

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 22nd day of March, 2001.

PRESENT:	Mayor	Karl N. Flagg
	Commissioner	Mary Lawson Brown
	Commissioner	Hernan Azula
	Commissioner	Ish Edwards
	Commissioner	James Norwood, Jr.

Also Present: City Manager Allen R. Bush, City Attorney Donald Holmes, City Clerk Betsy Jordan Driggers, Finance Director Ruby M. Williams, Police Chief Dick Schauland, Fire Chief Rudy Howard, Planning Director Adam Mengel, Water & Sewer Supt. Sam Willis.

INVOCATION – The Reverend Leroy Lewis, Pastor; First Baptist Church of San Mateo

PLEDGE OF ALLEGIANCE – Doug Valenti

APPROVAL OF MINUTES – 3/8/01 - Commissioner Norwood moved to approve the minutes as read. Commissioner Edwards seconded the motion, which passed unopposed.

STUDENT OF THE MONTH – March, 2001 – Mayor Flagg asked Commissioner Edwards to join him in recognizing the following students for their academic excellence, leadership, citizenship and attendance at the following schools:

Samirra Benjamin	Beasley Middle School
Jenna Harris	Browning Pearce Elementary School
Corey Corbin	E. H. Miller School
Kenneth Yarbrough	James A. Long Elementary
Daryl Tiu	Jenkins Middle School
Melony Gibbs	Kelly Smith Elementary School
Herbert L. Griffin, Jr.	Mellon Elementary School
Tia Cohens	Moseley Elementary School
Charles Sharon	Palatka High School
Shelisa Oliver	Peniel Baptist Academy

PUBLIC COMMENTS/RECOGNITION: Charles Wellborn, Azalea City Cruisers, presented the City Commission with a plaque in appreciation for the City's support during their 21st Annual Palatka Car Show. They promote downtown, and anyone who participates in the car show can bring in their Palatka shopping receipts for that day, receive a ticket for every dollar they spend here, and have a drawing. Last year they gave out over 7,000 tickets. They donated \$4,200 back to the community in profits from the show. Mayor Flagg accepted the plaque on behalf of the Commission and thanked him for what they are doing for the community.

SEELYE LEASE/PURCHASE REQUEST - Mr. Bush said Mr. Seelye has requested the City sell him the vacant portion of the City Annex parcel located at 205 N. 2nd Street. He wants to use it for parking. Three proposals are outlined in a memorandum from Adam Mengel (filed). The property sits directly behind Ed Powell Realty, which Mr. Seelye has purchased. The proposals include sale of the Powell Realty building to the City, giving a life estate to Mr. Seelye; sale of the property to Mr. Seelye; or a long-term lease of the vacant portion of the annex parcel to Mr. Seelye. The City has no immediate use for that property, but he does not advise selling it as there may be a future need for it. They do not have the money available to purchase the building at this time. A long-term lease would be the best option, but for no more than 10 – 15 years. Per the question, Mr. Bush said no prices were discussed. Commissioner Brown moved to delay making any decision until after receipt of the Riverfront Master Plan. Commissioner Norwood seconded the motion. Mayor Flagg asked if he would consider a short-term lease. Mr. Mengel said Mr. Seelye purchased a home on River Street and has no room to park his boat and other vehicles. He is looking around for alternate locations, but wants to move most of his assets to Palatka. Mr. Seelye will lease the Powell building back to Mr. Powell. Commissioner Norwood asked if they need to take bids on leasing this property, or if they are opening the City up to others coming in wanting to lease properties. Mr.

Holmes said he has major concerns with leases or sales at less than market value. He does not think they are doing anything wrong when leasing or selling surplus property at market value. Per the question, Mr. Mengel said the only access is across the Ed Powell Realty property between his building and the Annex building. The property is 35' x 75' approximately. The City could expand parking or the annex building onto that site. Mr. Holmes said there is no issue with allowing the general public to park on the property, but he is concerned about giving that privilege to only one person for free. Mr. Bush said there are situations like this all over the City, and they have not taken any action against them nor been granted a right to do so. If they give him permission, it would not be exclusive. Mr. Mengel said a lease option is not Mr. Seelye's preferred option; he prefers an outright purchase. He may reject a lease. Commissioner Edwards said he supports an annually renewable lease. Mr. Bush said he prefers a short-term lease based on liability exposure. Mr. Holmes said the City incurs liability in its everyday operation, but it's something they need to keep in mind, and the City's position would be stronger under a lease agreement. There being no further discussion, the motion passed 3 – 2; opposed by Commissioners Edwards and Norwood.

Agenda Item 4 was pulled.

