-cell Styrofoam behind the steel. A polymer rubber mixture used in movie theaters will be sprayed all over the back of the steel. The same paneling used in radio soundproof rooms will be used at the base of the steel. He is doing his best to see that no one hears any sound. There is plenty of room for insulation in the ceiling. The bullets are totally encapsulated with copper to keep the lead from being expelled. He and his wife and children will be in there 11 – 14 hours per day and he does not want lead poisoning. He will use hepa charcoal filters in his ventilation system and will exhaust hospital-quality air to the outside. His hours of operation will be 10:00 a.m. – 9:00 p.m. To answer Commissioner Norwood's question, he said his bullets will contain lead.

Allegra Kitchens, S. 12th Street, life-long shooter, said she believes those who are concerned about this range aren't familiar with guns. There are many illegal guns on the street and bullets being fired in the city limits. Decent citizens walking into a pistol range with encased guns are no more intrusive than are hunters going off hunting. In downtown they now have prostitutes, strip shows, six bars and a tattoo parlor, and these are not family oriented things, but they have the right to be there. She looks forward to using this range and will be a regular customer. She does not believe it will be a nuisance. Boom boxes are a noise problem, more so than a soundproofed shooting range. Paying shooters are not likely to rob banks or fire guns on the street.

Nancy Jones, 328 Dodge Street, said she wants to be a shootist. She was burglarized several years ago and took the police pistol safety course, but now has nowhere to go to practice shooting her gun, and hasn't fired in it two years. She would be fearful to pull the trigger now and needs someone to keep her educated and somewhere to practice.

Commissioner Brown asked for an opinion from Chief Dolinski, who said he believes Mr. Buchanan intends to observe all safety rules and regulations; however, the PD does have some concerns over safety issues with guns being transported to and from the building. People do not always follow rules, and may be unloading and encasing their weapons in the parking lot before they go in. There are other regulatory agencies that will be overseeing this. There is always a concern with lead. Mayor Smith asked if these issues would be present if the City opened the PD range to the general public. Chief Dolinski said those are the reasons they do not open the range to the public. Mayor Smith said if this is to pass, they need to establish what the owner will require of his customers, and it would include notification and monitoring of how weapons are brought in, and whether they would use the services of a soundproofing professional. He has concerns for the Coffee Shop. They need to put some caveats in to make sure the City is doing all they can to ensure the safety of citizens and continuity of surrounding businesses. Commissioner Edwards said they need to keep in mind that guns are going in and out of Mr. Buchanan's current business now, and have been for 14 years, without incident. Mr. Buchanan said people drive around with guns in gun racks and pistols under their seats, and they pull them out and bring them into his store. He does not open during festivals because of people walking in and out of his store with guns in the midst of several thousand people. He plans to have an instructor for each two people. Safety rules will be followed. To answer the question, they have six lanes, one shooter per lane; the average shooter lasts 30 – 45 minutes per 1-hour session. They have been guaranteed parking space in the west corner of SunTrust Bank's lot and after 5:00 p.m. all of St. Johns Avenue is open. Parking was one of the problems with the Day Care. Mr. Mengel said parking is one of the items they will address under the conditional use permit. A discussion ensued on a guarantee of parking, which was one of the reasons the auction house was denied. Mr. Buchanan said the only people on St. Johns Avenue after 5:30 p.m. are the hookers, drug dealers and he. Everyone else is closed. The restaurant proposed for that block is not going to open.

Mr. Mengel said the consideration tonight is to amend the conditional uses in the C-3 district, which will allow the Planning Board to take a conditional use application on this or any other pistol range. The Planning Board will place the conditions on the use. If this comes to an appeal process, it will be brought back to the Commission.

