

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 8th day of January, 2004.

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 Clerk Betsy Jordan Driggers, City Attorney Donald E. Holmes, Finance Director Ruby M. Williams, Police Chief Gary Getchell, Fire Chief Ken Venables, Planning Director Adam Mengel, Police Lt. James Griffith, Parks Supt. Jeff Norton.

INVOCATION – The Reverend Keith Altman, Chaplain, Palatka Police Dept.

PLEDGE OF ALLEGIANCE – Ann Keys

APPROVAL OF MINUTES – 12/11/03 Workshop, Regular and 1/5/04 Inaugural Meetings. Commissioner Brown moved to adopt the minutes as read. Commissioner Sanders seconded the motion, which passed unopposed.

PUBLIC COMMENTS – There were none.

CONSENT AGENDA:

- a. Approve impact fee expenditure of \$48,827.75 for purchase of generator for Police and Fire Department's shared use.
- b. Reappoint T.E. 'Ted ' MacGibbon and Jud Neufeld to the Palatka Gas Authority Board for 3-year terms, exp. 1/07.

MOTION – Commissioner Brown moved to adopt the items on the consent agenda as presented. Commissioner Norwood seconded the motion, which passed unopposed.

RESOLUTION – The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO REPLACE OR REBUILD THE SHANDS BRIDGE OVER THE ST. JOHNS RIVER TO A MINIMAL NAVIGATIONAL VERTICAL CLEARANCE OF SIXTY-FIVE FEET. Commissioner Brown moved to adopt the Resolution as presented. Commissioner Sanders seconded the motion. A roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. The Resolution was declared adopted.

RESOLUTION – The Clerk read a resolution entitled A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A JOINT PARTICIPATION AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR F/Y 2003/04 INTERMODAL FUNDS FOR THE ACQUISITION OF TWO PARCELS OF LAND, #42-10-27-6850-2020-0000 FOR PARKING AND #42-10-27-6850-2000-0010 TO CREATE A ROADWAY CONNECTOR FOR INNER CITY BUS ACCESS, EXCLUSIVELY FOR AND ADJACENT TO THE PALATKA, FLORIDA AMTRAK STATION. Commissioner Norwood moved to adopt the Resolution as presented. Commissioner Sanders seconded the motion. Mr. Bush noted this was for the purchase of two of the four parcels of land the City is purchasing from CSX. A roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. The Resolution was declared adopted.

ORDINANCE – False Alarm Reduction Program – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ESTABLISHING REQUIREMENTS FOR PRIVATELY OWNED ALARM SYSTEMS; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGISTRATION OF ALARM SYSTEMS; ESTABLISHING DUTIES OF ALARM USERS AND ALARM COMPANIES; PROVIDING FOR FEES AND PENALTIES; PROVIDING FOR SEVERABILITY

AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the Ordinance on first reading as presented. Commissioner Sanders seconded the motion.

Abe Alexander - Safe Touch Security, said at the last meeting he noted two specifics about this Ordinance which he rebutted. He is waiting on the Chief's answer to his rebuttal. At the end of the last meeting, he was asked what he would do to support this Ordinance. He said he wanted clarification on the two items he challenged; specifically, the 72 alarm companies and \$100,000 false alarm cost to the City. Mayor Flagg said Chief Getchell produced a memorandum addressing Mr. Alexander's challenges. (Mr. Alexander was, at this time, provided with a copy.) Mayor Flagg said the 72 agencies were actually 'points of origin', and this information was provided to Chief Getchell by the Putnam County Sheriff's Department. Also, cost breakdowns backing figures are included in the memorandum. Mr. Alexander referenced his public records request. Requesting a list of the 71 alarm providers, not points of origins. Mayor Flagg said the Chief stated that the number 71 referred to the entities originating calls for service coming into the SO, so possibly provider is not the best word. Per the question about why Ray Willis' name shows up on the list, Mayor Flagg said those names came from the SO and apparently his system shows up as a separate entity. Mr. Alexander said he would appreciate it if someone would be honest with him and admit that there are not 71 alarm providers in Putnam County. He did not ask if there were 71 points of origin. He is also certain that the breakdown he received on the \$100,000 was not the truth, after comparing the figures to the SO's figures. He advocates telling the truth and doing things right, and always has. Mayor Flagg said the report says there are 71 points of origin, not providers, and the data proving the \$100,000 is there. He is satisfied with the data that has been presented. Mr. Alexander charged them with verifying this data, and that is what they did.

Bruce Allen - VP & General Manager, Safe Touch Alarms, Jacksonville said they want to do everything in their power to make the officers' jobs easier and to keep their customers safe. They have reviewed the Ordinance and believe it is a good and fair Ordinance, and support its passage.

