

Proceedings of a regular meeting of the City Commission of the City of Palatka held on the 28th day of September, 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 Williams, Planning Director Adam Mengel, Fire Chief Rudy Howard, Police Lt. Robin Edwards, Main Street Manager Debbie Banks, and Acting Water & Sewer Supt. Sam Willis.

INVOCATION: The Reverend Jeff Sellers, Pastor; First Assembly of God

PLEDGE OF ALLEGIANCE: Doug Grant

APPROVAL OF MINUTES - 9-6-00 call; 9-14-00 – Commissioner Edwards moved to approve the minutes as read. Commissioner Brown seconded the motion, which passed unopposed.

PUBLIC RECOGNITION – Mayor Smith read a Proclamation naming October 8 – 14, 2000 as Fire Prevention Week, and presented it to Fire Chief Rudy Howard. Chief Howard said during the month of October the firefighters will come to your house and help you organize a fire emergency plan.

Mayor Smith recognized Mayor-Elect Karl Flagg, who will be assuming the office of Mayor on December 20.

STUDENT RECOGNITION & PLAQUE PRESENTATION – September, 2000 – Mayor Smith said he has presented over 870 certificates to students during the past 13 years. He asked Commissioner Norwood to join him in presenting Student of the Month certificates to the following students in recognition of their academic excellence, leadership, citizenship and attendance:

Lemonte' Holcy	Beasley Middle School
Christopher Rich	Browning-Pearce Elementary School
Nathan Brinker	E. H. Miller School
Kristin Moore	James A. Long Elementary School
Veronica Hinman	Jenkins Middle School
Emily Akers	Kelly Smith Elementary School
Mary E. Hurst	Mellon Elementary School
La'Sabia Israel	Moseley Elementary School
Joanna Gaines	Palatka High School
Carrie Brothers	Peniel Baptist Academy

PUBLIC HEARING – Adopt final millage rate of 6.907 and Budget - Mayor Smith opened the public hearing.

a. LEVY ORDINANCE - The Clerk read Ordinance No. 00-21 entitled AN ORDINANCE LEVYING TAXES FOR THE YEAR 2000 TO RAISE THE NECESSARY REVENUE TO DEFRAY THE EXPENSES OF THE CITY OF PALATKA FOR THIS FISCAL YEAR 2000-2001 in its entirety. Commissioner Azula moved to place the ordinance on its 2nd reading for adoption as read. Commissioner Norwood seconded the motion. 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.

b. APPROPRIATION ORDINANCE – The Clerk read Ordinance #00-22 entitled AN ORDINANCE MAKING AN APPROPRIATION OF MONIES FOR THE OPERATING EXPENSES OF THE CITY OF PALATKA FOR THE GENERAL ADMINISTRATION OF THE SEVERAL GOVERNMENTAL DEPARTMENTS OF

THE CITY, AND FOR CONTRIBUTING TO THE SEVERAL SINKING FUNDS OF THE CITY, PAYING INTEREST ON AND PROVIDING FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY, AND FOR PALATKA GAS AUTHORITY, FOR AND DURING THE FISCAL YEAR, A.D., 2000-2001. Commissioner Brown moved to place Ordinance #00-22 on its 2nd reading for adoption. Commissioner Edwards seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood and Mayor Smith, Yes, Nays, none. Ordinance #00-22 was declared adopted.

WALMART PARKING SPACE VARIANCE APPEAL – Adam Mengel, Planning Director, said he provided a review of four cases similar to this case to give the Commission an idea of reasons for approval of the same type of request, for various reasons. He also included a review of other counties' and cities' requirements. He included a review of a random sample of parking space widths' in various parking lots within the city. He encouraged the Commission not to sacrifice the 10' x 20' requirement currently in the Code. A review of other municipalities shows that many are going to the 10' width requirements, among them Miami and Orlando. Walmart is requesting a reduction in the width by 6 inches and a reduction in the length by 2 feet, which will provide wider aisles. This will provide them with 158 additional spaces over and above what is required by Code. To answer the question, Mr. Mengel said Sonic did not request a variance on their 9' spaces; this is probably a result of poor code enforcement. Commissioner Azula said if Walmart had simply gone ahead and reduced the width of their spaces the City would probably have never known. To answer the question, in the past there were varying instances of granting this type of variance due to hardships. Walmart requested this only to have additional spaces they are not required to have, probably to hold special events and parking lot sales. The code says you cannot use your required parking for parking lot sales, and it requires a conditional use each time you have a parking lot display.

