

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 13th day of June, 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 Chief Kenneth Venables, Planning Director Adam Mengel, WTP Supt. Mike Felton, WWTP Supt. Platt Drew, Sanitation & Streets Supt. Bernard Williams, W & S Asst. Supt. Rhett McCamey, Parks Supt. Jeff Norton, Golf Pro Greg Bacon, Main Street Manager Debbie Banks.

INVOCATION – The Reverend Patricia Cadwallader, Minister of Visitation; 1st Presbyterian Church of Palatka

PLEDGE OF ALLEGIANCE – Steve Overturf

APPROVAL OF MINUTES – 5/20/02 & 6/3/02 called meeting – Commissioner Sanders moved to approve the minutes as read. Commissioner Azula seconded the motion, which passed unopposed.

RECOGNITION – Mayor Flagg and Commissioner Azula presented Fire Lt. Mark Lynady with a Distinguished Service Award and city lapel pin in recognition of his service as Fire Explorer Advisor since May of 1992.

Mayor Flagg said the City of Palatka nominated Commissioner Sanders for the 2002 Outstanding Older Worker Award, which is presented by Experience Works, Inc. Commissioner Sanders won 2nd place in the competition, which included nominees from throughout the State of Florida.

PRESENTATION – Walt Riddle, on behalf of Downtown Palatka, Inc., presented Mayor Flagg with a check for \$1,000 towards the cost of the 4th of July fireworks display.

PUBLIC COMMENTS – There were none.

CONSENT AGENDA:

- a. Set Public Hearing on Update of Airport Master Plan/Airport Issues meeting for July 16, @ 6:00 p.m. (immediately following 2nd budget hearing) at City Hall
- b. Reappoint Eddie Collins to the Putnam County Library Board for a 3-year term to expire June, 2005, per City policy
- c. Reappoint Marshall Fulgham (real estate broker), Patricia Brosnan (attorney) and Gray Rawls (alternate) to the Palatka Historic Preservation Board for 3-year terms to expire June, 2005, per City policy
- d. Abate the nuisance and order demolition & clean up of the structure located at 1003 Ocean Street, per Code Enforcement staff recommendation

Commissioner Azula moved to pass the Consent Agenda as presented. Commissioner Brown seconded the motion, which passed unopposed. Mayor Flagg recognized the presence of Mr. Collins, Mr. Fulgham and Mr. Rawls, and noted Ms. Brosnan sent a letter to the Commission notifying them she would be out of town on business and unable to attend tonight's meeting.

SOUTHSIDE HISTORIC DISTRICT REQUEST FOR ALLOCATION OF TAX INCREMENT FUNDS - Mayor Flagg suspended the regular meeting and convened the Community Redevelopment Agency to hear a request for allocation of tax increment funds for Phase II of the Neighborhood Center. Ken Campbell said at this time they are asking for \$2,400 for the front door, a bill which has been owed since November. They are completing this renovation in increments, as the money becomes available. This was

included in the original bid. The Association has paid the contractor for this work, and now seeks reimbursement. They would also like to proceed with completion of the outside of the building. In referencing the original bid, these include Items #4, #12, #13, #15, which totals \$18,227.15. That money is available in the tax increment fund. Mayor Flagg asked who is monitoring and signing off on the work being done. Mr. Campbell said this has been his project since its inception, and he is responsible for seeing that the work is done. The neighborhood association took the bids and deals with the contractor. Mr. Bush and Mrs. Williams said after the \$2,400 is deducted from the tax increment funds it will leave a balance of \$17,428. Per the question, Mr. Holmes said it is proper for the Commission to take up the issue of the work on the outside of the building, as the agenda specifies they are dealing with Phase II construction items, and asked for a total on the money they are asking for tonight. Mr. Campbell said the total for the door is \$2,400 and the total of the outside construction is \$18,227.15, but they apparently do not have enough money in the Fund to cover that, so they will have to revise the work specifications. Mayor Flagg said obviously this contractor is going to be doing the entire job, so that won't be hard to do. Mr. Campbell said bids are usually only good for 30 days, and the Contractor, David Church, has agreed to work with them on his original bid so that they don't have to keep going back out for bids. Commissioner Norwood moved to approve the allocation of \$2,400 in tax increment funds to cover the door expense for the Southside Neighborhood Community Center building. Commissioner Azula seconded the motion, which passed unopposed.

Mayor Flagg adjourned the Community Redevelopment Agency and reconvened the regular City Commission Meeting in order to hear the remaining Orders of the Day.

