

Proceedings of a workshop of the City Commission of Palatka, Florida held on the 15th day of November, 2004.

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

ALSO PRESENT: City Manager Allen R. Bush, City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Ruby M. Williams; Police Chief Gary Getchell; Fire Chief Ken Venables; Planning Director Adam Mengel, Lt. James Griffith, Lt. Rodney Harper, Lt. Reno Fells, Main Street Manager Cathy Butler

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

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. 2nd Street, in the City of Palatka, at 6:15 p.m. on Monday, November 15, 2004.

The purpose of the meeting is to hold a workshop meeting to discuss proposed changes to the City’s Municipal Code regarding the sale and consumption of alcoholic beverages within the City Limits.

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

We acknowledge receipt of a copy of the foregoing notice of a special meeting the 11th day of November, 2004.

/s/ Mary Lawson Brown
Commissioner

/s/ James Norwood, Jr.
Commissioner

/s/ George Sanders
Commissioner

/s/ Hernan Azula
Commissioner

Mayor Flagg opened the meeting and advised those who wish to speak to fill out a speaker card so they can be called upon to speak in turn. These cards are intended to keep this forum in order and the intent is to follow Roberts Rules of Order and Parliamentary Procedure. Each speaker will be called in turn, and are asked to hold their comments to three minutes. This is not a rally and not intended to see who can applaud the loudest or out-talk the next person. Everyone will be heard. The draft ordinance being looked at this evening extracts from the current city code as well as Putnam County's ordinance. For purposes of discussion, the ordinance can be broken down into two parts: distance requirement and hours of sale. Consistency is the intent of this effort. Mayor Flagg cited some statistics, saying around 25% of the PD's total calls for services occurring within 1,000 feet of a vendor of alcoholic beverages; 5% of all juvenile arrests and 14% of all adult arrests involve alcohol; 70% of all DUI arrests occur between 11:00 p.m. and 3:a.m. Tonight they are here to discuss a solution. This is only a workshop; when they leave here tonight, the current ordinance will be in tact; they will not be changing any laws tonight. Mayor Flagg noted some here tonight feel there is no problem with the law as it is, and other feel there is a problem. The Commission is open to all views and view points. They are here to talk about the issues, and not about the speakers. The Commission may have questions for individuals who come up. If someone is against a certain recommendation, they can say so, but please also say what they are for. The Commission looks forward to the dialogue and hopes that positive change can come about by reaching a common solution tonight. Mayor Flagg opened the floor for speakers from the audience, and recognized the presence of Welaka Mayor Gordon Sands.

Allegra Kitchens, 1027 S. 12th Street, said she has read over the ordinance several times and supports it. People plus alcohol equals problems, and those problems compound over time. Increased number of alcohol outlets drives up the assault rates, and correlates with a higher number of alcohol related auto accidents. The more liquor establishments and lower the prices of alcohol, the more people drink. Palatka has the most lenient alcohol ordinance of any county in NE Florida. As to the ordinance, on page 2, section 10-1(c), she noted a few City buildings where alcohol should be allowed have been omitted. The new community center on Kirby Street or the Tilghman House are not on this list, and need to be added for buildings in which alcohol can be served. Also, there is no consumption allowed on the grounds of these premises, and she wants to be sure alcohol is not allowed to be consumed outside the building. There have been problems with Price Martin, and the Willard Cooper building is in a residential neighborhood. Also, in section 10-1(d) it grandfathered in the locations of liquor establishments but not the time, and asked if that is correct. As to page 4, dealing with distances, section 10-2(b)(5-6) referring to churches and schools, it states a church or school cannot locate within an established city beverage zone, and asked if existing churches want to expand their current building, will they be grandfathered in? And if the building burned down, could they re-build without losing their grandfathering? If they lose the grandfathering, the distance should be reduced to the current level. She does not disagree with the 1,320 ft. setback if the current churches can be rebuilt in the same location.