Marcia Lane, member, Board of Zoning Appeals, said Walmart did not show a hardship other than internal parking requirements. They feel that 158 more spaces would create a parking hardship. She has only been on this Board for 6 months so she is not aware of previous cases. Mr. Bush asked if they discussed parking lot sales; she said that did not come up at the meeting. Walmart agreed they did not have a hardship.

Betty Willis, member, Board of Zoning Appeals, said narrower parking spaces creates a hardship on the customers. Walmart does not have a hardship.

Susan Motley, Attorney representing Walmart Corporation, said Walmart has stores all over the world. They have found the parking ratio that works best at Supercenters is a 5 – 0 ratio. In order to provide the green space at this site and preserve many existing trees they agreed the best way to accomplish this and have the required number of spaces is to reduce the width of the spaces by 6 inches. Walmart's standard size spaces are 9-1/2' x 18'. Walmart does not want customers complaining about doors banging into other cars. The existing Walmart parking spaces vary from 9' x 18' to 9-1/2' x 18'. None of them are 10' wide. She is not aware of any complaints about the spaces at the existing store. She is aware of the discussion at the last meeting about problems with outside sales at the existing store, and the Commission felt the additional parking was intended to provide space for sales that would compete against local businesses. She asked the current store manager to speak on that concern; they hold their fireworks sales in July, pumpkin sales in October, and Christmas Tree sales in December, but there is no intention to bring in big ticket sales that would compete with local businesses.

Weldon Taylor, Manager, Palatka Walmart, said this all falls within his jurisdiction. He held an RV sale two years ago when there was no local RV retailer. He held the same sale this past Memorial Day, but did not check for a local dealer this year; the closest RV dealer he was aware of was in Bunnell. Apparently there is now a local RV dealer. He apologized for stepping on some toes. He also permits local boat dealers to hold shows in his parking lot. He has held antique car shows. He does not want to compete against local dealerships. Sam Walton impressed upon him they are part of the community. In the instance of the Memorial Day RV sale, he had promised the dealer a 3-day sale, and

had to keep his word, and this is the reason he allowed the sale to continue after he was told he could not have the sale. He accepted the punishment and paid the fine.

Ms. Motley said the drive aisles are wider than required. The site plan is the same as in the beginning. Walmart has vast experience in parking lot design, and she asked the Commission to trust Walmart's experience. If they have to revise their site plan they will lose green space and trees. They proposed this site plan when negotiating the pre-annexation agreement. Mayor Smith asked if the aisles are wider only because they cut 2 feet off the length of the spaces.

Leo Ayala, Walmart project engineer, showed the Commission two site plans, one following the City's code and one following Walmart's standards. Standard size cars with doors opened out were drawn into the spaces. In both instances, with doors opened at a 60 degree angle, there is some encroachment into the adjoining space. Mayor Smith said the space length is not as important as the width; if he pulls into a space, no matter how long his car is, he is parked, no matter if it sticks out somewhat. The width is more important. Throughout the public hearing process there was no hardship shown. Two years ago Mr. Ayala made a commitment to him they would preserve as many trees as they could in the parking lot. If they are now saying they will lose those trees, he will be very disappointed. The City has granted several variances for this project. Ms. Motley said when they initially came in to talk about annexing this property, they prepared a site plan, and any representations they made on preserving trees were based on that conceptual site plan, which was incorporated into the pre-annexation agreement. Everyone saw the plan. The agreement states that Walmart has a vested right to a site plan that is substantially similar to what is incorporated into that pre-annexation agreement. There was never any misrepresentation on Walmart's part on how they wanted the site laid out and the size of the parking spaces. It was all on the conceptual plan and done to preserve trees and green space. The hardship here is going to be on the City and on Walmart's customers if they cannot find adequate parking. This site plan is the best of all worlds; the City has its trees and green space and Walmart has its required parking space needs met. She does not want anyone to think this was a last-minute change. Commissioner Azula said the existing Walmart has 9 foot spaces. These plans were drawn to show 9-1/2 foot spaces, or six inches wider than what they currently have. He has no problem parking at the current Walmart. Length does not matter. The Ford Excursion at almost 20' is probably the longest vehicle on the road; longer vehicles would require two spaces. His point is they have had 9' parking spaces for 20 years. The City has many parking spaces at 9' wide. He believes the variance is not out of the question. Commissioner Norwood said they spoke about being consistent. The only hardship the Golden Corral had was their concern about accommodating more customers at peak hours. To him, that is not a hardship, but poor planning. They have an opportunity to set a course here; they can stick to their Code or grant the variance. Knowing that all these big shopping centers plan parking lot sales, they need to take this into consideration when giving variances. They need to be consistent. He agrees with the position of the Zoning Appeals Board; there is no hardship, but in other cases where a variance has been granted, there is also no hardship shown. Commissioner Edwards said Putnam County is full of big vehicles, and people are here because they don't want to be crowded as in larger cities. The 10' requirement is there for a reason. If Walmart wants to put smaller spaces in China or Australia or out West, they can build them there, but not here. Commissioner Azula reiterated the existing store has 9-foot spaces.

