

Proceedings of a workshop called by the City Commission of the City of Palatka, Florida, held on the 28th day of June, 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 Clerk Betsy Jordan Driggers, Finance Director Ruby Williams, Police Lt. James Griffith, Parks Supt. Jeff Norton, Parks Foreman Fred Lumpkin, Main Street Manager Debbie Banks.

Other Participants: Skeet Alford, Marshall Fulgham, Alicia Bush, Ann Jones, C. J. Guthrie, and Rita Arrington, Blue Crab Festival; Clem Sacareccia, Downtown Palatka; Wayne & Susan Troiano, Azalea Festival

Mayor Flagg opened the workshop. The following documents were provided to participants:

1. City Memorandums (2) dated 4/10/01
2. Blue Crab Festival memorandum dated 6/28/01 answering City 4/10/01 proposals
3. Proposed reporting form
4. City Memorandum dated 6/28/01

Individual items on the 4/10 City memorandum were addressed as enumerated by the Blue Crab Festival's 6/28/01 response memorandum.

Mayor Flagg noted that these are all merely suggestions, and everything is up for discussion.

Item 1 – refundable \$500 deposit to cover damaged and lost property – neither Blue Crab nor Azalea Festival representatives objected to this proposal. Mr. Bush said the City feels \$500 is sufficient. Costs will be deducted and the balance will be returned. The damages will be calculated according to the actual replacement cost basis. Mayor Flagg said the City should provide the festivals with a list of costs to replace equipment at the beginning of each year. Per discussion, the \$500 is not a cap on liability for damages to city property. Potential damage is not limited to the park. Festival insurance only covers the Festival for what they are officially liable for. Mr. Bush said the City's insurance has recovery mechanisms for the more expensive damages. They can determine if a festival is liable for damages to things like hydrants, streets, decorative lights, etc. The City can look at losses on a case-by-case basis; it also depends on who caused the damage (i.e., if a vendor or visitor caused the damage). The passage will read "Festivals will be charged a \$500.00 refundable deposit to cover lost, damage or stolen City property; however, Festival liability for lost, damaged or stolen property is not limited to \$500.00." The festivals will hold their vendors accountable for whatever damage they cause. The festivals should be responsible for whatever damage is directly related to the festival.

Item 2 – Festival Occupational License fee – Blue Crab recommended adding a waiver clause, which will give the Commission the ability to waive this fee, and to make it applicable to events running 1 day or longer. Ms. Driggers also discussed an alternative fee structure in her 6/28 memorandum, basing the fee on the prior year's cost. This would give festivals an interest in holding costs down. Per the question, Mr. Bush said the Commission will set the percentage for the fee schedule; it could be 1/3, it could be 1/2, it could be anything the Commission wants to designate. Mayor Flagg said each committee will have an opportunity to go back, discuss this, and send the Commission a memorandum of feedback on the issues they are now discussing. They should not wait until they hear about another meeting to address this. Per discussion, this fee is generated to help defray the City's costs, which is why it is called an 'occupational license fee'. Mr. Alford said he does not like the term 'occupational'; Mayor Flagg said they can call it a Festival Permit Fee. Mr. Troiano asked if they can hire private security and waste management, and have part of these fees waived. Mayor Flagg said if there is a 911 call, they have to respond. It involves the City by default. Commissioner Brown said the City

is much cheaper than anyone else on garbage pick-up. Mayor Flagg said the City has an obligation to be as efficient as possible, but he has a philosophical problem with anyone coming in and impacting the City on this magnitude and spending their money elsewhere. Mr. Troiano wanted to know why they have his festival down as 3 days, when it only runs 2. Ms. Driggers said the per-day charges were based on the overall cost; they do open on Friday and close on Sunday night, so they called it a three-day festival. It is semantics; if they have to go back and say that Friday was only five hours, but Saturday and Sunday were in excess of 10 hours each, then the fees would differ per day, but the bottom line would be the same. The overall cost was divided by the actual number of days; Friday was counted as a day. She spoke to Officer Fells about coming up with a set formula to determine how many law enforcement personnel are needed for festival presence, based on attendance and whether or not they are serving alcohol. Mr. Bush said a certain amount of city officers have to be present for crowds of this type. Commissioners Norwood & Brown concurred that the City's officers should work the detail. Mr. Alford said the City's officers have a lot of institutional knowledge about what is necessary, and they should all trust the PD to know how many officers are needed to cover these things, but the cost should be based on predetermined actual costs. Mayor Flagg said he is in agreement with the Clerk's suggestion that, instead of paying large overtime wages for senior officers, a set hourly figure should be offered to any officer who signs up for the detail. Lt. Griffith said they recently revised the set hourly detail wage for any officer up to a certain rank to \$18.00/hr. Ms. Driggers said she was told \$16.50 today by Officer Fells, who also said that festivals are traditionally understaffed. The reason is that they are trying to work within the constraints of the budget, and do not have unlimited funds for overtime. This way, they will be able to provide adequate staffing at a reduced cost. Mr. Bush said wherever the festivals can help the City to hold costs down, that savings will be passed on to the festivals. He spoke to Chief Getchell about whether or not fees should be paid directly to officers or to the City. The fee amount should compensate for not only the hourly wage, but also for pension, social security, insurance and equipment costs. They will go back and look at the fee structure. Lt. Griffith said the PD will set an economical rate for their services. Ms. Arrington said she does not want to take on the liability of having to hire people themselves for these details. Mayor Flagg asked the PD to determine the formula and hourly cost.

