

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 24th day of January, 2002.

PRESENT:	Mayor	Karl N. Flagg
	Commissioner	Mary Lawson Brown
	Commissioner	Hernan Azula
	Commissioner	James Norwood, Jr.
	Commissioner	George E. Sanders

Also Present: City Manager Allen R. Bush, City Attorney Donald E. Holmes, City Clerk Betsy Jordan Driggers, Finance Director Ruby Williams, Police Chief Gary Getchell, Fire Capt. Randy Porter, Fire Marshall John Holley, Planning Director Adam Mengel, Building Official Joff Fillion, Water & Sewer Supv. Rhett McCamey, Sanitation & Streets Supt. Bernard Williams, Main Street Manager Debbie Banks

INVOCATION – The Reverend John Andes, Interim Dir., St. Johns River Baptist Assoc.

PLEDGE OF ALLEGIANCE – Walter Oliver

APPROVAL OF MINUTES – 1/7/02 – Commissioner Sanders moved to approve the minutes as read. Commissioner Norwood seconded the motion, which passed unopposed.

STUDENT OF THE MONTH – January, 2002 – Commissioner Sanders joined Mayor Flagg in recognizing the following students for their academic excellence, leadership, citizenship and attendance at their respective schools:

Krista Ellis	Beasley Middle School
Jamie Gullett	Browning-Pearce Elementary School
Ryan Phillips	E. H. Miller School
Asa Gately	James A. Long Elementary School
Kari Sheffield	Jenkins Middle School
Briann Rutten	Kelly Smith Elementary School
Shatoya Hendrieth	Mellon Elementary School
Nakiesha Parler	Moseley Elementary School
Hilbert Hampton	Palatka High School
Jacob Cremer	Palatka High School (December honoree)
J. D. Crabtree	Peniel Baptist Academy
August Anderson	River Breeze Elementary

PUBLIC COMMENTS – Jacqueline Anderson, 2305 Husson Ave, Apt. 601, said they have a lot of teenagers congregating in her neighborhood, which is creating problems for law enforcement. A supervised party or dance for teens with police presence and parent attendance is a healthier activity. Mayor Flagg said they should develop a neighborhood association within the complex in order to keep those problems under control. Ms. Anderson said it is not happening in the complex, but in the streets and at the city park across the street. Chief Getchell said an organizational meeting for a teen center is being held at 6:00 tonight at the police department building. He invited her to attend.

CONSENT AGENDA:

- a. Approve block party schedule for Downtown Palatka, Inc.
- b. Reappoint Rev. James Vickers to the Gas Authority Board for a three-year term to expire January, 2005.

Commissioner Azula moved to approve the consent agenda as presented. Commissioner Brown seconded the motion. Commissioner Norwood asked if the reappointment positions are being advertised for applicants. Sometimes they may get an individual who is more qualified than the person currently in the position. Mayor Flagg said they have talked about this in other meetings, and they should be consistent in maybe opening a 30-day window prior to the term expiring so that the door is open for the commission to make a decision other than reappointing someone by default. They have discussed this; they just need to give the Clerk some direction. Commissioner Brown said it takes a while for some of these people to learn how to serve on these committees. They go to meetings and serve responsibly. In the past they have reappointed people who want to

continue to serve. When they appoint new people, they have to re-train them. Mayor Flagg said the community should be made aware of an expiring term so other citizens can decide if they are interested in that specific board. It is up to the commission to decide if there needs to be a change. Commissioner Norwood said there has never been a consensus on what the policy will be. Commissioner Azula said it is hard to tell someone who is doing a good job volunteering their time and who wants to continue to serve, that the city no longer wants them. They do advertise for vacancies. He does not want to tell a volunteer that someone else will do a better job. Experience has a lot to do with how people function on these boards. He does not want to advertise that a board seat is open when the present individual is doing a good job and wants to continue to serve. He agrees they should search for the best applicant when there is an opening, but is it hard just to get applicants. Mayor Flagg said they need a pool of individuals to choose from when openings come up. If they have a vacancy and know certain individuals are interested in serving on certain boards, it makes it easier to fill the vacancies. Commissioner Sanders said it is the responsibility of the Chairmen of these boards to notify the commission if the board becomes dysfunctional due to member absences, etc. There is an absentee policy. If members aren't attending, they shouldn't be embarrassed about not being reappointed or replaced. Commissioner Brown said it is hard to find people to serve on these boards. They have a hard time finding applicants for vacancies, let alone reappointments. Commissioner Norwood said he would like some clarification for the Clerk's benefit; at every meeting he is asking if the city advertised these openings, and the commission has never given her a clear policy. Mayor Flagg agreed she is many times being pushed to find candidates, especially if there is a vacancy. They don't need to be asking her for a field of candidates when there is none. Ms. Driggers said when she first started with the City they put an expensive paid advertisement in the newspaper twice a year asking for candidates to put in applications for whatever board they were interested in so that there would be a pool of applicants if a position came up. Otherwise, if someone was already serving and asked to be reappointed, the commission felt like that was the only remuneration they received for serving on the boards, and if they were attending meetings and performing as expected, they deserved reappointment. Anyone can come in and apply for any board position at any time. In the past few years, they just don't get any walk-ins, even in the days after those 'blanket' advertisements are run in the newspaper. They ceased running those expensive advertisements, because they were getting no response from them, and now Ms. Wissell, the PDN reporter, generously agrees to run an item for them in the 2nd page 'community items' column whenever the city has an opening. Last year, at the direction of the commission, she began advertising each position as it came up for reappointment, whether it was vacant or not, and some commissioners were not happy with that process. She has had feedback from the applicants who question why the commission is taking applications and wanting to interview people in meetings when they are just going to reappoint the people that are already holding the seat. It is like an interview for a job that is not really open. There needs to be a process put in place. She had, at one time, suggested holding an 'applicant fair' once a year, where you invite the public, talk about the different boards, and take applications for boards at the fair, which would give you a pool of applicants that you could work from all year long. The commission was not keen on that idea. She can go back to paid advertisements twice a year, but during the last few years they did that, no applicants were generated from those advertisements. Mayor Flagg said Commissioner Norwood is asking for consistency, and the Clerk cannot be consistent if she is not given a clear directive. If the Commission would like to give her some direction, she can follow up on that, and provide the commission with a draft policy they can either adopt or revise. If they start questioning what she is doing, she can always refer back to the policy the commission adopted. Mr. Bush said it seems the policy has been that if a member is serving responsibly, they will reappoint him without advertising; if they have a vacancy, it will be advertised. Ms. Driggers said if there is a member on one of these boards who has bad attendance, or is being derelict in their duties, the Chairman needs to bring that to the Commission's attention so they can decide whether or not to create an opening. Mayor Flagg said they should have an annual review process in place which takes the decision to bring the problem to the commission off of the Chairman, as it would be an unpopular position to be in. Commissioner Brown said they do look at attendance and excused absences before making reappointments. There being no further discussion, the question was called and the motion passed unopposed.