Allegra Kitchens, 1027 S. 12th Street, said she has a problem parking at the current Walmart. She drives a very large car and needs a larger parking space. She now understands why the current Walmart parking lot always seems so small. She has attended every public meeting Walmart has had; they did show the plans at each meeting. Never did she hear the parking spaces were less wide than the ordinance requires, and that they would be requesting a variance. She asked if the City has a tree ordinance; Mayor Smith said they are required to replace trees they remove, but they are trying to keep as many existing trees as possible. Ms. Kitchens said they need to keep the 10' requirement. There have been times the Commission has reversed a Board's decision, and each time they have regretted it.

Bert Scoggins, Palatka, said this will set a precedent, and they will have problems parking downtown when the Marina comes in.

Art Bahr, Carriage Woods resident, said he is not against Walmart, but he is anti-location and anti-traffic problems, which this proposed Walmart will create. If the ordinance says 10 feet, then that should be it. More parking places will create more traffic. The traffic study was done at a certain level.

Commissioner Norwood asked who in town has 10-foot wide spaces. Mr. Mengel referred to a sheet showing random widths in town. Sonny's, Discount Auto Parts, and Publix all have 10' wide spaces; these are all recent projects. Mayor Smith asked how many parking spaces the conceptual plan showed; Mr. Mengel answered 1026 spaces at 9-1/2 feet. The actual plans show 1058 at 9-1/2 feet. Mr. Ayala said the reason for that is due to some changes on the FDOT requirements. Mr. Hedstrom said if the site plan shows 1026 spaces at 9-1/2 x 18 feet, they may be able to get that many spaces at 10' x 18'. Mr. Ayala said they will have to make some changes. Mr. Hedstrom asked if the 9-1/2' wide space width shown on the conceptual plan is binding, the 1026 spaces should also be binding. Ms. Motley said if the City would allow that, they would accept it. Ms. Motley said they base their parking requirement on the store's square footage. If the cars are not in parking spaces, they will be riding around looking for a space or parking on the side of the road. This particular situation can clearly be distinguished as exceptional since the conceptual plan was approved by the Commission prior to the property annexation. They have planned the building around the initial site plan. Commissioner Brown said she has never seen Walmart's current parking lot full. They have lawn & garden displays in the parking lot. She asked if they are really going to need that many spaces other than at the holidays? Ms. Motley said the 5 – 0 ratio is a compromise. Commissioner Brown said they should consider the citizens; there are parking lots in town where she will not park her car, and she likes to park close to the store. She cannot justify changing the size for the extra parking spaces. Ms. Motley said Walmart knows better than anyone what works at their store sites, and the 9-1/2' space is what works. They need that 5 – 0 ratio to function properly. Commissioner Azula said seven businesses on the list have 9-1/2' wide spaces or less. This is the trend. He does not want to override the BOZA, but would like to change the requirement so this does not come up every time a new business comes in. He moved to ask the City Attorney to draw up an ordinance amending the Code of Ordinances to require 9-1/2' x 18' parking spaces within the City. Commissioner Brown seconded the motion and asked Mr. Mengel his opinion. Mr. Mengel said if people feel the spaces are not wide or long enough, they will take up two spaces. He said he would prefer the code not be amended. To answer the question, he does not know why the existing Walmart was granted a variance on parking space width. Commissioner Brown said she prefers wider spaces. Commissioner Azula said the store has smaller spaces now and people park there. There being no further discussion, the motion failed with a vote of 1 in favor and 4 against. Commissioner Norwood moved to uphold the Board of Zoning Appeals recommendation to deny Walmart's parking space size variance request. Commissioner Edwards seconded the request, which passed with a vote of 3 in favor and 2 against.