PROPOSED SENIOR CITIZENS' CENTER – water retention area – Bob Taylor, project architect, said Bill Buck, the engineer, submitted copies of a drawing showing the ½ acre site which was allocated by the City for the Senior Citizens' Center showing a 4,200 sf building and 21-space parking lot, with a water retention area in the NW corner. The Water Management District requires them to provide for water retention in a 'worst case scenario' which is a storm producing around 4" of rain over a 24-hour period. There is just not enough property to accommodate that. They believe the best solution is to add an additional 30' to the property on the west side, which would cut the available property at that site in half. Mr. Taylor referred to site locations on map provided by Mr. Buck (filed). Mr. Bush recommended awarding them the additional 30 feet. Commissioner Sanders moved to commit an additional 30' of property on the west side of the existing site to the proposed Senior Citizens' Center. Commissioner Brown seconded the motion. Per the question, Mr. Taylor said this retention pond will not support another building; similar construction on the other half would require a similar sized pond. It will not hamper the other half of the land. There would be no advantage to designing a pond that will support this building along with another building on the other half of the property. The 2nd parcel will probably drain to the northwest instead of the retention pond on the east side. Mayor Flagg said he understands the surface-water runoff from the shopping center is really what is causing this problem. Mr. Taylor said this pond basically deals with handling the runoff from this site. There will still be a problem with runoff from the shopping center, but they have proposed a sluice along the property line to pick up the surface water and channel it along the north boundary. The concept is to allow the water that was hitting the site to continue past the site without eroding or scouring the contiguous property. Mayor Flagg and Commissioner Brown said they don't need water flowing west or north. Mr. Taylor said this development won't cause any negative impact to either property to the north or surrounding property. The purpose of the sluice is to reduce the surface flow. Without the sluice, the water could discharge at a single-point location, which would cause erosion and scouring. The objective of this design is to use the entire north boundary to help reduce the speed and volume of water and distribute it over the entire boundary. Mr. Bush said they will use the sluice to retain the conditions that currently exist; they will retain the water at the current site. Per the question, Mr. Mengel said awarding the additional 30' may or may not impact zoning as far as buildable lot size, depending on the proposed development. He sees no impact at this point. R-3 zoning has some very small allowable lot sizes for residential purposes, and they may need to rezone the property for public use. Mr. Bush said the lot is of sufficient size to allow a building of similar size to the Senior Citizen's Center. Mayor Flagg said if they have a master plan showing a proposed 'twin building' on the other

site, they should be able to get Water Management tell them whether or not they can build another building there with sufficient retention pond area available. Mr. Holmes said he could probably get an opinion, but SJRWMD can't be locked into anything based on current regulations for a building that is not yet being built. There being no further discussion, the motion passed unopposed.

RESTORATION PLAN FOR LOWER ST. JOHNS RIVER BASIN – Thomas E. Fortson said he was here before and was told the Commission wanted to obtain expert opinion on what he is proposing. He understands that an expert has been to see them about this master plan for restoring the St. Johns River and committee structure. He asked where they are now, and what he can do to help them understand what he is trying to do. Mayor Flagg said SJRWMD has made them aware that they would be willing to discuss his plan in a workshop setting and what role they need to play as local government. They have seen his plan. While they enjoy the benefits of the River, none of them are scientists, and they depend heavily on the expertise of the SJRWMD. They are all receptive to a workshop, which should be coordinated through SJRWMD and scheduled by them. They are relying on Mr. Fortson to contact them about setting up a workshop, as it is his plan. Mr. Fortson said he has worked on this for 10 years; the data he uses is provided to SJRWMD and DEP. The laws are federal and state laws. The State has set objectives on waste discharge and pollution, which they have not met. There is no program in place. Mayor Flagg said the same legislature that wrote the law has empowered SJRWMD to make those provisions. Mr. Fortson said DEP is responsible for making the state waters clear and free of pollution. Mayor Flagg said SJRWMD is the agency responsible for the implementation of any plans concerning the St. Johns River. Mr. Fortson said the only program presently coming out of the water management district is the SWIM program. He does not object to that. There is no plan to restore and maintain the lower basin of the St. Johns River. There is no committee in place. Their planning committee has met once in 6 years, and the communications committee has never met. The tactical committee, whose meetings he attends, meets regularly and has a charter, and they know what they are doing, but that is the only committee that does. Per the question, Mr. Fortson said in 1996 he went to an executive committee meeting with representatives of DEP and SJRWMD and he presented his plan to them then. He has given it to Ernie Fry, Henry Dean and members of his staff. Mr. Bush again suggested he contact SJRWMD and set up a workshop in order to present his plan and hear their response. They are not biologists or engineers and are not in a position to decide which plan is better. Mr. Fortson said the DEP is the agency responsible for implementing this plan. Mr. Bush said he should then set up a joint meeting with DEP. Mr. Fortson said he has given the plan to Mr. Fry and Mr. Stroughs, his boss, with no results. The DEP said they want to develop a TMDL, which is a model, but you have to have a plan in place to use the TMDL. Mayor Flagg said he needs to be dealing with the proper level of government. They all know the water quality of the river is very important, but DEP or SJRWMD needs to buy into his plan. Mr. Fortson read a letter written by Eric Livingston, Ernie Fry's boss, to Michael Hartman, who sent his plan to DEP. They have acknowledged they need a management structure that would be capable of carrying out a restoration plan, and that is what he has given them. Mayor Flagg said this commission is not going to second-guess him or what he has done, but they are not in a position to take any action on his program or plan. He does not have a problem with sending a letter to DEP on his behalf asking them to respond to the Commission with their response to Mr. Fortson on his plan. Mr. Fortson said all he is looking for is a support from the Commission that the River should have a master plan, and that is all. Commissioner Norwood said they should not act upon any plan until the DEP has give their approval to it, since the mandate was given to them by the legislature. They can explain why the have or have not accepted Mr. Fortson's plan. Commissioner Brown said some of what he is talking about is being looked at by the Heritage River Committee, and they have steering committees working on how the keep the river clean. Ernie Frye, Mayor Delaney and commissioners from the districts bordering the river sit on that committee. They should wait until they see where that is going before they take any action on Mr. Fortson's plan.

