

Proceedings of a regular meeting of the City Commission of the City of Palatka held on the 27th day of October, 2005.

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

ALSO PRESENT - City Manager Allen R. Bush, City Attorney Donald E. Holmes, City Clerk Betsy Jordan Driggers, Assistant City Clerk Karen M. Venables, Finance Director Ruby Williams, Planning Director Adam Mengel, Code Enforcement Officer Jeanne Chandler, Police Chief Gary Getchell, Assistant Police Chief James Griffith, Police Commander Reno Fells, Parks Supt. Jeff Norton, Main Street Manager Cathy Butler

SPECIAL AGENDA - GIRL SCOUTS IN GOVERNMENT 2005:

CALL TO ORDER - Girl Scout Mayor Emily Piscitello called the special meeting of Girl Scouts In Government to order at 6:00 p.m.

INVOCATION - The Reverend Lester Jenkins, Associate Pastor, Peniel Baptist Church

PLEDGE OF ALLEGIANCE - Tracey Piscitello, Girl Scout Troop Leader

ROLL CALL: Mayor Emily Piscitello
Vice Mayor Sara Austin
Commissioner Kayleigh Sekel,
Commissioner Cynthia Murff
Commissioner Paige Piscitello

PUBLIC RECOGNITION:
PROCLAMATION

Girl Scouts of America Day - GS Mayor Piscitello, assisted by GS Vice Mayor Sara Austin, read a proclamation honoring all the local Girl Scouts of America troops and volunteer leaders and recognizing Girl Scouting's 93rd Birthday on October 31, 2005. It was presented to Girl Scout troop leader Tracey Piscitello and other troop leaders present.

SPECIAL BUSINESS

It was moved by GS Vice Mayor Austin, seconded by GS Commissioner Piscitello to build orphanage in the City of Palatka for the less fortunate children. There being no further discussion, the motion passed unopposed.

GS Mayor Emily Piscitello announced that this concludes the Special Agenda. She returned the gavel to Mayor Karl Flagg.

CALL TO ORDER - Mayor Flagg called the regular October 27, 2005 City Commission meeting to order.

APPROVAL OF MINUTES - 10-13-05 - Commissioner Brown moved to approve the minutes as read; Commissioner Norwood seconded the motion, which passed unopposed.

PUBLIC RECOGNITION:

PROCLAMATION - City Government Week - Mayor Flagg read and presented to City Manager Allen R. Bush a proclamation designating the week of October 23 - 29, 2005 as Florida City Government Week.

PROCLAMATION - Pastoral Care Week - Mayor Flagg read and presented a proclamation designating the week of October 23 - 29, 2005 as Pastoral Care Week. Reverend Loretta Bolling, Chaplin Coordinator of Putnam Community Medical Center was present to accept.

PROCLAMATION - Premature Birth Awareness Days - Mayor Flagg read presented a proclamation designating November 11 - 13, 2005 as Premature Birth Awareness Days. March of Dimes Local Chairperson, Emma Lou Morris was present to accept.

DISTINGUISHED PUBLIC SERVICE AWARD - Mayor Flagg read and presented Ms. Christy Sheffield Sanford a certificate of appreciation for her 2 years of service as a member of the Palatka Tree Committee.

DISTINGUISHED PUBLIC SERVICE AWARD - Mayor Flagg read and presented Mr. Bob Beacham a certificate of reappointment and a certificate of appreciation for his many years of service as a member of the Palatka Code Enforcement Board.

DISTINGUISHED PUBLIC SERVICE AWARD - Mayor Flagg read a certificate of appreciation for Mr. Robert Clark for his 13 years of service as a member of the Palatka Tree Committee.

DISTINGUISHED PUBLIC SERVICE AWARD - Mayor Flagg read a certificate of appreciation for Michael Anderson for his 2 years of service as a member of the Palatka General Employees' Pension Board.

GOVERNOR JEB BUSH'S 1,000 POINTS OF LIGHT AWARD – State Representative Joe Pickens said the Governor's Points of Light Program was established in February 2000 and recognizes those Florida residents and organizations that demonstrate exemplary volunteer services to their community. Recipients have ranged in age from 6 to 101 years old, and have included individuals, groups, nonprofit organizations, corporations and businesses. The common thread is their love of their community and their belief that through volunteering they can make a positive impact. Royal Caribbean and Celebrity Cruises Lines sponsor the award. Rep. Pickens asked Mayor Flagg to come forward to accept the award on behalf of Governor Bush. Rep. Pickens presented two letters to Mayor Flagg, one from the Governor recognizing the Mayor for his service to the community and the recipient of the Governor's Points of Light Award and also a letter of recognition from Royal Caribbean International. Rep. Pickens said in his view Mayor Flagg embodies everything that is good about our City of Palatka -- faith, family, community spirit and a willingness to roll up his sleeves and do whatever is necessary to improve the quality of life for the citizens he serves as Mayor.

Harriett Holliday said she is the person who submitted the Mayor's name for the award. Ms. Said the Governor extends an invitation for him to attend a reception in the fall at the Governor's Mansion honoring all recipients of the award.

Mayor Flagg thanked everyone and his family, who were present, for their support.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – Presented to Mayor Karl N. Flagg, City Manager Allen R. Bush, and Finance Director Ruby M. Williams - Mr. John D. Rowe, Certified Public Accountant and Business Consultant with Davis, Monk & Company, City Auditors, read a letter from Davis, Monk & Company congratulating the City of Palatka for receiving the Certificate of Achievement for Excellence in Financial Reporting for the year ending September 30, 2004. He noted this is a very prestigious award that a very small percentage of governmental units ever attain. The award is granted by the Government Finance Officers Association of the United States to governmental units and public employee retirement systems whose comprehensive annual financial reports achieve the highest standards in governmental accounting and financial reporting. This is the thirteenth consecutive year that the City has received this impressive award. He noted their Firm has been associated with the City as their auditors for many years and in that period of time the City has earned unqualified opinions as to the fairness and accuracy of the City's financial statements. The City is among the elite few who aspire to "the highest standards in governmental accounting and financial reporting".

The City Clerk noted the Mayor, City Manager and Finance Director are among those at the top who are always passing out the kudos to everyone else, so it is nice when the opportunity arises to recognize them for their achievements. She read a news release

from the Florida Government Finance Officers Association (FGFOA) noting the award was given to the individuals, department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to: Allen R. Bush, City Manager, The Honorable Karl N. Flagg, Mayor and Ruby M. Williams, Finance Director. She said the CAFR was judged by an impartial panel and has met the high standards of the program, including demonstration of a constructive "spirit of full disclosure" to clearly communicate its financial story. She noted the City's Comprehensive Annual Financial Report is on the City's website, and urged everyone to pull it up and read it over.

BUILDING BETTER READERS PROGRAM – Debbie Decubellis, principal of Jenkins Middle School, said on behalf of the school district and Bob Pugh, the Title I Director, they want to let everyone know of the Families Building Better Readers Conference on November 5, 2005. She said it would be for students and parents and is a very good experience for anyone who attends. They are going to look at ways to make reading fun and also how parents can help their children in the area of reading. It will be held at St. James Methodist Church, 400 Reid St., Palatka.

GIRL SCOUTS IN GOVERNMENT - Mayor Flagg called the Girl Scouts forward who participated in the Girl Scouts in Government. Mayor Flagg said the City Commission is extremely proud of the young ladies who have represented them tonight and every day through their activities, character and the choices they make; they are very proud of all the youth in this community who make good life choices. Mayor Flagg presented Good Citizenship Awards to; Emily Piscitello, GS Mayor, Sara Austin, GS Vice Mayor, Kayleigh Sekel, GS City Commissioner, Cynthia Murff, GS City Commissioner, Paige Piscitello, GS City Commissioner.