CONLEE MURAL COMMITTEE UPDATE – Clint Snyder and Allegra Kitchens, Conlee Mural Committee, thanked representatives of the City for being so cooperative with their program, and said the Billy Graham mural is scheduled to begin October 20. It will be painted on the side of Classic Impressions on S. 4th Street. Mr. Snyder presented the Commission with statistics on the Lake Placid mural program. Ms. Kitchens showed the Commission depictions of proposed murals for the Commission Room dias backdrop and the Federal Avenue side of the City Hall Annex Building (Building & Zoning Dept.). A panoramic 1914 Palatka waterfront scene is proposed for the dias backdrop. Mr. Bush has asked this scene be painted on panels which can be removed when necessary. A scene from a late 1920's postcard depicting the old City Hall, old Post Office (current City Hall) and old Saratoga Hotel which sat where the City Hall Annex sits today. Commissioner Brown moved to allow the Conlee Mural Committee to have the artist complete pencil sketches and to obtain estimates for the painting of the two proposed murals, one for the City Hall Commission dias background, and the other for the City Hall Annex Building Exterior, to be brought back for final approval at a future meeting. Commissioner Edwards seconded the motion. To answer the question, Mr. Snyder said a

muralist furnishes a pencil sketch pro bono. Mayor Smith said some feel the murals should be switched. Ms. Kitchens said that is up to the Commission. Commissioner Brown said she prefers the murals as presented. There being no further discussion, the motion passed unopposed.

Upon concurrence of the Commission, Items 17 & 15 were moved to the front of the Orders of the Day.

CITY ATTORNEY APPOINTMENT – Mr. Bush said he put out a Request for Qualifications and reviewed a number of highly qualified applicants. He is recommending Mr. Don Holmes for the position based on his qualifications, availability, experience and rates. He believes Mr. Holmes will do a very good job for the City in the coming years. He requested the Commission's concurrence on his decision as required by the Charter. Commissioner Norwood moved to concur with the City Manager's decision and appoint Donald Holmes as City Attorney effective October 1, 2000. Commissioner Brown seconded the motion and asked if he would be available for consultation on issues prior to commission meetings. Mr. Holmes said it was made clear to him during the interview process that this was one of the duties of the job, and he is comfortable with that. Mayor Smith asked what type of flag would he fly outside his home on Saturday afternoons in the fall during football season, if he were required to do so. Mr. Holmes answered the American Flag. There being no further discussion, the motion passed unopposed.

DONATION OF PROPERTY – Gussie Brown – Mr. Bush said Ms. Brown would like to donate a piece of property to the City in exchange for the City's satisfaction of a code enforcement lien on that property. Mr. Hedstrom said there is one last lien that will be paid off upon transfer of the title, and he recommends accepting the property conditional upon the lien being satisfied before the recording of the deed. Commissioner Brown moved to accept a donation of the property located at 906 N. 10th Street conditional upon the lien satisfaction prior to the recording of the deed. Commissioner Norwood seconded the motion, which passed unopposed. Commissioner Brown said she has previously asked that surplus property be given to City employees for new home construction. Commissioner Norwood said he has been working with the City Attorney on that and they will be meeting with Habitat for Humanity to determine a way to do that. Commissioner Brown said they are working to get a Front Porch Grant, which is dedicated to improving depressed areas. It may help to get rid of dilapidated houses and seems to be similar to Empowerment Zone. She asked Mr. Bush to call the Director's office to find out how wide an area they can apply this to and take up as much of it as they can, and work towards getting those grants in order to revitalize the Northside. The director's name is Patrick Henley and she will provide Mr. Bush with the telephone number. She will provide a copy of the grant to anyone who would like one.

PUBLIC COMMENTS – Mayor Smith said Mr. Riddle wanted to discuss an item.

Bert Scoggins, 3rd Street, said Mr. Riddle wanted them to reconsider passing an ordinance closing all bars at 2:00 a.m. Gainesville passed an ordinance doing that same thing. Four of the last five times his windows have been broken out were between the hours of 2:00 a.m. and 4:00 a.m. That is when people vandalize her home, also. People throw bottles against her walls and urinate in her yard, and fight and swear. Mr. Bush said they pulled the item from the agenda in order to hold a workshop on the issue. Anyone with concerns should put them in writing and submit them for discussion.

The Commission returned to the Orders of the Day.