Don Loop, Executive for the Stewards of the St. Johns, said between Jacksonville and Palatka there are 250 million gallons of discharge every 24 hours into the river. Some of that is clean enough, much of it is not. The background nitrogens are 3 & 4, and should be a 1. The algae consume the oxygen and that is why people aren't catching bass and

shrimp like they used to. This is a very complex issue, and they are happy to do anything they can to put it in a format that the Commission can understand. They have not been able to get the DEP people to sit down and do that. They are happy to have a workshop. American Heritage River is doing nothing at all. They don't have one dollar to help them. That designation means nothing; it is a window-dressing. All they are trying to do is get a master plan together. Eventually, the Clean Water Act is going to come down on their heads like a ton of bricks, and they will be forced to do it. They are just trying to get a plan in place so the process can begin. He grew up on the river and he is a scientist. He worked for many years for a wastewater treatment company, and does understand all of this. The big gap here is education. Many of them are fishermen and know they don't catch the bass, shrimp and crabs they used to. There are so many nutrients going into the river, the river cannot restore itself. They will work on a format or forum to try to get that information out so that they can force a plan to get started on restoration. Mayor Flagg said if the state agencies are not receptive to this plan, then they have to keep moving up the ladder until they can get the ear of someone who can do something for them. Someone will recognize their plan for what it is and will be able to adopt it or adapt it for what needs to be done. Everyone is interested in improving the quality of the St. Johns River. Mr. Fortson said he has books going back to 1993 where he has written the governor, legislators, and the head of the DEP, trying to get this plan implemented. They have all turned him down. He is trying to get the politicians in the cities and counties to support him and tell the governor and head of the DEP that they support this type of plan. Otherwise, he is never going to get it. Mayor Flagg said they have nothing to compare his plan to, and thanked him for coming tonight.

RESOLUTION – The Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN, ENGINEERING AND CONSTRUCTION OF REPAIRS AND RENOVATIONS TO THE EXISTING PALATKA AMTRAK STATION TO ADDRESS EXISTING ADA DEFICIENCIES AND TO PROVIDE A MULTI-MODAL TRANSPORTATION HUB CAPABLE OF PROVIDING SAFE ACCESS AND USE TO ALL PERSONS/PASSENGERS, AND ALSO MAY INCLUDE PURCHASE OF ADDITIONAL LAND FOR PARKING. Commissioner Brown moved to adopt Resolution 7-84 as presented. Commissioner Sanders seconded the motion. Commissioner Norwood said they also need to look at redevelopment and revitalization of the 11th Street area from Madison Lane to Reid Street. Commissioner Brown said they need to go further than Madison Lane; the business district went as far as Olive Street. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, yes; Nays, none. Resolution 7-84 was declared adopted.

RESOLUTION – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, SUPPORTING AND CONSENTING TO THE EXECUTION OF AN INTELLIGENT TRANSPORTATION SYSTEMS PARTNERSHIP AGREEMENT BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE AWARD OF FEDERAL ASSISTANCE FUNDS FOR THE PALATKA COMPUTERIZED SIGNAL SYSTEM PROJECT, AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY OF PALATKA AS A PARTICIPATING PARTY. Commissioner Azula moved to adoption Resolution No. 7-85 as presented. Commissioner Sanders seconded the motion. Mr. Bush distributed a letter from the DOT (filed) outlining the reimbursement rate on traffic signals, and gives some interpretation of the agreement.

H. C. Dunning, Summerville Electric, said he is familiar with the ITS system as it is used in St. Johns County. It ties all the traffic signals together. Instead of relying on Police or Sheriff to call in a malfunctioning traffic signal, it will automatically page them. It allows them to do much of the work from the office instead of having to go into the field. It opens up a communication line between the PD, City Hall and the SO. At this time, it may be a little more system than they need, but when the intra-state system is in place, it will be a real asset as far as moving traffic through town. He suggested two locations for the system; one is at the 911 center/public works and one at his office. This enables him

to determine the nature of a call at 2:00 a.m. from his living room. It saves a lot of trips. Per the question, the program is PC based. Both of his signal service trucks have it in their notebook computers. All you need to access it is a dial-up modem. In the event of a hurricane, the 911 center will have power, so it will be kept operational. He can operate the lights from his PC. Per the question, there is a reimbursement program for costs associated with maintenance. The system they have now was installed in 1992; this system is an add-on module to the new system that is being installed. The only thing special about it is the fiber-optic cable that ties the intersections together. In the event they do lose communications between intersections, it will let them know, and if you go to the sight you will usually find who is responsible for cutting the cable. The initial cost will be minimal; the currently system is costly and parts of it are obsolete, and it is expensive to maintain. This new system is a 'traffic response' system and will change its own cycle depending on the traffic volume. All they can do now is estimate the traffic and set the controls accordingly. Per the question, the box on the side of Commissioner Brown's building controls street lights, not traffic lights. Per the question, the city has no financial participation in the installation of this new system; the cost is the same as for the existing system, but the equipment is newer. If the City or County does not approve this, it won't be installed. It is being installed with Federal Funds. It will have to work before the City or County will accept it. If it does not, whoever installed it will keep the maintenance on it until such time that it does work properly. There being no further discussion, a roll-call vote was taken with the following results: Commissioners Azula, Brown Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Resolution 7-85 was declared adopted.