Randy Jones, 398 Cedar Creek Road, said he has two kids, 12 and 15, and asked if Mr. Buchanan kids can shoot, why can't his. He is a certified instructor and licensed bullet manufacturer. Mr. Buchanan said his insurance won't allow children under 15 on the range. As the owner he accepts liability for his own children being there. Mr. Jones said this is not family oriented if he still has to take his kids elsewhere. Mayor Smith said Mr. Buchanan determines whom he allows in his business and whom he doesn't, not the Commission. Mr. Jones asked if others will be able to come in and open ranges, also. Commissioner Edwards said they need to have a little foresight and expand Palatka's horizons. In his 16 military years of having to re-qualify each year on his 9-mm weapon, they have never had an accident on the range. He supports this. Commissioner Norwood said when you hand out a conditional use for one, you have to give it to everyone who meets those conditions. When one bar came in, others followed. This will be the same. Does this fit into what they want to bring to downtown? He has a 17-page

report on lead poisoning, which can occur whether the bullets are encased or not. The potential is there. He is charged with looking out for the best interests of the whole community, and he does not believe this is good for the community. To Mayor Smith's question, Mr. Buchanan agreed to use a licensed soundproofing technician, and to establish and enforce a policy on how weapons are to be used and carried to and from vehicles. Mayor Smith said they have conditional use categories, which allows the Planning Board to hold public hearings and have some oversight. This is not the same as a permitted use. They use an 11-step criterion they apply. If those conditions are violated, the City can revoke the conditional use permit. He will support this if Mr. Buchanan will adhere to the conditions placed on the permit. Commissioner Azula said this has been a highly controversial issue. He believes in the rights of people to keep and bear arms, and believes people who have guns should know how to use them. Illegal gun use by criminals is a big problem. The government wants to limit the use of guns; in his home country, the only people who had guns were the soldiers and the criminals. The average person suffers at the hands of criminals and the military when they have no guns. This country's forefathers guaranteed the right of its citizens to keep and bear arms. As to the downtown issue, Mr. Buchanan has a very good plan, and this business will be heavily regulated by other agencies. The City's main concern is parking and gun safety inside and outside the building. There have been no problems with his current business. Both he and his neighbors have large investments in their businesses. He will support this amendment. Commissioner Brown said she does not like guns and has taken a handgun course, and will vote yes this time, but does not wish to see any more pistol ranges, bars, tattoo parlors, or the like in downtown Palatka. If he messes up, she will be the first one knocking on his door and revoking his permit. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, and Mayor Smith, Yes; Commissioner Norwood, Nay. The ordinance was declared adopted.

LEFTY TURNER PARK ISSUES – Clarence Williams, Chairperson, Booker-Turner Economic Development, Inc. thanked Mr. Bush, Commissioner Norwood, and Jeff Norton for their work with the committee. Football season is beginning and he would like the Commission's continued support. They now have over 150 kids in programs. They will do whatever it takes to make the program a bigger success. He asked for some direction from the Commission

Commissioner Brown said she and her son, Johnny Maurice Brown, began a quest to get money to revitalize the park from Senator Holendorf. They successfully obtained \$150,000 from the State of Florida and the City put up the match. She asked for a committee to provide input from the community and to help direct the renovation. They put in a pavilion, basketball courts, sprinkler system and lights. The fence and backstop is going up now. The Housing Authority donated appliances for the concession stand. The School system donated chairs and tables. Beasley donated a mural painted by its students. The money has been spent and they did all they could do with it. Reno Fells solicited cabinets from Scotty's, and for that installation and the plaque, the work of the first committee has been done. She would like a letter of appreciation sent to the original committee members who helped plan that work. She asked the committee be dissolved, as its work is done. Mayor Smith asked what the original function of the committee was. Commissioner Brown said it was to plan and facilitate the work done with the grant. The second phase was to get programs going and lobby for a neighborhood facility with computers so they can do more than just sports. This new group has a different focus, but it is not the focus of the first group. Commissioner Norwood said that is correct and most of the original task has been accomplished. The park is now at a somewhat different stage and with the current programs, some recreational programs can be established. This committee is now asking for direction and the Commission should provide that for this or any other park in the City. Commissioner Brown said they began renting the facility before it was completed, and they have received many complaints from the renters. She believes they should suspend rentals until it is completed. They have no one to properly clean or maintain it. Mr. Williams said no one can say the bathrooms are not clean. They buy their own materials and clean the bathrooms every night. They work there every night from 4:00 – 11:30 p.m. They are more maintenance people than committee. Mayor Smith said he has had comments from one renter that the restrooms were not clean and there were no supplies. He is not casting dispersions himself. To