STUDENT OF THE MONTH - October, 2005 - Commissioner Sanders joined Mayor Flagg in recognizing the following students for their academic excellence, leadership, citizenship and attendance at their respective schools:

Ashleigh Williamson	Beasley Middle School
Michael Klick	Browning Pearce Elementary School
Thirus Jones	Children's Reading Center
Douglas Potts	E. H. Miller School
Kayla Phiel	James A. Long Elementary School
Jordan Bedenbaugh	Jenkins Middle School
Kayla Jenkins	Kelley Smith Elementary School
Amaiya Norris	Mellon Elementary School
Chrishandria Davis	Moseley Elementary School
Abraham Jones	Palatka High School
Megan Harris	Palatka High School (Sept. Honoree)
Katherine Humbert	Peniel Baptist Academy
Robert McGollie	Q. I. Roberts Middle School
Kayla Wylie	River Breeze Elementary

PUBLIC COMMENTS - There were none.

CONSENT AGENDA:

- a. Accept Robert Clark's resignation from Tree Committee eff. 10/27/05
- b. Appoint Sherri Lowe to Tree Committee eff. 10/27/05 - (Single applicant)
Commissioner Sanders moved to pass all items on the Consent Agenda as presented.
Commissioner Norwood seconded the motion, which passed unopposed.

UPDATE ON STATUS OF PALATKA MULTI-USE TRAIL FEASIBILITY STUDY - Mr. Jordan Green, P.E. with the FDOT Planning & Environmental Management Office, was present to give an update on the status of the Palatka Multi-Use Trail Feasibility Study. He passed out a brief presentation covering project overview, alternatives studied and recommended alternative. He said the guidelines had changed a little bit with the construction of the bridge underpass, which is an enhancement project. He said they were able to capture Statewide money for an alternate trail project from St. Augustine to Lake City. For the past year they have been doing a feasibility study on the location of a route that goes through Palatka; they will make a public presentation on December 13th at the

Price Martin Center to go over the alternatives they have evaluated and the criteria, and then will hold a second public hearing at a later date. They will be doing a mail out to property owners within 300 feet of the corridor. He went through the handout, explaining each of the slides, and explained the recommendations for the bridge section of the trail. He said questions would be addressed in more detail at the public hearing. They want to stay on publicly owned right of way. Commissioner Brown asked Mr. Green if they were on the north or south side of the Water management District, and asked if they would cross the highway to get across to the Water Management District. Mr. Green said they will need a crossing-over point, across to Hwy 17 that turns and goes up to Jacksonville. They would probably have some kind of pedestrian crossing and this would be addressed in the final design. They are not talking about putting up an elevated structure over the road at this time because of cost, but may reevaluate that. Mayor Flagg thanked Mr. Green for the update and encouraged input from all citizens, not just those in the area where the trail is being studied.

Christy Sanford, 313 Dodge St., asked if the trail would go by Fred Green Park. Mr. Green said he was not sure because he was not familiar with the parks and sites of interest in Palatka. Mr. Bush said the recommended alternative appears to follow the Main St. sidewalk, so it would go just south of the park. Mayor Flagg said to make note of the date, December 13, to attend the meeting.

UPDATE ON PALATKA HOUSING AUTHORITY INITIATIVES - Mr. John Nelson, Executive Director, said the PHA is a property management entity. He talked about resident services, which the PHA is not funded to provide. They borrow from other programs to do things for the residents that help make their lives better. For the seniors they have planned trips, weekly bingo, blood pressure checks and flu vaccinations. Under the family programs they have child support workshops, national HIV testing workshops, a book give-away program, job training/interview skills, annual community clean ups, SJRCC adult continuing education recruitment, tree planting drives and blood drives. Under youth programs they had a book giveaway, Y.M.C.A. Pop-Warner Football Sponsorship, FCAT tutor/preparation and a fire safety poster contest. These are just a few of the things they do to enrich the lives of their residents. In addition to residential programs, they have Capital Improvement Programs, intended to help fix up the units and make them more livable. In the past 16 months they have installed air conditioning, installed fencing at the Northside Community, purchased playground equipment for James A. Long and Northside Communities, repaved parking areas and assigned parking to each apartment, initiated curb placement programs, removal of debris and weeds, appliance replacement, roof cleaning, and siding repair programs. He presented architectural drawings of the area and what it may look like when complete. Mr. Nelson said they have only done a couple of things administratively. They have improved Public Housing Management Assessment System scores from 74 in 2004 to 84 in 2005. This is a report card that HUD gives them for how they manage the public housing communities; anything between a 62 and an 89 is a 'standard operating entity' and anything above a 90 is a 'high performer.' They also reduced audit findings, from 11 in 2004 to 1 in 2005. They improved financial accounting system scores from 19 in 2004 to 24 in 2005 and have improved the delivery of maintenance and Police Services. They have also improved lease compliances.

Mayor Flagg congratulated Mr. Nelson on his presentation, and said anyone who has been in and around the community could see and feel the positive change that has occurred. Commissioner Brown said it is wonderful to see how nice it is looking. Commissioner Norwood concurred and said it is nice to have a positive impact on the community. Commissioner Sanders commended Mr. Nelson on the magnificent job he has done in the short amount of time he has been here. He noted the residents who live in the area taking pride in making it look better.

Ann Keys, 1801 Napoleon St., asked if the playground area would be lighted at night. Mr. Nelson said no, because in their opinion children between the ages 2 and 12 should not be outside playing after dark; they are hoping the parents will usher the kids in the house when it gets dark, as opposed to leaving them outside to play. As to fencing, Mr. Nelson said there would be; the gates will be locked at night and opened in the morning.

As to disabled playground equipment, Mr. Nelson said they have not taken that into consideration, but there is equipment there that they receive assistance getting on. The ground the equipment is set in is made out of a combination rubber/composite so if they fall, the chances of getting hurt is close to nil. Ms. Keys asked about recycling appliances. Mr. Nelson said after they go through all the communities they will have an auction and get rid of the excess equipment.

Commissioner Norwood said they should thank the residents for their contributions to the community. Mr. Nelson said the residents are a key component to the success of their programs. Mayor Flagg thanked Mr. Nelson for his and his team's leadership, and for the vision of the Housing Authority Commissioners working with him.

RECURRING DOWNTOWN ORDINANCE VIOLATIONS - Randy Braddy, 614 River St., brought in a bag of garbage as a reference, and said the bag he placed on the floor was not placed there in disrespect to this Commission, Police Department or any other agency. It simply represents 1/3 of what he picked up off his property on St. Johns Avenue, Saturday one week ago early in the morning, after whatever went on there that Friday night. There were 8 empty 'fifths' (liquor bottles) on the property, 23 beer bottles, 6 broken beer bottles, various food containers with leftover food, condoms, human feces, vomit and urine. He happened upon this early in the morning after returning from property his wife was showing for an open house in real estate. He has a tenant in a building on St. Johns Avenue who was expected to open his business to the public at 9:00 in the morning, so for the next hour and a half he cleaned up and picked up what was deposited by whomever the earlier that evening. He said he has lived in 26 states in this great union and is 59 years of age. He has lived in what could be described as impact zones in military communities and areas similar to Palatka. He said quite candidly he had to move to Palatka to experience the theft, vandalism and general lawlessness he has experienced here. He has appeared before the Commission on numerous occasions, but within one year he has had his personal automobile broken into twice on River St., 5 cases of vandalism on a residence on Gillis St., 1 case of vandalism on Halsey St. off of St. Johns, and this kind of activity on St. Johns in the commercial block of 727 and 729 St. Johns Avenue. He asked them to address the issues of loitering, public intoxication, consumption of alcohol and drug in public places, defilement of public property, prostitution and vandalism on St. Johns Avenue in the downtown business district. He is here to recommend a task force be established, to include the Palatka Police Dept., Putnam County Sheriffs Office, State Attorneys Office, City Commission and what ever citizens they may see fit, to develop a specific response to these questions, and provide a response to all available media within a short time frame of sixty days. He recommends looking at the allocation of current assets, where those assets may be redirected to give a presence in the downtown business community between 9:00p.m. and 4:00 a.m. (the 'hours of vulnerability'), especially on Friday and Saturday. Secondly, he would like a study to be made of all funding availability, to include impact fees and use of TIF funds, and any and all sources to accommodate the Police Dept. to provide them with whatever manpower and resources they may need to address this issue. By Mayoral appointment he sits on the Downtown Redevelopment Committee. There are some significant decisions being made as to how they will revitalize and develop the downtown again. No matter what they do, if the City does not address these problems of lawlessness on St. Johns Avenue, they will have much difficulty with revitalization. A document sent to him by Officer May authorizes the Police Dept., per Florida Statutes 810.09, to issue trespass warnings to any person on his premises, and failure to vacate the premises after being so instructed would result in arrest of trespass. He thinks every downtown merchant needs to execute this document and authorize the police dept. to use their resources to clear the streets of unwanted activity without having to go through all kinds of red tape. Secondly, in regards to prostitution, it is his understanding that the law provides for an open trespass warrant for someone arrested for prostitution. He as a citizen and business owner would like these questions answered. He suggested that the merchants and citizens be used anyway they can to accommodate some sort of restriction of this kind of activity in the downtown area, and let a Task Force be formed to respond to his request.

