

Proceedings of a regular meeting of the City of Palatka City Commission held on the 26th day of April, 2001.

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

ABSENT: Commissioner Mary Lawson Brown

Also Present: City Manager Allen R. Bush, City Attorney Donald E. Holmes, City Clerk Betsy Jordan Driggers, Finance Director Ruby Williams, Police Chief Dick Schauland, Fire Chief Rudy Howard, Planning Director Adam Mengel, & Main Street Manager Debbie Banks.

INVOCATION – The Reverend Bob Marsh, Pastor; St. Marks Episcopal Church

PLEDGE OF ALLEGIANCE – Mayor Karl Flagg

APPROVAL OF MINUTES – 4/12/01 – Commissioner Azula moved to accept the minutes as read. Commissioner Norwood seconded the motion, which passed unopposed.

ARTS COUNCIL PLAQUE – Mayor Flagg said he was presented with a plaque by the Arts Council and Larimer Arts Center acknowledging the support the City has given to these organizations over the years, and said the citizens of Palatka are the recipients of the plaque. He presented it to Mr. Bush and asked him to display it at City Hall.

PROCLAMATION – Mayor Flagg read and presented a proclamation to Jarvis Williams naming May 16, 2001, his 37th birthday, as Jarvis Eric Williams Day, in honor of his being inducted into the University of Florida Athletic Hall of Fame. Mr. Williams, his wife and parents were present to accept the proclamation.

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

Brandi Evins	Beasley Middle School
Emily Guthrie	Browning Pearce Elementary School
Lynicia Donato	E. H. Miller School
Grady Roberson	James A. Long Elementary School
C. Chase Barnes	Jenkins Middle School
Jacob Boynton	Kelly Smith Elementary School
Kymerly M. Johnson	Mellon Elementary School
Kierra Robinson	Moseley Elementary School
* Adam Azula	Palatka High School
Randy Krhut	Peniel Baptist Academy

* Adam Azula is the son of Commissioner Hernan Azula and a senior at PHS.

PUBLIC COMMENTS – there were none.

PUBLIC HEARING No. 2 – 2001 Neighborhood Revitalization CDBG Application for the Sewer Reuse Project – Mayor Flagg opened the public hearing. Kaye Tucker with Fred Fox Enterprises said this is the second public hearing as required for the City of Palatka who is applying for a Small Cities Community Development Block Grant in the neighborhood revitalization category. The City currently pumps all of its treated effluent from the WWTP into the St. Johns River. Both the FDEP and SJRWMD are working with the City to drastically reduce or eliminate this. As part of this effort DEP awarded a \$1.25 million grant to begin directing the effluent discharge into a spray irrigation or percolation area. The City has adopted a two-stage strategy to accomplish this. The first is to pump the effluent onto the FPL easements near the WWTP and spray irrigate these easements. The contract for this stage has been bid and awarded, and construction will

begin soon. The second stage includes the installation and infiltration basins along the effluent line leading to the FPL easements, which will allow an additional amount of effluent to be pumped into these basins which will percolate down into the ground. They are requesting CDBG funds totaling \$750,000 as part of the second phase. The City has also committed \$150,000 of local match funds, which will be utilized for a portion of the proposed construction and engineering cost. The application is due April 30. The CATF met this afternoon, looked over the project, and their recommendation to the City Commission is to submit the application. The meeting adjourned late this afternoon, so they do not have this recommendation in writing yet. Mayor Flagg then asked for audience comments; hearing none, he closed the public hearing.

RESOLUTION – The Clerk read a resolution entitled **A RESOLUTION AUTHORIZING THE SUBMISSION OF A NEIGHBORHOOD REVITALIZATION APPLICATION FOR THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR FEDERAL FISCAL YEAR 2001.** Commissioner Norwood moved to adopt the resolution. Commissioner Edwards seconded the motion. A roll-call vote was taken with the following results; Commissioners Azula, Edwards, Norwood and Mayor Flagg, Yes, Nays, none. The resolution was declared adopted.

