

Proceedings of a workshop meeting of the City Commission of the City of Palatka, Florida, held on the 11<sup>th</sup> day of December, 2003.

PRESENT:	Mayor	Karl N. Flagg
	Vice-Mayor	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 Ken Venables, Planning Director Adam Mengel.

Mayor Flagg called the meeting to order and read the following call:

December 2, 2003

TO MESSRS: MARY LAWSON BROWN, HERNAN AZULA,  
JAMES NORWOOD AND GEORGE SANDERS:

You are hereby notified that a special workshop meeting of the City Commission is called to be held at the regular meeting place of the City Commission at City Hall, 201 N. 2<sup>nd</sup> Street, in the City of Palatka at 4:00 p.m. on Thursday, December 11, 2003.

The purpose of the meeting is to hold a workshop on the proposed ordinance regulating private alarm systems.

/s/ Karl N. Flagg  
Karl N. Flagg, MAYOR

We acknowledge receipt of a copy of the foregoing notice of a special meeting this 11th day of December, 2003.

/s/ Mary Lawson Brown  
COMMISSIONER

/s/ Hernan Azula  
COMMISSIONER

/s/ James Norwood, Jr.  
COMMISSIONER

/s/ George Sanders  
COMMISSIONER

Mr. Bush read a memo proposing changes to fees, effective date and Alarm Review Board composition. He proposes no fees to be charged for existing users. A \$25 fee will be assessed for new registrations after 7/1/04, the date the Ordinance will take effect. If a system experiences no false alarms recorded for the prior year, there will be no cost for renewal; otherwise, renewal will cost \$25 per. Year. The Review Board will increase from three members to five members.

Commissioner Brown said she is concerned about the fees; many citizens are on fixed incomes. The fees should be charged on a sliding scale, increasing with each false alarm. Also, there should be compulsory schooling for offenders. This way the cost is absorbed by the offenders and not the people who don't have problems. They need to make the fines high enough to get their attention. Commissioner Azula said he is all for charging offenders and charging higher fees for commercial offenders. Fines should begin with the 3<sup>rd</sup> false alarm and get higher with each false alarm. Per discussion, consensus to double residential fines for commercial offenses, beginning with \$50.00 for the 3<sup>rd</sup> commercial users' offense.

Police Chief Gary Getchell said, as to enforcement, they will enforce this similar to the way they enforce everything else. There comes a time that there is nothing they can do to get people to pay fines because the fine is lower than the cost to collect, but if the fine is not paid, you lose your permit and fines will continue to be assessed until it is feasible to go to the expense of collection and or levy. The Ordinance contains a provision that states the PD may even stop responding to the alarms. The PD has no legal obligation to

respond to anything, but once they do respond, the obligation is there to do it correctly. Mr. Holmes said he has not researched whether or not the City is obligated to respond to alarms, but his 'gut reaction' is that he is not comfortable with that. Chief Getchell said as an example, the courts have usually ruled in a municipality's favor when they opt not to take part in high speed chases, but typically rule against municipalities when they do take part in high speed chases and incur liability when something goes wrong.

Commissioner Brown said she feels they have a moral responsibility to respond to calls for assistance. Chief Getchell gave instances where they are responding to a single residence up to six or more times per night because motion sensors are not adjusted and are tripped when verticle blinds move due to air currents in the home or business. They have alerted owners/mangers numerous times and asked them to address the problem, but the problem doesn't get corrected. They have to decide whether to discontinue responses when people continue to ignore their requests. Mr. Holmes said the City has an obligation to put the property owner on notice via certified mail stating the City's position that they intend to discontinue responses to alarms until proof is offered that they have addressed the problem. Mayor Flagg said something that rises to that magnitude should go before the Code Enforcement Board and that way everyone involved would know there are violations. That would be the highest level of notice.

Chief Getchell referred the Commission to Articles 15 and 16 on alarm registration and revocation. He said there are communities out there with similar ordinances, so this has been tested. The ordinance calls for suspension of registration after the 10<sup>th</sup> false alarm; during that time fines continue to accumulate. He has experience with this type of ordinance in a much larger community, and no one got to this level because of the graduated fine system that starts to hurt their pocketbooks. Typically, business owners and residents are willing to correct the problems. On first and second offenses they will send notices through registered mail; nothing will be posted on anyone's home. On the third, if they get proof that the equipment has been serviced, the prior offenses get wiped out and they go back to first offense. There are certain addresses they continually respond to and they will continue to have problems with them, and those will be the ones to incur fines.