answer the question, Mr. Williams said a \$50.00 rental fee comes to the City, and he does the booking. Mayor Smith said this is a city facility and it is their responsibility to see that there is a fair, adequate and evenly distributed use of this facility. Their committee is running a softball program and now a football program, and the City needs to oversee the rentals and provide the supplies, like the Price-Martin Center. If the City were more affluent, they would not need to ask people to share the cost of operating its facilities. He agrees there are other activities they need to promote, as some kids just aren't sports-oriented. Mr. Williams said no one has offered them computers. Commissioner Brown said they have. Mr. Williams said they put on programs to keep kids off the streets and out of trouble. If the City wants to give them computers, they will run a computer program. Commissioner Azula said Commissioner Brown took it upon herself to lobby for the money to renovate the park, which was in great disrepair. He did not hear her name mentioned when Mr. Williams handed out the thanks. He wants to see her and her committee recognized with a plaque. Commissioner Brown has brought a lot of money into the City through grants and hard work and deserves recognition. This is a City building, and any activity in that building needs to come through the City Clerk so they will know where all the money is coming from and going to. He can't see charging for children to use the park, but can understand when groups want to use the pavilion. They cannot have just one group monopolize the park. He would like to hold a workshop to work on these issues and determine who will do what. Mr. Bush said the funds to build the park were half the battle; it also takes funds to run it. The committee set fees for rental and designated what the City will do for the park, like mowing, structural upkeep, etc. It was decided that the operating funds would come primarily from the community through donations and rental fees. Mr. Williams said that is what is happening now. They are doing their part. They are all for improvements. They have special education programs planned. They want to make their kids better citizens.

James Williams, 1324 Ocean Street, said with respect to Commissioner Brown, he came up during Commission meetings and talked about the Park a lot. For someone to say the 'old' committee did all the work is wrong. The new committee took over and that is when things started happening with the park. They had bids out to do different things but nothing was done for months until the new committee came in and started asking questions, and that is when the building was built and things started happening. They all want the same things, everyone likes it and enjoys it, and they need to keep moving forward. Commissioner Brown said the people who started out with the Committee did a lot of hard work, and were few. The focus was to put a building and other facilities there. The focus has now changed. She thanked the committee who worked with her, and said she would like to step away from whatever the new committee is doing. She has computer donations waiting, but needs a building to put them in. At one time they were working with the school board to get a building. She brought back a 'front porch' grant that targets underprivileged communities, which could be used for a neighborhood facility. If what she is trying to do is not appreciated, she can better use her efforts elsewhere. The present group and she cannot come to a "meeting of the minds." She promised Senator Holzendorf she would do certain things with that money, and she and her original committee accomplished that. She would now like to step away from that table. A discussion ensued about the make-up of the original committee vs. the 'new' committee. Mayor Smith asked if the original committee still meets and has quorums.

Alvin Lavain said he was on the original committee, which still meets; Mr. Williams is the chairperson. All they did was elect new members to replace members who resigned. They elected new officers who were approved after they sent in documentation. Nothing changed, committee-wise. Commissioner Brown is still the commission liaison. They meet every Tuesday. There is no such thing as a new committee. The committee does not monopolize the building or rent it without approval from the City. They rent the building on behalf of the City. Commissioner Brown said her resignation will make them very happy and this committee can continue on. Mayor Smith said that would not be in the best interest of the City, and would like to workshop this per Commissioner Azula's suggestion. They will lay out the issues and the plan to make this a viable program in the community. They received these funds through Vice-Mayor Brown's efforts, and they need to make sure the stipulations for getting this money were fulfilled. Mr. Lavain said they appreciate Commissioner Brown's efforts. Commissioner Brown said she feels like she has been disrespected, and in committee meetings they tell her she has no say in what

goes on. She has spent sleepless nights over this. Mayor Smith asked Mr. Bush to set a date for a 4:00 workshop to discuss these issues. If he is the least bit concerned over Commissioner Brown's concerns, he will go with her wishes. The City does appreciate the Committee's efforts on behalf of the children. Mr. Williams said tomorrow they are having a banquet for the kids at 6:00; the Commission is invited to attend.