REPORTS:

a. Riverfront Master Plan – Mr. Mengel said the Planning Board has recommended the City hire a professional planner or marine engineer to draw up the Riverfront Master Plan. Per the question, the consultant hired for the C-3 zoning rewrite is not qualified for this task. Commissioner Brown moved to accept the Planning Board's Recommendation and put out a Request for Proposals from a professional planner or marine engineer to draw up a Master Riverfront Plan. Commissioner Edwards seconded the motion. Commissioner Brown asked if DEP has engineers available for this type of work. Mr. Bush said he can inquire. He will take a careful look at this and put together a spec. Commissioner Brown said Mrs. Banks has visited Eustis and a few other places which have done the same thing, and she would like to arrange a trip to look at some of these places and see what they have done, as well as learn what not to do. They can take the press with them. Mr. Bush said the Commission can approve the preliminary plans. Per the question, the Zirkelbach project is on hold due to some health problems with the principals. This will not slow down the Commission's original plans; this was simply a faster track. The original plans are still going forward. Commissioner Norwood said the citizens who use the waterfront should be involved in the planning process. There being no further discussion, the motion was voted upon and passed unopposed.

b. Signs on Rights-of-way – Mr. Mengel said he is developing his report and will have it completed within the next few weeks. He is looking at codes from surrounding communities. Commissioner Norwood has expressed a desire to take an active role in this study. Commissioner Norwood said during the last meeting some discussion was held on exempting churches, but they should be the first ones to comply with the laws of the land. Commissioner Brown said in the past there were concerns about people being able to locate churches. She asked they find a way to give some consideration to special places that are off the beaten path.

Although this item was not on the Agenda, Mr. Mengel reported that he and Mr. Bush came to a decision on the communications problem.

c. City Hall Interior Renovations – Mr. Bush said bids were taken on some renovation work to the interior of City Hall in accordance with a complaint made by Commissioner Azula on the appearance of the building. He noted the lowest bid on this work was received from Jerry's Home Improvements in the amount of \$1,840.00. He recommends the Commission approve this for payment from the contingency funds; ½ from the general fund and ½ from the utility fund, since both departments utilize the building. Commissioner Brown moved to award the bid for City Hall interior renovations to Jerry's Home Improvements for \$1,840, and to split the cost between the Utilities and General contingency funds. Commissioner Azula seconded the motion and said his comments were not meant to be derogatory. He made the request because the building looks bad and this is an investment. Mr. Bush said his comments were made as this being a positive thing to do and he agrees the repairs are needed. The outside is looking good,

but the inside is looking somewhat shabby. This is a good bid and he recommends accepting it. Commissioner Norwood said he wants to make sure they are not piecemealing. He sees the word “patch” over and over. Commissioner Brown said that’s what you do to old buildings. Commissioner Norwood said you can remodel them as well. He asked if the patching will be aesthetically sufficient. Mr. Bush said you won’t see the crumbling wallboard, and will see some fresh paint. He and Mr. Norton are going to sit down and come up with a wish list for prioritizing historic preservation grants. There are organizations all over town coming in all the time wanting to put in applications for these funds for old, crumbling buildings, but if you put in more than one at a time, they compete with each other. They are trying to put them in a priority order so everyone one will know when the City will be applying for grants on behalf of what building or organization. They would like to apply for a grant to do a major renovation on City Hall. There being no further discussion, the motion passed unopposed.

d. St. Johns Harbor Water Association Agreement – Mr. Bush said the City requested a number of changes to this agreement, and in each case the Association has complied. Both he and Mr. Holmes recommend execution. Mr. Holmes said sometime in the past the Commission agreed to undertake this project, and that in and of itself is going to occasion liability upon the City because they are taking on up to 400 new connections. With that decision having been made, this agreement does address the concerns he had with the original agreement. This agreement gives them no greater rights than any other customer that receives water in terms of water quality or quantity. It gives the City sole discretion to determine the rate of compensation or contribution for any new connections, and binds them to the same rate charged for other outside water users. Except for the concept that the Commission is going to provide water 12 miles outside the city limits, the agreement is acceptable. Commissioner Brown moved to execute the agreement to provide water utilities to St. Johns Harbor Water Association. Commissioner Norwood seconded the motion and said he asked the engineer how they can assure the water quality will be acceptable due to the distance. Mr. Bush said they will build a reservoir at St. Johns Harbor and the water will be re-chlorinated there before being redistributed to residents. There being no further discussion, the motion passed unopposed.

Clint Snyder, 7300 Crill Avenue, #32, asked if any consideration was given to supplying water to Seminole Electric and Lafarge. Mayor Flagg said the City did not solicit St. Johns Harbor; St. Johns Harbor solicited the City. Those businesses have self-contained plants, and since they don’t have a water issue like these people did, they probably won’t be soliciting water service. The City is making no investment in running the line to St. Johns Harbor. Mr. Snyder asked if the capacity is great enough to handle the demand. Mr. Bush said out of the total capacity, this won’t place a great demand upon it. These people were in dire need of good water and were under pressure from DEP to either build a plant themselves or find potable water from another source, and Palatka is the closest source. This is an emergency situation in their case. Commissioner Norwood said this arrangement is more advantageous for them cost-wise.