CITY/COUNTY COOPERATIVE CLEAN-UP PROJECT – Kenny Downs, Chairman, Palatka Code Enforcement Board, presented an update on the joint clean-up project. They began this several months ago; it is working quite well. Their goal is to take down 20 – 25 nuisance houses this year in the city, and the same amount in the county. That is almost a house a week. Next week they will take down their 4th house. The project is working because of the cooperation between the city and county staff, and the supervisors that are making things happen. Mr. Walt Oliver with the county and Bernard Williams with the city work well as a team. They are averaging about a day's time to take down a house. The inmate crew cleans up the brush and levels the property. This has been a very successful joint project. The Codes Enforcement Board is getting tough on violators and is levying heavy fines. People will no longer be able to ignore code enforcement actions. He also thanked the fire department for helping to hang the new Christmas decorations at the courthouse. Commissioner Brown said people are noticing what is happening and they are grateful. Commissioner Norwood thanked everyone involved for the time and energy they have put into this.

AZALEA FESTIVAL PERMIT – Mayor Flagg noted staff's recommendations on each item (filed). Ms. Driggers said the festival ordinance is still undergoing revisions. Staff began implementing some new procedures during last year's Blue Crab Festival, and they seemed to work well, so they are recommending the Azalea Festival be treated essentially the same. Mr. Troiano filled out a version of the new application, which gives much more detail than prior applications. They will be using that form for the planning meeting. He also submitted a written report and maps.

a. Riverfront Permit – March 8, 2002; 5:30 p.m. – midnight; March 9, 10:00 a.m. – midnight; March 10 – 10:00 a.m. – midnight. Mayor Flagg asked for precedent on beginning festivals on Sundays. Ms. Driggers said they have allowed activity after 10:00 a.m., but no beer sales and no amplified noise before 1:00 p.m. Mr. Troiano said they will open the food and craft booths that run up and down St. Johns Avenue at 10:00 a.m. Many people come early to avoid the heat. They don't have boat races anymore. There will be no beer sold or amplified sound before 12:30, which is what they have done in the past. Per questions, there are no booths set up directly across from the Presbyterian Church. Downtown is already blocked off. The church ropes off a section of parking area across the street, and last year they had no complaints other than leaving 2nd Street open for access to the church for services. He agreed to have his people there to open parking & access up for the church on Sunday morning. Commissioner Azula moved to grant an occupancy permit to the Azalea Festival Committee for the requested dates and times, with only food and arts & crafts open prior to 12:30 on Sunday. Commissioner Norwood seconded the motion, which passed unopposed.

b. Noise ordinance waiver – March 8, 5:30 p.m. – midnight; March 9, 10:00 a.m. – midnight; March 10, 12:30 p.m. – 6:00 p.m. Commissioner Azula moved to grant the noise ordinance waiver as requested in the application. Commissioner Norwood seconded the motion, which passed unopposed.

c. Alcohol ordinance waiver – Beer sales March 8, 5:30 p.m. – midnight; March 9, 10:00 a.m. – midnight; March 10, 12:30 p.m. – 6:00 p.m. in the beer tent and entertainment area. Also a request to establish a buffer zone for consumption of beer to include the street directly in front of the beer and entertainment areas as well as the east side of the beer tent, provided proper signage is displayed. Mayor Flagg said the commission does not want the drinking to infringe on family activities. He has zero tolerance for violators. Signage is important. Commissioner Azula said the tent is not sufficient to accommodate all the patrons, and it is better to let them to consume on the street outside the tent, and around the side as people are going to the restrooms. They create more problems by trying to keep everyone confined to a small area. The more room the crowd has, the easier it will be to control it. Tempers flare when there is no room to move. Mayor Flagg said if there is not enough room, they need a bigger tent. He is adamantly opposed to open containers on the street. There are drinking establishments along St. Johns Avenue whose patrons are not allowed on the streets, and they will want the same treatment. Per the question, Chief Getchell said he doesn't have an issue with allowing people to mill around on the street in front of the entertainment areas; anytime you put that many people into one location, and they are drinking, it is