PUTNAM-CLAY-FLAGLER ECONOMIC OPPORTUNITY COUNCIL BOARD – Appointment of Representative – Commissioner Norwood said he has been asked to serve on this Board. Commissioner Brown moved to appoint Commissioner Norwood to represent the City Commission on the Putnam-Clay-Flagler Economic Opportunity Council Board. Commissioner Edwards seconded the motion, which passed unopposed.

REPORTS:

a. Occupational License Fee Proposal for out-of-county parking lot sales – Mr. Mengel said he is still awaiting information from Duval County/City of Jacksonville on this matter, and will be better prepared to speak on the subject at the next meeting.

b. National League of Cities membership – Commissioner Brown said the FLC Board has asked Florida cities to consider joining the National League for several reasons. The State of Florida needs 10 more cities to join the National League in order to be ranked the number one state in the country in number of cities with membership. Also, they are cutting their membership rate in half this year for membership. The National League mirrors the services of the State Leagues, but on a federal level. The drawback is they have two meetings a year; one in Washington and one in another location somewhere in the Country. She attended a meeting some years ago in Atlanta. She has been asked to serve on a steering committee for the National League if they join, and needs to let them know before November 10. She said they can rotate the trips to these meetings so each commissioner can attend one. These meetings help to enhance grant contacts. Commissioner Azula suggested the item be tabled until they can determine the cost of joining. Mayor Smith asked Mr. Bush to check on the cost of membership. Mr. Bush said he will also inquire whether they will reimburse Commissioner Brown's per diem travel expenses should she be appointed to this committee.

REQUEST TO CLARIFY MOTION - to abate nuisances at 1412, 1504 & 1506 Dunham Street. Mr. Mengel said a motion was made at the August 17th Commission Meeting to award the contracts based on the bids provided, contingent upon something being worked out with the mortgage holders on reimbursement. He would like a motion to proceed with the demolition, a clarification of the prior motion, or motion to recind the prior motion and take no action. Mr. Hedstrom said the problem was with one particular property owned by the Colverts. There is a \$45,000 first mortgage which pays out in 2010. If they clean the property now, it is tantamount to giving the service free to the mortgagee, as the lender intends to foreclose on the property and take clear title as soon as it is cleaned up. He wanted to have the Colverts deed the property to the City and then negotiate with the Lender to get them to release the land, but not necessarily the Colverts, from the lien. To answer the question, the mortgage holder probably will not take back the title before the property is cleaned up. Once it is cleaned up he will foreclose and then go after all the subsequent lien holders, which would be the City, for the cost of cleaning it up. You cannot deed a piece of property back to a mortgage holder unless they agree to it. If the City places a lien on it, it will be an inferior lien to the first mortgage, and the first mortgage holder can then foreclose and get the property back free and clear, and the City will be out of the money. Mr. Hedstrom said this particular problem only applies to the property at 1504 & 1506 Dunham. The City filed an abatement order on the Palmer property in 1997, but there was no money to do the work at that time. Commissioner Brown moved to proceed with abatement of the nuisance at 1412 Dunham Street, and hold the abatement procedure on 1504 and 1506 Dunham Street until something can be worked out with the first mortgagee. Commissioner Edwards seconded the motion, which passed unopposed.

Commissioner Brown asked that Mr. Mengel be provided with a badge identifying him as a City Code Enforcement Officer so that when he makes inspections he looks official. Mayor Smith said he can order himself a badge.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BE AMENDED BY REVISING APPENDIX “A” TO SECTION 86-314 AND APPENDIX “A” TO SECTION 86-315 THEREOF, PROVIDING NEW WATER RATE SCHEDULES EFFECTIVE OCTOBER 1, 2000, BOTH WITHIN AND OUTSIDE THE CITY LIMITS, AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood and Mayor Smith, Yes; Nays, none. The ordinance was declared adopted.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA BE AMENDED BY REVISING APPENDIX “A” TO SECTION 86-344 AND APPENDIX “A” TO SECTION 86-345 THERE, PROVIDING NEW SEWER CHARGES EFFECTIVE OCTOBER 1, 2000, INSIDE AND OUTSIDE THE CITY LIMITS RESPECTIVELY, AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on 2nd reading for adoption. Commissioner Azula seconded the motion. Commissioner Brown asked that an article be placed in the newspaper letting the citizens know their bills are going up and why. 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.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, VACATING ORDINANCE NO. 00-07 ADOPTED JANUARY 27, 2000, REMOVING FIREFIGHTERS FROM THE CITY EMPLOYEES’ RETIREMENT PLAN AND CREATING THE FIREFIGHTERS RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on 2nd Reading for adoption. Commissioner Azula seconded the motion. Mayor Smith asked for clarification on the Plan’s effective date; the Clerk said the date of October 1, 1999 is correct. The Plan will be retroactive. 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.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REMOVING FIREFIGHTERS FROM THE CITY EMPLOYEES’ RETIREMENT PLAN AND CREATING THE FIREFIGHTERS RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to place the ordinance on 2nd Reading for adoption. Commissioner Edwards seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood, and Mayor Smith, Yes; Nays, none. The ordinance was declared adopted.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA, BY REMOVING POLICE OFFICERS FROM THE CITY EMPLOYEES’ RETIREMENT PLAN AND CREATING THE POLICE OFFICERS’ RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to place the ordinance on 2nd Reading for adoption. Commissioner Norwood seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood, and Mayor Smith, Yes; Nays, none. The ordinance was declared adopted.