PUBLIC HEARING – 503 Third Avenue – Request to Annex, Change Land Use to Medium Density Residential from Urban Reserve, and Rezone to R-2 from AG – Edward Schmidt, Petitioner. Mayor Flagg opened the public hearing. Commissioner Brown said a few meetings ago this room was full of people against a Planned Unit Development on this property.

Marc Spaulding, Agent for Owner, 3400 Crill Avenue, said he was unable to attend that meeting, but he has met with many of those individuals since then and answered their questions. He knows that people were aware of this meeting, but there are none here tonight. Mr. Mengel said at the Planning Board hearing, the worse comments came from a gentleman who was against it, but his wife stood up and said she was not. Mr. Bush said the feeling he got from that hearing is that this is better than what they originally wanted to do. Commissioner Brown said she wants to make sure that people understand what is going on because once it’s done, it’s done. There being no other comments, Mayor Flagg closed the Public Hearing.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE

CITY OF PALATKA, FLORIDA, CERTAIN ADJACENT TERRITORY IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on reading for adoption. Commissioner Azula seconded the motion. Commissioner Norwood asked if out of all three proposed ordinances, if one is contingent upon the other. Mr. Mengel said the land use change & rezoning are contingent upon the annexation, and the rezoning is contingent upon the land use change. Mr. Spaulding said if they can't get them all approved, they don't want any of them. There being no further discussion a roll-call vote was taken with the following results: Commissioners Azula, Brown, Edwards, Norwood, and Mayor Flagg, Yes; Nays, none. Ordinance #01-09 was declared adopted.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) AS DESCRIBED HEREINAFTER, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Edwards moved to place the ordinance on 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 Flagg, Yes; Nays, none. Ordinance #01-10 was declared adopted.

ORDINANCE – the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula 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 Flagg, Yes; Nays, none. Ordinance #09-11 was declared adopted.

PUBLIC HEARING – Property at Moody Road & Pontiac Street – Request to Rezone to C-2 (intensive commercial) from C-1 (general commercial) – James E. Miller, d/b/a On Golden Pond, Inc. Mayor Flagg opened the public hearing.

Audrey Blakely, 4314 Pontiac Street, said they have looked at this situation with the rezoning, and absolutely don't want it in their neighborhood. It is very invasive and noisy, and the big trucks are damaging the road. He will be coming through the neighborhood with these trucks, just like he is doing today, while bringing them to work on at his home. He does not care if he disturbs everyone in the neighborhood.

Ann Champion, 402 Stillwell, said this area is about 250' from her front door. She wakes up to this in the morning and goes to bed with this. Her husband works shift work and cannot sleep during the day because of truck traffic and air tools. He is tearing up their roads. He refuses to talk about it and does not care about people who live there. She said she has been there for 25 years and asked the Commission not to let him do this. There being no further comments, the Mayor closed the public hearing.

ORDINANCE - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 2, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to deny adoption of this ordinance. Commissioner Norwood seconded the motion. Commissioner Brown said they have been discussing remedies to keep big trucks out of residential areas, and she will vote to deny this for the protection of the residents and children. She is all for business, but there are better places for that. Commissioner Norwood said the Codes Department has already cited Mr. Miller for operating this business there. It seems he has chosen to ignore this. There being no further discussion, a roll-call vote was taken

with the following results: Commissioners Azula, Brown, Edwards, Norwood, and Mayor Flagg; Yes, Nays, none. The request to rezone the property was denied. Commissioner Norwood asked what code enforcement action has been taken to remedy the problem. Mr. Mengel said the current code only prevents overnight parking in residential districts, but they are taking steps to change that by striking the word “overnight” from the code and establishing a truck route. Mayor Flagg said there is no violation if the trucks are not there overnight. Only his personal vehicle can stay there overnight, and only if it does not exceed one ton. Ms. Blakely said they have called the police many times but no one ever responds.

Chief Schauland said this is a zoning violation. There are no criminal sanctions. Mayor Flagg asked what options they have. Mr. Bush said it is not unusual for a code enforcement officer to make an after-hours inspection and issue a citation if a violation is found. Ms. Blakely said all this happens after 5:00 p.m. Mr. Bush told her to make prior arrangements to have a code enforcement officer accompanied by a police officer go out to the site after hours and make an inspection. Per the question, Mr. Mengel said he believes it is a class 3 or 4 violation, minimum \$57.00 fine. Repeat violations constitute higher fines. Mr. Holmes asked if law enforcement can document that the maintenance is occurring and then file an informational report, which can be acted upon by code enforcement, who can issue a citation based upon that report. Mr. Mengel said that can be done. Ms. Blakely said she has gone to the PD and asked if there are reports, and there are none on file. Mayor Flagg asked them to coordinate an effort to give these people some relief. Commissioner Brown said they have been looking for somewhere else to park those trucks as they realize this is a problem for the neighborhood. Mayor Flagg said they should contact Randy Mathews about renting space at his industrial park, as it is not the City’s place to provide him with an area to park his trucks. Commissioner Brown said the realtor that sold them the property told them they could do this work, and is trying to help him find a place for the trucks.