easier to control if you open make the area larger. The bigger the area, the more police he has to assign and the cost to the organizer will be higher, but it makes it easier to control. The current ordinance says no open containers on the street unless you come to the Commission and get a waiver. Per the question, the beverage license does not really address it. Specific violations do go towards the license, and he will have to get a license to distribute. If violations are occurring, they should be cited under state statute rather than city ordinance. Mr. Holmes said the alcohol ordinance gives the Commission the right to grant special permission for the sale, consumption and possession of beer and wine in open containers during special events within defined areas of any public park, recreation area, street, sidewalk, etc. They are operating within the ordinance in granting special permission for the possession and consumption of alcohol, so long as the areas and times are defined. They do not have that same latitude with bars. Mayor Flagg said this is right next to the children's rides. Commissioner Azula said this has been allowed for every festival. People have always been able to go out on the street and sidewalk in front of the 100 block with open containers. Mr. Troiano said during the day, most people stay in the tent to eat and drink. At night, when the big crowds come in for the concerts, which is after the kids have gone home, they enjoy standing in the street conversing with their friends; there is less noise and it is cooler. He has been granted this permission every year for the last five or six years. They put signs around the area and on corners that say "no alcoholic beverages beyond this point" and make sure it goes no further than the 100 block. Mayor Flagg said there is nothing to keep this from happening when the children are there. Mr. Holmes said the commission can limit the hours the beer is allowed in the street, say after 10:00 p.m. Commissioner Norwood asked how hard it is to control the crowds, if you let them in the street after 9:00 p.m. Chief Getchell said the later it gets, more issues are created, but unless they just have something they can't handle due to lack of manpower, there will probably only be issues between a few people that can be easily resolved. If they allow drinking, he does not want to arrest anyone who is drinking beer and walks outside the tent. If they apply the ordinance, he will have to arrest John Q. Citizen. The people selling the beer are the ones he would like to hold accountable rather than the people there enjoying the festivals. He can do that under state statute. If people refuse to go back in the tent after a warning, he will have to apply the ordinance. He just doesn't want to arbitrarily arrest people for walking around with beer, because that may cause problems for the City. He does not see that it is a problem to let them in the street, but every hour past dark, the possibility of issues increases. It is easier to control people outside the tent, as far as officer safety and ability to regain control of a situation. It is better to do it in a larger area than a congested area, because someone will get hurt in a congested area, if anything happens. Per the question, Mr. Troiano said the rides continue until 10:30 or 11:00. The Saturday night concerts begin with a local band at 6:30, with other bands starting at 8:00 & 10:30. If they can't let people out until 10:00, it will almost be over. He would like to let people come out of the tent at 7:30. Mayor Flagg said the buffer zone he proposed might be too large; he should let them out only in front of the entertainment tent. Commissioner Azula moved to approve the variance to serve alcohol on the dates and times noted, and to grant a buffer zone for consumption in front of the entertainment tent on St. Johns Avenue, around the corner on Memorial Drive, ending at the port-o-lets after 7:00 p.m. on Friday and Saturday nights. Motion died for lack of a second. Commissioner Norwood moved to grant the alcohol variance for the dates and times requested at the beer tent and the sidewalk outside the tent. The motion died for lack of a second. Commissioner Azula moved to grant the alcohol variance for the dates and times requested and to grant a buffer zone for consumption in front of the tent, around the corner to the restroom areas after 7:00 p.m. The motion died for lack of a second. Commissioner Sanders moved to grant the alcohol ordinance waiver on the dates and times requested, with sales and consumption confined to the tent. Commissioner Norwood seconded the motion. Per Commissioner Brown's question, Commissioner Azula said last year they were allowed to consume in the street in front of and around the side of the entertainment area. During the Blue Crab Festival the Commission restricted consumption to the tent, and the PD had a tremendous problem keeping them in there. It is easier when they have a larger area. They have never had a problem with this; this is no different than what they have done every year. He doesn't want to get arrested for drinking a beer on the sidewalk, and he doesn't want to see anyone else arrested for it, either. You can't crowd all those people into that space. Once a man had a heart attack, and if people had all been confined to the tent, they couldn't have gotten to him for the congestion. Just because

some people don't drink, it doesn't make those who do drink bad people. At night, it's an adult festival. The entertainment is for adults. You can't put 10,000 people in a 40 x 100 tent. Before festivals served beer, they wouldn't make \$1,000. Now they are profitable, and the beer consumption is what makes the festivals so popular. Not all people who drink are nasty drunks, child molesters or wife beaters. Limiting people's rights just because they don't like people drinking beer is wrong. If there had been problems in the past, he could understand it, but that hasn't happened. It is not economically feasible to get larger tents. Per the question, Mr. Troiano said last year the police let them stand outside as long as they weren't causing any problems. There have never been problems. There being no further discussion, the question was called and a roll-call vote was taken, with the following results: Commissioners Brown, Sanders and Mayor Flagg, yes; Commissioners Azula and Norwood, No. The motion was declared passed.

d. Handicapped parking - Commissioner Norwood moved to designate City Hall parking lot as handicapped festival parking. Commissioner Sanders seconded the motion, which passed unopposed.