Rev. Dolly Harrell, Pentecostal Revival Center, Hwy 19 S. SR 19, Palatka, said several years ago Rev. Thomas, a black minister, came before the Board here and asked for a church on Madison Street, and she was turned down because she was within 1,000 feet of Harry's Bar. Several years ago she spoke on this subject when the City was allowing bars on St. Johns Avenue close to the existing churches, and they said this would hurt St. Johns Avenue. She is glad to see they are addressing prostitution, drinking and fighting and carrying on. The more they allow the church and schools not to be honored, the worse things will get. She is completely against beer & whiskey being sold close to schools and churches, and she is sure residents don't want it around their door. She asked them to pray about this and ask themselves where this will be in 10 years. Drinking doesn't help anyone, but it is people's own business if they choose to drink. People can drink all they want to, just not around churches and other folks.

Tom Cavanaugh, 613 St. Johns Avenue, and residence in St. Augustine, said he recently purchased property on St. Johns Avenue. He is in favor of the ordinance; it is a quality of life issue. There is a lot of talk about rejuvenating Palatka, which will require a lot of extra tax dollars. If they are going to have this renaissance, people won't invest in and put nice businesses downtown if they have to fight 24-hour bars. It is not unreasonable to limit bars to 2:00 a.m. closings. Bars in surrounding cities close at 1 and 2 a.m.; people from other cities will come here to drink, which increases traffic problems and crime and doesn't lend itself to renewing the city. Restaurant distances can be worked out; on the whole this is a good ordinance.

Alex Sharp, 822 S. 15th Street, 712 St. Johns Avenue, said he owns commercial property at 1005 St. Johns Avenue, and is opposed to the ordinance as it is drawn up. The biggest problem is the setbacks and whom they are exempting. They are targeting one specific type of businesses, which is restaurants and bars who serve alcohol for consumption on premises. They are exempting all city-owned businesses. He believes if downtown Palatka is to "come back" it will take restaurants and fine dining. Per the question, Mayor Flagg said the statistics he read off came from the City Planning Director and Police Department. He asked Mr. Holmes to make a note of the question on the source. Mr. Sharp asked if at some time afterwards he could get the source of the statistics, and said it sounds like the City is blaming all its crime on commercial restaurants and bars, and by getting rid of commercial restaurants and bars they will eliminate crime. Mayor Flagg disagreed, saying the Commission was not saying that, and asked him to move past that, saying Mr. Holmes will follow up on that issue. Mr. Sharp said he will get back with the Mayor about the statistics. He asked if the City is pushing for the ordinance, or is someone else behind the ordinance. Mayor Flagg said the Commission gave a directive to the Police Department and City Planner on 9-25-03 to come up with draft revisions to the alcohol ordinance, and asked for follow up in October of 2003. There was a need for a draft for use as a template; if there is no draft, they can't deal with anything but the

existing ordinance. Mr. Sharp said he has heard no discussion on this matter in any city commission meetings he has attended, and has heard nothing in the local news about any 'incredible spike' of crime around their establishments. He asked why there is an emphasis on this now. Mayor Flagg noted his time, noting he came up saying the problem was with the setbacks, and asked him to expand on that. Mr. Sharp said the setbacks eliminate all restaurants and bars in the downtown area. It does not include city-owned vehicles, Price Martin Center, Golf Course, retail establishments, so if this is put in place, instead of a person going to a licensed establishment to drink on-premises, they will go to a handy-way or Wal-Mart, purchase their beer and drive around drinking it.