ORDINANCE – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, CLOSING, VACATING, AND ABANDONING THAT PORTION OF MAIN STREET LOCATED BETWEEN 19TH STREET AND 21ST STREET, ALONG WITH VACATING THE REMAINING EASEMENTS FOR THE PORTION OF THE CLOSED 20TH STREET BETWEEN MAIN STREET AND REID STREET, ALL WITHIN THE CITY OF PALATKA AS SHOWN ON DICK'S MAP OF PALATKA, MAP BOOK 2, PAGE 46 OF THE OFFICIAL RECORDS OF PUTNAM COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Wynn Kenyon, 133 Esperanza Grove, E. Palatka, agent for Rochester Imports, located at 2000 Reid Street, said everyone is aware of what the area around the former Pic-N-Save building is like. They have tried to improve it and make things better. Last year the Commission allowed him to erect a fence along the north side of Main Street, which has curtailed a lot of people coming into the store area and people trying to get into the back of the building. They have a gate at the back of the building for loading customer merchandise, and people have walked right into the gate while that is being done. Their first and foremost concern is for customer safety. People have a tendency to come up 21st Street and across the corner of the building to 19th Street at any given speed. Contractors and roofers have been nearly run over by the traffic; there is nothing to slow them down when they come around that blind corner. They are getting ready to open a 14,000-sf retail store for the general public, and they have customer safety concerns. Another problem is trash being dumped in the middle of the street; currently a queen-size bed is lying in the middle of the road. People dump in their dumpster; people rummage through their dumpster and remove things, and leave garbage scattered all over. People go behind the building and drink and party. Monday morning clean-up yields broken beer and cognac bottles, food wrappers, etc. Before Kris' closed down, there was a small riot there, and many of the offenders took off down Main Street and dispersed from there. If they could gate this area off so there is no public access, it would help the situation. He distributed a blue print of the gated area for information.

Adam Mengel, Planning Director, said he has provided them with his report. On page 2, he noted the vote (5-1-1) of the Planning Board's approval to close the street, along with the minutes of that meeting. A prior commission entered into an agreement with Pic-N-Save to allow them to build the street to be used in a semi-private fashion for use as a loading area. You really can't grant permission to use public property for private purposes; it is just bad form. He brought a request to amend the agreement before the commission last year, which they denied. The owner has attempted to follow the Commission's advice and make a go of it, and has had some difficulties. There are no

other parcels affected. Kris' Restaurant does have a legal right-of-way through 21st Street, which remains open. Mr. Holmes said when you close a street the property reverts to the adjacent landowners. Half will go to the people who own the Pic-N-Save building and half will go to CSX Railroad.

Police Chief Getchell said they don't have an issue with this. They want everyone to be aware that the roadway will revert to private property, and many of the ordinances and statutes enforceable on public property will no longer be enforceable. He understands now they are putting up a fence, which alleviates most of his concerns, but he wants them to understand this will revert to private property, which makes enforcement more difficult.

Fire Chief Ken Venables said the building is fully sprinklered and there is a hydrant in front of the building. Vacating that street will not have a negative impact on their ability to deliver fire services; they have no objection.

Craig Beckler, adjacent property owner, said he would receive some of this land if the road were to be closed. He has spoken to the ownership group that owns Kris', and they have no problems with the road closure. He has not spoken with CSX. He is all for this closure. This roadway is used as a back alley, and is 'out of sight, out of mind'. He has been in business there for a long time, and they have had many problems with that strip of road. They had to put up a gate to stop people from coming through. They have problems with people breaking into his service department; this would stop that. They plan to renovate the entire service department into a sales office, and they want to have a secure building. Commissioner Brown said she is concerned as to whether it is a Greenways & Trails site. All abandoned tracks will become a Greenways site, and she has asked Mr. Mengel to check on that. Mr. Beckler said they would be more than happy to help the City buy back the land from CSX provided they received a portion of the land. Per the question, the only access that will be cut off is to drug dealers. Mr. Bush said if the road is closed they would close off future development potential for the lots the CSX railroad runs across. Mr. Beckler said there is nothing that could be developed there. Mr. Mengel said the property owners were notified of the public hearing on this request. This property is predominantly wetlands and overgrown. Mr. Holmes said the CSX r/w does not border the streets, but goes across the property itself. He asked if they own just the right of way or the property itself. Mr. Mengel said he believes the plat came before the railroad. The main blocks that would be affected are 354 and 360. A portion of Main Street was previously closed. The railroad will never run back out to SR 15. The Rails to Trails are actually part of the East Coast Railway and not CSX. Currently they have plans to continue the trail to St. Augustine. There appears to be a sewer line there, which they would have to reserve an easement for, just to the north of the Pic-N-Save building. He spoke to Water & Sewer about that today. Mr. Holmes said they don't want to end up having to buy back an easement. Mr. Bush said in the past they have retained utility easements across private property. He asked if they could allow the fence to be built while retaining the right-of-way in the City's name? Mr. Holmes said there is no adverse possession issue as it does not run against the sovereign. He does not believe it is a good idea to have private individuals fencing off public property. If the city still owns it there are liability issues involved. If someone is hurt or something happens, they will end up in a lawsuit. It is cleaner to vacate it. If it is vacated the landowners should give the City back an easement for a sewer line. Mayor Flagg said his position is to close the portion of Main Street and get the utility easement at the same time. Per the question, Bernard Williams, Sanitation, said they will eventually address drainage in that area. They have gone ahead and cleaned out and cut out the drainage ditch, but they will have to do something more in the future. Mr. Bush said the City will need to control that easement for drainage and utility purposes. Mr. Holmes suggested they retain an easement across the entire 60' of the abandoned roadway. No one will be able to build or alter that ditch, which runs from Kris' place all the way back to 19th Street. Per the question, a portion of that roadway is already closed, and the City would likely not want to go in there in the future and build a street, but they would still retain an easement for utility and drainage purposes. It simply converts from street to easement. Per the question, Mr. Holmes said CSX will have to accept the property. He is not worried about dealing with the other owners, but he has not had much luck when dealing with CSX. The ordinance should be revised to note that they are closing the street and vacating the property, but are retaining

the easement for utility and drainage purposes. It all needs to be done at the same time. He would like to revise the ordinance and bring it back for first reading at a later date. If they close the street, they need to make sure they can vacate it for a certain purpose and still retain the easement in a legally recognizable fashion. He will get together with Mr. Mengel to work out the language, and will also call CSX to see if they are willing to cooperate on this. Commissioner Brown moved to table this item until Mr. Holmes can research it and bring it back to them for consideration on first reading. Commissioner Norwood seconded the motion. A roll-call vote was taken with the following results: Commissioners Azula, Brown, Norwood, Sanders & Mayor Flagg, Yes; Nays, none.

