

Proceedings of a regular meeting of the City Commission of the City of Palatka, Florida, held on the 9th day of June, 2005.

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

Also Present: City Manager Allen R. Bush; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Ruby M. Williams; Police Chief Gary Getchell; Fire Chief Ken Venables; Planning Director Adam Mengel, Parks Supt. Jeff Norton

INVOCATION - The Reverend Leroy Lewis, Pastor; San Mateo Baptist Church

PLEDGE OF ALLEGIANCE - Tom Townsend

MINUTES - 5-26-05 Regular Meeting & 5-26-05 Strategic Planning Workshop - Commissioner Norwood moved to adopt the minutes as read. Commissioner Sanders seconded the motion, which passed unopposed.

PUBLIC RECOGNITION - PROCLAMATION - Juneteenth Days, June 17 & 18, 2005 - Mayor Flagg read a proclamation declaring June 17 & 18, 2005 as Juneteenth Days in recognition of the day the citizens of the State of Texas received notification of the enactment of the Emancipation Proclamation, which is now generally recognized as the universal date of celebration of that event. It was presented to Ruby Singleton, Choices, the organizer of Juneteenth Days celebration at Booker Park.

PUBLIC COMMENTS - There were none.

CONSENT AGENDA - Mayor Flagg noted that Item 3(e), Reduction of Code Enforcement Lien, has been pulled from the Agenda and will not be discussed tonight.

Items 3(d) and 3(c) were pulled off for discussion by consensus of the Commission. Mayor Flagg said each item on Consent would be taken up individually.

3(a) - Authorize Execution of Interlocal Agreement with Palatka Housing Authority for marketing the Frank G. George High Rise Apartments at 100 Memorial Parkway, and for inclusion in the Request for Proposals as part of the Riverfront/Downtown Redevelopment Package. Commissioner Norwood moved to authorize execution of an Interlocal Agreement with PHA for the marketing and sale of the Frank George Apartments. Commissioner Azula seconded the motion. Commissioner Brown asked if the City has a minimum price set for the 100 Block. Mr. Bush said that would be based on what funds the city already has in it. That will be part of the discussion with the developer. Commissioner Norwood noted the City purchased it in the early 1990's, but the property has appreciated in value and there has been money spent on its maintenance, also, besides the original purchase price. Commissioner Brown noted they borrowed the money to purchase that block. There being no further discussion, the motion passed unopposed.

3(b) - Authorize Execution of Interlocal Agreement between City of Palatka and Palatka Housing Authority for law enforcement services. Commissioner Norwood moved to authorize execution of an Interlocal Agreement with the Palatka Housing Authority for law enforcement services. Commissioner Sanders seconded the motion. Commissioner Norwood asked Chief Getchell if the \$30,000 covers the actual cost of services that will be provided and asked what percentage of yearly PD calls are related to PHA properties. Mr. Bush noted it was around 30% a few years ago; Chief Getchell said it was around 33%, but that figure has gone down due to new leadership at the PHA. In the old agreement there were no performance goals mentioned, but there are measurable performance goals in this agreement. Commissioner Azula said one officer would cost more than \$30,000 a year. The next item calls for four officers for the school board at a

cost of \$200,000/year. It seems that it would be better for them to hire their own security and we just respond to make arrests.

Chief Getchell said the intent of the agreement is not to cover the City's cost for law enforcement services; it is to provide additional services above what they are providing now. The hours per week are estimated to provide the things specifically noted in the agreement. Commissioner Brown said some of this is crime prevention and is intended to establish a better rapport between the community and the Palatka Police Department. Mayor Flagg said this is not the PD trying to take over things at the PHA, but the PHA paying for enhancements to the public housing community.

John Nelson, Director, PHA, said the Mayor is correct. These are supplemental services they have requested. They want special attention for public housing units similar to other programs that are ongoing. This is not meant to take over the total policing program.