RESOLUTION – The Clerk read a resolution entitled **A RESOLUTION ADOPTING LONG TERM AND SHORT TERM OBJECTIVES OF THE COMMUNITY DEVELOPMENT PLAN FOR THE CITY OF PALATKA, FLORIDA.** Commissioner Azula moved to adopt the Resolution. Commissioner Azula seconded the motion. The results of a roll-call vote are as follows: Commissioners Azula, Edwards, Norwood and Mayor Flagg, Yes; Nays, none. The resolution was declared adopted.

INTERLOCAL AGREEMENT – The Clerk read an interlocal agreement entitled **AN INTERLOCAL AGREEMENT BETWEEN PUTNAM COUNTY, FLORIDA AND THE CITY OF PALATKA, FLORIDA TO ALLOW FOR THE USE OF SPRAY IRRIGATION AND PERCOLATION PONDS TO REDIRECT A PORTION OF THE TREATED EFFLUENT BEING DISCHARGED FROM THE CITY OF PALATKA’S SEWER TREATMENT PLANT FROM THE ST. JOHNS RIVER TO SPECIFIC LOCATIONS WITHIN THE UNINCORPORATED AREA OF PUTNAM COUNTY, FLORIDA IN CONJUNCTION WITH A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE NEIGHBORHOOD REVITALIZATION CATEGORY.** Commissioner Norwood moved to direct the Mayor and City Clerk to execute and attest the agreement. Commissioner Edwards seconded the motion and asked where the specific locations are that will be receiving the discharge. Mr. Bush said the City purchased some 250 acres surrounding and adjacent to the WWTP; this is the only location. Mayor Flagg noted corrections to the interlocal agreement. On the first page, the word “District” was left off the next to last paragraph, on page 2 under the 4th paragraph, Item No. 4, there should be a period after “agreement” and the word “additionally” should be struck (Ms. Tucker said she would verify this change with Mr. Fox, who typed this agreement); and at the top of page 3 “County Manager” should read “County Administrator.” Commissioner Norwood amended the motion to include the noted corrections. There being no further corrections or additions, the question was called and the motion was passed upon a unanimous roll-call vote.

FAIR HOUSING WORKSHOP – Ms. Tucker passed around a sign-in sheet, which will serve as a record of the participants. She said this workshop is a requirement of the grant process. There are points in the application for this. The City adopted its Fair Housing Ordinance No. 83-31 on 12/8/83. This ordinance was amended in 12/12/85 replacing the term “handicapped” with “physically handicapped” and amended again to include the term “familial status.” It states it is the City’s policy to eliminate discrimination in housing based on race, color, religion, sex, age, familial status, physical handicap or national origin. It has provisions for citizen complaints if they feel they have been discriminated against. At the end of this process, there are means and methods to contact HUD. To date, the City has had no complaints. Mr. Bush said the procedure is included in the Personnel Rules & Regulations. Per the question, Mrs. Tucker said this is only a workshop and no action is required on any of this material by the Commission. Mayor Flagg said the purpose of this workshop is to make the ordinance public knowledge and

to answer any questions the public may have. Per the question, Mrs. Tucker went over the discrimination complaint procedure in Section 8 in more detail. Examples of complaints were discussed. Mayor Flagg asked what authority the City has other than to refer the complaint to the State Attorney or some other federal level. Mr. Bush said you have the weight of the City asking the State Attorney to step in and investigate. Mr. Holmes said the only remedy is to initiate a complaint with the State Attorney's office. There is no other remedy. Per the question, he said the State Attorney's jurisdiction is probably based on the City's ordinance. They would only be in a position to enforce violations of state law or local ordinance. Federal violations would be enforced by the U.S. Attorney's office or federal courts. Mayor Flagg said he thought housing violations were dealt with on a federal level, and if someone comes in with a complaint tomorrow that question needs to be answered. The State Attorney only has jurisdiction because the ordinance says so, but there is no penalty built in. Per the question, the ordinance is part of the City's Code and is available as public record. Mr. Holmes said there are no "teeth" to this ordinance. Mayor Flagg directed Mr. Holmes to take a look at this ordinance. He does not see the practicality of coming to the Commission, although that is desirable. Ms. Tucker said the City acts more as a facilitator in this matter. Mr. Holmes agreed to look into the ordinance further.