BRONSON HOUSE MUSEUM/DOCENT AGREEMENT – Mr. Bush said Randy Revels has submitted replacement agreements for both agreements between the City and Historical Society and the City and the Docent. The agreements are quite good in that they spell out in some detail the responsibilities of all parties; however, they also include major changes which shift the oversight of fees and the docent from the City to the Historical Society. He asked if anyone is here from the Historical Society to speak to the issues; there was no one. Mr. Bush said Mrs. Jones, the current docent, is employed by the City and reports to him. They have operated under this policy for years with good results. He has modified these agreements to return the oversight of the docent to the City, where it has always been, and returned the collection of the fees to City Hall. This does not mean the Historical Society, which acts in an advisory capacity, can't come and express concerns and voice opinions to both he and the docent. The rest of the agreement is appropriate, with the exception of the changes he has made. Commissioner Brown moved to adopt the agreements with the modifications noted by the City Manager. Commissioner Norwood seconded. Mayor Smith asked Mrs. Jones if she has looked over these agreements as modified. Mrs. Jones said she is satisfied. Her arrangement is not 'broken' and does not need to be 'fixed'. Commissioner Brown agreed. There being no further discussion, the motion passed unopposed.

Commissioner Edwards said the Historical Society brought up a point that the flag sometimes does not get put up at the Bronson House, and asked if a City employee can take care of that each morning. Mr. Bush asked whose responsibility it currently is. Mrs. Jones said they do, but sometimes it does not get done. Jeff Norton, Parks Supt., was directed to work that out with Mrs. Jones. Mayor Smith asked why the flag does not always fly at the PD. Chief Dolinski said the cord that runs the flag up has been broken, and they need a tall enough ladder truck to replace it. Mr. Bush said the Fire Dept. has a ladder truck that will fill that need. Chief Dolinski said it will be taken care of tomorrow.

REPORTS:

a. Time Warner Cable Service Upgrade – Mark Russell, General Manager, said Time Warner, Inc. launched a digital upgrade in this area on July 10. There are questions as to what the upgrade will be and if it will affect current rates. The basic rates have not changed. They now offer more premium services on the digital level, which will require installation of upgraded equipment. They will also re-package some services they currently offer. There will be no permanent changes on current services until next year. There are more choices available now. If you want a 30-day trial, a technician will come to your house to change out the boxes. To answer the question, they will offer a universal remote to operate the new boxes. The boxes cost \$2.99 per month. They are the same price for one or 10 sets and are programmable. Mayor Smith said they advertise they can tune to a certain channel and get information, but the information is not there. Mr. Russell said the information should be available now. Commissioner Brown said she does not have a box. Mr. Russell said she will have to rent one to get the service. Currently you can now pick up HBO without a converter; residents will not be able to do so at the beginning of next year. It is not a secure service unless they require a box to view it. They are getting good results with convincing people to take the converters. Mr. Bush asked what they will get without the boxes. Mr. Russell said all channels they get now without the box, with the exception of HBO. Mr. Bush asked what the digital format will add. He said 4 HBO, 4 ShowTimes, 3 Starz, 2 Cinemax, 2 Movie Channels, an 18-channel digital tier, 8-channel movie-lovers' package, more sports channels, and CD-quality music channels. The top package will cost \$38.95 on top of the full basic charges. Total cost will be around \$70.00. Commissioner Edwards said he has everything they offer now, and asked what it will cost him to go to digital; he has heard anywhere from \$80 – \$100. Mr. Russell said they will no longer offer the package he has. Price for the digital service for one T.V. and one premium channel is \$19.95. There is a \$5.95 charge per outlet for each additional set. The local channels are not digital. If one takes the 30-day introductory offer, they will scale the service back to whatever

package the customer decides to stick with. Commissioner Edwards says he has fairly old T.V. sets, and asked how this would help him. Mr. Russell said the picture will be much clearer. You only pay for the TV's that are hooked up.

Betsy Driggers, citizen, said she called his office the other day and was told if she drops one of her two premium channels and keeps a box on two of her sets, as she does now, her cost will still go up \$10.00 a month. Mr. Russell said to call him and he will go over her account with her.

Sam Willis, citizen, asked if the basic service that costs around \$35.00 will be phased out; Mr. Russell answered no. Mr. Willis asked if cable-ready TV's are now going to be junk; Mr. Russell said no, the purpose of the digital service is to transform those sets. What people have on basic services today, they will continue to get.