Reference "Use of Unlicensed Contractors," Chief Getchell said Article 10 (b) says 'no person shall install, maintain, repair, alter, service or monitor alarm systems for compensation without being an alarm system contractor.' A citizen cannot go buy something off the internet and install it; they have to go through a licensed contractor. Mayor Flagg said they can not prohibit someone from doing it until it malfunctions. The registration will provide the name of the user and monitor. The alarm company has details the City may not have.

Per the question, Chief Getchel said the Building Department does not want to get into the administration of the alarm program, but is concerned with how they are involved in the inspection process. This is one of the things they can add to the inspection checklist. If it is just a regular installation and not new construction, a police officer will do the inspection. Once this is in place, they will know what type of system is being installed by whom. This also protects the homeowner against unethical providers/installers and sub-standard equipment. This ordinance requires alarm monitors to do a 'call back' before calling for police response.

EDUCATION - Mr. Bush said he proposes to have this Ordinance take effect on July 1, 2004, in order to give alarm users and dealers time to address concerns and become better acquainted with the ordinance and their own systems. Commissioner Brown said it will get their attention if they have to sit through a class, also. Chief Getchell said the drawback to that is the cost of running the class. He came from a community with that provision in the ordinance, and his experience is that people don't attend the classes because it does not affect their driver license. To them it's cheaper to pay the fine. People go to classes for driving infractions so points won't go to their license. The whole goal is to reduce the PD's responses to false alarms.

ALARM REVIEW BOARD – Mr. Bush said the proposed revision is to revise the Board to a five-member board; consisting of the Police Chief, an Alarm Company Representative and three Citizen Representatives.

**PUBLIC COMMENT:**

Abe Alexander, 2515 Reid Street, Palatka, Branch Manager, Safe-Touch Security Systems – Said the foundation of this ordinance has been troublesome to him. He opposed the language when this first came up and opposes it now. He questions the Commission’s endorsement of this ordinance. He is prepared to publicize his presentation and carry it to the citizens of Palatka. This is attached deeply to the citizens’ pocketbook and assumes the citizenry does not have the mentality to be educated and adapt to new ideas. The roots of this ordinance have been demonized with unfactual findings. He passed out paperwork to support his position, and stated that the figures Chief Getchell presented at the last meeting were unfounded. There are not 71 security companies that serve Palatka. False alarms do not cost the City \$100,000 annually. He read a letter he sent certified to Chief Getchell and Mayor Flagg, and copied to all Commissioners. He asked for a copy of the 71 alarm providers and was provided with a partial list, containing 49 names. Some of the names are “other” or the name of a business. Demonic approaches render them unable to differentiate between right and wrong, sound and unsound, fair and unfair. As a taxpayer, he feels this Commission should never exempt any employee from presenting sound, factual information. He would like an audit paper trail on the \$100,000 Chief Getchell claims is the cost of answering false alarms, and believes it does not exist. He came up with his own figures and could not come close to \$100,000, even inflating his figures by 500%. He cited a PDN editorial stating “If Palatka City Commissioners put their ears to the ground they will reject a proposed ordinance to register security alarm systems and fine owners whose systems general false alarms. Talk on the street is nasty.” He proposes they go back to the ‘drawing board’ and develop a plan with a clean and fair foundation.

Askew Vickers, 207 N. 18<sup>th</sup> Street, Commended Mr. Alexander for his brilliant presentation, and goes along with him 100%. If officers are going to be inspecting new alarm systems, who is going to train them? He has seen nothing to justify this Ordinance even being considered. They need to go back and re-examine the data that has been presented to them. Paper trails need to exist; anyone can put anything down on paper they want. It is the Commission’s job to check behind people to validate what they say is accurate.

Commissioner Brown asked Mr. Alexander if he had a solution he could propose that would address the problem of false alarm response expenses. Mr. Alexander likened the situation to putting on new clothes but not washing and showering before putting them on. You will still smell bad, even though you are wearing new clothes. They need to clean this proposal up and work from a clean base. They can all support clean information. He would like to revisit the basis for the ordinance to determine if there is even a need for this, and then develop a measurable educational approach. If that doesn’t work, they can develop steps to take to propose another ordinance. He would be the first to support a clean Ordinance. He requested the list of the 71 providers to get them together on an educational approach. He was so upset with the list, he had to stop contacting the providers. He is now developing inserts to mail with the bills coming from Jacksonville telling people what they can do to reduce false alarms.

There being no further business to discuss, the meeting was adjourned at 5:42 p.m. upon a motion by Commissioner Azula.

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CITY CLERK

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MAYOR