e. Vendor control – Commissioner Sanders moved to grant vendor control over all areas east to the River, west to 19th Street, north to Main Street and south to Oak Street. Commissioner Sanders seconded the motion. Commissioner Azula said some of the service clubs have approached him about having the fees waived for them to operate booths. Blue Crab charges excessive prices for vendor space, and these people work for the benefit of the community all year long. They deserve a break, no matter the festival. Mayor Flagg said it is hard to say what groups can and can't get the fee waived. Commissioner Azula said it is not fair for these clubs to have to pay the high vendor fees. Mr. Troiano said they have a category for non-profit organizations, which drops the fee down to around \$100. Mayor Flagg said the City will make sure the festival organizers are aware of the local clubs' viewpoint. There being no further discussion, the motion passed unopposed.

f. Festival Permit Fee – Ms. Driggers said the festival ordinance is not yet on the books. These fees are the same as Blue Crab paid last year with the exception of the security fees. Staff recommends the current \$50/day for the riverfront, the green rollout container fee for drop-off, pick up and cleaning, and the security fees. Staff also recommends asking the Azalea Festival to agree to pay the actual landfill tipping fees the city incurs on their behalf. Commissioner Azula moved to set fees for the Azalea Festival Permit per staff recommendation. Commissioner Sanders seconded the motion. Per the question, Mr. Troiano said he understands and agrees. There being no further discussion, the motion passed. Per the question, Ms. Driggers said they will know what the landfill tipping fees are as soon as the last load of garbage is dumped. It is calculated by weight, and the driver is given a receipt. The commission may want to get a deposit on that up front, or they can allow him to pay it within a time certain. Mr. Bush said they could work that out in the planning meeting.

g. Boat Ramp Closing -- Commissioner Azula moved to close the public boat ramp Friday Evening and all day Saturday for the Azalea Festival Bass tournament. Commissioner Norwood seconded the motion, which passed unopposed. Per the question, Mayor Flagg said there need to be some signs posted there several weeks prior to the festival so people will have advance notice. Mr. Bush said Mr. Troiano should take care of posting those signs; Mr. Troiano agreed.

Commissioner Sanders said there is a problem trying to get across Reid Street at the crossing at 2nd Street. The pedestrian signals are not working. They need to be worked on prior to the festival. Commissioner Brown said more time is needed to cross the street. Mr. Bush said the city is under contract to maintain those signals, but the city cannot necessarily control the time. Mr. Holmes said he crosses Reid Street at 3rd St. every day on his way to the courthouse, and he's a fast walker, and can't make it across the street before the 'don't walk' sign starts flashing. Commissioner Brown said someone was hit last week at the corner of Reid & 9th. Mr. Bush said he will speak to FDOT about synchronizing the lights. Mr. Mengel said he is a member of the community traffic safety team, and currently there is a study being done on signal timing during the walk phase. Concerns about the 'walk phase' timing have come up several

times relating to tourists and the elderly. He will relate the City's concerns to the committee. Commissioner Brown said she would like to try to move festivals a little further down St. Johns Avenue. There are many businesses that feel left out of the festival loop. Per the question, Mr. Troiano said the festival only wants control of vendors as far west as 19th street. Normal businesses are not affected. The festival stops at 7th Street. Commissioner Brown said her church got permission from the Crab Festival to set up an arts & crafts booth on their lawn, and they would like the same consideration from Azalea. Mr. Troiano said they give that same consideration to First Baptist Church.

Mr. Troiano said in reference to the earlier motion on the alcohol variance, the Commission limited the alcohol consumption to the beer tent only. They left out the entertainment area, where the main stage is located. That is on the 100 block and adjacent to the beer tent; it is all one area. They are not covering the entertainment area with a tent this year, as they have in the past; only the stage will be tented. This will be an open-air entertainment area. They need to include that area. Commissioner Norwood moved to include the entertainment area in the alcohol ordinance waiver, for the dates and times as specified, as previously granted to the Azalea Festival. Commissioner Azula seconded the motion. Mr. Holmes said the site map shows a beer tent and a stage/asphalt area; Mr. Troiano said that is the entertainment area. He is asking for permission for alcohol consumption from the oyster eating area all the way east to include the beer tent, bounded by the sidewalk to the south and the fence to the north. Commissioner Azula asked if the Hospitality and VIP tents should be included; Mr. Troiano said they don't sell beer there, but open containers are present there. Commissioner Brown invited each of the commissioners to come to her house on any Sunday anytime from around 1:00 – 6:00 pm; there is a bar on the corner with outside entertainment, and the people in her neighborhood can't even hear their televisions or get any rest from the noise. She doesn't mind people partying, but they need to do it in an enclosed area. It shows a lack of consideration for the people who live there. The more places they allow it, the more noise it generates. She is also concerned about children being present while people are drinking. Commissioner Azula said they have always consumed alcohol in the Hospitality and VIP tents. Mr. Troiano said the VIP and Hospitality tents are private areas for bands, guests, sponsors, and festival workers. It has a solid wooden fence around it and no one can see back there. Mayor Flagg said if the Commission wants to allow the same alcohol ordinance waiver it granted last year, that is fine with him, but he would like to move on. Mr. Troiano said last year the waiver included the whole 100 block, which consists of the entertainment area, beer tent, port-o-let area, Hospitality and VIP tents, sidewalk and street on St. Johns Avenue. Commissioner Norwood said last year he voted for Blue Crab to keep the beer under the tent, and when he saw beer outside the tent during the Blue Crab festival, he went to the people in charge and asked if they can control beer coming outside the tent. They said they could. He then went to the police officer in charge and told him to either keep them inside the tent, or shut it down. He does not know if the officers relaxed the rules, but the Commission voted to keep it inside the tent. Commissioner Azula moved to amend the motion on the floor to include the Hospitality and VIP tents. They don't sell any alcohol; only guests and band members are allowed in there. Commissioner Norwood seconded the motion. A roll-call vote was taken with the following results: Commissioners Azula voted yes; Commissioners Brown, Norwood, Sanders and Mayor Flagg voted no. The motion to amend failed. The original motion to include the entertainment area as defined from the beer tent over to the oyster eating area, not inclusive of the sidewalk to the south. Per the question, there is a tent over the oyster and beer tents, and the entertainment area is in the middle, so the area is bordered by tents and is easily definable. Commissioner Azula said the VIP and Hospitality tents are not large areas and cater to people who spend a lot of money on these festivals. It won't affect anyone other than the festival workers, band members and sponsors. It is an enclosed area. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Norwood and Mayor Flagg voted Yes; Commissioners Brown and Sanders voted No; motion passed.