Clem Saccareccia, 311 St. John Avenue, Peabody's Restaurant, said she agrees with Mr. Sharp on the driving around issue, as you see that every day. This is a town of shift workers, including restaurant employees. When people get off work, they like to go unwind, and this gives them a place to go. All establishments have problems from time to time, but she can't recall a police call in the last one to two years. It hasn't been that much of a problem. They have enjoyed a late-night business since Chief Thies was here. Closing establishments that have had a long-established after-hours business would have an economic impact. There have been more after-hours bars open lately, but if the ordinance already on the books were being enforced as it was meant to be, there wouldn't be any problem. It pertains to restaurants staying open late so people could get food and drink. Many of the bars were gearing up to become restaurants, but it is very costly, and now they find they don't have to do that, so why should they spend the money? The proposed setbacks in the county are fine; the county is large and that is not a problem. The city is small and these setbacks are a problem. There is no way they can place any bars or restaurants on the Riverfront or St. Johns Avenue.

Len Freeman, 422 River Street, said he reviewed the ordinances and has some questions. Looking at downtown distance restrictions, and in looking at the schematic provided by Mr. Sharp, the application of the 1320 ft distance requirement would just about wipe out any new locations downtown. With the revitalization, there will be a desire for restaurateurs for locations with alcohol sales. The setbacks in 10-2(a) will be impossible and will just not work out. The current setbacks are adequate, and the 500-ft. requirement between establishments is impossible for any revitalization of downtown. Mr. Freeman said one item that stands out is a 'duly established church' vs. an operating church; some church buildings downtown don't contain an operating church, and that needs some defining. As to hours of operation, he believes in order to close the gap on the problems of late-night operation of 'restaurants' serving beer and wine, they should establish an hour certain for closing, but it should be at least 2:00 a.m., which would allow shift workers time to eat or whatever. These are the primary reasons he is opposed to portions of this ordinance. Mr. Freeman said regarding 10-3(d), regarding what happens after closing time, said it states everything stops inside the premises except for cleaning. They should probably add training, restocking, general business management, etc. Mr. Freeman said as to the bottom of page five, section 10-4(a) he believes the Ravine Gardens is in the City Limits and needs to be addressed, as there are lots of parties there. As to Pg. 6, Item b, referring to drinking on private property by lawful guests, he would like to know what a 'lawful guest' is, and what constitutes consent. Law enforcement would have to deal with these issues and don't need a nebulous wording of an ordinance to contend with. Also references to 'primarily used for commercial purposes' need some definition work. Item d, reference special permission for sale/consumption of open containers for special events, assuming that means festivals and the like, said he is ok with that, but would like to know what the process is to apply, the guidelines, the hours of operation, how many are we going to do per year, is there going to be a limit, and distance requirements for special events. Mr. Freeman said as to section 3, bottom of page 6, reference the 'Conflict Clause,' they need a list of the ordinances this conflicts with and Mr. Holmes' opinion on this. This may get confusing and it would be nice to know what cause and effect this will have on other ordinances. He'd like a list from Counsel. He would also like to know who will decide what will be in conflict and what ordinances would be repealed. When they get into doing these ordinances, these are important things to know up front.

Askew Vickers, 207 N. 18th Street, Vick's Supper Club, said he is opposed to this ordinance. He said Mr. Sharp asked where the statistics came from, and he'd also like to

know. Also, he asked why they are here, and why they believe the ordinance has to change, and if they are changing for the better. Mayor Flagg said they do want to change it for the better. They are here tonight to come up with a draft to read at a public hearing. This is for the citizens of Palatka. Mr. Vickers asked if this has to do with comments that drinkers were coming in from out-of-town to drink, because other places out of town close earlier. Mayor Flagg answered one of the problems is the attraction of out of town drinkers, who may or may not live in Putnam County. Mr. Vickers said he has been in the business for 28 years, and has never had a problem with either of these issues. If they would enforce the law they have now, there would be no problems. There is no clear definition of restaurants; someone can buy a microwave and a George Foreman grill and call themselves a restaurant, and this is what people are doing. If they would establish a clear definition of a restaurant, many of the problems would be eliminated. Mr. Vickers said they need to hold a workshop with restaurant owners to talk these issues out. They shouldn't have to open and close at the same time. An inspector in Gainesville said if they all close at once, everyone is on the streets at the same time, and this caused a problem in Gainesville. They should stagger the closing times. People with established restaurants should be able to close later. There should be a consensus with the owners.