Mayor Flagg asked if they could build in an option for extension or renewals. Mr. Nelson said they would like to build in a renewal clause, but does not know if they will have the funding next year; they can add a clause for a two-year renewal provided funding is available. Mr. Holmes said they may not gain a lot by extending this contract; they can simply renew it next year, and there may even be something they want to change. Unless there is a particular advantage to be gained by an option clause, he recommends they just leave it at 12 months. There being no further discussion, the motion passed unopposed

3(c) - Approve PPD School Resource Officer Proposal and authorize transmittal to Putnam County Superintendent of Schools for review. Commissioner Azula moved to approve the PPD School Resource Proposal for transmittal to the Putnam County Superintendent of Schools. Commissioner Brown seconded the motion. Commissioner Norwood said he'd like to see the contract re-written to make all references to the City of Palatka, instead of some being "City of Palatka" and some the "Palatka Police Department." It needs to be uniform; especially where payment information is concerned. Mr. Bush agreed. Mr. Holmes said that is stated in all of the 'whereas' clauses in the agreement now. It is clear that the contract is between the City of Palatka and the School Board. They can change the clause to direct payment to the City of Palatka instead of the Palatka Fire Department. Commissioner Norwood said he believes that for auditing purposes it should come to City Hall. Chief Getchell said some language is specific to procedures, and that needs to remain as "Palatka Police Department."

As to Article 4(e), Mayor Flagg asked if that is four or five; Chief Getchell said four, and he clarified that as to Article 1, Page 7, that should be students of the school district. As to whether there will be city and county officers in the schools, Chief Getchell said that is something the School Board should work out. He was approached about providing a quote for this service as part of the Community Policing Program for schools inside the City Limits. They will tap experienced police officers on the force for these positions, or hire experienced officers, as this is not suitable for entry-level police officers.

Mayor Flagg said as to the section entitled 'Weapons,' the Taser issue is highly discussed throughout the state, and asked if Tasers will be used. Chief Getchell said the School Board has not said they don't want Tasers in the school. Chief Getchell said the way this proposal reads, items can be added and/or dropped. They are asking for approval to send a draft to the School District that they can look at, negotiate, change, etc. This is not all encompassing, and may look different when it comes back to the Commission for final approval. Mr. Holmes said Article 7 doesn't say what equipment the officers will use, it defines what the City will pay for, for the officers to use. It defines responsibilities for covering those expenses. Chief Getchell said the verbiage could be changed if the City or School Board would like to see it changed. Mr. Holmes said if you are going to have 'definition of' and particular weapons or tactics, it needs to be under a different section, like Use of Force or Weapons & Tactics, as to what his people can do or what tactics they can use, so limitations can be made clear. There being no further discussion, the motion passed unopposed.

3(d) - Approve RFQ Package for Detailed Needs Assessment and Facilities Replacement Project for City Hall, Annex and Police Department facilities for distribution to qualified

architectural design firms. Mr. Bush said this is a needs assessment study to determine what physical facilities and land space is needed before they can consider locating a new site for the construction of new offices. They sat through the presentation on the need for new facilities to accommodate growth at the Strategy Meeting. This study needs to be in place before they can go any further.

Mayor Flagg said this proposal states the City intends to replace the existing City Hall, and that is not accurate. Mr. Bush agreed and said this building will remain a satellite City Hall, and noted that particular sentence will be amended. Commissioner Brown said a new City Hall is not what she'd like to see. Most of the time, prior to all these 'crisis' issues that have come up lately, they sat in here by themselves during Commission meetings. They need to include the Water & Sewer Plants in this study, also, and determine what has the greatest need to go first. The Police Department does not house prisoners, and is closed after 5:00 p.m. and on weekends. They don't need to build a new building until they can open the Police Department 24 hours a day, 7 days a week. Mr. Bush said they are looking at expanding the capacity of the WWTP and WTP at this time; they don't know when they will reach the 'tripping' capacity for that move, but they will be ready when it comes. They are also planning to meet new requirements on Trihalomethanes. That planning is a separate issue. Commissioner Brown said there are things the City needs far worse than a new City Hall. They need to prioritize other needs ahead of this. They can make changes to this room to modernize it that will help them to get through this time. Mr. Bush said this is simply a study to determine what the needs are; once the study is completed, the commission will prioritize them. Commissioner Brown said they need to take care of people first; she can suffer through meetings in this meeting room. For years they sat in here through meetings with no one but staff and the Commission. There are other more pressing issues at this time. Growth is here and they need to put the proper things in place to get ready; they need a broader vision than just building more buildings.