Commissioner Brown said there is a provision for an oversight committee, but how do they determine if a false alarm was from lightning or an electrical surge, or caused by cars driving by with boom boxes? She wants the penalties to be fair. They as Commissioners are going to have to hear and deal with the complaints of unfair fees and fines. Mayor Flagg said Article 20 deals with those issues. When there is a doubt, they will always decide in favor of the citizen. Mayor Flagg said this ordinance is a check and balance on service; if the system is malfunctioning or oversensitive, there is an incentive to see that those adjustments are made.

Askew Vickers, N. 18th Street, said he has had instances where someone shakes a door or tries to beat a door in, but by the time an officer gets there, the person is gone. Will he have to pay a fine if this happens? Mayor Flagg said there is a provision for the provider to check the system to verify that it is working properly before fees and fines are assessed. Mayor Flagg confirmed that no renewal fee will be assessed if the owner has had no false alarms during the prior year. There is no fee to register an existing system. The window sticker means they have registered the system; the window sticker will enable the officer to access owner information in case no one is at home. This will enhance the quality of service the PD is providing. This Ordinance is not meant to punish, that is why they have revisited the fees.

Commissioner Norwood aid they did away with the initial registration fee for current system owners. Mr. Vickers said many things set off the motion detectors such as flying insects. 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.

STATE REVOLVING LOAN APPLICATION – Water Reuse Project at Golf Course - For completion of Reclaimed Water Reuse Project – Mr. Bush read his memorandum noting the need for this loan into the record (filed). The loan amount of \$736,000 is for construction of the pond. They are being extended a line of credit up to \$746,025. The

reason they are over original cost figures is the change in plans to pump the water to the golf course. Commissioner Brown moved to authorize the submission of State Revolving Loan Application for a line of credit up to \$746,025 to complete the golf course pond for the Water Reuse Project. Commissioner Sanders seconded the motion. Vice-Mayor Brown, Asked Mr. Bush to get the information from SJRWMD on a \$100,000 grant they have available for this type of project. Mayor Flagg asked for a roll-call vote. The motion passed five in favor, none opposed, as a result of that vote.

COMMISSIONER COMMENTS:

SCOOTERS on Roadways and Sidewalks – Commissioner Brown said she asked to have this item on the agenda as her granddaughter received a scooter for Christmas. At the time of its purchase, she was told it could legally be ridden on sidewalks. She learned later that there are two types of scooters – one battery driven and one gas driven, and apparently different standards apply to the different types. She has seen children on scooters all over town, and this needs to be addressed.

Gerald T. Dobbs – 406 Fern Street – Said he is a WW11 Veteran and has a personal electric wheelchair. He purchased an electric scooter to drive to the mailbox. He has Spina Bifida. He rides down the back street to the post office to get his mail. He has bad legs and is almost blind. He asked if it is alright to ride his scooter from his home to the post office by the back roads. Mayor Flagg said Chief Getchell will address this with him and they will discuss what is best for him and his safety. They want to accommodate him where they can.

Chief Getchell passed out information on the various scooters on the market. They plan to distribute this information to dealers and the public, and have scheduled a class next week for interested persons. This will be held at the Price Martin Center on Tuesday beginning at 6:00. They made contact with the Attorney General's Office to determine what category these scooters fall into. There is some language absent from the Statute that fails to address this. This is similar to the dilemma created when Mopeds came out. Many cities are dealing with this problem in other ways, such as ticketing riders and impounding scooters. They want to take an educational approach. Some electrical scooters can be ridden on the sidewalk depending on the horsepower. The statute limits it to 2 hp. Commissioner Sanders said they had a similar problem when mini-bikes first came out. He informed his customers that you could not ride them on the streets before they purchased one. He finally stopped selling them. It was against the law to ride them on streets then and it's against the law now. Chief Getchell said the information packet he provided contains an Attorney General's opinion on the subject. They want to educate the public. They have to deal with public safety issues. There have been accidents here, and there have been severe accidents in other areas. Someone is going to get killed. The class is next Tuesday at the Price Martin Center at 6:00 p.m.

Willie Jones, 701 Bronson Street, asked for clarification on the 2-brake horsepower. Most of the scooters are less than 2-brake power, which is like riding a power chair on the sidewalk. There is some confusion in the law. Lt. James Griffith, PPD, said the best clarification they have found is the Attorney General's opinion where he states there is confusion in the law. The only other vehicle allowable on sidewalks, bike-paths and roads with speed limits of less than 25 mph are disability assistance vehicles. The state's opinion is that bike-paths are for bikes, sidewalks are for pedestrians, and roadways are for roads. This is going back to the Legislature for clarification. They don't want people on scooters running over pedestrians on the sidewalks or cyclists on bike-paths. Commissioner Brown said they need to be real with what they can and can't do. Many families purchased scooters for their children and were misled about what could be done with them. She would like to look for a solution on how to use them, even if they make a track for them at Booker Park. All the same, they would have to get the scooter to the Park. She would like the Commission to come up with a solution to keep the kids safe and off the road. Mr. Jones said a lot of the scooter riding is concentrated on the North-side. There is a substation there and the meetings should be moved there. He recognizes the scooters are dangerous.