Commissioner Azula said he is very impressed with the renovation work the Azalea Festival has done on the old Teen Town building; it looks very nice. They have also opened it up to other organizations for meetings.

LARIMAR ARTS CENTER – Electrical Upgrade Change Orders. Mr. Bush said the contractor and architect have proposed three change orders as attached (filed). They are:
 #1 – Additional upgrades in stage area, per contractor’s description;
 #2 – Additional switches in basement and stairs, per contractor’s description; and
 #3 – Addition of a variety of light fixtures & dimmers, per contractor’s description
 Mr. Bush said Mr. Norton with the Parks Dept. prepared a chart depicting all upgrades and fees. The Grant award was \$45,230. Other sources of revenue combine to make a total of \$60,230.00. There are sufficient funds to cover the change orders. Commissioner Norwood moved to approve Change Order Nos. 1, 2 and 3 for the Electrical Upgrades at the Larimer Arts Center. Commissioner Azula seconded the motion, which passed unopposed.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, RELATING TO COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR TITLE; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR NOTICE OF TRANSFER, SALE OR ASSIGNMENT OF ASSETS IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR PLACEMENT OR MAINTENANCE OF A COMMUNICATIONS FACILITY IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR SUSPENSION OF PERMITS; PROVIDING FOR APPEALS; PROVIDING FOR INVOLUNTARY TERMINATION OF REGISTRATION; PROVIDING FOR EXISTING COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR INSURANCE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CONSTRUCTION BOND; PROVIDING FOR SECURITY FUND; PROVIDING FOR ENFORCEMENT REMEDIES; PROVIDING FOR ABANDONMENT OF A COMMUNICATIONS FACILITY; PROVIDING FOR FORCE MAJEURE; PROVIDING FOR RESERVATION OF RIGHTS AND REMEDIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. Commissioner Azula moved to pass the ordinance on first reading. Commissioner Brown seconded the motion. Mr. Holmes said the ordinance is necessary because the 2000 Legislature passed a statute that requires municipalities to give equal access to the rights of way, without discrimination, to all communications services providers for the installation of facilities. ‘Facilities’ is everything from conduit to cable. Cities can no longer charge a separate fee for use of the right of way; it is all encompassed into an overall communications services tax which the state collects and distributes. This is a model ordinance provided by the League of Cities, which has been modified to fit Palatka’s needs. It excludes cable service providers, as that was the intent of the Legislature. They may end up modifying this ordinance, based upon some changes made during the 2001 ordinance. He spoke with the attorneys at the League, and they advised that they weren’t in a position to advise on any amendments until the current session is over. He suggested the following changes: Page 5, sub-paragraph 4, line 3, delete the bracket; Page 15, Section 7, strike the colon, replace it with a comma, and add the language “subject to section 8 of this ordinance.”; Section 20, remove [municipalities]. Commissioner Azula moved to amend the motion on the floor to incorporate the changes suggested by the city attorney. Commissioner Azula seconded the motion. Per the question, Mr. Bush said he would like to pass this on first reading tonight because at present the city has no control over what these companies do in the rights of way. He wants to have something in place. They have given the state the required 10 days notice of their intent to pass this ordinance. There being no further discussion, a roll-call vote on the amendment yielded the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nay, none. The motion to amend was passed. There being no further discussion on the original motion to pass the ordinance on first reading, a roll-call vote was taken, which yielded the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nay, none. The ordinance was passed on first reading.

SIDEWALK REPAIRS – 616 Crill Avenue – Mayor Flagg said the commission is charged with reviewing the evidence and making a determination of the owner of record at 606 Crill Avenue is responsible for the repairs to the sidewalk in front of his residence, per Sec. 70-52 of the city code. They must limit their discussion to the evidence presented to them tonight. Debbie Banks, Code Enforcement, disseminated exhibits 1 –