PRESENTATION OF FINANCIAL STATEMENTS – Fiscal Year ended 9/30/00 - John Rowe with Davis Monk & Co. thanked the Commission for the opportunity to work with City Staff. It has been a good relationship and staff has been very responsive to their requests and recommendations. Their team is headed up by Tina Robinson, and includes Susan Frank and John Jones. They are all supervised by Steve Kattell.

Tina Robinson said they presented the audit copies some time ago and she hopes they have had a chance to go over it. In the financial section, the report shows the scope of the audit and the basis for their accounting procedures. The General Purpose Financial Statements for the City of Palatka present fairly, in all material respects, the financial position and the results of operations of the City. This is referred to as a "clean" or "unqualified" opinion, which is the desired opinion. The balance sheets show more detail in the back section. They have a good, positive ending fund balance for each of the fund types. The income statements show the City is operating well within the prior approved budget constraints. Note 7 shows a detail of the long-term debt. She thanked Mr. Bush and Mrs. Williams for their cooperation; the finances are well-kept and the records are in good shape. Commissioner Norwood asked if there are any areas of concern the Commission should be aware of. Mrs. Robinson said each year they try to make some recommendations for improvement; they are required to report if there is an operating shortage in any of the funds, and this year the golf course and airport did not have enough revenues to cover operating expenses. That is their current operations, but overall they have a positive ending retained earnings. There was no area of non-compliance. They made a recommendation in the areas of fixed assets and payment of allowances.

REQUEST TO DEED PROPERTY LOCATED AT 906 N. 10TH STREET to Mr. & Mrs. Hendrieth, who reside at 904 N. 10th Street – in exchange for maintenance and upkeep – Debbie Banks, Code Enforcement, said they opened this case in 1994. They placed a lien on it and in November the City acquired the property. She inquired of the neighbors if they wanted to split the property. One neighbor wanted it, and other didn't. Mr. Hendrieth wants to incorporate the existing block structure into his house. Mr. Fillion said that is feasible. Mr. Hendrieth has agreed to pay all closing costs and fees. Mr. Bush said the lot is only 50" wide, so it is not a build-able lot. Karl said an independent building contractor needs to give an opinion on whether this can be done; he asked if there is a conflict with the City advising he can tie the two houses together. He does not want to give this lot to them if it turns out they are unable to accomplish this. A cost estimate should be done. Per the question, Ms. Banks said the City was deeded this property in lieu of payment of code enforcement liens. She will provide them with a copy of the deed. There was a title search done. John Harrison handled the closing. Mr. Holmes said they could try to come up with a contract for deed, contingent upon his securing a building permit and showing they have obtained expert advice & sufficient financial resources, with a given period of time to accomplish the work. Per the question, Mr. Mengel said they cannot get an owner/builder building permit on a piece of property they don't own, so if the City retains the title, they will have to get a contractor to pull the

permit. A Certificate of Occupancy would be his ultimate goal. Mayor Flagg said if it takes them five years and \$30,000 to do this, there is still a code enforcement issue. The issue should be tabled until they can determine what Mr. Hendrieth's resources and plans are. Commissioner Norwood said the objective is to get rid of the code enforcement problem, even if they end up cleaning up the lot and tearing down the structure. There are fees involved. Mrs. Banks said Mr. Fillion advised him there would be a considerable cost to accomplish this, and Mr. Hendrieth said he was going to seek financing to cover it. Commissioner Azula said they need to establish a policy for handling this type of request. They need guidelines for this. This is now the City's property, and we are now violating our own code. Mr. Holmes said even though the lot does not meet the current regulations for building a new structure, if the lot size was lawful when the existing building was built, it can remain in place and renovated. Only if the existing building were destroyed over a certain percentage would the lot lose its non-conforming use status, which would prevent someone from building a structure on this site. If the building is salvageable, someone could buy the lot and make another s/f dwelling. He does not like the idea of having to work with the "reverter" issue, meaning they would convey title, but try to take it back should the grantee not perform as promised. It would mean litigation. Mayor Flagg said Mr. Hendrieth needs to come back with a plan and time frame for the Commission. Commissioner Azula moved to table this issue. Commissioner Norwood seconded the motion. Mr. Flagg said if Mr. Hendrieth cannot satisfactorily show he can accomplish this, the property should be put on the market for sale. There being no further discussion, the motion passed unopposed.