Ann Keys, 1801 Napoleon Street, said her daughter bought her grandchildren a scooter. She called the PD to inquire about their use. There are no sidewalks on her street. When 'Big Wheels' were big, she asked the principal at Jenkins to open his parking lot for the kids. He agreed to this as long as a parent or other adult would monitor the lot, open and lock up the gate, etc. She did this on Christmas Day, but only one parent came with their child. There is a nice parking lot at Serenity that the children could ride in. Mayor Flagg said his insurance does not permit it. This is a safety issue; when something happens, the lawyers will be looking for someone to be held responsible. Something is going to happen, that is a given. They need to concentrate on education. This topic is on the legislative agenda. They need the parents, children, businesspeople and elected officials to come together and talk about the issue. Tuesday's meeting will begin the dialogue. Commissioner Brown said a good place to start is with the resource officers at the schools to determine who to target with this issue. Mayor Flagg said they need community buy-in on this. Commissioner Norwood said these are long-term issues, but he is concerned with the safety of individuals today. Scooter riders are everywhere doing dangerous things. He does not want it to seem like the City is not doing anything at this time. He would rather be the 'bad guy' and spoil the fun than have children get hurt. The fact remains that these children don't have valid driver licenses and scooters aren't street legal. They need to deal with this today.

Chief Getchell said they are making contact not only with the child, but also with the parent on educational issues. Officers can take a harder approach when need be. They are making the stops now. They had one child that was cited prior to putting this plan together. The goal is to get the scooters off the streets and back onto private property. Per the question, there is no registration process at this time; that rests with the Legislature. They can set up a database on officer contact with individuals.

James Vickers – 124 Ashley Drive – Said the majority of the kids on the Northside with these vehicles are residents of the Palatka Housing Authority. They do have courts in the inner perimeters of their properties, and he will get with staff to determine an area that can be designated for scooters. Mr. Bush said one factor is the cost of insurance on this type of park. Insurance companies want to be sure the sites are secure at all times and there is adult supervision when the area is open.

Willie Jones asked Chief Getchell if he is receiving complaints about the scooters. Chief Getchell said he has had no complaints himself. People may have called 911. Individual Commissioners are getting complaints. Commissioner Brown said parents have called her to ask questions about what they can do, and she has seen children doing unsafe things in the roadways. Commissioner Norwood said he lives on the North-side and sees the problem with kids running stop signs, etc. for himself, and has gotten some complaints. He cannot just ignore the issue. Mr. Jones said the information Chief Getchell provided on cc's and horsepower is confusing. He questioned information on licensing requirements and helmet requirements. He is afraid that kids who know they are violating the law may try to flee from the police and that is also dangerous. They need a place to ride. Many scooter riders go to Hank Bryan Park, which is City-owned. He asked if that is permitted. Mr. Bush said that park is not designated for skateboards, roller blades, scooters, etc, but the City has not made it a policy to run people off. If someone does get injured the City has regular liability insurance, which will cover the City if the City is deemed liable.

Commissioner Sanders said they also have a problem with bicycles and kids darting out in traffic. Small scooters are not adaptable to streets or sidewalks regardless of horsepower. The source of the problem is a parent who would buy one of these for their child. They are the ones who need to be educated. Commissioner Brown said instead of handing out statutes and the like, Chief Getchell needs to simplify his presentation and information. It is too late to tell folks not to buy them; they are out there. People who bought these scooters also vote and are not crazy. They don't want to stop kids from riding, but want them to do it safely. Chief Getchell said the face sheet on this info packet is a very simple sheet with pictures that clearly identify the different models and what can be done with them. Commissioner Brown said most people don't have enough private property to ride on. If they will reason with these kids, they will understand. Until the state clears this up, they don't have a choice to be anything but reasonable about

this issue. Mayor Flagg asked Chief Getchell to contact the dealers about bringing models of scooters to this presentation. Commissioner Sanders said these scooters are likely all made overseas, they saw a market here in the U.S. and responded to it.

Commissioner Brown:

- Passed out information on a web site, saying it provides interest-based information when you plug in your information.
- Said a pageant is scheduled at the Civic Center for Saturday night.

Commissioner Norwood:

- Said the Commissioners are invited to participate in the Martin Luther King, Jr. Day Parade. There is also a march and picnic.

Commissioner Sanders:

- Said he is having his eyes operated on tomorrow and will be down for several days. Mayor Flagg said everyone should all remember him in prayer.

There being no further business to discuss, the meeting was adjourned at 7:33 p.m. upon a motion by Commissioner Brown.

CITY CLERK

MAYOR