APPOINT DELEGATE TO FLC ANNUAL CONFERENCE – Commissioner Brown moved to appoint Commissioner Sanders as voting delegate for the City of Palatka at the Florida League of Cities' Annual Conference in August. Commissioner Norwood seconded the motion, which passed unopposed.

EDA RIVERFRONT PLANNING GRANT APPLICATION – Results of RFQ for firm to complete grant application - Mr. Bush said the city issued a Request for Qualifications from consultants in order to prepare a pre-application for a Riverfront Planning Grant Application to the EDA for the riverfront masterplan. He would like a committee appointed to sit down with him to review and rank the two submissions he received, as both came in at the same fee. He can then bring it back to the Commission to award the bid. Per the question, one applicant is a local firm, Fred Fox Enterprises, and the other is Jack Corrigan, a former EDA employee who is very experienced in doing EDA applications. Mayor Flagg said he would rather go ahead and deal with this now, and asked for Mr. Bush's recommendation. Mr. Bush said he prepared the last EDA grant application for the water & sewer extension at the Business Park. It was very involved; he had to resubmit it many times before it was finally approved. You have to be familiar with the 'catch words' and nuances that EDA is looking for in order to sell your application. They need to be convinced that this riverfront master plan is tied to job creation. This is where experience in working with EDA is valuable. They have gone through many applications with Fred Fox; he is the best there is on CDBG applications, but in his opinion, Jack Corrigan is more qualified in this instance. Commissioner Norwood moved to enter into a contract with John E. Corrigan – Triad Associates for to prepare the pre-application to EDA for a riverfront master plan grant. Commissioner Azula seconded the motion, which passed unopposed. Mr. Bush said the fee will be paid from the approximately \$80,000 set aside for riverfront development. Commissioner Brown said the NEFRPC is working on pulling these 7 counties together into a district so that next year when they do this type of application it will be considerably easier. This will make the process considerably easier.

AIRPORT SUPERVISOR – Mr. Bush said he has received around 35 résumé's from applicants for the Airport Supervisor's position, and he is asking the Commission to appoint a committee to rank the applicants and interview a short-list of applicants. Mayor Flagg said they should follow the previous model and not appoint a commission to the committee. The Commission would like the interviews to take place in a public meeting as was done with the Fire and Police Chiefs. In addition to Mr. Bush, the current supervisor, Bob Sturm, would be an asset to this committee. Mr. Bush said Larry Pritchett, who heads up the Chamber Transportation Subcommittee, has expressed his willingness to serve on this committee. They need two more; an individual with human resources background and an airport user pilot. Commissioner Norwood said Mr. Sturm has already made a recommendation as to a candidate, who is one of his employees, and it would not be proper for him to serve. Mr. Bush said Mr. Sturm has not made a recommendation. In the last two committees, the previous Fire and Police Chiefs both served on the respective committees. Mayor Flagg asked if anyone currently working at the airport has submitted an application; Mr. Bush said yes. Mayor Flagg said they need to get someone in from an out-of-town airport. Mr. Bush said he will find an airport director from an out-of-town airport, and a businessperson from one of the large companies that utilizes the airport. Commissioner Sanders said Jacksonville has an Airport Authority, and he may be able to get someone from their Authority to serve on the committee. Mayor Flagg said they should also appoint a pilot that is affiliated with the existing airport, and a businessperson, to make up a five-person committee.

REAL PROPERTY DISPOSAL POLICY - Mr. Holmes said the City is beginning to acquire property through various methods, and they need to come to a consensus as to how to dispose of it. He suggests they advertise the properties for sale with a minimum bid, being essentially enough to cover the city's expenses in acquiring the property. If there are no bidders, they are free to dispose of it in whatever fashion they find commercially reasonable, such as offering it to adjoining property owners first. A lot may not be buildable and is of no benefit to anyone but the adjoining property owner. They need to be fair and offer the property to the general public first on a sealed bid basis, with the low bid advertised in the newspaper. If there are no bids they can dispose of it however they wish. Mr. Bush said they need to adopt this procedure as a policy and include it in the policy manual. Commissioner Brown said if no one bids on them, can they offer it to employees as an incentive. Mayor Flagg said employees are part of the general public. They don't want to seem like they are favoring city employees over anyone else. If they make special exceptions or specify we are giving properties to employees only, or anyone with a direct relationship with the city, that may open up some other issues. Mr. Bush said they should work with Habitat for Humanity on unsellable lots; first option will always be to attempt to sell it to recoup the money. Mr. Holmes said he will write the policy up and bring it back to the Commission for adoption.

LEVI'S PLACE BAR – NOISE ISSUES – Commissioner Brown said for several weekends the noise has escalated at this particular establishment. From 1:00 p.m on Saturday and Sunday until whatever time of night they stop, the noise is unbearable to those who live in this area. She believes if the owners would like to come in and talk about the problems, they could possibly resolve them to everyone's benefit. There are two bars there right next to each other. Spurs is not a problem; their noise is contained within the building. Mayor Flagg asked if the owners or agents for Levi's Place are in attendance; there was no response from the audience. Police Chief Getchell said they were contacted and advised that this issue would be on the agenda tonight.