Agenda Item 8 was moved to the front of the Orders of the Day by consensus of the Commission.

ORDINANCE – (702 N. 19TH St.) 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, ORDINANCE BE AMENDED AS TO THAT CERTAIN PROPERTY LOCATED IN SECTION 37, TOWNSHIP 10 SOUTH, RANGE 26 EAST, AND PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to place the ordinance on first reading. Commissioner Edwards seconded the motion.

Frank Mattea, Owner, said he is asking for this change so he can expand the rental options on this property. Under C-1 zoning he would have more options without having to apply for conditional uses. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Edwards, Norwood and Mayor Flagg, Yes; Nays, none. This ordinance will be placed on the agenda for second reading on May 10, 2001. The Commission then returned to the Orders of the Day.

REPORTS:

- a. Train Depot Renovation Architectural Services – Mr. Bush said the City acquired a grant for \$212,000 for the renovation of the old train depot. They put out an RFQ for an architect and received two. Mr. Taylor has offered a very reasonable fee of 8.4% of the project cost. The other bid was 10% of cost. Commissioner Edwards moved to award the bid for the Old Train Depot Renovation Architectural Engineering Work to Robert Taylor, Architects. Commissioner Norwood seconded the motion, and asked for an explanation of the bid process, which he was provided with. There being no further discussion, passed unopposed.
- b. WWTP Annual Capacity Analysis Report Contract Award – Mr. Bush said this is an annual requirement. The City has a "short list" of engineers they use for this type of work. Ayers & Associates has submitted a contract with a very good price for this work. David Kemp with Ayers is the engineer who designed the original plant. The City is not required to go out for bids on any work less than \$5,000. He recommends approval of this bid. Mayor Flagg asked how the list works. Mr. Bush said they have extensive experience with these engineers. They try to spread the work around and choose done based on their area of expertise, rather than go out for bids on these very small project. This is not an unusual practice; many cities do this. Mr. Holmes said he does not object to the contract, but the terms contain a limitation of contractual liability, which is somewhat unusual. It limits the contractor's liability and his sub's liability to \$50,000. The contracts states they will increase their liability if the City

- pays him more money. Mr. Bush said based on the type of work this is, he does not anticipate a great liability exposure, but he is certain that if he approaches Mr. Kemp he will probably be willing to strike that clause. This is simply an annual report that must be prepared for the State. Commissioner Azula moved to award the contract for the WWTP annual capacity analysis report to Ayers & Associates. Commissioner Norwood seconded the motion, which passed unopposed.
- c. Code Revision for Parking Lot Sales – Adam Mengel said he provided them again with the proposed revision he gave them at the last meeting, and also provided them with a copy of Flagler County’s ordinance, which the car dealers had favored, but he does not. If the Commission wants to move in that direction, a separate zoning classification for shopping centers would have to be added to the Code. He recommended one, both or a combination of the two options he and the City Attorney gave them at the last meeting. Mayor Flagg said it is important to note that there are certain things they cannot prohibit, but they can regulate them, and to get the best of both worlds they should incorporate both options. Mr. Holmes said the conditional uses being granted in the past are simply a relaxation of the code, and there is no legal basis for granting them other than past practice. Per the question, Mr. Mengel said the Code does not allow people to take up required parking by having parking lot sales. Under this proposed revision, if they do have extra parking space, they can use it for a sale a certain number of times per year; they cannot use required parking for sales space in any circumstance. Per the question, Mr. Holmes said the proposal was drafted by him and Mr. Mengel. Commissioner Azula moved to direct Mr. Holmes to prepare an ordinance amending the code per the changes recommended by he and Mr. Mengel, and to bring it back to the Commission for a public hearing. Commissioner Edwards seconded the motion. Mayor Flagg said they should also address the fee concurrently, even though it will be in another section. Commissioner Norwood said he has concerns about the number of sales (4) allowed per year. Mr. Holmes said that would only apply if they have enough parking spaces to allow for a sale. This is an additional requirement, it does not replace any requirement the Code provides for now. Mayor Flagg said it would apply to any and all parking lot displays, including seasonal. Mr. Bush asked if this also applies to out parcels similar to those at the mall. Mr. Holmes said an application for a RV sale was rejected last week, and staff has agreed to hold the line and grant no further conditional uses for parking lot sales. There being no further discussion, the question was called and the motion passed unopposed. Commissioner Norwood asked what penalty could be imposed if the RV sale had taken place anyway, even though the request was denied; Mr. Holmes said they would have violated the parking space provision of the Code. Mr. Bush said the City would have the authority to shut it down. Mayor Flagg said a “cease & desist” option should be used. Mr. Mengel said they found themselves in a similar situation last Memorial Day, where a RV dealer was told to shut down and then threatened to sue to business owner, who then looked to the City for assistance. He opted to pay the \$350 fine and continue the sale. Mayor Flagg said once this is in place and everyone is made aware of the requirements, this won’t happen.