Mayor Flagg thanked Mr. Braddy for his presentation and said the City Manager and Commission will follow up. Commissioner Norwood said he was appalled at this type of activity, if that is what goes on at night, and he has no reason not to believe Mr. Braddy.

He thought the Police Dept. was targeting that area for prostitution, loitering and lawlessness, and was implementing a program wherein once a prostitute is caught in that area and convicted, and gets caught again, they will get automatic jail time. He asked if this program was still being utilized.

Police Chief Getchell said he is referring to the Prostitution Mapping Program; he said they cannot just arrest trespass someone who has been previously arrested; it has to be part of the probation provisions. It has to be issued by a judge or handed down by the court. He also said it is only for a certain period of time, not an indefinite period of time. Once they have completed their probation, they can pretty much come and go as they please. The other issue is the fact that they have prostitutes on probation and parole actually living within the 'mapping' area. If they do live in the area and are on probation and/or parole, even with the Prostitution Mapping Program, the law cannot restrict them from going home. Commissioner Norwood asked if the PD is looking at other options.

Chief Getchell said Mr. Braddy was absolutely correct, there are big problems in the city, noting Palatka has had one of the highest crime rates for almost 30 years, long before he came to Palatka. In the last 4 1/2 years since he has been here, the crime rate has come down, though it is not where he would like to see it, and not where everyone else would like to see it. They have gone to downtown business people and have tried to set up a 'block watch.' They have met several times, but still do not have a block watch. They have asked for volunteers from downtown, but none are forthcoming. He would be more than happy to sit down with anyone to come up with some solutions to this. In banking and real estate, when making property appraisals, they look at the stability or location of a neighborhood at a particular point in time, and every neighborhood, whether residential or business, goes through a state of birth and growth. As it grows into a stable and mature neighborhood, it's prosperous and people are doing well, homes are kept up and businesses are kept up. Then somewhere along the line there is a trigger, and that neighborhood goes into a state of decline. When banks review mortgage loan applications, these are the things they look at. If the neighborhood is in the state of decline, that property is not going to appraise out as high as it would if it were in a period of growth or stability. There are parts of the city that are in a state of decline and have been that way for a long time. This is not of his making; it is an economic situation. The Mall came in and businesses started moving out, so next thing you know you have vacant buildings, and that's the trigger. In a residential neighborhood, as children grow up and move away, parents are left alone, or maybe one of them dies and the other can't keep the property up, and that is a trigger. Eventually the whole neighborhood will go into a state of decline; this is called "the broken windows theory." The best example of this is the old Florida Furniture building. When he came here 4-1/2 years ago it was probably one of the stateliest looking old buildings that he had seen. It was very well kept and very well manicured, but an economic situation occurred and they went bankrupt. Within a very short period of time the building went into a complete state of disrepair. This is the broken windows theory in action. When a building goes into disrepair, eventually people will start complaining about it, kids will go into it and vandalize it, break in and start stealing things, etc. They know through urban planning, law enforcement and the criminal justice system, that when you have a community in decline there are a lot of social issues that go along with that. The social issues Palatka faces everyday are bigger than the Police Dept. Everybody needs to get involved in this; he has said since day one that he cannot do it by himself. This is the political season and there are all kinds of people saying things about the PD, but some of these people have never talked to him about what they have done or what they are doing. He can provide them with statistics showing more people were arrested in 2005 than before he came here. They are doing the best they can with the resources they have. He realizes the City gave them 4 new positions for January of 2006 but he has the same amount of police officers today that they did 18 years ago. This is not of his making, he did not do this. When adult entertainment pops up you'll get condoms and broken beer bottles. It will take people like Mr. Braddy buying and refurbishing property to turn it around. This is the last stage of the "cycle," called rebirth, or renewal. In large cities it is called urban renewal. It is starting to happen here, but things don't change overnight. This city did not get into the state it is in overnight. There are some terrible, terrible social issues here, and economic situations that they as a community need to address. The PD is doing prostitution operations three or four times a month, but they cannot violate peoples civil rights or the

city is going to get sued, and not only are they going to get sued, if they actually purposely violate peoples civil rights they can go to jail. If they see a known prostitute walking down the street, waving, there is nothing illegal about that. The State Attorney's office says they can't arrest them for waving. In one sting operation, the female "undercovers" waved, and they found out they could not do this because it is called entrapment, and the case will get thrown out, even if they have it on tape. There are a lot of legal things they have to go through to make a case against the prostitutes. It is not as easy as someone calling saying they see a prostitute on this street and come do something about it; they will check it out, but as far as making a physical arrest and putting them on the mapping system, it is not that easy. Once the prostitutes have been arrested, they get street smart to what the PD's tactics are, so they always have to change their tactics. One of the things the prostitutes ask the undercover person to do is show their penis; they know the undercover person cannot do that. He said they have asked some people from downtown to go undercover with them, because they can use them for undercover. He invited anyone who is willing to go out on an operation with them and see how difficult it is to get these people and arrest them without violating their civil rights. They have arrested a lot of prostitutes; when he arrived in Palatka there prostitutes all over the place, but you don't see them all over the place anymore. You see them now in concentrated areas. They are there because there is a demand for it; it is a supply and demand business. These prostitutes turning tricks for less than five dollars; most of them are crack addicts. They really do not want to prostitute but have to supply their habit. They need help. He has asked the churches in this community and the community to step up to the plate. Putting them in jail is not going to help them because as soon as they are out they go back into the environment they came from and prostitute.

As to downtown, there are some people who want to make a difference in downtown and some people who are just sitting on their properties not doing anything. When downtown begins to look beautiful, all these things will go away. A person once told him when they drive over the St. Johns River and look at Palatka, it looks beautiful from the top of the bridge, but then you get into the City and it looks like a bomb went off. He never noticed this until this person said that to him, but it is true. He arrives in Palatka at 7:00 in the morning and goes home about 9:00 at night, trying to solve all of the issues this community has, and it is beyond him. There are very few people who will help them. People will ask him to come and take away the individual standing out on the street with the boom box because he is making the city look bad, but he can't because he hasn't violated any laws. This is another issue of our socio-economic situation. Palatka is an extremely benevolent community. There are a lot of people who are less fortunate, but putting them in jail is not the solution. He is willing to listen to what some of the solutions can be, but it is going to take everybody working together to solve some of these problems. The South historic district is an example of a community in rebirth; there are not as many problems there now as when he first got here; the same is true for the Northside. It is the same thing for downtown. He is glad Mr. Braddy made the investment and glad he wants to make a difference, because he needs his help. They need more people like him that are willing to say "enough is enough." There is a mechanism that is not yet in place that they brought forward quite some time ago. It is call the nuisance abatement ordinance. The State Statutes allows municipalities and counties to create a nuisance abatement board. When there are nuisances in the community, people like Mr. Braddy can come forward and say they want something done. Under the current statute, the only thing it applies to is places of prostitution, places where drug deals have taken place, etc. It gives communities the ability to create a nuisance abatement ordinance.

He noted they have a video to show that sheds some light on where the problems are coming from and who is creating them. If a nuisance abatement ordinance is in place, The PD, Mr. Braddy, and Code Enforcement could bring a complaint. It goes further than what the State Statutes allows. Right now it is with Mr. Holmes and he is doing research to determine if it will stand the test of court. It is a model he has taken from other cities that have worked with it. This would be a legal mechanism, a tool the city could use in situations like this. They had Police Partnership meetings when he first came to Palatka, but had to discontinue them because it was costing the City too much money in overtime; there were more cops there than citizens, and sometimes no one would show up. He is willing to start them back up. Instead, at this time, they have been

attending citizens meetings to find out what they can do to help them. He was upset when the Downtown Revitalization Team was formed and nobody invited the PD to be part of it. They are a major player in downtown, and with a 3 million dollar budget and 80% of it in salary, they have one of the most lucrative businesses downtown. Between himself and his family, at one point they were spending about \$500 a month downtown. He doesn't know how many thousands of dollars his officers and employees spend downtown, so they are a major player in this.