HISTORIC PRESERVATION BOARD AND GREEN BOOK COMMITTEE – Mr. Mengel said he provided a memo to give the Commission some background on his request (filed). When they cannot make quorum for a meeting, it is a problem. This has happened now for the second time in a row. They poll members to be sure they can attend these meetings, and are assured they will have a quorum, but when it comes time for the meeting there is no quorum present. The applicants are present but the Board members are not, even with assurances that they will. This has created an unavoidable situation, and they should at least consider removal of several members. Based on some recommendations from Arlene Huber, the attorney who serves on the Board, if they make changes to the Green Book, it may nullify all prior actions, grandfather in situations they may not want to grandfather in, and may end up creating more problems than they solve. It is better to keep the current guidelines, which are not “broken” enough to fix. Commissioner Brown said the issue on the vinyl fence brought this to everyone’s attention. The complaint was about the materials allowed by the Green Book, and sections of it needed to be brought up to date. The Planning Department should be the ones to look at this and decide what needs to be done. They get a lot of input from citizens, but they need to consider many factors, finances being one of them. They found that the Green Book standards are somewhat different from the State Standards. They should reduce the number of people on this Board so they can function. She moved to reduce the number of members on the Historic Preservation Board to the five positions recommended by the Planning Director. Mayor Flagg said it will require an ordinance to make those changes. Mr. Holmes said the Commission can remove the members for just cause under the current ordinance, but the ordinance does indicate the composition is seven members, so if they want to reduce it they should do so by ordinance. Mr. Bush said they already have a policy in place that if a member has three consecutive absences they can be removed, and asked Adam if they are following that. Mr. Mengel said he believes that relates only to the Code Enforcement Board. Mr. Bush said that can be expanded to cover all boards. Mayor Flagg said the Beautification Council is no more, and one position is appointed by that organization. Mr. Mengel said they have been discussing reducing the number of board members as part of the Green Book revisions. Mayor Flagg said he is not speaking about dissolving the board, but changing the membership. Mr. Mengel said the Chairperson has other time restraints and he is concerned that he is unable to devote the time needed for this board. The Chair directs

the board, and therein lies the difficulty. Mayor Flagg said they can fix the parts that need to be fixed without dissolving the Board. They can recognize the current membership for their services, and begin with a fresh membership. Mayor Flagg asked the Clerk for her interpretation; she said she believes that Mr. Mengel is asking to dissolve the membership only, take applications and appoint a new board, even if they do reappoint some of the old members who were active, as well as new people. If they change the number of members, that will take an ordinance. Mr. Mengel said if people fit the general classifications, they would be eligible.

Elizabeth Snyder, 7300 Crill Avenue, Lot 32, said her husband Clint has spent many years on this Board, and for a time was its Chairman. She hopes the Commission will be cautious about whom they appoint to this Board. There was an individual recently appointed to this Board who seemingly does not understand what a historic district is, due to the contemporary home he built on River Street. If you build a contemporary home in the middle of the most beautiful and historic area in the City, it shows a lack of understanding of what a historic district should be. If they do reduce the members or start over new, she hopes they will be more cautious in appointing people who belong to the Florida Forum or other historic organizations within the state and have some understanding of what they want to accomplish. She understands the Commission may hear from an individual who has been turned down on a particular request, but they need rules to follow in order to continue the historic aspect of the district. Mayor Flagg said they appreciate the volunteers who serve on all the Boards, but there are some situations that come up in that some of the boards are out of control, and create problems that are blown out of proportion by the time they get to the Commission. Attendance is not the only issue. It is Staff's responsibility to report to the Commission on how these boards are functioning, and if someone's term needs to end, they need to know that so these boards remain vibrant. Mr. Bush and Mr. Holmes can work out the details with Mr. Mengel and bring a proposal back to the Commission. Mr. Holmes agreed, saying if they are looking to change the composition of the Board by way of the professions, or make representative groups 'advisory' for selection instead of 'mandatory', they need to change the ordinance. If he is just looking to drop members and appoint new ones to take their place, the Commission can accomplish that without an ordinance. There is nothing in the ordinance that allows for an automatic termination of a member due to absenteeism. If that is their policy, it should be so stated in the ordinance. Commissioner Azula said much of this surrounds an issue mentioned earlier over a vinyl fence erected around a home built in the 1960's that happens to be in the historic district. This issue was an instance of neighbors feuding with neighbors over a fence around a non-historic home, which only improved the property. The house was simply in the wrong place. They are acting more like a police organization than something that will benefit people. He believes in restoration, but sometimes it is better to use modern materials; it doesn't change anything and even improves it. Something like this that causes bitter disputes between neighbors is not good. This fence was a simple issue. Mayor Flagg said the Commission needs to make sure the individuals being appointed to this board understand the scope of their responsibilities. It creates havoc when one person is just out to settle a score. Some of the results of these meetings have caused people to look unfavorably upon the City. A discussion ensued on the action Mr. Mengel is seeking from the Commission. If a reduction in the number of members is desired, they must do that by ordinance. If he wishes to retain the number and begin with a clean slate, this can be taken care of by the Commission without an ordinance change. Mr. Bush suggested adopting the "3 and out" rule for absenteeism. Mayor Flagg asked Mr. Mengel to give the Commission a memorandum recommending who to discharge from this Board and for what reasons. Commissioner Brown said it is hard to find volunteers from the specific categories required for membership. Also, these boards act in an advisory capacity to the Commission sometimes, and sometimes make rulings that stand alone. She would like to retain the people who have been faithful and come to the meetings, and find out what the intentions are of those who don't attend regularly. If they need to be replaced, that can be done in a nice way. Ms. Driggers said this is a nine-member board; 8 members plus one alternate. The ordinance will at least have to be revised to remove the Greater Palatka Beautification Council appointee, which no longer exists. At that time the number could be revised. Mayor Flagg directed Mr. Bush, Mr. Holmes and Mr. Mengel to work out an ordinance and plan of action and bring it back before the Commission for consideration at the next meeting.