13 to the Commission. She said Swann Dance Sr. is the owner of record, as shown on Exhibits #1 & 2. Exhibits 3 – 11 show photos of tire treads and 122 feet of broken sidewalk. Exhibits 12 & 13 are photos of the truck, which the city alleges caused this damage, parked on the sidewalk and the right of way. Mr. Holmes placed Mrs. Banks under oath and asked her to affirm that the information she has just provided concerning the photographs is accurate and that the photographs fairly and accurately depict the scene portrayed. She did, and affirmed that Joff Fillion took the pictures under her direction. Per the question, they are assuming the truck belongs to the property owner, but she does not have the ability to run a tag check on it. Per the question, Mr. Holmes said under Ordinance 70-52 the Commission is only deals with the owner of the property, and not the owner of the truck. It would go beyond the authority of the ordinance to bring in the owner of the truck. Per the question, Chief Getchell said he has not personally seen the truck there and is not aware if it is illegally parked. Mrs. Banks said it is being parked in violation of the zoning ordinance. The truck has not been cited; she has not had time to cite him on the zoning issue separately from this issue. Mayor Flagg said in the future they should also do a tag check on the vehicle to have that as part of the file. Commissioner Brown said she has had people from Taylor Rental park their big trucks over the sidewalk next to her property, which broke it all up. The trucks had nothing to do with the property they damaged. Whoever parks these trucks on the sidewalk may not always be the owner of the house. Mayor Flagg said the truck is always parked there; this is not an anonymous hit-and-run type incident. Mr. Bush said if the Commission determines the truck has caused the damage to the sidewalk, they will determine who the owner of the truck is. Even if the owner is the person who lives across the street, that is the person he will notify to fix the sidewalk. Mr. Holmes said the ordinance says that when they “determine the repair of any sidewalk shall be necessary to the public safety and convenience of the citizens of the city, then the city manager shall give notice to the owner of the sidewalk requiring him to repair the sidewalk.” It doesn’t say anything about who or what damaged it, or whose fault it is. It is a matter of public safety and convenience, and the ordinance says they can direct the adjacent owner to pay for it. They have no recourse towards the owner of the truck, if different from the property owner, under this ordinance. Per discussion, if the property owner does not own the truck, he has allowed it to be parked there, and therefore has responsibility. The truck should have been cited before now. Ms. Banks said they just received the complaint; he is usually not there during the week. Normally he is only there on weekends. Commissioner Azula said the City needs code enforcement on the weekends, also. Chief Getchell said his department can get involved in citing code violations, but he can’t share what he obtains from NCIC/FCIC with code enforcement people. They have to request public information from the Clerk of Court and pay a fee for it. They can make Code Enforcement aware of violations that occur over the weekend so that citations can be made at a later date. Mr. Holmes said you can run a tag over the Internet for simple registration information, but not ‘wants & warrants’. Commissioner Brown said she does not think they should stick the property owner with the repairs if they didn’t do it. They need to change the ordinance to go after the person responsible for the damages. Mayor Flagg said the evidence tonight does not make it clear who owns the truck; they are only being asked to determine if the damage is done. Mr. Bush said if he notifies the property owner of the cost to repair the sidewalk, if it is not his truck, he will certainly respond. Per the scenario given by Commissioner Brown, Mr. Holmes said if a truck was parking over the sidewalk in front of a little old lady’s house, she would have called the police about having the truck moved or the person cited. He has to look at accomplishing the goal. If they want to sue the person they feel is at fault, they can do that by going through the court system. Under this ordinance, fault is irrelevant. If they don’t like the ordinance, they can repeal it. Their charge is determining whether it serves the public’s safety and convenience by ordering the sidewalk repaired, and notifying the owner of the adjacent property to fix it. The commission can change the ordinance. Mr. Bush said the commission can either impose the fee or not. If Swann Dance turns out to be a little old lady on limited social security income, the Commission can take that into consideration, but you can bet the next time that truck pulls up, she will be letting the city know about it.

Mr. Holmes placed Planning Director Adam Mengel under oath. Mr. Mengel said at 5:15 this afternoon he accompanied Joff Fillion, Building inspector, to the property in question, and in the fenced-in yard adjacent to the home he witnessed a white truck air-dam similar to what would be on top of a tractor. As far as zoning violations, overnight

parking of a truck rated over 1-1/2 ton capacity is prohibited in a residential area. One of the amendments he has proposed to the ordinance is to prohibit it all the time. Commissioner Azula moved to notify the owner of the property that the sidewalk has been damaged and the repairs should be made within the specified time, based upon his observation that repairs are necessary to the public safety and convenience, and if he has any objections, he can respond to the Commission. Commissioner Sanders seconded the motion, which passed unopposed. Commissioner Norwood said he understands the ordinance is on the books in order to give the City a way to collect the money for something like this. It is not fair to the property owner to have to pay for this if the damage is not his fault. Mr. Bush said the ordinance reads that it is the responsibility of the property owner to maintain the sidewalk and keep it in good condition. Commissioner Brown said the city regulates what is on the right of way and calls it city property, but makes the property owner keep it up. When she pulls up to her house, there are all sorts of vehicles parked all over the sidewalk. They don't ask before they park there. Many times it's heavy trucks fixing the lights and other things. They need to look at a fairer way of doing things. She'd be really angry if the city sent her a notice that she had to fix the sidewalk because of what other people had done to it.

ECONOMIC DEVELOPMENT STRATEGY – Commissioner Brown said she attended a workshop at NEFRPC last Thursday. She distributed information she received at that workshop, saying the Federal Government is getting ready to do economic development in districts; they will be in a district with 7 counties. It is supposed to be an easier way to get grants. Mr. Bush told her that the economic development grant he did for the Business Park was a nightmare. The people she talked to said the process will be much easier. K-mart is filing for bankruptcy, Enron is going out, Florida Furniture hasn't had the factory up since Thanksgiving, and she would like the city to put together a strategy team to determine how they as commissioners can recruit businesses in here. They need to revitalize downtown by bringing in businesses that offer what Wal-Mart doesn't. They need to go after something to create jobs. Palatka needs a Lowe's or Home Depot.