Brenda Watson, 118 S. 9th Street, said Levi's Place is right in her back yard. She does not mind country music, but she does not want to hear it from 1:00 in the afternoon until midnight on Sundays. This is loud music. The police ride past but they don't stop. When she calls the 911 dispatch, she sometimes gets 'smart' answers from the person answering the telephone, such as 'you knew it was there, why did you move there?' She lived there long before they moved in. There is another neighbor who is very sick, and has a lot of problems because of it. This does not make sense. It goes on all during the week, and especially on weekends. This week it has been fairly quiet, maybe because they knew it was coming before the Commission.

Brenda Woodward, Oak Street, said she lives near the corner of 10th Street. Her back yard is Levi's back yard, so they feel like they are at a party all weekend long. When she returns from Church Services on Sundays, she can hear them long before she reaches her block. They begin around noon and go on until 8:00 on Sundays, but on Saturdays they go on late into the night. The nature of the noise is karaoke music where drunken bikers are singing. There is an outdoor band, mostly on Saturdays & Sundays, with amplified music, which can be heard at the underpass on Crill Avenue. She is literally 'at the party'; her nephew lives behind her and can look out his window and see the party. It is too much noise. They have had events wherein they close St. Johns Avenue from 9th to 10th Street, and won't let anyone drive down the street. She does not know who gives them permission to do this. They also set up booths selling motorcycle accessories, similar to a fair-type of event. They have cookouts. All of these events involve loud, gut-thumping rock-and-roll music. She does not want to hear it. She would not go to their homes and amplify Nat King Cole right next to them. The motorcycles are parked up and down the street, and when they all leave, you would think WWII had begun, because of the revving noise, which goes on for some time. They apparently just sit there, revving their motors, and talk to their friends at 2:00 a.m. Spurs is right next door, and they don't even know they are there. She would appreciate the Commission's consideration of their plight and try to take some measure to give them some relief.

Commissioner Brown said one of their neighbors has had heart surgery, from which she is recuperating, and the noise is right in her back yard. It causes people to loiter around. At one time there was a fence there that kept people from going from St. Johns Avenue to

Oak Street; they have opened it up and drive their motorcycles right past people's bedrooms, day and night. People who live in this area say that if they complain, they are threatened. You can see where the motorcycle kickstands have chewed up the asphalt on the street. There have been bars and clubs in that building in the past, but this particular establishment brings with it the loud music and loud motorcycles. She has heard that they complain that she is prejudiced against motorcycle people, but she is not; her son owns a motorcycle. If he were to rev up his motor like they do, they would probably put him in jail, too. They would appreciate any relief they can get. They have been talking to Chief Getchell about this. They are being taken advantage of, and they need to try to get this worked out. She had hoped the owner would be here tonight to hear these complaints and try to work things through.

Mayor Flagg said these citizens are in the right forum. He has zero tolerance for that type of situation, and neighbors should not have to endure it. Violations should be documented through the police and code enforcement departments, and even the fire department, as he understands they have open pit fires burning in the back yard. If these violations are taking place, and there is a nuisance in the city, they need to fix it. He wants to make sure they are in full compliance with every law they need to be in compliance with. This is not a harassment issue, but citizens should not be subjected to this. If the church is making this type of noise, they need the same level of enforcement. The various city departments need to coordinate their efforts and fix the problem. If people are ignoring citations and this rises to the level of being a community nuisance, there are procedures for that. Commissioner Azula said he is normally supportive of the entertainment establishments in town, but they need to face this problem. It is a shame when people abuse certain freedoms. He is in agreement that something needs to be done, and swiftly. Mayor Flagg said this is not about Vice-Mayor Brown, but about citizens in the community, period.

Chief Getchell said the system is designed to get exactly what it was designed to get. Bar calls consume a lot of their time. Concerning Levi's, they have implemented a procedure and process for inspecting bars. At least every other day bars are being entered by law enforcement; under the auspices of state beverage laws, there are certain things they can look at and certain things they can inspect. It is not a popular process, but they want to keep everything above board. Levi's usually hands out handbills around town, and many things on those handbills are either in violation of state statute or they violate city ordinances. When they see copies of the handbills they put the owners on notice that if they do these things, they will be prosecuted. They have not received any complaints on that procedure. When they receive citizen complaints they respond. They only have a few noise meters, and not everyone has one. They were called this past weekend and issued a citation. The decibel readings were taken at 916 Oak, 918 Oak, & 113 N. 10th Street. The lowest reading was 84; then 85 and 88. If you were at Levi's property line, it was well over 100. They can keep on issuing these \$32 tickets, but they need to correct the system. These are actually zoning issues; if you put a bar next to a residence, these are the issues you will have. You can zone bars out of areas that interfere with residents and their lifestyles on weekends. This is the type of thing that he would like to see addressed in the special events ordinance, especially when it interferes with the public's normal life over the weekends. If businesses are doing things inside, that's fine, but when things start coming out into the streets, they need to have a way to control it. They can't control it without legislation. He knows Palatka was laid out many years ago, but in modern zoning there are buffer zones between businesses like bars and residential areas. They don't have that. Continually enforcing the noise ordinance is not going to solve the problem; it costs the city much more than \$32.00 for an officer to respond, take noise readings, write the ticket and then go through the court proceedings. Mr. Holmes said the zoning issue is not going to be an easy one to fix; the fact is in Palatka they will have a hard time finding commercial property that is not close to residential. They experienced that when drafting the Adult Entertainment Ordinance. They spent hours trying to draw buffers, which is only a small part of the commercial district. Trying to establish buffer zones and redrawing commercial districts on St. Johns Avenue is going to be quite an undertaking. He does not believe it is feasible, but that does not mean something can't be done. If they document repetitive violations of the noise ordinance, they can seek injunctive relief against the bar as a public nuisance. There are options available through the courts besides repeatedly writing \$32.00 tickets. They can try to re-draft the zoning