As to the Green Book Committee, there is no support for that Committee or its recommendations from the Historic Preservation Board or from the Commission. The fence item was the catalyst for creating the Committee. The green book is based on the federal guidelines & standards for rehabilitation of historic properties. It is a “best practices manual” for homeowners. In all cases of alterations, the natural material is preferred. It also says that if that material is not readily accessible or financially feasible, alternate materials can be used. The Committee was set up in 1999 and its membership is one representative each from the Commission, both historic districts and the Historic Preservation Board, for a total of four members. The feeling is that if you let vinyl in for a fence, it will not stop there. Mayor Flagg said the Planning Department should be interpreting these guidelines, not a Board. The Board should be enforcing the standard the Commission wants. Commissioner Brown said she had to really search to find a window to match the windows on her funeral home when one needed replacing, and then they had to make it smaller to fit. Some of the materials are not cost effective. The vinyl fence in question looks like a wood fence, and was more cost effective for her. This Board was in place to oversee what is being done to the historical houses. Commissioner Azula said that particular house was built in the 1960’s and was not historical, it is just in the district. The fence is an improvement. Mr. Mengel said the Green Book Committee had come up with a recommendation to take houses on a case by case basis. Mayor Flagg said there is too much private interpretation done by people who are not being affected economically. Mr. Holmes asked if the Green Book needs to be revised or not. Mr. Mengel said the purpose of the Green Book is to give residents a clear idea of what they can and can’t do. It also serves as a reasonable guideline for use by the Board in issuing Certificates of Appropriateness strictly in issues of aesthetics. There are areas of the Green Book that can be “tidied up”, but generally it is a ‘best practices’ manual for homeowners. The Committee came to some conclusions on recommended changes, but then broadened its scope to a revision of the entire Historic Preservation Board section of the Code, which is outside its initial scope. Arlene Huber’s opinion is if the Commission changes the Green Book, they could end up nullifying all actions taken prior to the change, would end up grandfathering in pre-existing conditions, and may cause more harm than good. Mr. Holmes said the memo recommends the Green Book Committee be dissolved and no changes made. Mr. Mengel said that is due to Ms. Huber’s advice. The Green Book is a result of a U of F student study done on the historic districts.

Bert Scoggins, 118 S. 3rd Street, said she knew the people involved in the fence issue and could see both sides. There are national rules for historic districts. Ken Campbell will work with anyone on this issue. There used to be a welcome committee who presented the Green Book to people when they moved into the neighborhood. If you don’t follow the national rules, you will lose your historic district status. The woman who resigned from the Board over this issue was only trying to do what she was supposed to do. On the other side, the lady’s house was not historic. They are all reasonable people. Mr. Bush asked what the Committee has done with the Green Book. Mr. Mengel said there have been no changes made; it has been 1-1/2 years. Mr. Bush asked if they could do away with the Committee, leave the Green Book in place, and allow appeals on Historic Board rulings to the Commission? Mayor Flagg said the problem seems to be private interpretation of the existing rules. Mr. Mengel said the Green Book states natural materials are preferred over man-made materials. Mr. Holmes said the ordinance indicates any person aggrieved by a Board decision can apply for review in writing to the City Manager within 15 days of the decision. Mayor Flagg said he has never seen the Green Book and would like to have a copy. The Realtors should be presenting this to prospective buyers.

Clint Snyder, 7300 Crill Avenue, #32, said he has served on this Board for a number of years, and sometimes they have to make some unpopular decisions. He recommends staying with the Green Book as-is since it has worked well on the whole. It says what you can and can’t do. It was adopted in 1983. Mayor Flagg suggested the Commission leave the Green Book committee as it for now until they have had an opportunity to review the Book. The Commission has reached a consensus on considering an ordinance revising the make-up of the Board at the next meeting. Mr. Mengel said a Green Book revision has been given to the Historic Preservation Board, but there are several holes in it, the biggest being enforcement. Mayor Flagg said they should agenda the item on the next Historic Board agenda for approval, which means the Committee has served its

function, can be thanked and disbanded. Commissioner Brown said many people are in the historic districts not by choice. They were there years before the district was set up. Mayor Flagg said the revision needs to be advertised to all historic district residents.