Annie Johnston, owner of Club Dumas, 700 Block of St. Johns Avenue, said she had heard this meeting was some kind of a secret. People were sending her notes and whispering saying the meeting was all about her. Mr. Braddy said today said that when they find trash in front of their door it is coming from Dumas. She said she has garbage cans inside and outside. She has bathrooms so nobody has to urinate or defecate by their doors, because they can use the restrooms. She is not the only business downtown. She does not sell liquor. She said they were finding Heineken bottles; she did not sell Heineken until today. She has not sold food there in over three months. She said when they find trash they come directly to her. There are people parked across the street that are drinking. She goes by and picks up cups and bottles. The Police tell her she is responsible for the people across the street. She can't make them leave off someone else's property. She tries to keep them from parking in front of her building. Most of the time she is there she spends more time outside than in because of what they do. They come and park and drink liquor or whatever, but they don't buy it from her. At first she thought she was responsible and had to ask them to leave, but they don't listen to her. When the police officers come by they don't make them leave, so how can she make them leave? She is getting fed up with it. Every time St. Johns Avenue is trashed they come directly to her, but the trash is not from her or her business. She and her and her cousin are the last two people to leave there around 2:00 or 2:30 a.m., going block-to-block picking up trash. There is trash down there during the week, and she is not even open those days, but she picks it up. She has seen City Workers blowing the leaves off street and they leave them in front of her doors, but she does not cry about that. Sometimes it gets blown inside, and she just cleans it up. She does not know where Mr. Braddy got the trash from, but there could not be that much trash in front of his door. She walks the block, but she does not feel she should walk that block every time she is open down there. People are just sitting across the street drinking, but they are not even coming into her club. She is not going to continue to pick up their trash. It is not fair that they blame her because she has a club there.

Angela Murtough, owner of Angela's of Palatka on the corner of 8th and St. Johns, said she has been in Palatka for approximately two years and recently purchased the building on the corner of 8th and St. Johns, which she has done a lot of work to. Her biggest complaint with the downtown area is the prostitution. When she bought the building in June there was a whole lot more prostitution going on downtown, and it was in your face, but it is not as bad now, and noted the PD is doing a great job. Whatever they are doing is working. She has been out there several times when the prostitutes are picking up "johns" on the corner of 8th and St. Johns, right behind the vacuum cleaner place. There is a lot of activity behind that building and there should be a little more focus around there. The prostitutes are a problem, but johns are a big part of the problem, because if they were not out there the prostitutes wouldn't be there. Also, vagrancy is bad downtown. There are people hanging around in front of the buildings and sleeping on the sidewalk. She knows this happens in every town and small county, but it is more visible here because Palatka is so small. If you go down St. Johns Avenue you will see a lot of it; they are lying on the side of the streets, they beg and they are filthy. It is hard when you are trying to open a business down town that caters to certain people who will not come down there because of the kind of people they see. While she was working on her building, she would go outside to get away from the dust and noise, and on several occasions she was hollered at, hooted at and propositioned for prostitution. It is very bad for a woman to not be able to stand or walk on St. Johns Avenue without being looked at as a prostitute. This is all extremely new to her.

Sam Deputy, 917 Carr St. said he thinks the abatement program should be on a fast track. This is a tool that they desperately need. He has been involved with this since returning to Palatka, and discovered the oldest prostitute in this state on his corner. He said she was so

busy that they couldn't catch her. He said the police have worked wonders; it does make a difference and Angela has said that. Businesses lose vendors because of the prostitutes' presence. Prostitution hurts us economically a lot deeper than we see because you will not take your family to a business when you are going to have to pass through that. They live and work within that. He is not giving up his corner or his bench to a prostitute. He is committed to that and he thinks if others downtown will commit to such dedication, the situation will improve. It does not need to be moved from one side of town to the other, but out of the City altogether. The City's regular prostitutes are very hard-core and very dedicated to whatever they are doing. He has gone to some of the owners of the apartments where they live and has put pressure on the owners to get rid of them, and two of them have evicted the prostitutes that live there. Some of these landlords do not know, especially if they are elderly, that this is what's going on in their apartments. Whatever the police force needs to battle this, they should get. He believes the citizens would vote for higher taxes if that is what it takes to be safe and secure in their homes and our businesses.

Mayor Flagg said it is time for every entity, public and private, and all of the citizens to band together and take ownership and pride in the community. It is not a "them or us" situation. He would not sit back and make anybody think for half a second that the PD has a problem; they do not. The citizens of Palatka must rise up to the challenge. Everyone is either part of the problem or part of the solution. Together they can make downtown, as well as all around town, a model community. It is going to take work. As Chief Getchell said, it did not get this way overnight, and every individual and every neighborhood must participate in the process. The apathy must go.

Christy Sanford, 312 Dodge St. said she lives in the South Historic District. She said she has not heard of duress code violations. She said she had noticed that Cafe Dumas was dumping runoff water directly in the middle of the sidewalk and it just seemed really wrong to her. She went to Code Enforcement and asked if that was a violation, and the answer was no. She said when the public tries to do something to improve the city, and they don't have the support of Code Enforcement, then where do they go? She said she agrees with the Police Chief in that a lot of different components have to come together and code enforcement has to be involved. Some of these buildings are just being allowed to go further downhill.

Mayor Flagg said that is a perception, and perception is reality. Saying the support is not there is a strong statement. It is possible that she is not getting the affect that she desires, or the outcome that she anticipates or feels that should happen. As stated earlier, people have personal rights, citizens' rights, constitutional rights, etc. that you just can't get around. As he drives, rides or walks around the city and does various things, he sees a laundry list of things that he flat out does not like. This is his home and he is here for the duration. It is about solutions, and tonight they don't have the answers, but based on what has been said, there are a lot of things on the table, whether it is a task force that needs to be pulled together, some additional ordinances or levels of enforcement. The problem with enforcement is, when the PD turns up the heat, they are the first to be criticized that they are harassing citizens, yet at the same time they are receiving directives made by this Commission to clean up certain areas, etc. They need to decide what they want as a community and then make the sacrifice to make it so. He asked the City Manager to be involved in the process with the Police Chief, Code Enforcement and citizens. The Chief has given them much to think about tonight, and it boils down to the citizens saying enough is enough. The PD and Commission say enough is enough, but they cannot battle this alone; it will take all of them pulling together. Mayor Flagg said there would be follow up and they will be looking for some guidance from City administration.

Commissioner Norwood said they all need to work with the PD and make themselves available. Commissioner Brown said as to prostitution, without demand, there will be no one to supply, and she has been saying this for a long time. She said they complain about the prostitutes, but need to also concentrate on the men who are paying for it. If they concentrate on something to expose them or fine them or jail them, demand downtown will go away. Commissioner Norwood said they need to make sure everyone knows that they can be used as undercover agents to assist the PD in that area as well. Commissioner Brown said as to downtown revitalization, from David Church's place at the end of 6th

Street back to Badcock Furniture has very much improved. Those property owners have started to upgrade and made that area look better. When they all start planting the seeds some of those "flowers" will start to bloom. Mayor Flagg said it is everyone's problem; it is a community issue and is going to take a community to solve it. Commissioner Sanders said approximately three years ago he made the suggestion to the commission that johns should be arrested and their pictures printed in the newspaper. He said this is happening in other places and it is working. Chief Getchell said the newspaper will not post the pictures for free. The PD will have to take out a display ad, which is very expensive. They have talked about putting up billboards down town, but he does not think that is what they need in their community. He said the focus group did come up with a lot of good ideas that they worked on, and they should probably start it up again. When they see potential johns, they or the citizens can take their tag numbers down and they can actually send letters to the registered owner of the vehicle informing them that their vehicle was seen in the area of known prostitutes, etc. It is a very generalized letter, and there are communities in Florida that already do this. One reason they do this is because it is usually the female that typically gets the mail at home.