code; if they are successful with one bar, they may have cured the problem by example, as other bar owners will take note and heed the warnings. From past experience, in order to document a nuisance they need to show a consistent pattern of conduct and existing ordinances being insufficient to address the problems. He does not know how many violations have to occur. Mayor Flagg said previously they addressed another entity which was a public nuisance not too far down the street; it was not a bar, but if there is a pattern the Commission can declare that entity a public entity. From there, it goes to the judicial system. This is not an attack on bars; there are two bars there, but one is not a problem. One bar is having more outside activities than the other. Mr. Holmes said they can approach it from the outside activities of a bar; they can pass zoning regulations relating to outside activities at commercial establishments, making it permissible by special exception only. Mr. Mengel agreed, and said each bar has a beverage license that specifies the area they are allowed to sell and allow consumption of beverages. He has not investigated this, but they may be able to give more scrutiny to these situations through the state authorities, which is the licensing authority. Mayor Flagg said tonight this was a discussion, but he would like to take action of some sort at the next meeting. They need to be able to confer with Mr. Bush, Mr. Holmes, Chief Getchell, and a committee needs to be formed to look at not only this situation, but also any nuisance situation. This commission is pro-business, but when they start infringing on citizens, they are crossing the line. Commissioner Sanders said the problem seems only to be with activities outside the bar. Many of this bar's patrons are from out of town. He asked if they could limit the number of bars in the commercial district. Mayor Flagg said he does not believe they can limit them as long as they meet zoning requirements. He believes the owner of Levi's has owned it less than two months, but the previous owner finances it, and when whomever they sell it to defaults, they get it back and sell it again. Max Gilbert owns the building, and he leases it to people who run the business. He asked what role the property owner plays in this. Mr. Holmes said he will get with Mr. Mengel and they will work on something to bring back to the Commission. Chief Getchell said he is willing to spearhead this and get everyone together for discussion, as they are currently working on bar-related issues.

Brenda Watson said the activities do not change from owner to owner. They even have children out there singing karaoke. Commissioner Brown confirmed that.

BETTY HOLZENDORF FUN DAY at Lefty Turner Park - Commissioner Brown said they have set the date for the Fun Day for June 29. Bethlehem Baptist Church is also planning to have an Aids Awareness Day activity on the same day at the park. They are doing free Aids tests. She asked Commissioner Sanders, who is getting the food together, to get with County Commissioner Brad Purcell, who has agreed to do something at the County level. She has contacted the county representatives about participating in the program. She asked the press to announce this to the general public. The Fire & Parks Departments and Keep Putnam Beautiful have games for the children to play, and they will plan some other things. She is putting together a program. Commissioner Norwood said the aids tests will be performed by saliva swab. Commissioner Brown said she would like to place collection jars out to collect money for a donation to Aids Prevention in Senator Holzendorf's name. She would also like to have invitations sent to each of the cities in Putnam County. Senator Holzendorf can be there between 12:00 and 1:00. She would like a proclamation prepared in her honor.

ADMINISTRATIVE REPORTS:

Planning Director Adam Mengel had nothing to report.

Fire Chief Ken Venables had nothing to report.

Police Chief Gary Getchell said the recent KKK rally generated \$2,722 in overtime costs for his department. Since there are no ordinances that cover assemblies, they are working on a constitutionally correct ordinance that addresses legally charging these organizations for the overtime their rallies generate.

Reference feedback on the Blue Crab Festival, there were no law enforcement issues that arose. He understands there were some medical events, but nothing that was life

threatening. They took decibel readings at the entertainment tent, at 13th & River Street, the east side of the bridge, and at Allegra Kitchens' house. On Friday at 8:00 the reading at the entertainment tent was 70 decibels; at 10:30 it was 70 decibels. Saturday at 8:00 p.m. it was 70 decibels; at 10:00 p.m. it was 80 decibels. On Friday at 13th & River it was 62 decibels, keeping in mind average normal conversation is 60 decibels. At 11:53 it was 52 decibels, Saturday at 11:10 p.m. it was 56 decibels, Sunday at 9:40 it was 61 decibels, and at 11:01 p.m. it was 63 decibels. On the east side of the bridge, on Friday at 9:30 p.m. it was 67 decibels, at 11:59 it was 61 decibels, on Saturday at 11:15 p.m. it was 64 decibels, Sunday at 9:45 it was 78 decibels, and at 11:11 it was 64 decibels. They are in a good position now to make recommendations on revisions to the noise ordinance to address special events. At this point, they believe the current decibel levels are fine. They have looked at other ordinances across the state, and are comparable. There is a current provision in the noise ordinance to exceed normal levels, but based on these numbers, the ordinance was not exceeded. There were no complaints logged through 911 dispatch, and no complaints on the administrative lines. There were some complaints on parking around the churches. They are going to make some recommendations for the Special Events Ordinance, one being to ban animals from these events, as there were some pet issues.

Finance Director Ruby Williams had nothing to report.

City Clerk Betsy Driggers said the NEFLC dinner meeting is next Thursday. She needs to confirm reservations by Monday at noon, and needs to know if any of them are going to attend, and if they are taking a guest.