Mr. Holmes said last night they were at Price Martin Center until 1:40 a.m. Almost everyone there was wet with sweat when they left. He sat on the floor until 1:40 a.m., when he wasn't standing at the podium. He estimates there were 70 people standing or sitting on the floor. There was no parking, and you couldn't hear a word of what was going on.

Ronnie Clark, Esquire, 501 St. Johns Avenue, said the Price Martin Center is not adequate. There is no parking, no sound system, and no air conditioning. It was pure torture. Mr. Holmes said there were nine or ten comprehensive plan changes to review last night, and two of them were over 600 acres. This was a County Planning Board meeting, but they had a City Planning Board meeting there the evening before. Commissioner Brown said people have only recently begun using it as a governmental meeting place.

Commissioner Azula said the issue is that they need to assess all needs. Other departments like Water & Sewer Distribution need attention, too. Many problems can be solved with maintenance. Technology can help to accommodate people. When they get something, they don't maintain it. They don't maintain their vehicles, either. There is trash everywhere in the offices. They are reaching a saturation point where they need to do something. With a little more vision and care, these buildings would go a long ways. There is greater space available in the Annex, but it is in terrible shape. They can make better use of their own facilities. Mr. Bush said the needs assessment can address those issues. Commissioner Brown said the a/c needs to work at Price Martin. They need a speaker system in the Commission Meeting Room. They gave up land that could have been used for parking to the Chamber so they could build their building. Commissioner Azula said they need to take a look at the City's buildings with a critical eye. Their own inspectors can do that. They will one day need a larger room. Mr. Bush said this is just that; it's a study to look at needs. Commissioner Brown said she is tired of studies; they need to spend the money they would have done with the study. Mrs. Driggers noted that the Price Martin Community Center was built as a community center, not a governmental meeting room; meetings rooms are configured differently. If it is to be used as a meeting room, it will need some modifications. The chairs available are based upon recommended room capacity. Mr. Mengel said based upon comments related at a prior commission

meeting, and with direction from Mr. Bush, they have been in the initial phases of setting up a 'team' to look comprehensively at all city properties. As to maintenance of vacant properties, Woody Boynton would address those issues, and Jeff Norton would address developed properties, as far as his involvement in that area would cover. He and the building inspector would also be involved. The initial development of the scope is scheduled for tomorrow morning, and he will step up the Team Development and begin reviews tomorrow. They would also like to include a self-assessment at the Department level, and will take a critical look at where each department stands as it relates to minimum maintenance standards and building code standards.

Allegra Kitchens, 1027 S. 12th Street, said she is on the City's Better Place Oversight Committee. \$10,000 has been committed to do the study on the building, and she was against that appropriation. She suggested they use that money to defray the cost of rising water bills. Only 1/2 of the Annex building is being used, and it can be rehabilitated as a city commission meeting room.

Jerry Haffner, 122 Hilty Lane, E. Palatka, said he thinks this is the sort of thing the City has to do. They have to look at all the things they have available; as a city government they need to know where they need to be not just tomorrow, but ten years from now. An agency he heads up spent the money to do a similar study/plan in 1994, and are just now getting to where they need to be, eleven years later.

Commissioner Brown said they have plans sitting around collecting dust. They have to implement something sometime. They spend half their lives dreaming, and miss the boat because of it. Commissioner Azula said he'd like to receive a report of the condition of all buildings from the Planning Director in 90 days. Commissioner Norwood said there has already been a request made for that, and they are supposed to come back with something sooner than 60 days. Mayor Flagg noted that this needs assessment is the result of a direction given by this Commission at a previous meeting; now the Commission is saying they need to put this off. Staff needs clear direction. Commissioner Sanders moved to authorize commencement of the proposed needs assessment immediately. The motion died for lack of a second.