Mayor Flagg asked if restaurant owners have a local Association. Mrs. Saccareccia said there was an association, but it has been disbanded. Mayor Flagg said the commission would be very receptive to meeting with a restaurant & bar owner's association or organization that studies this issue. Mr. Vickers said if they close early, people will have house parties. They aren't going home. They will run from house to house. At this time, four places in Palatka are qualified to open after 2:00 a.m. Two of those opened within the last few months. They contain the drinkers in one place. Four restaurants don't create a problem. This has worked for many years. The current setbacks are fine. There are kids coming in that demand changes. They go to the woods to have parties, or to someone's house. If people are responsible and accountable for their own businesses, there will be fewer problems.

Ruth Burke, 510 Mulholland Park, said she is interested in downtown revitalization and tourism development. She wants to develop her buildings. She doesn't know about late-night bars; she can't stay awake that long. She owns the old Mt. Tabor Church, which is being run as a church. She is interested in putting a restaurant in the McCrory's, James Hotel and Coca-Cola buildings. She agrees with Len Freeman. If you stick with the setback requirements in the proposed ordinance, you would kill downtown. Most restaurants close at a certain hour. Most restaurants serve food and alcohol. She is not for the all-night, brick-through-the-window crowd, but a restaurant she would own would be open until 11 - 12 tops. Allow restaurants, but put a limit on the opening times.

R. T. Kohuth, 167 Fighting Town Lane, Blue Ridge, GA, said he has been visiting this community for eight years. They all have two things in common; they are all selfish and controlling. The more controlling & ambitious they become, the bigger their territory gets. Government, politicians, police, ministers, morticians are the biggest controllers. What he hears is appalling. If it's not broken, don't fix it. They already have an ordinance that works, it just needs to be enforced. The setback ordinances will eliminate all restaurants downtown. They need to move the town forward. They all just want money, and he wants a lot of it. He can make more giving buildings away than renting them out. He rents to a late-night club that pays him \$3,600/month. Last week he purchased the Rainbow Cafe last week at what amounts to 48% of the tax-assessed value, or \$16,000. The owners almost gave it to him. He can open this as a restaurant with beer & wine and create jobs. This ordinance will be the economic death of downtown. When he first came here 18 years ago, downtown was dead after 5:00 and on weekends. It was dangerous. He financed Bill Seibert, who established Peabody's and Blue Crab festival and St. Patrick's Day parade, and the town was no longer dangerous after dark. The successful people leave town, but they come home on weekends to see their friends. Because of Vick's Supper Club and G-P, the Holiday Inn has the highest rate of occupancy than any Holiday Inn in Florida. If they close down Vicks, it will kill the hotels, and surrounding businesses will close. Now, they have all the drunks in one place so they can watch them. This is a self-serving ordinance being put forth by Chief Getchell. It stinks. He can make more money giving the buildings away to 501C-3s, than by operating them for 20 years. If they pass this ordinance, and he loses a tenant at

\$3600/month, he will make good on this. The last time he threatened to give buildings away, they put his picture in the newspaper, and in two days 11 Baptist ministers came by to get a building. The government passed the 'lateral real estate exchange' law, a law that states that if mom and pop want to retire, they can sell their property and then pick a similar property to invest in within 45 days and move there, and the government will forgive the capital gains taxes when they sell their old property. With real estate, when you donate property, the highest local unofficial unlicensed appraisal you can get a deduction for applies. The government wants people to give their buildings to the churches and the needy. He can get a large deduction for giving his buildings to churches and the needy.

Richard Sharbaugh, 114 River View Drive, E. Palatka, said he would like to know why they are revising the ordinance, which has already been addressed. He agrees with Mr. Sharp and most of his comments. The statistics quoted seemed to apply to a certain vicinity of vendors. The location of vendors won't change the problem, but if reducing the number of bars is the goal objective, that should be stated. Also, this has an arbitrary and capricious effect. In the future a church or bar wanting to come in and if the church is granted a dispensation and the bar owner isn't, people will be complaining. If people are serving alcohol past the hours allowed by the current ordinance, this needs to be addressed.