Randy Braddy said he feels righteous indignation. That's what every citizen, be it this commission, property owners or anybody walking up and down the street needs to feel. He does not think his feelings could have been any stronger had he been a women who had been raped, after putting in the kind of money and energy he's put into these properties for his family, his son, his wife. He can pledge action as a citizen; all he is asking for is a cohesive effort by the City. It takes every single person that has any kind of concern about the community to get involved; they can't wait on someone else to do it. If any of them are walking down the street and see something that resembles unlawful activity, they need to get involved.

Mr. Bush said he has heard concerns and rumors about certain Police Department tactics in dealing with bars and nightclubs. He knows the PD is working under a directive from the City Commission, which was discussed at more than one meeting. He asked the Police Chief to advise him and the Commission of any issues that have been brought to his attention or to the attention of his staff concerning treatment of bars and nightclubs. Chief Getchell said he has a video presentation.

RECESS - Mayor Flagg call for a recess at 8:37 p.m. in order to allow the Police Dept. to set up a video presentation.

RECONVENE - Mayor Flagg reconvened the 10/27/05 Regular City Commission Meeting at 8:47 p.m. and returned to the Orders of the Day. Police Chief Getchell said he comes before everyone tonight with a belt of truth, the breastplate of righteousness and shield of faith. The things he presents tonight are the facts and the truth, and he knows some people will be uncomfortable with it. He has learned in his 28 years of doing police work that sometimes you make people happy, and sometimes you don't. There are certain facts that he believes the community and Commission should know. He said Mr. Bush has asked him to talk about some of the concerns that the bar owners have had regarding Police enforcement of the City and State alcohol laws and regulations. This goes back to the issue of nuisances trash down town or any other place, whether it be condoms, broken beer bottles or somebody leaving a glass of liquor, people urinating on businesses, sidewalks, plants, or on people's cars. The PD has tried to take a very aggressive position on this. In 2004, when the City was considering changes to the alcohol ordinance, he sent a letter to the Commission dated November 11, 2004, stating his position, which he read and has been placed on file. As a police department, they are not policy makers for the city government, and they are not policy makers per say as it relates to what ordinances are in place. He goes on record that, as something he learned a long time ago as a Christian, bars are going to exist whether Christians are there or not. So he has no position as it relates to his Christian beliefs as to whether bars should exist or not. They have their own issues to deal with and they will stand in judgment someday. When they as a Department enforce the laws, there is always somebody that gets angry at them for doing so. They will never make everyone happy. They get conflicting messages when the Commission creates an ordinance and wants them to enforce the ordinances and laws of this City, but then he gets "called in on the carpet" and gets chewed out for enforcing it too much. Recently a City Commissioner has claimed they are picking on bars. Tonight

he will show how they are "picking on bars" and what they are trying to do. They are enforcing ordinances and statutes, trying to clean up downtown and other areas, but from time to time he comes under a lot of political pressure about that. He said what has brought this issue to this level is that a Commissioner has asked for his resignation, and the reason he has asked for his resignation is because he was caught on video drinking in a bar. He then showed the video of what transpired the night in question.

As the video was being viewed, Chief Getchell said the State Beverage Inspector was checking bottles for alcohol content and to make certain they were purchased from a distributor. He said they do undercover stings all the time. In this particular instance, The inspection involved the State Beverage Dept., Fire Marshall, Palatka Police Dept. and City of Palatka Code Enforcement Officer. On this particular night they first sent underage undercover persons in to various establishments to try to purchase alcohol. He said Florida Statutes authorizes law enforcement to go into bars for inspections, and he read the statute into the record. He said this is a standard operation which they perform all the time. They keep a log, and typically they go to all the alcohol outlets about once a month and check for things like underage drinking. Also, by law these establishments have to purchase their alcohol from a distributor. In the absence of a distributor, they can buy it through a co-op. Each beer can, beer bottle and liquor bottle has a serial number, so they can check the serial numbers that should tie that product back to a distributor. If they didn't get it from a distributor, they probably went to a package store or grocery store and bought it, which is completely illegal when you are licensed to sell or serve alcohol. They do these operations because they get complaints, and some of the complaints come from folks who are in this room tonight, some from Commissioners and some from tips. He read Detective Ruiz's incident report from 10/14/05 (on file) from this particular inspection at Spurs Saloon, which is shown on the video. He said the City supplies them with video equipment, which is a tool that they use. Videos don't lie. On the video you see people toasting the camera and bartenders who were still serving alcohol. They do not go in with their guns drawn and billy clubs out. They are non-evasive and people can still conduct their business. They do not ask them to shut the music down and turn up the lights. He said he did not see anyone leaving in that video. The only time they would tell someone to shut the music off and turn the lights up is when they get a call about a disturbance, because when the music stops usually people stop fighting, plus they want the lights up to see what they are doing. Chief Getchell continued to read the incident report of 10/14/05. Chief Getchell said since he was called to the scene, he also completed an incident report (on file) and read it to the Commission. He said the PD gets beat up when they don't do their jobs, and then when they do try to do their job they get threatened and he gets calls for his resignation. He said he is not going to resign because he has not done anything wrong, and the members of the Palatka Police Dept. haven't done anything wrong. They have done exactly what the City Commission has asked them to do. Even before he was here, at a Commission meeting on August 17, 2000, Commissioner Azula complained that some establishments that are calling themselves restaurants are actually bars, and they continue to sell alcohol after 2:00 a.m. Commissioner Azula said he wanted this practice stopped. Former Police Chief Dolinski, who was chief at the time, said these establishments are in compliance with the Code. Chief Getchell said the minutes basically state that Commissioner Azula wanted the current ordinance revised to cut out this 'loophole.' The Commission directed then City Attorney Hedstrom and Mr. Bush to work on an ordinance. Chief Getchell also read from Commission minutes of September 14, 2000, (on file), where Mr. Bush, Chief Dolinski and Mr. Hedstrom brought forward a draft ordinance. At that point they were directed to call a special meeting where they would invite citizens in to discuss it and on September 28, 2000 (on file) they talked about it. Chief Getchell said one of the things he agrees with Commissioner Azula about is that there needs to be consistency. They do not do selective law enforcement. He also read Commissioner Azula's statements from the minutes of January 10, 2002 (on file) asking that the alcohol ordinance be changed, wherein the Commissioner commends Chief Getchell and the Police Dept, noting that that the bar owners speak highly of the Chief and Police Dept. for the tremendous change in the level of cooperation between the entities. Chief Getchell said the bottom line is, he has been directed by this Commission to enforce the alcohol ordinance, as late as June 23, 2005, (minutes on file) where Commissioner Azula said it has come to his attention that there are still some bars that are still open until 3 - 4 a.m. At least one bar has been cited for staying open late. Commissioner Azula stated they need some enforcement on

this issue, so they are enforcing it. They are also enforcing the litter laws and prostitution laws. He showed more video of various inspections they have made, saying he wants people to see some of the things that they have to see and deal with on a day-to-day bases. They are not complaining, and will accept the responsibility for the enforcement side of it, but will not accept the responsibility for causing it.

As the video played, Chief Getchell noted it depicts an officer pulling over a bar patron for DUI, and in the video, the owner of the bar that that accuses the PD of 'picking on them' actually comes out and impedes the investigation. The bar owner comes out with a video camera and starts filming before the police officer has a chance to walk up to the car to see if the driver had a gun. In another video the Chief pointed out people in front of Dumas's drinking alcohol out on the street, noting they were cited. Chief Getchell had Sergeant Newcomb come forward and explain the activities in some of the videos. He said every night that his shift performs these types of operations, they check every bar. Only certain bars violate the ordinance. Sgt. Newcomb said the time on the video of 1:07 a.m. is correct; it was taken on Sunday, and on Sunday nights the bars are required to be closed at midnight. The bar owner was issued a notice to appear and between 6 to 8 people that were inside the bar drinking alcohol were issued a notice to appear. Chief Getchell said, as the video depicts it, at 2:00 a.m. it's a different world out there. There are early mornings you can't drive down St. Johns Ave. because traffic has it backed up. He said they have heard the arguments for enforcement, and charges that the city is not doing enough. He asked if the Commission does, in fact, want the Police Dept. to enforce the laws, as he is getting mixed signals. Commissioner Sanders said the Police Chief was hired to enforce the law. Commissioner Norwood concurred. Commissioner Brown said she would hold her comments, but for now, they need to make sure that if they enforce the law, that the law is the same for everybody. Sometimes it isn't what you do, but the way you do it.