Mr. Bush said when they spoke the other day, Mr. Russell said the only additional cost is for approximately \$3.00 per box per set. Now it is \$6.00 or more. Mr. Russell said if you have additional outlets without a box, there is no charge. If you put a box on the set, there is an additional charge per box of \$5.95. Mayor Smith asked how much for the first box. He said 2.99 for the box, .49 for the remote. Mayor Smith said if someone has 5 sets like he does because of kids, how much for each set. Mr. Russell said \$5.99 per set plus .49 for the remote. Mayor Smith said that is not the story that is being told; most houses have more than one or two sets. The options he is offering is pay a higher price for the premium channels and digital service, or keep the regular channels and pay nothing more. Mayor Smith said to be prepared for the backlash after the prices go up.

Allegra Kitchens, citizen, said she has no box and only basic local channel service, and does not need or want a box now; will she eventually have to have one to keep receiving only local channels? Mr. Russell answered no.

b. OLD WATER WORKS RENOVATION BID AWARD – Bob Taylor, Architect, said they took bids in July and two contractors submitted bids. Both came in over budget, which was \$285,000; the bids came in at \$322,000 and \$332,000. The committee wants to spend the grant money they have. They asked each contractor to look at the budget and the committee met to decide what they could do without. Their goal is to restore the building to a secure and stable state, including demolition of the old roof, putting on a new roof, putting on metal skin, restoring the exterior cupola, trim, cornice, doors, windows, cleaning exterior brick, repointing the brick, removing some appendices that were added over time such as a chimney and storage room, running new electrical panels & service and telephone service, and a minimal amount of interior and exterior lighting. He noted the things they can do without. Mr. Davis said he could accomplish the minimal work for around \$195,000. Mr. Peterson said he can do this for \$212,000, and kept the security system (\$1,000) in his proposal. He does not want the contractors to get into a bidding war, but he would like to meet with both contractors to see what it is they have left in and/or out of their bids, and award the bid based on their response. They also have suggestions on alternative ways to accomplish some of the restoration work, which may be less costly. They may want to delete the air conditioning, which accounts for another \$10,000. They want \$300,000 worth of project, but only have \$200,000 to spend. They want to do a good job with what they have and demonstrate they have used the money carefully and wisely in order to go back and ask for more. Mayor Smith asked if the building will be habitable; Mr. Taylor said it will. Mr. Bush said because they want a nicer facility, they should be able to go back to the Historic Preservation Division and show them what they have done with what they got, and show what else they need. Mr. Taylor said if they can get another \$100,000, they can do all they want to do. Mayor Smith gave a recap on the grants the City has obtained on this project, and said if they don't do something now they will lose the entire building. The roof and outside need to be secured now, even if it takes several years to obtain the other funds. It will cost twice as much to restore it if it deteriorates further. It may not be completely usable, but won't deteriorate further. Commissioner Norwood moved to approve the plan laid out by Bob Taylor for he and Mr. Bush to meet with both contractors and further cull the bids to more precise and detailed proposals. Commissioner Azula seconded the motion. Commissioner Brown said they have put many years into this project; Mr. Taylor said they have been working on this since 1985, and he has worked directly on this for the

past two years. To the question, he said the roof will be pressed metal, but not exactly like the original design. He has selected samples of the original roof, and they have asked the contractor to save some samples, to be shown in the museum. A pressed-metal contractor who does these same roofs sent a quote of \$42,000 for a 16,000 sq.ft. roof, and said they can match it exactly for \$2,000 more. Mr. Bush said the interior roof now calls for plaster; if they get additional funds they can lay plaster directly over it. Mr. Taylor said nothing they are doing will prevent them from carrying through with their original plans if they get more money to do so. There being no further discussion, the motion passed unopposed.

c. FIREFIGHTERS' LOCAL 2992 UNION CONTRACT – Mr. Bush said he has negotiated this contract with the bargaining team, and the unit has ratified this unanimously. Commissioner Brown moved to ratify the Firefighters' Local 2992 Union Contract Agreement with the City of Palatka for the term of 10/1/00 through 9/20/03. Commissioner Norwood seconded the motion, which passed unopposed. Mayor Smith asked the Commission's appreciation be expressed to the committee for their good work.

d. NEXTEL TOWER LEASE – Mr. Bush said the lease has been negotiated with Nextel representatives, himself and the City Attorney, who has come up with a list of some changes he would like to have incorporated. He asked the Commission to agree to the execution of the lease subject to the changes proposed by Mr. Hedstrom. Commissioner Brown moved to approve the Nextel Tower Lease subject to incorporation of the changes noted by the City Attorney and City Manager. Commissioner Norwood seconded the motion, which passed unopposed.