LEFTY TURNER PARK COMMITTEE – Create seven-member committee per recommendation, and consider applicants to fill seven positions - Mr. Bush said there are seven candidates. Commissioner Edwards moved to create a seven-member Lefty Turner Park Committee. Commissioner Azula seconded the motion, which passed unopposed. Commissioner Brown asked if this includes a commissioner-liaison. Commissioner Edwards said he is the Commissioner-Liaison to the Golf Course Advisory Board, but he is not a voting member. Commissioner Azula said it would create a conflict if she is a voting member. Commissioner Brown said there were some critical points where she needed to be a voting member, and it is done on other boards. Mayor Elect Flagg said he is concerned with the ‘terms indefinite.’ Mayor Smith said these appointments should come up yearly. Commissioner Azula moved to appoint Bob Burch, Reno Fells, Mary Long George, Mary Heard, Chip Laibl, Fred Lumpkin, and Clarence Williams to the Lefty Turner Park Committee, to create yearly terms for the committee members, to make appointments yearly each January, and to appoint Commissioner Brown as Commissioner-Liaison. Commissioner Edwards seconded the motion, which passed unopposed.

CONSENT ITEMS:

- a. Recommendation to award the bid for re-roofing the Bridge Club Building to Armstrong Roofing for their bid of \$6,980.
- b. Reappoint Allegra Kitchens and Kenny Downs to the Code Enforcement Board for three year terms to expire September, 2003.
- c. Approve amendments to 1999/2000 budget as recommended by the Finance Director.

Commissioner Edwards moved to adopt the consent items as recommended by staff. Commissioner Brown seconded the motion. Mr. Bush said there is \$7,346 left in the contingency fund. The roof item was not a budgeted item, and this item will be paid for out of the contingency fund. There being no further discussion, the motion passed unopposed.

COMMISSIONER REPORTS:

Commissioner Brown:

- Congresswoman Brown is coming to town for a breakfast on October 9. She would like everyone who can attend do so as she and Commissioner Norwood will be escorting her on a visit to the City Lot. She will be spending the Day in Palatka. Les Brown will be the speaker.
- She passed out an update package on the Riverboat project.
- The League is putting together a technology packet which will help small cities to put together grants for technical assistance. It will be provided at a lower cost than most consultants. She asked Mr. Mengel to call the proper individual to inquire as to the availability of assistance. Mr. Bush asked her to bring the information on whom to contact to his office.

Commissioner Azula:

- Asked what they intend to do with parking lots that do not meet the City's requirements. He is speaking about parking lots with spaces that do not conform to City Code and did not apply for a variance. Mr. Mengel said the only one they have found is Sonic Drive-In. Although it is a new use, it was built in the Palatka Mall parking lot, and they re-stripped what was there previously. Commissioner Azula asked if the City is going to enforce the Code. Mr. Mengel said the best time for enforcement is when the building plans are submitted. Once a business is opened, there is little recourse. This is a class 3 violation and there is an \$82.00 fine. Mayor Smith said it is easier to just pay the fine than go through all the bother with variances and attorneys. Mr. Hedstrom said he had a conversation with Susan Motley in the Parking lot, and she informed him that Walmart is going to take the position that they are entitled to the 1,026 spaces shown on the conception plan at 9-1/2 foot width. Their position is that the Building Department knew about this up front. He advised her the appeal process starts running tomorrow, and he has a feeling they will be back at the next meeting telling the Commission they are entitled to what is on the conceptual plan. Commissioner Brown said others get away with this because the City is not enforcing the code, but Walmart tried to do the right thing and got turned down. Mayor Smith said people put up illegal signs and the City does nothing about it. Mr. Mengel said if one does not meet the requirement, as in Sonic's case, then it is safe to assume others don't, also. Commissioner Brown said from here on out they should emphasize that they will no longer grant variances on the 10-foot space width requirements. Mr. Bush said if the City's Building & Zoning Department issued a Certificate of Occupancy on the building, there is no recourse. Mr. Hedstrom said the Zoning Board was correct in that Walmart did not have a hardship, and they created their own hardship, but Walmart's position is that the City acquiesced on the 1,026 spaces and that is what they will push for. Mr. Mengel said the conceptual plans were reviewed as part of the annexation agreement. It was not brought to the Zoning Appeals Board's attention as they did not think it would be a point of contention. Commissioner Brown said if the City already approved the plans, they have to agree to it. Mr. Hedstrom said the City removed language from the original annexation agreement that would allow Walmart to do whatever they wanted to. They knew in advance they would have to go through the variance process. Mayor Smith said he

- understands Commissioner Azula's position on this. You can ride up and down the street and see sign violations, among other things. The fines are so minimal it does not deter anyone from violating the code. There are things going on in bars all over the City that should not be going on. People just look the other way. If they don't tighten up they will end up fighting these issues all over. They need to come up with a check list that needs to be adhered to before a CO is issued. If a building official sees a sign go up that isn't right, they need to stop it and have that business go through the process. The Police Department doesn't enforce the Code in bars, the Fire Department doesn't enforce occupancy requirements. Mr. Bush said the best place to catch most of this is when the plans come in. Mr. Mengel said he provided them with a copy of the Land Development Code and they knew from the beginning they were exceeding parking space requirements. The plans were checked and they knew a variance would be needed to get the 9-1/2 foot spaces. The City's error may have been that they painted too much of a rosey picture for them, but they knew up front that they would have to go through the variance process and what the Code requires. Commissioner Brown said some people feel like they can get away with things because the City wants them so badly. There is another bar called "Club 68" going up in her neighborhood with stripping. It is time for the City to tighten up. Mr. Mengel said they do catch a good deal of the work done by registered certified contractors. The City watches for unpermitted work. They are a complaint-driven department. They don't catch everything. They will be more aggressive, and should be able to rely on the Commission to enforce the code. Commissioner Azula said there should be consistency. When he was running for commissioner all his signs that were planted in the rights-of-way were picked up, but during this election period there are signs all in the rights-of-way, which remain untouched. He understands that this was politically motivated, but just because a person is popular they should not be allowed to violate the code.
- A couple who complained about a rooming house owned by Conway Construction were kicked out after they complained to the newspaper about the proliferation of rodents and general condition of the building. The house was fumigated, but the couple had to go to the Caring Center. The people who run the Caring Center also work for or are associated somehow with Conway Construction, and also kicked them out. He asked if the Caring Center is run by a slum-lord. Commissioner Brown said the people running the Caring Center rent the building from Conway Construction and are in the process of trying to buy the building. Mr. Conway bought up a lot of property on the Northside and now owns most of the property on N. 11th Street. No one ever goes in and checks those properties, and they have been in bad shape for a long time. They need to come up with a minimum maintenance standard for these properties. Mr. Hedstrom clarified that the minimum maintenance standards applies mainly to business properties. Mr. Mengel said they have cited Conway Construction several times on their properties, and they have fixed what they have to. Mayor Smith said the City owns several substandard properties that need improving. Commissioner Azula said there are many rental properties that are substandard and need to be inspected by Building & Zoning and the Fire Marshall. Everyone needs to be treated equally. Commissioner Norwood said all ordinances need to be enforced. If a department is under-manned, the City Manager is in charge of instructing his people to enforce the ordinances. They have to find a way of using all of their resources to enforce the ordinances on the books, or stop putting ordinances on the books. The Building & Zoning Department is undermanned, but the Police ride up and down the streets all day and the Fire Department can be utilized, and the Commission needs to explore ways to utilize all those resources. Commissioner Brown asked how the Planning Code revision is coming along. Mr. Mengel said it is in process. Commissioner Brown said St. Johns Avenue is becoming a 'strip.' Mayor Smith asked Mr. Mengel to explain what "Christian's Club 68" will be selling. Mr. Mengel said they have sought an occupational license for a night club but have not sought a liquor license. They plan to open as a 'bottle club' where you bring your own alcohol in and they sell you the mixers. They are not serving alcohol. Commissioner Brown asked about the proximity to the Church. Mr. Mengel said if that became an issue, the owner would change the location of the entrance to comply with the Code. Mayor Smith said this is an 'I'll show you what I can do' scenario, and he will be the first to defend someone's right to operate within the Code. If no