There was a consensus among the festival organizers that they preferred the 'per day' fee as opposed to the 'based on prior cost' fees. They will consider the 'actual cost' basis if they can get the city's actual costs within a reasonable amount of time after the close of the festival. Per the question, Mr. Bush said the commission has not yet locked itself in on the percentage of participation. They can start with 1/3 and go up, capping it at 1/2. It is up to the Commission. Mr. Alford said the '1/3 share' has already been offered; Ms. Driggers said they came up with the figures in the 4/10 memo *based on 1/3 of the actual cost of the festivals*. They did not intend to hold anyone to 1/3 of anything, but did not want to put anyone out of business, either, because bottom line, the City is not recouping *any* of these costs, except for what they collect in occupational license fees for vendors, and have offered to do away with those. They wanted to show what they based the fee proposal on. These are only staff recommendations. The Commission can accept or reject them. Mayor Flagg said they have to set a minimum cost associated with festivals. They should anticipate growth. There should be no cap on this. The fact is that more than half of Palatka's citizens pay no ad-valorem taxes, so they are robbing Peter to pay Paul for the expense of these festivals. They are trying to enhance the level of services. They are not saying the City is a victim, and appreciate the exposure the festivals bring in. The festivals should go back and do their homework, offer some input on these ideas, and get them back to the Clerk so they can take the best of these ideas and adopt something that will benefit everyone. Mr. Bush said the City will designate \$500 as a minimum charge. In the end, festivals may end up paying only 1/3 of the actual costs for subsequent festivals, but the fees can be re-addressed as the festivals become more successful, or if the burden on the City becomes too great. Ms. Sacareccia said they should determine these costs in a timely fashion, and the deposit should be returned in a timely fashion. Mayor Flagg said 60 days should be sufficient.

Item 3 – Supply food vendors with a green container for actual cost of drop off, pick up and steam cleaning of container. Ms. Driggers said they implemented this during Blue Crab Festival, and Sanitation's overtime costs dropped significantly. Blue Crab had

ROTC personnel rolling the containers to the dumpsters. Mr. Fulgham said it works well in theory, but the cans were all lined up waiting to be dumped. It cost them more money to do it this way, so although the City saved money, it was a trade-off. They had a problem emptying the fixed trash receptacles on St. John Avenue, and should probably come up with a way to keep those from being used. Mayor Flagg said they should bring that information back via their suggestions. Per the question, Ms. Driggers said the festivals should collect the fee and the City will invoice the festival based on the list of vendors they supply to the City in advance of the Festival. This is a cost they can pass on to their vendors. Mr. Alford said the green containers were a good idea. This was the cleanest festival they have had. They can work with Mr. Williams on how to handle the fixed containers. Sanitation did a good job of coordinating the festival's needs. They need a person there to dump the green containers once they are taken to the dumpster. Mr. Norton said the Parks Dept. cleans up St. Johns Avenue and the Riverfront. The overhead packer is used to empty the dumpsters prior to the festival opening. The fixed containers are a problem, and need to be covered. Per Mrs. Troiano's question, the overtime costs listed are for overtime and tipping fees, and do not include the cost of the green containers. Mr. Troiano said the festivals charge vendors occupational license fees, which are turned over to the City, but he does not see them reflected in these costs. Ms. Driggers said Item 5 proposes to do away with that altogether. Mr. Alford said there are more cans than just the food vendors', which need to be dumped. They used 100 green containers but had only 45 vendors. Mr. Bush said the City will only be looking to recoup the tipping fees and the overtime for employees. Green container fees are separate. Mayor Flagg said the green container cost can be passed on to all the vendors, and not just food vendors. The consensus was to have Mr. Williams sit down with the festivals and tweak the procedure, and the Commission will set the fee based on staff recommendation. Ms. Arrington said suggested they pay based on the list of vendors, and if there are other costs associated with the green containers, that can be absorbed in the overall fee.

Item 4 - Carnival occupational license fee – Per the question, Ms. Driggers said some events are only a carnival, and not part of a festival. Mr. Fulgham said they are already paying for the carnival based on their electrical charges. Mr. Bush said all festivals have carnivals, and there are other costs associated with inspections, etc. Mayor Flagg said if the carnival is in a different location, they will pay the fee. As the riverfront continues to develop, they may have to put the carnival in a different location besides the riverfront.