PLANNING DIRECTOR’S REPORT: Mr. Mengel said there is a Planning Board meeting scheduled on Tuesday the 1st, and they have scheduled request for a conditional use for Calvary Baptist Church and two road closings that are associated with that application: Dunham Street from 13th to 15th Streets, and 14th Street from Dunham to Bronson. He also has a request for annexation, future land use map revision and rezoning for a convenience store located at 2101 Husson Avenue. These will be cases that will fall under the new adoption format that was adopted at the last meeting. There are no items on either the Historic Preservation Board or the Zoning Board of Appeals.

Mayor Flagg asked if they can discuss the letter he received concerning 3743 Reid Street (old Clock Restaurant location). Mayor Flagg asked where they are in the occupational license process. Mr. Mengel said this is in reference to a letter and call they received last week from the property owner who said they are looking to locate an adult super store in that location, and asked if there are any zoning restraints. This is zoned C-2, which does permit retail establishments of this type (sales of books, magazines & videos). A theater is a conditional use in that category. The follow-up phone call from Mr. McLaughlin came a few days later when he asked for an application for a change of occupancy. He

informed him they have no such process, but do have a building permit, and if someone is attempting to operate a kitchen and restaurant, they can do it at that facility. If they want to change the occupancy, a permit would be required. You can't have a retain use in a restaurant. They are looking for some type of strategy to change the occupancy for this use and become compliant at least with the building code issues. As far as the zoning code, there is no prohibition on this type of activity. Mayor Flagg said he believed the nudity ordinance would have some affect on adult material & activity. Mr. Holmes said it depends upon the definition of the material. If it is obscene, they can regulate it. The Supreme Court has declared that material is obscene when they deem it so. This fight has been going on for a long time. There are some guidelines they can work with, but it may come down to questions of the material itself. Orlando fought that battle very expensively a few years ago, and there is some case law and definitions that was generated on what is obscene. Per the question, Mr. Mengel said this store would be classified as retail under C-1A, provided it contains no more than 2400 square ft of floor area. Per the question, the Clock has been closed at least 18 months. Mr. Holmes asked if they can then make any new business subject to all the regulations any new building would be required to meet; Mr. Mengel said they can. The letter states that the owner contents that he can take occupancy by virtue of the occupational license, and he cannot. There are other considerations. They are changing the occupancy from assembly type restaurant to mercantile, and that alone has several requirements. He asked what they are going to do with the kitchen. They are also talking about making them pave the parking lot, which is something that should have been done at the beginning. The code dictates they should have a "suitable dustless surface" for parking, which they do not. Mayor Flagg said they all need to be aware of what is happening. Whatever the standards are, he hopes he and counsel can determine what they are and what reverts after six months, etc. These issues all need to be spelled out in a letter up front so they will know what is required. This should apply to whomever is getting ready to open up a facility for whatever reason. Mr. Norwood asked if they can write an ordinance that would prevent this type of business from coming in, or dictate it be located somewhere on the outskirts of the City. Mr. Holmes said they cannot prohibit them from coming in unless the material is deemed to be obscene as defined by the Supreme Court. They have First Amendment protections. That battle has been fought already. He does not know whether you can create a district for these types of establishments. You probably can't segregate it from other uses in C-2 or C-3. He can research this. Per the question, the occupational license would probably fall under a merchant's category. Mayor Flagg said the anti-nudity ordinance only applies to live entertainment. Mr. Mengel said a theater falls under the conditional use category. Mayor Flagg asked Mr. Mengel and Mr. Holmes to look at what can be done, and make sure this business is in compliance with it.