Elizabeth Snyder said anyone who purchases property in the historic districts should by law be notified by the realtor that there are restrictions on what they can do with their property, and certain expectations for homeownership. Apparently some realtors are not abiding by that law. The South Historic District is trying to present new homeowners with a Green Book in a “welcome basket.” It is a protection for property values in the Districts. Everyone in the District is profiting from the upturn in valuation, whether they want to participate or not. Commissioner Norwood said there must be some penalty for realtors who do not comply, and he would like to know what that is. Mr. Holmes said if a realtor withholds that information, the person who purchased the house can file a complaint with the Board of Realtors, but there is no real remedy there. They should record the historic district designation in the official records, so that it would come up during a title search that certain regulations apply. This puts the world on notice, so if a homebuyer does not know, they have no one to blame but themselves. You only have to make one recording. Mayor Flagg said this item will appear on the agenda for action at a future meeting; Mr. Bush, Mr. Holmes and Mr. Mengel have been directed on what to do.

ADMINISTRATIVE REPORTS:

- Mr. Bush passed out a change order on the Old Water Works Restoration Project. This was discussed during the Water Works tour in January. This involves replacing the front door with a double door instead of a single door. Action needs to be taken on this before they get to that point in construction. Mayor Flagg said the Commission has anticipated this change order and asked if they are ready to consider it tonight. Commissioner Brown moved to approve execution of the door change order for the Old Water Works Restoration Project. Commissioner Azula seconded the motion, which passed unopposed.
- Some time ago the Commission approved HTA going ahead with an application for a reverse osmosis treatment plant to eliminate precursors to trihalomethanes. This grant asks for up-front money to do studies for engineering design. They are hoping for a 100% grant in the amount of \$554,000. Mayor Flagg will execute it so it can be submitted.
- Mr. Holmes had nothing to report.
- Ms. Driggers said Mrs. Williams sent a memorandum out to all three pension board chairmen asking for participation in the cost of bringing in legal counsel for the Commission on the issues to be raised at the pension/personnel rules & regulations workshop tentatively scheduled for April 12. The City attempted to get legal opinions from the League’s attorneys, but they have advised that the changes the Fire Department is asking for are extensive and numerous, and have advised that the City needs to secure counsel from someone who is versed not only in pension law, but also labor laws, on a paid basis. The representative from the League, Joe Pitts, is still willing to come and will address his portion as long as there is counsel present. She would like some input on whether or not to reschedule the workshop. Mayor Flagg said there are costs associated with these requests. The Commission is concerned with all of the City’s employees, not just one or two departments. They need to take care of everyone’s needs. There was discussion about why the pension funds would have to contribute to the Commission’s legal expenses. Commissioner Norwood said each Board has its own counsel, who has already given them advice. Mr. Bush said they need unbiased representation. The City does have counsel who advises on these matters. Commissioner Azula said the City’s counsel will not be representing the fire or police boards, so they should not have to pay for it. Mr. Bush said the request came from the Fire Department, and their counsel is biased. She will support what she put on paper. The Commission needs independent legal counsel and has the right to be represented. Mayor Flagg said the issue is who is going to pay for this. Mr. Bush said the Commission would not be faced with this expense if it were not for the request from the Fire Department. Splitting the cost three ways is fair. Mayor Flagg said they need balance so that if policy is revised, every employee will receive the proper benefit. Mr. Holmes said there may be a conflict with asking the pension

- boards to pay someone to advise the Commission. The conflict arises in prioritizing one board over another. The Commission should pay for its own counsel. Mr. Bush said if that is the case, the City Commission should authorize payment out of General Funds so that the general employees pension fund is not paying for this. Mayor Flagg said whatever they decide, everyone will benefit. Mr. Bush said when the Commission considers these requests, they should remain unbiased, regardless of whatever board they sit on. They need independent counsel, not the police or fire board's counsel dictating what the commission should do. Mayor Flagg agreed and said this is not an issue of "us against them." All employees and departments are equally important, and that is how the Commission should approach this.
- She has completed research on when the form of government was amended and will be scheduling a workshop on that within the next few weeks.
 - She will be getting with Debbie Banks sometime next week to compile the information they received from department heads on festivals, and will be scheduling a future workshop on that. She asked if the Commission has any time constraints on this issue. Commissioner Azula said they need to put festivals for 2002 on hold until this is revised. Commissioner Norwood moved to put a moratorium on permitting any festivals other than the 2001 Blue Crab Festival, 2001 Hard Rider's Festival, and 2001 Hot Southern Nights Festival, until after the workshop is completed and guidelines written. Commissioner Azula seconded the motion. Ms. Driggers said policy now states festivals can't be permitted more than 6 months in advance. There being no further discussion, the motion passed unopposed.
 - Mrs. Williams had nothing to report.