one goes in to check out the activities after the Club opens, then they can do whatever they want, essentially. Anyone with Code Enforcement authority such as police, fire or building & zoning should be able to walk in anytime and inspect. They are turning a blind eye to usage and occupancy violations in bars all over town. Mayor Smith said unless they clean it up now they will have a bad situation. Commissioner Norwood said if the ordinances are enforced they won't have any problems. The problem is that some clubs built their businesses around the present ordinance, and changing the ordinance will target those businesses. Commissioner Brown said the State Beverage Agency has certain guidelines they use, and the City should be able to adopt those guidelines. Mr. Hedstrom said state law says they have to close at 2:00 a.m. and not re-open before 6:00 a.m. Cities can enact ordinances to allow restaurants to stay open past those hours. Mayor Smith asked the Clerk to set a date for a workshop on the alcohol sales issue sometime during October.

Commissioner Norwood:

- Said the NEFLC meeting was a big success and extended his thanks to Chief Howard and his family for cooking the meal. He thanked Ms. Driggers for making all the arrangements for the meeting, and thanked Mr. Bacon for making sure the golf course was in good shape and for lending his expertise to the occasion.
- Said last year issues were brought up about minority hiring at the Fire Department. Chief Howard is being proactive in aggressively recruiting minorities and the best qualified people for the Department. He has authored a recruiting brochure, which is a step in the right direction in that one day the Fire Department will be more representative of the make-up of the City.
- Thanked Mr. Bush for his diligence and hard work on the Airport project and the League of Cities project, and said all the citizens appreciate all the hard work he put in on first phase of the Lefty Turner Park project, which is substantially completed.

HUMANE SOCIETY FUND-RAISER CARNIVAL – Mr. Bush said the Humane Society would like the Commission to waive the stand-alone carnival occupational license fee of \$500 per day for a fund-raiser carnival they plan to hold in November. The Humane Society is a non-profit organization. After discussion of the proposed dates, Mayor Smith said the week of Thanksgiving is not a good time for a carnival as there are other things going on at that time in the downtown area. Commissioner Azula said the festivals have carnivals and they are not charged. Mayor Smith said the carnivals are inclusive in the festival and this is a stand-alone carnival. He suggested they go ahead and charge them the fee and then turn around and donate the amount of money collected to the Society so the fee will wash out, in order to keep the ordinance intact. Mayor Smith asked the Clerk to let the Society know the City would prefer they chose a date other than the week of Thanksgiving.

WALMART VARIANCE REQUEST, REVISITED - Betty Willis, Board of Zoning Appeals, said Walmart knew they would have to have a variance on the parking issue. They first came in with three variances all in one request, but they asked them to make three separate requests, which they did. Their reasoning for the requests is that “all Walmart parking lots are designed this way” and that they have had such great success with their parking lots and this is how it would be. She told the young man that may be Walmart's plan, but they are going to go by Palatka's plan. Instead of re-vamping their plan, they have chosen to pursue appeals.

CITY ATTORNEY RESIGNATION – Mayor Smith read a letter of resignation from Ed Hedstrom resigning his position as City Attorney effective September 30, 2000. The letter is attached to and made a part of these minutes. On behalf of the City Commission, Mayor Smith grudgingly accepted the resignation and wished him well in his new role as judge for the 7th circuit court. Mr. Bush said tomorrow at 12:00 noon the City will host a luncheon for Mr. Hedstrom. Commissioner Brown said when she first came on the Commission she gave everyone a candy dish. She presented Mr. Hedstrom with a new candy jar filled with his favorite candy to take with him to his new dias. Mr. Hedstrom thanked everyone and said this has been a terrific experience for him and the privilege of representing the City has opened doors for him that would not have opened otherwise. He

has made lasting relationships with many people and he will miss everyone. He is confident that the City will be in good hands with Mr. Holmes.

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

CITY CLERK

MAYOR