RESOLUTION – The Clerk read a resolution entitled **A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST TO AN AGREEMENT FOR MAINTENANCE OF PORTIONS OF RIGHT OF WAY ALONG SR15, SR 20 AND SR100 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.** Commissioner Azula moved to adopt the resolution as read. Commissioner Edwards seconded the motion. Mayor Flagg noted this is a renewal of an existing agreement. Mr. Bush said the contract price has increased to \$46,958.00 for this year. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Edwards, Norwood and Mayor Flagg, Yes; Nays, none. The resolution was declared adopted.

RESOLUTION – The Clerk read a resolution entitled **A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AUTHORIZING THE SUBMISSION OF AN ASSISTANCE TO FIREFIGHTERS GRANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FIREFIGHTING EQUIPMENT AND VEHICLES FOR THE APPLICATION CYCLE ENDING MAY 2, 2001.** Commissioner Norwood moved to adopt the ordinance as read. Commissioner Edwards seconded the motion. Mayor Flagg said the "type of applicant" should be "municipal," not "other." Mr. Bush concurred. Per the question, Chief Howard said the answer "three" to 14a & b refers to the congressional district. Mr. Holmes concurred that is correct. Mayor Flagg expressed concern with the wording of the last sentence under "voice boxes"; the next to last sentence under "thermal imaging cameras"; and the content of the 3rd & 4th paragraphs (donating the old equipment) under "breathing air compressor" as he feels it weakens the

application. Chief Howard said the more people you can show that will benefit from the grant, the more points you will receive. Mayor Flagg said he and Mr. Bush need to work that out, but he should leave out the statement about 'never owned equipment.' There being no further discussion, a roll-call vote was taken with the following results; Commissioners Azula, Edwards, Norwood, and Mayor Flagg, Yes; Nays, none. The resolution was declared adopted.

FORMS OF GOVERNMENT – This item was pulled and will be rescheduled for the next meeting.

ADMINISTRATIVE REPORTS:

Police Department: Chief Schauland said the Police Auxiliary Unit was inactive for some time, but today they swore in three new auxiliary officers, and that program is back up and running.

Chief Schauland said they are in the process of purchasing a new drug dog and have been trying to solicit donations from local businesses and the community, in addition to the money in the forfeiture fund, to that end. They will need around \$3,500.

Chief Schauland said they are still concentrating on boom boxes.

City Clerk: Mrs. Driggers said she has put out a call for May 8, 2001 for interviews for the position of Police Chief, which will begin at 9:00 a.m. There is another call for a workshop on May 10, 2001 at 3:30 p.m. to deal with pension and personnel regulation issues. There is also a call workshop on May 15, 2001 at 4:00 p.m. for festivals. The City of Palatka will be hosting the NEFLC dinner meeting on May 17. If they want to do the usual fare of ribs & chicken, they can, but the Commission may want to add a seafood dish to the menu to make it somewhat different from the dinner in September, which will be Chief Howard's ribs and chicken. If anyone has any ideas, please let her know tomorrow as she has to have the menu completed by then. Unlike the September dinner, this is dinner is funded by the NEFLC through dinner ticket sales. It will be held at the Golf Course.