Chief Getchell said they can only do so many operations at a time. They have had the Beverage Dept. in several different times and over a period of time have hit all the bars. They try to do it the exact same way at each location. They brought the Beverage Dept. in to teach his people how to do it and when to do it. One of the things they taught them is to be consistent and keep a bar check log. It was not the PD that asked for the alcohol ordinance; this was asked for before he became police chief. He took this over because the Commission asked him to. He asked what exactly the Commission wants from him as the Police Chief, and what exactly does the Commission want from the Police Dept. In June 2005 the Commission said that there are bars out there that are violating the law, and they want the law enforced. That is exactly what they try to do. They are here tonight because they are being accused of picking on people and making people look bad.

Mrs. Johnson, the owner of Dumas', said she knows that is not true. She said she had one note to appear from the video just shown. She said the next time she was arrested. She said they were open 15 minutes past closing time cleaning up when the police came in. She does not feel she is being treated fairly because they come into her establishment pretty regularly. She said she did not have a copy of the Ordinance.

Commissioner Norwood said they have spent countless hours putting an ordinance in place to govern the citizens of Palatka. One of the things that he expects is compliance. He does not wish to see anybody go to jail or given a citation. It is his wish that everybody understands what the ordinance is. Under no circumstances does he want to see anyone treated differently. He expects all the ordinances to be enforced. As a Commissioner he does not feel it is his place to circumvent what the Commission as a whole has put in place. They should listen to the citizens when problems occur, and try to address the problems, and he thinks they have done that. They asked the Chief to enforce ordinances that they have put in place. They expect department heads to support the directives the Commission has given. Those were Palatka's citizens that were standing on the corner in those videos, violating ordinances like the open container ordinance. He understands that if you try to enforce it with that many people, you may create a riot.

Commissioner Sanders said it was his understanding that the lady did not get a copy of the ordinance. He said the ordinance was widely reported in the Palatka Daily News with some elaboration. They discussed it at the Commission meetings and citizens were

involved in it. The ordinance was passed unanimously. If they have an ordinance, they need to enforce it.

Mayor Flagg said the Palatka Municipal Code is their guideline. He said we are asking for dignity and respect and equal enforcement and to make sure the quality of life in Palatka is not hindered in any way, shape, form or fashion. Whatever this Commission, not the Mayor, has said, are the directives. Everyone follows the rules.

REQUEST FOR NOISE ORDINANCE VARIANCE - John Lyon, manager of Steamboat Willie's and applicant, was present to ask for a noise variance for a Halloween Party on October 29, 2005. He said every year he has a Halloween Party and costume contest, and this year he has decided to hire a band. Weather permitting, he would like to have them outside. In the past, when they have had patio bands, they have one complainant call from 4 or 5 blocks behind the building, who states he can hear it but he does not know how he could have. The PD. comes down and asks them to turn it down, and of course he does so. In the past they have asked him if he has a permit to exceed the noise ordinance, so that is why he is here, to obtain a permit, because they have other things they can be doing besides coming down and having them turn the music down. He said he is here to get the noise variance from 10:00 p.m. to 2:00 a.m. He provided the Commission with a list of signatures from residents that live behind him on Oak St. and on Laurel St. stating they are not bothered when he has bands.

Mayor Flagg asked the Police Dept. if there were any previous calls for service at this location when there has been live music and entertainment outside. Commissioner Brown asked how big the band was that they were going to have.

Mr. Lyon said they have 5 people in the band, which has played outside many times. Mr. Lyon said when the police are called it is always from the same person each time. This person is 5 blocks away; he has gone and stood by this person's property and stood on the sidewalk, and cannot hear the music. He said this person has been doing this for the past 15 years. This person calls the bar first and tells them they need to shut their doors because he is calling the police. He said this same person harasses the police and calls them 4 or 5 times a night, and the police have to respond because that is their job. When they get there they do whatever it is the noise ordinance says to do. Mr. Lyon thinks the noise ordinance is very vague as to testing.

Commissioner Brown said if this noise ordinance variance is granted, there should be a level that the music is kept at. They must be mindful of other people. Mr. Bush said he is familiar with the size of the patio behind this particular bar. He said it is not that large and under the noise ordinance, the music doesn't have to be that loud to be heard across 30 or 40 feet of patio. Chief Getchell said just mere talking back and forth is around 60 decibels, which is the limit of the ordinance. He said if they were talking on the street behind this location they would be on the threshold of violating the ordinance. The threshold changes depending on the time of day. They tried to do a search for information on noise complaints in the area, which was somewhat difficult, as they don't keep a database on it. What they did do was search through police reports where they actually took action. The difference would be, say, someone would call and complain about noise and the police go and check it out, but don't see or hear anything, so no action is taken; they do not generate a police report on that but it would show on the dispatch information that they received a call from so and so, which they responded to and which was unfounded. If they do go and have to take action, they make contact and do a police report on it. As to this particular area, they researched reports in the area of Oak St., Laurel St. and some of the side streets in that area. They found one noise complaint, which was back in March of 2000. Then he did a search from January first 2000 thru 10/25/2005 just to see how many noise complaints the PD handled. He was quite surprised because it really wasn't that much, around 543. Chief Getchell said he and Commissioner Brown have talked numerous times about the location she is talking about, which is close to the intersection of 9th & St. Johns. They had complaints there about two or three weeks ago that they had to handle. He said it is the residents directly behind these or across the street on Oak that usually do the complaining, but they just can't find any reports on them. He knows they complain because he, Vice Mayor Brown and the Commission get the phone calls, but they do not have any police reports on them. This

does not mean they did not respond, it just means they did not find anything to report or there was no action taken.

Mayor Flagg said the question is, does a variance grant unlimited noise opportunities to an individual who receives the variance, and what this does to enforcement of a complaint. Chief Getchell said it is his understanding that the reality is they are for the most part suspending the noise ordinance and there is nothing to enforce. He asked Mr. Holmes for his interpretation.

City Attorney Don Holmes read the Noise Ordinance referring to Sec. 30-109 in regards to issuance of a special permit. He said the answer to the Mayor's question in a nut shell is, yes, if you grant a permit you are in essence granting an exemption from the noise levels that are the maximum noise levels that are prescribed in the code. He said you can grant a permit with conditions, the conditions primarily being (1), a set of conditions being set by the City Manager, or (2) the hours of operation or the hours the permit would apply, with the understanding that you can't grant a permit for more than eight hours in any one twenty-four hour period.

Commissioner Norwood asked how many people live in the area. Chief Getchell said he did not have those figures, but anything south of that area is residential. He said since he has been here he cannot recall any time that the City has granted any kind of noise variance past midnight, citing the festivals as an example. Mayor Flagg asked Mr. Lyon if he had any other options he could give them to consider other than what they had before them, or if a midnight deadline would cause his event to be unsuccessful.

Mr. Lyon said the South Historic District had a meeting and discussed it, and there was only one person in that meeting that was opposed to what he was doing. He distributed copies of those minutes (filed). He said that was the same gentleman that keeps calling and complaining. Mr. Lyon said he has hired the band to play from 10 to 2 and that is all. They usually stop playing at 1:45 and start shutting down at that point. He said he is not looking to increase the noise level that he already has outside, and has continuously had for the past year he has had bands playing outside. There have only been a few incidences where the police had to come and ask them to turn it down a little bit. He just wanted to make it easier on the police, because they have to keep responding every time this gentleman calls. Sgt. Newcomb told him to try getting a noise variance. As to all the people he got the signatures from, they all said they had no problem with the music playing till 2 a.m. Mayor Flagg noted, according to the Southside Historical District minutes, Officer Tipton had taken copies of the noise ordinance to the owner and stated all readings have been within the law. If all readings are within the law, there is no need for a variance. Just granting the variance is not going to stop the PD from getting the calls. The way the noise ordinance reads, there is no possible way to have live entertainment out back of a business within the hospitality district without being outside of the law. Mr. Holmes said this is probably about readings taken at the point of the complainant's address, but the noise ordinance speaks to the property line as being the point that which measurement is to occur. He agrees in that he does not see any way to have amplified sound from a patio band and not exceed the noise ordinance at the property line.