Item 5 – Eliminate separate occupational licenses for each vendor – Ms. Driggers said street vendors aren't even permitted by code, so it's not proper to charge these fees. Mr. Bush said they can charge their vendors what ever they deem appropriate and issue their own permits to vend. Mayor Flagg said they still need to inform the vendors of what is and is not allowed as spelled out in the Code. If a group is clearly violating the City's Code, and they allow them to continue anyway, they will be held accountable, so whoever is going to be in charge of issuing those occupancy permits should be knowledgeable about City Code. Ms. Driggers said that language is in the Use of Parks application. Mayor Flagg said the City should be more specific than that. Mr. Alford & Mr. Fulgham said they don't want to embarrass the Festival by allowing questionable vendors. Mayor Flagg said they are not talking about just their festival. Mr. Troiano asked if they can set up a boundary to prevent vendors from setting up on their own outside the festival area. Mayor Flagg said City Hall will not be issuing any permits to any vendors, so they will not be there legally. Mr. Troiano said they have run into local vendors who already have an occupational license and want to set up just outside the boundaries and vend. Ms. Driggers said Blue Crab comes to the Commission and asks for vendor control over a very large area, west to 19th street, bounded by Oak and Main. Mayor Flagg said the City will designate a "festival district", with the help of the festival organizers. Commissioner Brown said businesses past 6th Street are not getting the benefit of the festival. Some people schedule yard sales and bake sales without thinking about whether there is a festival or not. Per the question, Mr. Fulgham said some stores remain open, some close during festivals. They try to accommodate those stores who remain open and do not block their doors. Per the question, Mayor Flagg said a mobile unit already permitted by the City does not have the right to set up during the Festival, and if someone is stubborn about it, they should call the law and let them handle it. Ms. Banks said if each Festival will issue their vendors a permit on some sort of brightly

colored placard, and require them to display it in plain view, then everyone will know if they are supposed to be there or not. Commissioner Brown asked what people can do on their own property, and gave as an example her church, located on St. Johns Avenue, who held a yard sale during the Blue Crab Festival. Mrs. Jones said they can address those type things on an individual basis. Mayor Flagg said if they are within the boundaries, they should have to go to the festival organizers for permission; each festival should be consistent. The festival organizers should set up the criteria on which vendors or organizations may be exempt and who is not, and bring that back to the Commission. Mrs. Banks said whoever is exempted should still have to have a permit. Mr. Fulgham said he believes that is a question for the City Attorney, because no matter what they say, they can't stop people from having a sale on their own property. The area churches charge people to park in their parking lots, and make a good profit, which is fine. Mayor Flagg said the intent is voluntary compliance as well as courtesy.

Item 6 – Funding for Azalea Queen scholarships – Ms. Driggers said in order to be consistent, staff recommends eliminating this funding, as no other festival's scholarships are funded by the City. Mayor Flagg said the Azalea Festival will need to find a corporate sponsor to continue this. Mr. Troiano said the Azalea Festival has gone on for many years, and was sponsored by the Jaycees. The County also used to lend funding to this festival, but they took that away many years ago. For them the issue will be whether they can find the money from another source. This is not something he instituted, but they inherited it from past practices. Mayor Flagg said they are only trying to be consistent with what they are doing for each festival. Mrs. Troiano said she runs the Azalea Pageant and they have gotten publicity as far as London, England on the scholarships and the pageant. Whatever they choose to do is fine with her. It will be less work on her if the pageant does not go on, which might be a good thing. Mayor Flagg said the scholarships are an incentive to participate in the pageant, and they have brought some fine contestants to the City, but they need to reach further than the City of Palatka for sponsorship, as the City can no longer afford to do so.

Mayor Flagg said these proposals are not mean to be a reflection on any one Festival. The City does everything in the "sunshine", and none of them can make these decisions in secret. The City is asking the festival organizers to be open, honest and fair with the City and provide them with the whole picture, so they can work together to enhance the City during festival times. He asked them to meet, make a final recommendation. Mr. Alford asked if they are going to consider charging the same fee for events like the rowing regatta and bass tournaments. The challenge is going to be determining how to treat the festivals fairly, as they relate to these other one-day events. Ms. Driggers said it is impossible to treat them the same, because they are not the same. They don't have near the impact that a festival has on the City's resources or the downtown area. Mayor Flagg said one of the objectives of this workshop is to define what constitutes a festival, and those points are addressed in the Clerk's 6/28 memo. He is depending on the input from the festival organizers, Mr., Mengel, and Mrs. Banks on these proposals, and once they have the categories set up, they will have a measurable standard to apply. Mr. Alford said these festivals draw people to Palatka, and if they come for festivals, they will come back for other things.

Mr. Troiano thanked the City for getting everyone together to work these items out. He would really like to have another workshop before this goes to the Commission for final approval. They have not discussed 501C 3 status, noise ordinances, alcohol ordinances, etc. Mayor Flagg said they should go back and get input from their organized teams, and not independent opinions. They should submit these documents to the Clerk, who will let the Commission know when this issue is ready for Commission action.

There being no further business to discuss, the workshop was adjourned upon a motion by Commissioner Brown.