City Manger: Mr. Bush said he distributed a folder containing the eight candidates selected for interviews for police chief along with a list of the questions that will be asked. They should bring this folder with them on May 8 for the interview meeting. He has included a list of questions that can and cannot be asked, for the Commission's benefit. Mayor Flagg said the candidates' attention should be focused on the Committee and not the Commission. Also, the Commission should be careful that they ask the same questions of each of the candidates, and that their questions should be run by counsel. They do not want to accidentally ask discriminatory questions. They should be submitted beforehand and put in a format; the person who wants to ask the question can still ask it. Commissioner Azula said there maybe some questions that will come up after the candidates have spoken. It will be hard to predict what they may want to ask. Mayor Flagg said he is not referring to something about their background or application, but they need to operate within some parameter. Commissioner Norwood said if they abide by the guidelines they were given, they should be fine.

COMMISSIONER COMMENTS:

Commissioner Azula:

- Said the residents in the Crystal Cove Subdivision have complained about a truck that comes around and discharges sewer into one of the lines in the area. The truck has damaged part of the road just before the gates, which has been taken care of. The pumps have been moved to one side of the road. Mr. Bush said that is the County's truck hauling leachate from the landfill, which is covered under an interlocal agreement. They looked at the problem today, and should have been addressed. Commissioner Azula said it was.
- Said in reference to the copies of the letter on the proposed adult super-center that were given to Mayor Flagg and Mr. Holmes, they should all be given copies of letters at the same time, as they all need to be informed.

Commissioner Edwards:

- Asked for an update on the Hard Riders Bike Festival. Chief Schauland said it was very successful. There were no problems. The crowd was well behaved and not nearly as large as they planned for, but for a first year event, it was well attended.

Commissioner Norwood:

- Said Bernard Williams does an excellent job for the City and “makes things go away”, per his slogan. He is very time conscious and professional. Mr. Bush said he was recently honored along with his men as “employees of the month”.
- Asked for a report on the abandoned vehicles on the 10th Street lot. Mr. Holmes said they had all been removed by 4:00 yesterday afternoon.

Mayor Flagg:

- Said he attended the victim’s rally at the amphitheater, and noticed there are quite a few loose boards on the stage area. These boards are going to create a serious problem if it is not evaluated and take care of fairly quickly. The railing also looks to need some work. It is being used quite heavily, and a report needs to come back on the condition and remedy.
- Said around 3:00 a.m. Sunday morning he was unable to sleep for the noise coming from the area at 17th & Reid Streets, and he called the Sheriff’s Department to make a complaint and then went there to check it out for himself. The noise coming from those businesses is certainly exceeding what is allowed. The noise was coming from inside the Gold Club and the parking lot of Vic’s Supper Club. He approached several vehicles and told them they were violating city ordinance. He was deeply disturbed that he couldn’t sleep in his own bedroom at 3:00 a.m. on Sunday morning. His neighbors are elderly and call him on these disturbances. There are several issues with the Gold Club such as staying open past 2:00 a.m. and parking. They need to get police, code enforcement officers and the fire marshall on these problems while they are happening. The next time he is up at 3:00 a.m. on Sunday morning he will be calling these people to get some relief. Chief Schauland said they are working on trying to resolve these issues. The Fire Marshall today posted the occupancy at the Gold Club, but the biggest problem is the boom boxes. They work under a state statute for that problem. They have a plan in place for the next four weekends to try to set a precedent to stop the problem. He was informed today by one of the bar employees that Vic has purchased Pete’s Bar and The Gold Club. He was told he plans to close the Gold Club and combine Pete’s and Vic’s. Mayor Flagg said Vic informed him he believed part of the problem was there was not enough ID checking at the Gold Club. Per the question, Chief Schauland said the officers are not ‘turned off’ because ticketing for boom boxes is not a moving violation; it has a \$41.00 fine but no other point sanctions, per state statute. It has become a high priority. The City’s ordinance deals with residences and businesses. Mayor Flagg said Gold Club patrons are parking at the former Chicken Charley’s, at the China Buffet, the Delco Oil Company. He was told that if the owner does not give the City permission, they cannot enforce parking restrictions there. The gas station beside the Gold Club is posted no parking and the owner has the violators towed. If other property owners choose to let them park there, there is nothing the City can do about that. If they are violating laws while in the parking lot, they can be ticketed and dealt with. Per the question, there are parking spaces along 17th Street and traffic is directed there. Mayor Flagg said he is concerned that the entire police force is monitoring this situation at that time in the morning, and coverage elsewhere is sparse unless you call in officers on overtime. Chief Schauland said on that particular morning there was only one officer trying to control the situation while all the others were elsewhere dealing with other situations. They all eventually ended up at 17th & Reid, which then leaves the rest of the City unprotected. They will be bringing in people on overtime to deal with the next four weekends, much as they don’t like to do that. They are going to have to set a precedent to solve this problem. If the problem moves to some other business, they will be spending overtime funds to solve that, also. Per the question, the businesses are picking up the cost of off-duty law enforcement officers, and they decide how many officers to hire. Mayor Flagg said there were hundreds of people there, and one off-duty officer is not able to control that large a crowd. Anything could happen. He asked if there is any way the City can dictate how many off-duty officers they need to hire to control the crowds. Chief Schauland said Vic hires two; Gold Club was hiring one and was told they needed two due to the