John Key, Esquire, 712 St. Johns Avenue, recent resident of Palatka, having moved here from Jacksonville, said he has practiced law here for several years and believes Palatka has a future. This ordinance will kill downtown; they need to bring it back through hospitality and tourism, like St. Augustine or Orlando. He was recently in Orlando, where there are establishments back to back with wall-to-wall people. Everything there is orderly, and there are large signs in the windows saying 'support your local police.' If there are establishments causing problems, they should be dealt with individually under current laws. This is a rural community but an urban city. Rural zoning setbacks don't apply in a downtown area. 1/4 mile between establishments is a long way. Right now the 500 feet is not a problem. Late-night clubbers aren't attacking church members. He understands that this is a religious community; he was raised in the Baptist church. Jesus' first miracle was turning water into wine, not grape juice, so people could eat, drink and have a good time at a wedding party. This ordinance will restrict the ability of people to have a good time. He sees no reason for it and objects to it. He will lend his help to organizers of a club owners and/or restaurateurs organization to meet with the Commission, and would like to know what percentage of crime comes from just the late-night bars.

Rev. Wesley Taylor, Tabernacle Baptist Church, 2701 Reid Street, resident, 1202 Kirby, said the City Commission has caught plenty of heat tonight for an attempt to ensure the sanctity of the community, and their desire to improve the City, and he thanks them for that. He believes their intention is to make the city better and respectable, regardless of whether he agrees with what they are doing. His church is affected by an establishment that is closer than what he would like. Recently there were late night shots fired there, but no one has actually confirmed that. He does not know if the statistics were accurate, but honest people will agree that late-night drinking establishments create a more rancorous general atmosphere. He has been in those establishments and seen that atmosphere. The abuse of alcohol contributes to the statistics the Mayor quoted, whether they are accurate or not. He and his church members support this ordinance, including the setback changes and hours of sale. Apparently, they are in the minority. He respects the other positions. The only concern he has is what will happen in the event of the destruction of an establishment, church or bar. His agenda is slanted based upon his beliefs. He would be willing to accept a bar's ability to rebuild to ensure the church would have the ability to rebuild. He would be happy to attend any workshops the City has on this issue.

Sam Deputy, 917 Carr Street, 623 St. Johns Avenue, applauded the commission for tackling this subject. He agrees with Mr. Vickers as to defining what a restaurant is and how late restaurants can stay open, and that the present ordinance needs to be enforced. Restaurant owners need an association to police themselves, and he expressed this to Mr. Sharp. They can solve their problems themselves. He is concerned with the good-neighbor policy. His business is close to a bar/restaurant, and a third bar has just opened

up in that location. He picks up bottles and condoms in front of his business in the mornings. It is not there at midnight, but is there at 6:00 a.m. when he returns. He approached the various bar owners and the building owner about his problems and was laughed off, as are other day-time business owners in the area. When the bars close their doors, the trash disappears, but when they reopen, he is back to picking up 'bar trash' in the mornings. He sweeps his sidewalk every day; they like to keep it neat and not depend upon the City for that. Some of what he picks up is hazardous waste. The new bar owner has assured him he won't have to pick up bottles, etc. His livelihood depends upon his business; he believes in the good neighbor policy. They need border-to-border plans for the city as a whole. They need to know what they want the City to look like in 10 years, and work towards that goal. If they are a restaurant, they need to be a restaurant at 4:00 a.m. as well. There are some bars that never get a police call, but there are others that get constant calls. A restaurant association would and should address problems with bars.