Commissioner Brown said they need to come back with an in-house needs assessment, and then start doing something about correcting the in-house needs. Once the City gets started on filling those needs, they can look at a further needs assessment, after the improvements are made. Mayor Flagg asked if Mr. Bush has anyone in-house who can do such a needs assessment; Mr. Bush said he would turn to the Building Department for that. Mr. Mengel said he can assess the condition of the building, but not the space needs. Commissioner Brown said the department heads could do that. Mayor Flagg said the Planning Director is not professionally equipped to do this type of assessment. The Commission either needs to step up to the plate and move forward, or not. They are saying they need to include other facilities in this Needs Assessment, but they are also saying they need to back up and wait on something else to happen. Building inspectors can do a facility evaluation, but not a needs assessment. Commissioner Brown said a facility evaluation should be the first step. Commissioner Norwood said he called for a Department Head evaluation and impact study a year and a half ago, and was told it wasn't necessary, as everyone was happy and there were no needs. They knew that growth was coming. These issues are all coming at once now; they've got to do something. Sitting back saying they are only going to look at certain buildings is insufficient; they need to look at all departments.

Mr. Holmes said with what's happening now with community growth, Mr. Mengel is going to have his hands full with Planning & Zoning, and is understaffed now. The more side issues he is tasked with, he will have a harder time doing the job he was hired to do.

Commissioner Brown moved to take a look at all facilities, prioritize them for improvements or replacement, and then set a time certain to begin improvements. Commissioner Norwood seconded the motion. Mayor Flagg said when you enhance the scope of the project, you increase the price. This is an assignment for the City Manager's office. The WTP and WWTP are on a different time line; Mr. Bush needs to bring back a revised RFP package in two weeks, adding Public Works and Fire facilities, and

whatever else is required, and the Commission can vote on it at that time. Commissioner Norwood said all departments have expressed a need for expanded facilities. This needs to be done by a professional; it needs to be done right.

Chief Getchell reminded the Commission that at last year's budget session at Price Martin, he was directed to begin looking at building a new police department. They spent almost a year doing a needs assessment; they traveled all over the state looking at new facilities, did a gap analysis between what they currently have and what the need, took pictures, etc. The level of expertise related to a building needs assessment is an expertise that neither he nor anyone in his department has. No one in the City has that expertise. They need to know what technical and equipment needs will suffice for the next 10 - 15 years. He delivered to them exactly what they asked for. At the beginning of the year, the topic of a new City Hall came up, so they all agreed to encompass the City Hall/Annex replacement in this package. A large team has worked on this; they followed several models when they undertook this, and even spent money from his budget for his and Planning staff members to take classes on putting this together. He believes they delivered exactly what the Commission asked for a year ago. Commissioner Azula said the whole idea is to include every department in an RFQ, not just City Hall, Annex and PD. Mr. Bush said he can identify the buildings that need to be included in an expanded study. There are departments that are already being monitored for expansion, and those expansions will take place when needed. Mr. Holmes asked if they can approve a basic RFP with the "base" task to assess the Police Department and City Hall/Annex, with additional options for replacement of other departments, by department, then the entire bid package can be brought back to the Commission and the Commission can choose what will fit into their budget. Mr. Bush said the City can use Better Place money for buildings; it targets capital improvements to various facilities. There being no further discussion, Mayor Flagg called for a roll-call vote, with the following results: Commissioners Azula, Brown, Norwood, and Sanders, Yes; Mayor Flagg, Nay. The motion was declared passed with one opposed.

3(f) - Reappoint Patricia Brosnan as Legal Exp. Representative to the Historic Preservation Board for a three-year term to expire June, 2008 (sole applicant) - Ms. Driggers noted that when there is a sole applicant for appointment, and in this case reappointment, to a Board, it is the policy of the Commission to take it up on the Consent Agenda. In any event, any commissioner can pull it for discussion. Commissioner Brown moved to reappoint Patricia Brosnan to the Palatka Historic Preservation Board for a three-year term to expire June, 2008. Commissioner Azula seconded the motion, which passed unopposed.