size of the crowd, and they then decided they didn't need any. Mr. Holmes said the City should document the magnitude of the problem to the best extent possible. There may be a possibility of bringing a civil nuisance action for injunction against the business. They should document the size of the crowds, traffic, and general scope of the problem through video cameras, etc. to the best of their ability. Chief Schauland said part of the problem is the crowd leaving John L's Club and gravitating down to Vic's and Gold Club, but John L's is being sold this week and they hope that will alleviate some of the problem, depending on who the new owner is. They will have people out there early to try to break up the crowds so they don't get so big. Mayor Flagg said if these clubs are violating codes, the Fire Marshall and Codes Officers need to be called out to record those violations. Chief Schauland said they are working with those departments to document and solve the problems. Commissioner Azula said the Commission has the right to regulate the sale of alcohol in the City. If they cut it off at 2:00 a.m., this will stop. You can still sell your food, but not alcohol. The problem is that the so-called restaurant is closed, but the alcohol sales still continue. Commissioner Norwood said all this is going on in the parking lot. Mr. Mengel said the Gold Club has no kitchen, so they would not fall under that code. There is no prohibition against being open, but they cannot serve alcohol after 2:00 a.m. Per the question, Chief Schauland said they have a beer & wine license. The problem is not with the Gold Club after 2:00 a.m., it is the crowds coming down to Vic's after 2:00 am. Mayor Flagg said if that many people are going into the Gold Club at one time, and if they have such limited parking and capacity limits, someone has got to be violating something. Mr. Mengel said the solution maybe to document the problem per Mr. Holmes' suggestion. The code says you must have one parking space per three seats. Mr. Holmes stated the code specifies that "the licensed place of business of the holder of a state beverage license shall be and shall remain securely closed between the hours of 12:30 am – 6:00 am Monday through Friday, and between 2:30 am – 6:00 am each Saturday and 2:30 am and 12:00 noon each Sunday, and no person shall be permitted therein for any purpose whatsoever during such closed period except regular employees for the purpose of cleaning the premises only." He said the vendor is allowed to keep open the portion that is not used for the sale of alcoholic beverages. If Vic is engaged primarily in a business other than the sale of alcoholic beverages, he has a 2:30 deadline to get the people out. The Gold Club definitely would. Mayor Flagg said the business is closed, but the parking lot is packed, along with all the parking lots around them. Commissioner Norwood said they should contact the adjoining businesses and get them to buy into what the City is trying to accomplish. Chief Schauland said they have contacted them to get permission to get people off their lots, but the businesses are not eager to do that due to retaliation. Mayor Flagg stated they need to take care of these problems all over the City, and do it regularly. This is happening on St. Johns Avenue, also. The image of this city at that time of morning is deplorable; it is not safe to drive through. Everyone needs to be called in to help with this problem.

There being no further business to discuss, the meeting was adjourned at 8:35 p.m. upon a motion by Commissioner Azula.

CITY CLERK

MAYOR