Bert Scoggins, 118 S. 3rd Street, Palatka, said she would like a community with love, kindness, beauty and tolerance, and she does not like to be manipulated by crime syndicates, bar owners, or churches. She'd like to have a family place where you can get something for everyone. They need to reach a happy medium and compromise. At her church, you can dip your bread in wine, or grape juice, whichever you prefer, and she does not object. People drink at the Elks Club or VFW. She is not a drinker, and does not think alcohol is necessary, but it can be done within reason. When people stay up drinking all night, they break tree limbs and abuse the landscape. Their families suffer and it causes divorce.

Michelle Van Doren, Business at 117 S. 3rd Street, residence on Kirkland, said she is in the process of opening her business. When she goes home this evening they will go out to dinner and probably share a bottle of wine. They will probably not do any of the things Ms. Scroggins just talked about. There are responsible patrons and drinkers, and establishments, and there are irresponsible people, drinkers and establishments. She is concerned with the proposed distance requirements. They all want a viable and safe downtown; a downtown with nothing going on in the evening is not safe. Where people gather and monitor each other, they don't have problems with drugs, fights, prostitution, etc. She believes that if they can encourage people to live in the downtown area, and have establishments open in the evening, bringing people downtown establishes a zone of safety. Downtown Palatka at night is a scary place because no one is there. If restaurants and clubs were there for a reason, it would be more pleasant and much safer. She would like them to reconsider the proposed distance requirements. Downtown would remain dead if this ordinance is adopted.

Russ Thomas, 1122 S. 15th Street, St. Augustine, said he just purchased the three-story house behind the Ravines, and is against the ordinance. They need more police presence. They need better bars and restaurants with an upper scale clientele, especially in the downtown area. He was told that if he went out at night he needs to dress in raggedy clothes because he would get blood on them. His parents own the Cedar House Inn in St. Augustine, a B&B in they purchased in 1989 that was in a shabby area on the edge of Lincolntown; now there are four other B&B's on the same street and they were recently featured on a magazine cover as the most romantic B&B in St. Augustine. What's changed is there are more people and more activity on the street. More people & activity bring security. This ordinance is vague; it prohibits restaurants that serve alcohol. Most people like a drink with their meal. You can't close the bars too early.

Jeff Rawls, 1100 Carr Street, said ditto to what everyone has said; he speaks for and against this. This is vague. He asked how variances would apply. If someone like Chili's or Longhorn comes in, will the City jump through hoops and bring them in while shutting down a local if they apply. He asked if research had been done on future economic impact on the development of the proposed downtown marina facility. They will need a variance to operate a restaurant there. He assumes they will have another workshop to answer the questions they have now.

Tom Arrigoni, 3508 Reid Street, Paradise Bar owner, said he came here from Orlando eight years ago and invested in some property because he thought the area would really grow. He bought a resort in Satsuma/Welaka. People in Orlando don't know where

Palatka is. This is a beautiful area and it needs attention. Growth and attention are starting to come. The fish camps are being bought up by developers for condos. If they make a move backwards, it will just set them back. The area is growing now to where it should have been 10 - 15 years ago. He presently owns Paradise Bar & Grill. They get more police attention than they need. What the commission is proposing to do will set them back another five years.

Mayor Flagg thanked everyone for participating in the workshop. He said the Clerk will prepare minutes of this meeting, which include all comments made. Some questions have been raised and need to be answered. This revision is only a proposed revision. Nothing will be done out of the 'Sunshine' on this; they will hold other public meetings on the subject. This commission will not take a 'prohibition' approach to anything. They realize that people have varying opinions. They have all heard the same information. They will receive written copies of the minutes and will move on to the next level. They are open to telephone calls from citizens; they are all listed in the phone book.

Mayor Flagg then closed the Public Hearing is closed.

Mayor Flagg recognized County Commissioner Linda Meyers, noting her district is in the City of Palatka.

There being no further business to discuss, the workshop was adjourned at 7:43 p.m. upon a motion by Commissioner Norwood, seconded by Commissioner Brown.

CITY CLERK

MAYOR