e. PULLED

f. PLAT APPROVAL FOR MOSELEY OAKS SUBDIVISION – Mr. Mengel said the plat before the Commission was approved by the Planning Board as meeting the requirements put forth by the code. It is located on the SW corner of the intersection of Moseley and St. Johns Avenue; it is a five-lot subdivision. The area is zoned R-3 and meets the requirements of re-platting and zoning. Commissioner Brown asked if it is going to create a traffic problem with people coming out onto St. Johns Avenue. Mr. Mengel said three lots will come out onto St. Johns, and two on Moseley. St. Johns Avenue has not been listed as a constraint facility for further construction and development; neither has Moseley. The only way they can address traffic concerns for this project is if they had previously designated it a constraint facility, where they can accept no new building permits. They are asking for what they are legally able to do. They have gone one step further and installed back-up pads on the lots, as there is a provision in the Code that says you cannot back out of a driveway onto a public street. Enforcement would be a major task. This is intended to be a starter-home subdivision, but the homes can be rented. It is zoned multi-family. Traffic issues were addressed in the Planning Board hearings. It will continue to be an issue. Mayor Smith said a resident brought to his attention that zoning notification signs are extremely small and hard to read. He does not know if they can increase the size of the type when they order another batch. Mr. Mengel said they have talked about this and will look into it. Mayor Smith said it doesn't sound like they have much choice here, as it is a re-platting and does not require a public hearing. He believes in following the rules. Commissioner Edwards moved to approve the plat for Moseley Oaks Subdivision as presented. Commissioner Norwood seconded the motion.

Marcia Lane, 210 E. Forest Park Drive, said she sits on the Zoning Board of Appeals and they have discussed the sign issue. It is a problem. The signs are paper and curl up. The traffic at Moseley & St. Johns needs to be addressed, as it is a problem. The Commission closed a road another 100 feet from this subdivision because of the traffic problem. Ideally, it should be a nice little park. If growth continues, the traffic problem will increase. Mayor Smith said the Comprehensive Plan encourages in-fill of existing area. If they are not violating the level of service, and it is a re-plat of an existing subdivision, the Commission's hands are tied. They understand the concern. There being no further discussion, the motion passed unopposed.

g. ABATEMENT OF NUISANCE – Acceptance of demolition proposal – Mr. Mengel said he passed out a separate handout showing the houses are to be demolished at 1412 Dunham, 1504 Dunham and 1506 Dunham Street. Mr. Hedstrom said on the Culver property there is around \$40,000 in mortgages and taxes due, and the City's lien will be behind that. There is not much chance of recouping the money, so they are essentially making a gift to the mortgagee and owner by cleaning it up for them. Mr. Mengel said there is a shortfall in program income; the funds will not cover this work. Mr. Bush asked the Commission to use some of the \$16,000 left in contingency funds to get rid of these eyesores. Mayor Smith said they should still file a lien, even if it takes 30 years to get it back. Mr. Hedstrom asked if they can accept the bid contingent upon working out some type of acquisition arrangement with the mortgage holder. They may be able to resell it. Conway Construction holds the mortgage. The mortgagee is not responsible for paying code enforcement fines. Commissioner Brown moved to accept these bid proposals subject to the City Attorney's working out an arrangement with the mortgage holder, and to use funds from Contingency to make up the shortfall in Program Income. Commissioner Norwood seconded the motion, which passed unopposed. Commissioner Brown said people have been complaining about houses on Ocean Street for some time. If they go for a Front Porch grant they can make that a target area.

h. STATE OF THE BUILDING & ZONING DEPARTMENT REPORT – Mr. Mengel and Debbie Banks gave a multi-media presentation, a copy of which is attached to and made a part of these minutes. Mr. Mengel apologized in advance for stepping on anyone's toes or offending anyone; that is not his intent. In answer to questions, Mr. Mengel said homesteaded residents can cut down trees in their yard without permits. Sidewalk Repair Notices are sent to people who drive over sidewalks or are otherwise negligent and cause sidewalk damage. The City alone collected \$3,200 in fines, not counting what was paid at the courthouse, for code enforcement actions. Mr. Mengel concluded by saying the City has some properties that need attention badly. It is hard to force others to clean up their properties when the Cities' various properties and buildings need so much attention. Mr. Bush said the 100 block is understandable. They should report the other properties to the Parks Dept; Mr. Mengel said they do. Mr. Bush said they started out with a 2-person Building Dept. It has increased in size and scope as its services have been more in demand. As Palatka grows, so will this Department. Mayor Smith said he has received compliments on how much nicer it is to work with the City's B&Z Department compared to the County's.