She brought back information from Atlanta for them. The two main topics she focused on were security issues and international trade. Palatka sits on the St. Johns River. They now have an airport runway that can handle a small cargo plane. They need to create jobs via international trade. She moved to put together a strategy team in order to make recommendations to target and aggressively go after businesses. She would like to see it made up of people who are interested in Palatka. When they started up the riverboat committee, they had all kinds of people telling them what they could not do. There are ways to do anything. At one time they were looking at putting an old-fashioned grocery store downtown for the convenience of those who live and work here. The Disney city even has a 5,000-sf grocery store. They need to work on quality of life issues. She would like Virginia Wissell, the PDN reporter, to join them for meetings so they can partner with the press. She has fresh ideas. They can put out an open call for anyone interested to come to a meeting or apply. They need to do something soon or they will have a lot of people out of work and unable to take care of their families. Commissioner Azula said the Chamber of Commerce and other service organizations are working on similar issues, and no one has come in with anything worthwhile. The Chamber has a far larger reach than anything they can put together here. They simply need to push the people whose responsibility it already is to work on these issues to produce. He does not see any of the Chamber's accomplishments when he sees so many stores closing and so many people out of work. You read in the paper about all their great accomplishments, but the fact is Putnam County has only had 8% growth in 10 years, while surrounding counties are growing by 50 – 60 percent, which is a little much. Putnam County should have its share of that growth. Are they really doing such a good job? They can't get out-of-town buyers to come here to buy an automobile, because there is nothing else here. When you go out of town to buy a car, you can also go see a good movie in a nice theater; you have your choice of restaurants for dinner, and your choice of malls with lots of stores. In order to draw people here, they have to sell cars at a minimum profit. We are not utilizing our waterfront. This is a nice community. This city is not ready for change. He has been here 35 years and has not seen any major changes, except their thriving downtown is no longer, and many stores in the mall are gone. A business like Sykes, which only pays \$7.00 per hour, doesn't allow people to buy big-ticket items. If Sykes decides to close up and go elsewhere, they are in trouble. He agrees with

Commissioner Brown; they should create a Palatka Chamber of Commerce with a group of individuals that are more interested in the growth of the city. They are not adequately represented otherwise. There is a problem with a meandering city limits, which needs to be squared up. It is confusing for public safety dispatches. They need a comprehensive plan. Mayor Flagg said Palatka has a lot of inner-city issues that they need to focus on; the Chamber has a very broad spectrum of activities they have to attend to. An economic development committee is something they can use to fine-tune the process. It's all well and good to say you want to bring in this and that, but you have to have the infrastructure for growth. Putnam is a rural county; Palatka is a rural city. The biggest challenge they face, as a community, is the negative mind-set of the community. They are the ones to leave home and go elsewhere to do things, and they need to change their way of thinking first. In order to appoint such a visioning or strategy committee, each commissioner should be thinking of people they would like to see appointed. It is not a problem for the city to be a sub-committee of a group, as long as it is a progressive group. It's all about progress, and not ownership. He does not want to polarize or alienate other groups, or create hard feelings. Commissioner Brown said at one time Fred Fox worked for the city and they were targeting how to improve the community through CDBG money. The city got very good at it because they were thinking far "outside the box." They began loaning Fred Fox to other cities. She would like a group to explore what other people have not looked at before, in order to give the Commission some focus. They need to include the Chamber. She has been going to the Summit of the Americas since 1994, and they found out then that if they just got what the Miami airport couldn't handle, they could create businesses and jobs. In her 19 years on the commission, the Chamber has only placed two businesses in the city's industrial park. The City needs to be looking and not waiting for someone else to do it. They are better connected than the Chamber, government-wise. She issued a challenge to the Commission to get out and find something to bring in, in order to create economic development in Palatka. Commissioner Sanders said they spent a pile of money on streets and sidewalks for downtown. That project took too long to complete and some businesses went under. He spoke to Mrs. Burke, who owns many of the large vacant stores. They will never get any anchor stores in there, but he suggested she split those large stores into smaller units. There is a demand for that. Mayor Flagg asked the Commission to take these issues under advisement and be thoughtful that leadership sets the pace. Commissioner Brown asked the commission to have an idea on how to get started with this and discuss it at the next for the next meeting.

ADMINISTRATIVE REPORTS:

Planning Director Adam Mengel asked the Commission to begin advertising to fill the alternate seats for the Code Enforcement Board, which were created at the last meeting. There are probably two more seats on that Board that are coming open at the end of the month. There are residency requirements for that board. He would like them to think about people that will actively participate on this board. Mayor Flagg said any candidates should be physically present when their appointment is considered.

Mayor Flagg recognized the many department heads present for the meeting and thanked them for coming.

Fire Marshall John Holley said they have filled the Department's last vacancy and are now back up to full staff. He received a letter from the County asking him to serve on an economic development committee for all of Putnam County; he believes all of them received the same letter. That meeting is next Tuesday, which is the day for fire chief interviews. He will attend that meeting and will be sure the city is well represented.

City Manager Allen Bush reminded the commission that fire chief interviews will begin at 9:00 a.m. on Tuesday, January 29th. Per the question, Chief Howard has a tear in his knee cartilage, and he will be undergoing surgery next week.

Police Chief Gary Getchell said at the last meeting they discussed solicitors at Crill & Palm. It was mis-communicated to him that a group trying to solicit there had a permit; in fact, they did not. Under state statute they were able to deal with some safety issues. He is unsure of whether or not they want to adopt an ordinance addressing this. They can enact ordinances governing those issues on state highways. Mayor Flagg asked him to get with the Planning Department and come up with a draft for discussion.