COMMISSIONER COMMENTS:

Commissioner Brown:

- Said 10 cities are being chosen for a FLC pilot program on web design. She put information on this in each commissioner's box. She would like the gentleman from the League to come and make a presentation on this and invite the other cities in Putnam County to participate. She asked the members of the Commission to check their calendars and choose a date to schedule this. Mayor Flagg asked Ms. Driggers to coordinate.
- Passed out an article outlining how municipal, county and school boards in one area came together and put a legislative platform together to encourage everyone to work together and make a "one-voice" presentation to the legislature.
- Said today she had lunch with Scott Maddox, FLC President, who was commenting to her on his visit to Palatka this morning. He said he has traveled to hundreds of cities in this State and has chosen three cities as places he would like to live himself, or own a second home, and Palatka was one of them. He thinks the river is beautiful. He is also very impressed with the murals and the City Commission & staff.
- Said the riverboat application has been submitted to the proper agency, and thanked the Commission for their support.

Commissioner Azula:

- Thanked Mr. Bush for his help in securing Cable T.V. service for Palatka Ford. Apparently the cable company was under the impression that they were not inside the city limits, and was trying to charge them \$1,100 to run cable to their business.
- He is having a problem getting to Commission meetings at 6:00. He works until 6:00, and some of his supervisors feel he needs to be there until 6:00 regardless. Today he was admonished about this by one of his supervisors, which he does not take lightly. If he cannot resolve it, he would like the Commission to think about changing the meeting time back to 7:00 or 7:30 p.m.

Commissioner Edwards:

- Had no comments.

Commissioner Norwood:

- Said they had a good turn out for the cleanup on Saturday. He thanked the Sanitation Department for their cooperation.

- Asked for an update on the status of the vehicle storage on 10th Street, and asked Mr. Mengel to also address the storage at Bainbridge Motors, Beck Nissan and everyone else who is storing vehicles. Mr. Mengel said as to the storage on 10th Street, the owner brought in an agenda item seeking a zoning variance, but it was removed as this is not the proper forum for that. He has been advised that he should be seeking a rezoning, not a variance. Mayor Flagg asked Mr. Mengel to provide the rest of the Commission with a copy of the memorandum he sent to Mr. Plimpton explaining the City's position on his request to have the Commission approve his violations. Mr. Mengel said Mr. Plimpton has received his second Notice of Violation and is scheduled to appear before the Codes Board on Wednesday. Commissioner Norwood said he believes that Bainbridge Motors and Beck Nissan also have inoperable vehicles on their properties as well, and asked if the zoning allows this, and if it does not, what is being done about it. Mr. Mengel said the zoning allows what is clearly incidental and subordinate to the primary use, and in the case of auto dealers there is no stipulation that they have an active tag on their vehicles. This is a gray area, and some dealerships can conceivably become a junkyard. Auto dealers are in a special class. They frequently take in a trade-in, from which the prior owner removes the tag in order to place it on the new vehicle. Commissioner Norwood said he is talking about inoperable vehicles that are not for sale and are doing nothing but collecting mosquitoes or whatever. Commissioner Azula said most of the vehicles in the auto shop are inoperable, but are being fixed. In this type of zoning, there are no laws being broken. They (Palatka Ford) don't have a junkyard, but in some cases some automobiles sit there for a while before being disposed of or fixed. If this happens in a residential neighborhood where you have several cars sitting in a yard with no tag, there is a problem, but not with a dealership. Usually those cars sit way in the back and are not an eyesore. Commissioner Norwood said he is talking about wrecked or inoperable vehicles that are put out to pasture and have been there for months. This is the same situation. Mayor Flagg said they would need to be in a closed-in area on property zoned for that use. If there are instances of this, the violations need to be called in to the Codes office. Mr. Mengel said they aren't going to go around asking people to crank all their cars, but there is a question of reasonable enforcement. With the situation on 10th Street, it is fairly clear that is a violation as it is not subordinate to the primary principal use. There is no other use associated with that use. Mayor Flagg said if it is documented that there is a totally demolished vehicle sitting there and has been for months, that constitutes a salvage yard and would have to be protected from the public eye according to Code. He may not be quoting that just right, but the Commission is not on a "witch hunt". Mr. Mengel said they are pursuing Bainbridge Motors, but are not pursuing Beck, because their cars are located within a fenced area on their property. When you come out of Wendy's, you are looking right at the cars on Bainbridge's property.
- Said the City Attorney is looking into what they can and can't do on the vacant lots situation. They are going into these neighborhoods cleaning, and are making sure the City is doing it's part. They have made a commitment to the citizens on getting something done about these vacant lots, and need to be diligent about coming up with a workable solution to hold these property owners accountable. Some of these properties are eight and nine feet high with growth. They should also be targeting business as well as residential. Commissioner Azula said government as a whole is one of the biggest offenders, and should be cautious about citing people. Mayor Flagg said city employees should be documenting offenses and possible hazards and making them known through the proper channels. Mr. Holmes said the Code Enforcement Board has been prioritizing cases they would like the City to go forward with on nuisance abatement action, and he has filed at least four abatement actions in circuit court on those properties in need of immediate action. Also his office has completed a memo on abatement which he will be distributing to the code enforcement officers in regards to what the City's code and statute permits on abatement issues. Mayor Flagg asked him to see that the Commission gets a copy of that memorandum.
- Said the City has been targeting individuals with inoperable vehicles on their private property, and asked if they have been telling people that if they put a cover over these vehicles, it is alright to have them in any part of their yard, whether front, side or back? Mr. Mengel said they have as long as it is under a carport or garage in your front or side yard, or "otherwise covered in seemingly operable condition." He is not