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, DEFINITION OF FINAL AVERAGE COMPENSATION; AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on its first reading. Commissioner Norwood seconded the motion. Mr. Bush said this clarifies and simplifies the definition of final average compensation now contained in the pension plan. There being no further discussion, a roll-call vote was taken with the following results: Commissioner Azula, Brown, Edwards, Norwood and Mayor Smith, Yes, Nays, none. The ordinance was placed on its first reading.

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 2-170(b), BENEFIT GROUP PENSION AMOUNT FOMULA; AND PROVIDING AND EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on its first reading. 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 ordinance was placed on its first reading.

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 2-170(e), EFFECT OF RE-EMPLOYMENT; AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on its first reading. Commissioner Brown seconded the motion. Mr. Bush said at the present time when an individual retires and then comes

back to work, he ceases drawing a pension upon re-employment and cannot begin building more time towards his retirement. This amendment will allow a re-calculation of a retiree's pension upon re-retirement to allow them to build up more time for a higher multiplier, which will re-start after the final separation. 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 placed on its first reading.

CONSENT ITEMS:

- a. Approve use of \$3,212 in General and Water Contingency Funds for City Hall Air Conditioning system repairs
- b. Accept Richard Morris' resignation from Board of Zoning Appeals
- c. Accept George Sanders' resignation from Board of Zoning Appeals

Commissioner Edwards moved to adopt staff recommendations on consent items as noted. Commissioner Brown seconded the motion, which passed unopposed

APPOINTMENTS – Board of Zoning Appeals – Commissioner Brown asked if anyone is familiar with the applicants. Commissioner Edwards said Mr. Vogt's wife is the secretary of the Northside Neighborhood Association. Ms. Driggers said Mr. Taylor put in his application at Mrs. Willis' behest and is her neighbor. Commissioner Brown said even though these members do not have to reside within the City Limits, she believes it is important they do so. Mr. Bush said it is important to appoint someone to this board as it has three openings and cannot conduct business. Two of the applicants do live inside the city limits. Commissioner Azula moved to appoint Mr. Ellsworth Taylor to serve the remainder of George Sanders' term, to expire July, 2001 and Mr. John Vogt to serve the remainder of Richard Morris' term, to expire July, 2003. Commissioner Edwards seconded the motion. Debbie Banks, Main Street Manager, said many of her downtown merchants have asked if they can sit on boards, and she has always told them they could not because although they own property and conduct business inside the city limits, they are not residents. Ms. Driggers said the statute dictates who qualifies to sit on a board, and this is one board that does not require residency within the city limits or status as a qualified voter in a city election. Commissioner Brown said she prefers they restrict membership on their boards to city residents, but does not object to those who own property downtown and are familiar with city issues. There being no further discussion, the motion passed unopposed.

TERRENCE CHESTER'S REQUEST TO PURCHASE VACANT LAND – Mr. Bush said they have received an inquiry from Mr. Chester to purchase the corner lot at the intersection of Olive & 12th Street. He would like permission to sit down with him and the City Attorney to negotiate a price with Mr. Chester. The City has no apparent use for that lot. Commissioner Norwood moved to allow Mr. Bush and Mr. Hedstrom to negotiate a price for Mr. Chester's purchase of the lot at Block 198, Lot 3, Dick's Map. Commissioner Edwards seconded the motion. Commissioner Brown said many people who work for the City don't have homes or own property, and she would like to offer these properties to City employees for building on to give incentives to employees. Mr. Bush said employees can possibly obtain lots for payment of back taxes. Commissioner Brown said HUD has a program to train people to build houses on lots, and people can get a house for a reasonable cost and it will put these properties back on the tax rolls. There being no further discussion, the motion passed unopposed. Commissioner Brown said she hopes this is the last piece they sell without first trying to give it to an employee.