Mayor Flagg said granting a variance until 2:00 a.m. would set precedence; they have not exceeded midnight with other variances. Per the question, Mr. Lyon said he would like to have more outdoor entertainment as the weather is nice and it brings people to the downtown area. The most he has an outside band is twice a month except during the Blue Crab Festival and then he is covered under the Festival's variances. This is the same band that always plays. If he has a permit, the Police don't have to waste their time responding to calls from this one person.

Allegra Kitchens, 1027 S. 12th St. said in times past she has had problems with the Azalea Festival and Blue Crab noise, and she is a mile away. The City Commission granted the variance, but stipulated that if it could be heard at the City Dock or at Laurel & 9th, which is four blocks away, then it was too loud. The gentleman in question lives further away than Laurel St., she knows who it is and where it is, so if the Commission granted the variance with the stipulation if it can be heard past Laurel St., it would have to be turned down. If it can be heard past Laurel, it would be deafening to the patrons.

She understands that the person in question is hearing it upstairs, where it is vibrating in the upstairs part of his house and not downstairs. Mayor Flagg said they can't make it subjective to the hearing of a certain officer; it needs to be set by a decibel reading. Ms. Kitchens said she understands that, with a boom box, the base does not pick up on the decimal meter, so you could have the base shaking your house and rattling the dishes and the decimal meter won't pick it up. That is why she requested during the festivals that the police use their ears, so if they hear the 'boom' at a certain distance, it's too loud. Whether they grant the variance or not, this gentleman will call in. Mr. Lyon said if the officers ask them to turn it down he turns it down. He said there is no level he can have it and satisfy that gentleman.

Mr. Holmes said the noise ordinance is problematic because, as the Chief indicated, 60 decibels is not a lot of noise. Because of a recent court case he can tell you his voice and the tone he speaking right now measured from where Mr. Lyon is standing is a about 55 to 60 decibels. He realizes that his voice is a little louder than some but still that's what it is. The point Mr. Lyons is making is he has been violating the noise ordinance the whole time, but the police dept. has been showing some deference and tries to resolve the problem without issuing citations or tickets. The question is how you resolve the fact that you have one person who objects, but the objection is probably well taken in terms of the violation of the ordinance. Whether the police can hear it four blocks away isn't the question. It may be a question of degree, or of what action they take or how seriously they respond, but if you measure the noise at the property line, you can bet your paycheck that it's going to be more than 60 decibels, which is in violation of the ordinance. His point is, Mr. Lyon needs a permit if he is going to conduct his activity, and how you style the permit should be up to the Commission. Otherwise, if he doesn't get a permit, then they are back to telling the PD not to enforce an ordinance, because of the way the ordinance is written. Mayor Flagg said they are looking at setting precedence for similar events, and does not know exactly what the Commission can style. He asked for comments from Chief Getchell.

Chief Getchell said every citizen counts; if you have one person who complains, at least from his perspective in law enforcement, you have to meet that person's needs. As far as the on going violation of the noise ordinance, this is the first he has heard of it. He was not aware of the fact that there is an ongoing problem down there. He knows the gentleman they are talking about pretty well, and believes that he would call him if the issue was that bad or wasn't resolved. He found no reports on record indicating any action was taken, but he's not saying they didn't respond to a complaint. If he is hearing correctly that Officer Tipton responded to a complaint, Officer Tipton works days. Mr. Lyon said Officer Tipton was at the South Historic District meeting. Chief Getchell said, in term as enforcement, if the Commission grants this and this band plays until 2:00 a.m. they are going to get complaints. Commissioner Brown said people are going to complain, with or without a variance. It's not that she doesn't want to do it, but when she has people calling her at her house on weekends and nights, people want some kind of a response to their complaints. Some people go to sleep early, some people work shifts. She asked if there was any way that Mr. Lyon could keep the noise at a low level. Mr. Lyon said the crowd he is now drawing is more concerned with the quality of the music, and they still want to be able to converse with each other while the band is playing. In the past, people wanted to hear it as loud as possible. He has 100 people who want to come down and hear music compared to one guy who wants to complain about it.

Mr. Holmes said they have a noise ordinance that says this person has a right to complain about it. The issue is whether or not the music goes off his property, off his boundaries. He can't broadcast it to the point that it disturbs other in order to make a profit. You can't say it's just one person, when you have an ordinance that disallows noise, or alcohol, or anything else. The problem is, precedence has been set. If they grant this variance, other bars with patios will want the same variance. He is not arguing against Mr. Lyon's request, he is just asking the Commission to consider that they are talking about more than one establishment, because if they grant one, they are going to have to grant others. Commissioner Brown said she understands both angles, but it is hard for her to vote to give Mr. Lyon permission to make noise till 2 in the morning and then have her neighbors call her and tell her that same kind of noise during evenings and nights is really disturbing to them. She takes calls from many people on this.

Mr. Lyon said whenever he has live entertainment outside and he has 100 to 150 people show up at his place, then Palatka's entertainment district has grown to warrant this type of entertainment. He said he doesn't want to use the term common sense, and would like to use a better term, but if you can't hear the music at the complainant's house, it's not disturbing. If it is disturbing, they will turn it down. Maybe on 2nd floor levels the noise does travel, but the police officers that respond come back and say it is not loud. Mayor Flagg said if they are talking live entertainment only, that is another issue, but they are talking until 2:00 a.m., and that will set precedence. Also, this will take place in 48 hours. Mr. Lyon asked if having live entertainment from 9:00 until 1:00 a.m. is an option.

Jack Trendler, 513 Emmett St. said there are two items to address. First being the subjective part, i.e. listening from a distance. He is pretty sure he knows who the repeat complainer is, and he lives three doors beyond that person's residence from the establishment. He takes his dogs out in the middle of the night, many times after 2:00 a.m., and if he did not know personally that a live band was playing there, he wouldn't know at all, because he has never heard the music between midnight and 2:00 a.m., and questioned whether the music can really be heard at that distance. Twenty-five years ago he was involved in a research study for DOT highway noise, which was all about decimal levels and readings at different distances. A number of factors were often taken into consideration as certain types of noises, such as machinery or an air conditioner, can exaggerate the amount of noise at a certain distance where a reading is taken, so if you are looking at a 65 or 60 DB level at 100 feet, if there is an air conditioner, you can hear it run, and that can exceed that limit even though the subject noise does not exceed the limit. It is the combination of the two. The other thing that you run into is the distance that you measure it. Distance in measurement can vary from establishment to establishment. Some establishments are at an advantage and others at a disadvantage. Unfortunately, noise abatement ordinances are difficult to measure and problematic. From a distance standpoint as far as hearing the bands, he has yet to hear them even outside in his yard.

Commander Reno Fells from the Palatka PD said he did ask Mrs. Saccareccia from Steamboat's if it would be feasible for her to close down at 12:00 midnight. Mr. Holmes said in the spirit of compromise, they could make a provision that granted the variance with the understanding that if a complaint is made and the noise is audible from the point of complaint, he would stop the band or make them turn it down. He realizes there are a lot of circumstances, conditions and asterisks in that, but if you are setting precedence, and another establishment applies for a variance, it could be granted under the same conditions, to address Commissioner Brown's neighbors' complaints. If complaints are founded, the business would cease to have permission to continue to exceed or disturb; disturbance is the key, and what all noise ordinances are intended to try to avoid. He knows that is not a simple, straightforward sort of solution, but it is going to involve manpower and the Police, who will have to send somebody out, etc. If they grant exceptions into the wee hours of the morning, that will open the door for everybody else in the city limits who wants to have a patio band to follow suit.

Mayor Flagg noted the recommendation is to stay within the guidelines already established for the festivals. Commissioner Sanders Commissioner Sanders moved to grant the variance from 8 p.m. to 12 midnight, based upon the precedence set for special events. The motion failed due to lack of second.