City Attorney Don Holmes had nothing to report.

City Manager Allen Bush said he distributed a letter on the current plan to distribute effluent from the WWTP at the golf course, which includes a new schedule for completion of the work, which will now involve more engineering and survey work. If they have any questions, they can contact him.

He should have budgets ready for the Commission by tomorrow afternoon, so they should all try to stop by City Hall after 4:00 to pick those up. This will give them the weekend plus a few days to go over them before the budget workshop, which is scheduled for next Tuesday at 2:00. Mayor Flagg asked if all departments have turned in a five-year plan; Mr. Bush said yes; there is a department head meeting scheduled for tomorrow to make sure everyone is aware of what needs to be presented. It is not a sales pitch, but a marketing tool. They should have a progressive plan; they are not looking for a wish list. He wants to see that department heads are progressive in their thoughts. Consensus was to see all 5-year plans on a power-point presentation.

COMMISSIONER COMMENTS:

Commissioner Brown:

- Said on June 17 one of the League's Fraud Division Fraud cases will be presented on the television program First Edition. They are getting some good publicity on their fraud investigation unit. If any of them would like a comparison on how the League's insurance group is doing compared to other companies, and rate comparisons, she will leave her copy with Ms. Driggers and they can request a copy from her.
- The Putnam County Democratic Party is having a special salute to Sam Taylor next Friday evening at the Price Martin Center. She would like a proclamation drawn up honoring him; when he was a county commissioner part of his district was the downtown Palatka area.

Commissioner Azula:

- Said they had a very good meeting at the Golf Course last Monday night. They are having a workshop next Monday in order to establish groups to check each phase of the course operations and make recommendations for future expectations and revenues. He feels the Advisory Board and membership are working together to make the Golf Course profitable. He appreciates Bernard Williams' going out of his

way to have his department remove a large pile of trash and landscaping debris at the golf course. It took him several days to do it.

- Said there are some dumpsters between 18th & 19th Street on St. Johns Avenue that are very unsightly. They have spoken about this situation at several meetings. The dumpster behind the carpet store and the one at the Handy-Way are terrible. The Handy-Way has theirs covered, but it is still a mess. Bernard Williams, Sanitation Superintendent, said all dumpsters are required to have lids. These dumpsters need to be contained in a bin. They are just sitting out in the open. People rummage through them for remnants, etc. City Code does not require them to have a bin. Per the question, the City can dictate the location of the dumpsters, but this is the only serviceable location for them. Mr. Bush asked him to contact the owners to try for voluntary compliance. Mayor Flagg said they should not target one business; there are unsightly dumpsters all over Palatka. He has mentioned the dumpster at Rent-A Center several times. They should minimally require a pad. They need a community-wide effort to encourage people to clean up the city. Per the question, there is a law against rummaging through dumpsters. Commissioner Norwood said they also need to require businesses to put their dumpsters somewhere other than right at a resident's front door. Some businesses don't have the proper size containers for the amount of garbage they are producing. Per the question, Bernard said he and the Drivers stay on top of who needs a larger dumpster. They only pick up what is in the dumpster. If they have to pick up spillover trash, the business is charged, and they usually end up going to a larger Dumpster voluntarily.

Mayor Flagg asked Mr. Williams if the lifts on his trucks are working; Mr. Williams said they do work. Mayor Flagg said it disturbs him when he sees workers lifting the green roll-out containers, which could lead to a worker comp injury. Whatever the incentive is for them to work the way they do, needs to be looked at. If they are over-zealous and are not using the lift equipment to do the job so they can get finished faster, and they end up with a back injury, the city will lose much more than its employees gained by getting off work early that day. Commissioner Azula said in his neighborhood they grab the bags from inside the containers and drag them across the street to dump them. The bags get torn and busted, and they just leave the trash lying there on the side of the street. They are in too much of a hurry. They dump the trash right in front of his driveway. Mayor Flagg said he understands they are motivated by getting off whenever they finish their route, but they need to understand that they need to work safe and appropriately. If they are not following procedures, someone will see them and hopefully report it. Mr. Bush said a gentleman on Crestwood had numerous problems with them "topping" the can on his pick-ups, and asked Mr. Williams if that problem had been resolved. Mr. Williams said it has. Per the question, he said the street sweeper is being refurbished and will be down for another 3 weeks or so.

- Welcomed former Commissioner MacGibbon, who was in the audience.

Commissioner Norwood:

- Welcomed Reverend Vickers, who serves on several City-appointed boards.
- Apologized to the Commission for missing the meeting at the Golf Course last week; he was out of town on business.
- Commended the City Manager and City of Palatka for finding ways to take the wastewater out of the St. Johns River. Any time they can do this they should.

Commissioner Sanders:

- Agreed that the meeting at the Golf Course was a real achievement, and thought it was well organized and went very well. They came away with a clearer understanding of the problems they are experiencing.

- Said he made a tour of several streets that garbage cans were habitually left out on, and the situation has much improved. People are bringing the cans back in from the Street.

Mayor Flagg:

- Asked them to note that June 14 is Flag Day all over America, which will also be his 16th wedding anniversary.
- Said every elected & appointed official should have received a Financial Disclosure form for the year 2001 from the Supervisor of Elections office. This form is due back in the Supervisor of Elections' office on July 1. If they are turned in late, they are subject to a hefty fine, so everyone needs to be sure to get theirs in. A press release on the due date would be appropriate. Everyone needs to comply, including board appointees.

There being no further business to discuss, the meeting was adjourned at 9:00 p.m. upon a motion by Commissioner Norwood.

CITY CLERK

MAYOR