COMMISSIONER REPORTS:

Commissioner Brown:

- Brought back a technical assistance grant application to Mr. Bush, who has Fred Fox working on it now. They are only doing 20 Front Porch grants and four rural grants in the whole state. She spoke with the director of that program, who has offered his assistance in writing it.
- The Florida League of Cities is starting up an advocacy committee to look at each legislator who is running in order to check their track record, where their money comes from, and to inspire city and county officials to run for legislative offices in

order to advocate home rule. The League staff has done a tremendous job on this report. They want each regional League organization to help the people who help cities, and to aid city officials running for state legislature.

- The Black Caucus is looking for a place to do a workshop. She will give the City Manager Commissioner Tyson's name and address and would like him to contact him to invite him to Palatka to conduct that workshop.

Commissioner Azula:

- The grass needs mowing at many city properties. At the water tower on 18th & Diana the grass is extremely high. He is glad to see sidewalk repairs continue.
- They need to look at enforcing seating capacities for certain establishments, some of which are exceeding their seating capacity by several hundred people. Local law enforcement is spending too much time baby-sitting these businesses and their clients. Also, the fire risk is a concern.
- Some establishments that call themselves restaurants are actually bars, and they continue to sell alcohol after 2:00 a.m. He would like to stop this practice. Chief Dolinski said these establishments are in compliance with the Code. Commissioner Azula said people come in from out of town just to drink here after 2:00 a.m. He has seen liquor being served after 2:00 a.m. He has purposely made trips to these establishments around 3:00 a.m., and there is no food being served. The only thing going on is drinking. Mr. Bush said they are allowed to sell alcohol based on 51% of their business being food sales. Mayor Smith said these businesses use their lunch and dinner sales to make the percentage, and they could restrict what time the sales have to be made. Chief Dolinski said that would be hard to enforce. Commissioner Azula asked if they can simply ban alcohol service between 2:00 a.m. and 6:00 a.m. He is not talking about stopping food service. Mr. Hedstrom said if they are selling liquor after 2:00 a.m. they are violating their liquor license. Chief Dolinski said state beverage laws do not supercede local ordinances. The City can adopt an ordinance prohibiting the sale of any alcohol served on premises after 2:00 a.m. Mr. Hedstrom said currently there is no restriction on the sale of alcoholic beverages in establishments with food sales and a seating capacity of 75 or more. Mr. Bush said they will work on an ordinance.
- He asked if the City can obtain at least one riot helmet for each police cruiser, if they can't get them for each officer. Chief Dolinski said they have recently purchased some and are making more purchases in increments.

Commissioner Edwards:

- The air conditioning unit at the Larimer Arts Center has broken and they need a new unit. They have had to close down the Center due to the 100-degree temperatures in the building. Mr. Bush said they are aware and have put in a small unit in the basement to carry the children's program, and Jeff Norton and Julia McCoy are working on a grant for a combination a/c – heat unit. Skeet Alford is looking to see if they can use one the County is replacing.

Commissioner Norwood:

- Thanked the Streets Dept. for the tremendous job they are doing with the sidewalks.
- Inquired where the City is on the ordinance to curtail strip shows. Ms. Driggers said Mr. Harris was directed to go to the Planning Board with his request to amend the ordinance to do away with the license fee. Mr. Mengel said he did bring his request to the Planning Board, and that Board has asked that the City Manager and Attorney appear at the next meeting to explain the history behind the request and offer information and legal advice. Mr. Hedstrom said a nudity ordinance similar to Palatka's has recently been upheld by the Supreme Court.
- Said the League Conference was very informative, and has better prepared him to be an effective commissioner for the community.

Mayor Smith:

- Congratulated Vice Mayor Brown on her re-appointment to the League's Board of Directors, and particularly the Executive Board. This is quite an honor and it will make her more effective for the City.
- Asked for an update on the Employee Barbecue. Mr. Bush said they had to change the date to Friday, October 6, at 1:00 p.m. at Lefty Turner Park. Ms. Driggers asked for activity suggestions.

Ms. Driggers thanked the Commission for allowing her to attend the annual League Conference. It was fasted-paced and very interesting, and she was pleased to represent the City. Commissioner Azula said the Clerk should attend the conference each year; they have their own programs and it gives them good exposure. Mayor Smith agreed.

Mayor Smith thanked Mary Heard for staying for the duration of the meeting.

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

CITY CLERK

MAYOR