Commissioner Norwood said he is inclined to deny Steamboat Willie's application for noise ordinance variance for October 29th, on the basis that there is no time for Public Notification to allow people to adjust and prepare; also, they don't need to set new precedence. What he keeps hearing is that the majority of individuals who live close to this business either don't mind or can't hear the music anyway, and questions why they would need a variance, as it won't stop this one individual from complaining. Mr. Holmes said the ordinance is still being violated, even when someone four blocks away may or may not be able to hear it. If they call and complain, even if they might not be hearing it at their house, the ordinance is being violated. Mayor Flagg said even if they receive zero complaints, the variance is needed for the event to take place.

Commissioner Brown said they may need to add some other language to the noise ordinance for people who come in for variances. Mr. Holmes said he does not know any other language you would want to add; at this time the ordinance allows the Commission to grant the variance, and allows the Commission to prescribe reasonable conditions. In his opinion, it is somewhat ambiguous in that Sec. 30-109 says that application for permit is made in writing to the city manager, for presentation to the city commission, and the city commission may grant permission as follows, so it seems to imply that the city commission is the one that grants the permission. Then in the first paragraph it says the city manager may prescribe whatever reasonable conditions or requirements he deems necessary. His interpretation of that is that the city manager makes the recommendation to the city commission and the city commission either grants permission or not, and the city manager may prescribe or recommend whatever restriction or limitations he desires. Then it says, under a separate sub-paragraph that the city commission can grant the permit for the purpose of entertainment as long as the function is open to the public and is for not more than eight hours. His interpretation is, the city manager isn't in a position to grant the permit himself without concurrence of the city commission. He can make recommendations under sub-paragraph (1) of the ordinance, but under sub-paragraph (2) he is out of the loop altogether and the commission just grants permission, if they so desire, for a period not to exceed eight hours in a 24 hour time period, as long as the function is open to the public, even if there is a fee charged for admission. Commissioner Brown moved to deny the request for Noise Ordinance Variance. Commissioner Norwood seconded the motion, which passed unopposed.

BOARD APPOINTMENT INTERVIEWS - Code Enforcement Board - John Lyon, sole applicant, was present for interview. Commissioner Brown moved to appoint John Lyon to the Code Enforcement Board and waive the 2nd meeting requirement. Commissioner Norwood seconded the motion, which passed unopposed.

ADMINISTRATIVE REPORTS - There were none

COMMISSIONER COMMENTS:

Commissioner Brown said the young lady that asked permission to do the welcome bags made 50 of them. She collected items from businesses all over the City for them. She left some at the Main Street office and at City Hall for distribution. She'd like to invite the young lady to the next meeting for recognition.

Commissioner Norwood said they have been talking about the way the Price-Martin Center looks; he believes it needs a major overhaul. They have talked about holding commission meetings there when this room's capacity is violated, but it is not in any shape right now to do that. He recently attended a function in Lake Butler's community center, which they have completely refurbished. It is immaculate. Palatka can do the same. They should have a community center they can be proud of, especially if the Commission is going to use it from time to time. As for the Price Martin Center, he is embarrassed to even go in there. For years they have been talking about the need to replace the curtains, and the ceiling is about to fall in and water leaks through it. This needs to be in the forefront and should extend beyond making repairs and replacing curtains. They need to revamp the entire interior so they can all be proud of it. Mayor Flagg said Mr. Norton and Mr. Bush should have a plan for this. Mr. Bush asked Mr. Norton to look at the insufficiencies at Price Martin Center and make a report. Mayor Flagg asked Commissioner Norwood to could walk through it with Mr. Norton to aid with a report for that facility.

Commissioner Norwood said the City still has a "temporary" building and zoning official that heading up things in lieu of an official chief building and zoning inspector. He reads in the newspaper that the chief building official, who is a contractual employee, is commenting that we are going to close streets and that type of thing, which should come from Mr. Mengel, as the CBO is only part-time and no longer a city employee. If one wants to contact him, he is only available certain hours on certain days. In light of the growth the City will be experiencing, they need someone full time that has some structural engineering credentials, and who is able to follow contractors' back grounds as well. Adam Mengel said he agrees they need to be ready for growth. At this time the Building Official is part time; at this time, they don't have a need for anything more. It is

not unreasonable to expect that someone would have office hours and that is pretty much what we they have at this point: a building official that comes in the mornings and is available during those times. They can be flexible for those who can't work within that schedule; they can make special arrangements. This has been working well for them so far. He spoke with the Building Official about it just this morning. Their most immediate need would be a second inspector. As far as the need to have structural engineering credentials or something of that nature, it is not required by Florida Statutes. That may not be desirable for the building official, although any engineer or architect could be a building official. There are some considerations there that are unique. It is more important to have what is referred to as a threshold inspector, which is needed for projects that may require a structural engineer, and that is when the builder or the developer will come in. This is not something the City should provide; the building or developer should provide one to meet those requirements.

Mayor Flagg said when the chief building official is not there until you call them for a specific assignment, and that person is quoted in the newspaper as being the Chief Building Official, the "chief" title makes it seem that that person is in charge. Mr. Mengel said he is in charge; there is no difference there. He is available and has been available when needed, and is holding consultations. Mayor Flagg questioned if the building inspector is qualified as a chief building official. Mr. Bush and Mr. Mengel said not at this time. Mr. Mengel said they don't expect the inspector to be qualified as a CBO at this point. As to the search for a replacement, now that they have increased the salary, there have been inquiries into this position. There are very few people who are willing to take on this roll. They can negotiate their salary. Palatka is not the only city in the State with a part-time Chief Building Official

Mayor Flagg asked if Mr. Mengel is saying, up until he retired, the Chief Building Official had nothing to do all day. Mr. Mengel said no, he can do plan reviews and that is what he does now. He also assists with inspections and mainly brings the City's current inspector up to speed with his knowledge. His sole duty at this point is plan reviews, but he does have training responsibility that he has taken on his own.

Commissioner Norwood said if the City doesn't have a threshold inspector, and the developer has threshold inspectors come in for this work, then the threshold inspector works for the developer, not the City, and the inspections will favor the developer. It is the City's job to make sure that they protect individuals, which is why they have building codes. People pay permit fees and the City is supposed to be insuring the safety of the structures that are being built. He does not know how the city can do that when you have a chief building inspector who is part time, or when you hire a threshold inspector you don't do the hiring, but the developer does the hiring. The inspector is going to favor whomever he is working for. Mr. Bush said the point that Mr. Mengel is making is that at this time, the arrangement is satisfactory and there have been no problems arise from it. This does not mean that they won't need a full time inspector soon. They had difficulty attracting applicants until they increased the salary. Commissioner Norwood said he did not want to wait until there was a problem, which is his point. Mr. Bush said they can take fifty thousand dollars out of contingency and go hire the best CBO that money can buy.

Mayor Flagg and Commissioner Norwood said they thought they had budgeted that. Mr. Bush said they did, and went shopping for one. Per the question, Mr. Mengel said they have had one applicant for the position. Mayor Flagg said it sounds regressive. Mr. Bush said he thinks it has been working very well up to this point. They know they are going to need a chief building official, because the part time once the part-time Official's house sells, he's leaving town. They have increased the money, advertised the position, and have had one applicant. Right now, the City is doing fine with the current arrangement, and are saving the taxpayers a few dollars, and will eventually hire a CBO even if they have to increase the money further. Mayor Flagg said they should advertise this position in the League's Datagram and in trade magazines. If we have one person there and we are operating by default, and something happens and the part-time contractor chief building official is suddenly gone, they will still need someone in that position. Mr. Mengel said the City has an interlocal agreement with the County to provide these services, and vice-versa.

Commissioner Norwood this is one area he feels they need to provide the citizens with a certain level of service, and it is the City's responsibility to have personnel in place to provide services to the citizens. Mr. Bush said there has not been one instance that those services have not been provided. He asked Commissioner Norwood to come in and talk with him about this. Commissioner Norwood said they should be treating this as if the City has no building inspector, and should aggressively seek one instead of waiting for something to happen. Mayor Flagg asked Mr. Bush and Mr. Mengel to follow up on this.

There being no further business to discuss, the meeting was adjourned at 11:02 p.m. upon a motion by Commissioner Brown.

CITY CLERK

MAYOR