speaking about just a tarp, but an actual car cover – these vehicles should be kept in the side or rear yard, never in the front, unless it is within an approved structure. Commissioner Norwood said you are allowed to keep your inoperable vehicle, but not everyone else's, while you are working on them in your yard. Commissioner Norwood said he does not want to drive up and down the street and see inoperable cars sitting all over the place that have been made legal by placing a cover over them. Mr. Mengel said those cars can only be in the side or rear yard, not in the parkway or out front. Mayor Flagg said he would like to look at doing a wholesale clean-up of all these junked cars, and he is not talking about someone who is working on their car, but those with four flat tires and clearly not being worked on. Mr. Holmes said on the County level, you can't just put a cover over a car to make it legal; it has to be in an approved carport or garage. For a change, the County is stricter on this than the City.

Mayor Flagg:

- Asked if the City has a policy of offering a minimum standing reward for the arrest and conviction of people who vandalize city property. Mr. Bush said they have a standing \$250 reward. Mayor Flagg said they should post this information on signs in areas that seem to get a lot of vandalism, like the riverfront restrooms, parks or the golf course. Per the question, Mr. Bush said it is policy to report all incidences of vandalism to the Police Department for investigation. Mayor Flagg said it deeply disturbs him that vandals did over \$6,000 in damage to 21 lights at Lefty Turner Field. Apparently they were shot out. Someone needs to be caught, and someone will talk if given the right incentive. The City needs to get the park lit up and get some surveillance going to curb this type of activity. He wants to go to court on this. Mr. Bush suggested the Commission offer a higher reward, say \$500.00, for information leading to the arrest and conviction of the vandals. Commissioner Brown said they should be forced to not only pay restitution but also clean toilets every day. Chief Schauland said money will loosen lips, and if they can get a bigger reward out someone will talk. The problem with that park is there are really no houses along the front with people sitting in their living rooms watching what goes on. They have talked with the neighbors about starting a Crime Watch program. Commissioner Brown moved to direct Mr. Bush and Chief Schauland to get together, set a reward, and contact the newspaper about publicizing a story on the reward for the vandalism at Lefty Turner Field. Commissioner Norwood seconded the motion. Mayor Flagg asked what they are doing about the golf course vandalism. Chief Schauland said Mr. Bacon is considering planting heavy posts along the road so people can't turn off and spin around on those \$18,000 greens. Commissioner Azula asked if they can utilize some surveillance cameras at these locations. Mr. Bush said there was some controversy about the cameras, so the PD opted for mobile cameras in their cars. There being no further discussion, the motion passed unopposed. Mayor Flagg asked Chief Schauland to ask his detectives to make this investigation a priority.
- Mayor Flagg asked Mr. Bush to keep the City Commission informed on the process of selecting a new police chief, and to put it in memo form to the Commission before the deadline for applications. Mr. Bush said after the 3/31 deadline he will provide everyone with a list of all applicants received along with some brief information. He will enlist the help of Chief Schauland in going through the applicants to come up with a short list and a brief explanation of his top choices. He will have this information in the Commission's hands for review by mid-April. Toward the end of April he would like to see the Commission sit down with the list and make their comments. It is up to them if they want to interview. Mayor Flagg said he does not want to wait until they get the short list to decide how they are going to go about selecting a chief. Mr. Bush said he will prepare grading forms with standard questions for all of them so they will have a set of objective questions they can ask and score when the applicants appear before them. Mayor Flagg said that would constitute a special meeting for interviews. They cannot have a closed session, and need to set a time limit for each candidate. They also need to set some logistics as to who they want to attend this meeting and what format to use. They can meet independently with Mr. Bush and let him know what they each think, and let him compile it and bring it back to the next meeting. Counsel can also give some input into the process. Chief Schauland will be a good resource. He has been a blessing not only to the PD, but to the entire City. He is leading his Department with dignity and respect, and he receives compliments on his management style daily. His time is

getting short as well. Commissioner Brown said she will be out of town April 21 – 25. Mr. Bush said he will not start interviews until the beginning of May. Chief Schauland said he will remain in his position until a new Chief is hired.

There being no further business to discuss, the meeting was adjourned at 9:05 p.m. upon a motion to adjourn by Commissioner Brown, seconded by Commissioner Edwards.

CITY CLERK

MAYOR