Chief Getchell said the commission's visioning is the 'rudder on the ship'. He has done a lot of management consulting, and he can tell them that it helps all the department heads to know where they are going. He offered to take a day from his schedule to facilitate a visioning process for the Commission. Mayor Flagg thanked him and said they look forward to taking him up on his offer.

Finance Director Ruby Williams had nothing to report.

City Clerk Betsy Driggers reminded everyone of the Chamber dinner tomorrow night; cocktails at 6:30 and dinner at 7:15. If anyone is unable to attend, please let her know so they can send someone else. They do have one opening now. Commissioner Azula said he would like to bring his son, Adam.

They will begin interviewing fire chief candidates at 9:00 a.m. on Tuesday. They will each receive a packet prior to interviews.

She said she has distributed copies of a draft of the festival ordinance, and she would like comments and changes from anyone and everyone interested. Chief Getchell and Mr. Holmes are re-writing several passages, include the permit process and permit classifications. The City has already met with festival people and department heads to condense and clarify the draft. She would like to have a final draft ready for first reading in February. Mayor Flagg applauded the joint effort going into this. They don't want a single-page ordinance, but they also don't want something it will take a Philadelphia Lawyer to read. A person can request festival policy. He wants to see various documents posted in public places so that people don't have to come to City Hall and ask for them.

City Attorney Don Holmes had nothing to report.

The Commission congratulated Mr. Bush on his daughter's upcoming wedding, to be held this weekend.

COMMISSIONER COMMENTS:

Commissioner Brown:

- Said Price-Martin needs a podium and a speaker system. She'd like those items to be budgeted. Mr. Norton has it looking very nice.
- Mrs. Arvilla Cummings has been an inspiration to many of them in local, state and national public offices, and she would like the city to honor her at the next meeting. She has instilled a 'get out the vote' mentality in all of them. Mayor Flagg asked her to get the information to the Clerk for a proclamation.

Commissioner Azula:

- Said he would like the City to hold a budget workshop in the next month or so to get a head start on next year's budget process. He would like to talk with the department heads to get a feel for what they need.
- Said it has been wonderful to see Hank Bryan Park being utilized now that it has been renovated. Mr. Norton did a good job on it.
- Said they need to get some activities going for young adults. Teens today spend a lot of money, and are going out-of-town to do it. They have parks for small kids, but nothing for teens.
- He would like to see the City try to acquire the CSX lot next to the police/fire station, either through a lease or outright purchase.
- The festivals are becoming very popular. Mr. Troiano is trying to work more closely with the City.
- He has seen a positive change in how the City and County work together. He is not trying to create dissention between the City and the Chamber, but he thinks they need a reality check. They are just doing business as usual, and are not going to any great lengths to improve things economically. They need to do something different. The City has a wonderful staff full of people willing to go the extra mile. He is happy with the relationships he has with the City Manager. The City Attorney is very thorough, and he feels safer as a public official to have his advice. This is the beginning of this next four years, and he wants to be able to say he has accomplished

something. He believes there were positive changes made in his first four years. He appreciates being able to work with this commission and is looking forward to the next four years. Growth is imminent and changes are coming.

Commissioner Norwood:

- Said the Martin Luther King, Jr. Day celebration was a huge success. He congratulated the City and G-P for their cooperation and sponsorship. It was well attended. The committee did a nice job on the program.

Commissioner Sanders:

- Said he has taken back over the Tree Committee, and has found they have not met in quite some time. He is going to get that committee back on track and active once again.
- He spoke with Lt. Griffith at the PD about a call he received from the couple that runs the upholstery shop on St. Johns Avenue. There are vagrants sleeping behind the old Texaco building across from the post office.

Mayor Flagg:

- Said he has heard nothing further on the C-3 zoning revision, and asked how the work with the consultant was coming. From the results of the workshop they held with him, he does not believe the city was getting what it needs from him. They cannot sit back and watch downtown go down. The City needs to give them what they need to make it work. He wants C-3 revisions to become a priority. Mr. Mengel said they can have him come back; he still has some money left on his contract. Mr. Bush asked if the city has a work product on what he has done so far; Mr. Mengel said he can get a report from him. He intended to come back and make a presentation, which would close out his contract. Mayor Flagg asked Mr. Mengel to put him in contact with Mr. Bush about getting some results for the money the City has spent. They need a plan, and not rhetoric. The downtown merchants feel the City is back peddling and unsupportive. Mr. Mengel said he feels the city is probably best served by discontinuing his contract. Mr. Bush said the City still paid him money, and they want a work-product associated with that. Mr. Mengel said he has some information on that and will provide it. This project ties in very well with the hiring of the CRA director/Main Street Manager, which is critical to the overall vision they have for downtown. Mayor Flagg said they need to give the new main street manager the correct tools to work with. Commissioner Brown said they asked for a waterfront study, and people have approached her about it asking what has been done. They need to direct Mr. Bush to look for someone to do that study. They were going to use the money from FP&L to do that. Mr. Bush said they have around \$80,000 set aside for that. He intends to contact a major firm similar to the one Jacksonville used to do the study. He wants to get past this budget crisis before spending that money. Mayor Flagg said he would like Mr. Bush and Ms. Driggers to set up some quarterly budget pre-planning meetings in order to get early input from the department heads on what their priorities are. Department heads should have a 5-year plan to submit. They should meet with a few department heads each quarter.

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

CITY CLERK

MAYOR