3(g) - Approve submission of HUD Economic Development Initiative Grant in amount of \$198,400 for Riverfront Park Improvements - Mr. Bush said his memorandum on this included in the Agenda. Because the 5-year Planning Team is not yet in place, they submitted the grant to the Downtown Merchants, and they have endorsed its submittal. He recommends commission approval on this item. Mr. Bush read the letter from Downtown Palatka, Inc. into the record. He noted this is for improvements to the current amphitheater. Commissioner Brown moved to authorize submission of a HUD Economic Development Grant Application for improvements to the Riverfront Park, specifically the amphitheater. Commissioner Azula seconded the motion, which passed unopposed.

3(h) - Approve submission of Florida Fish & Wildlife Conservation Florida Boating Improvement Program Grant in amount of \$296,000 for a Public Water Access & Marine Facilities permit for a waterfront location yet to be determined, covering area from north of Riverfront Inn to south of Boathouse Marina - Mr. Bush read his memorandum into the record. This grant application has been revised and submitted to representatives of Downtown Palatka, Inc., who took the issue to the Downtown Merchants Association; they provided a letter of support (filed). This will allow marina permitting. If a marina is approved, the number of slips and location will be reviewed and approved by the 5-year Downtown Revitalization Planning Team. Commissioner Norwood moved to approve submission of a \$268,000 Florida Fish & Wildlife Conservation Florida Boating Improvement Grant for a public water access & Marine Facilities permit. Commissioner Sanders seconded the motion. Mayor Flagg noted some corrections on the letter, which

Mr. Bush said would be amended when the application is sent out. There being no further discussion, the motion passed unopposed.

FIRE FEE SERVICE TAX PRESENTATION - Chief Venables said in 2004 the Commission passed a resolution enabling the Commission to put a fire fee assessment in place on all properties in the City. Recently the City put out an RFQ for a firm to do a fire fee study, and Burton & Associates was awarded that contract. He introduced Mr. Michael Burton with Burton and Associates, and Mr. Steven McDonald, his assistant, noting they are here to present their findings.

Steven McDonald, Burton and Associates, said they were retained by the City to conduct a special assessment study for fire fees. The City currently funds the cost of fire services within the General Fund. By virtue of the nature of ad valorem taxes, that does not equate with benefits. The most compelling reason to adopt this type of fee is that it will make the cost more equitable amongst users of the service. He described the method they used to develop a method of allocating funding requirements across all properties based upon usage. They can adopt a fire assessment as late as September 15. These figures are preliminary, and property records do change all the time. They still have choices in terms of what level of fire services they want. The table they provided funds approximately 50% of the cost of fire services. They based their assessment on a very fair and equitable assessment, but they can change how they make an assessment in a class right up until the service fee is adopted. If they adopt special assessments funding around 50% of requirements, the smallest residential single-family home would be assessed at roughly \$60/year, or \$5.00/month; the next level is \$80/year, the next is \$120/year, and the next is roughly \$170/year, and the largest is \$242/year, or \$20 per month. On non-residential, commercial, or industrial properties, those rates are assessed on a per-thousand-square feet basis.

Commissioner Brown said she noted that government pays nothing for this service; almost half of downtown is made up of government buildings. Some of those buildings are quite large. Is there a way they can make a contribution to fire services to help defer the cost? She is speaking of county, state and federal buildings. Mr. McDonald said normally two types of properties are exempted: government buildings and public schools. The Commission can choose to exclude them and fund the cost through another revenue source. Relative to governmental buildings, it is generally the practice of governments to not cross-charge each other for this type of service. What's important is determining a fair way of determining assessments. They can opt to include any county or other governmental building in the assessment, based upon square footage.

Per the question, Mr. McDonald said the County only assesses residential properties with a garbage collection fee; other buildings are treated as commercial accounts. Schools are considered a commercial account. Mr. Burton said they can also exempt churches and religious institutions, which is allowed by statute.

Allegra Kitchens, 1027 S. 12th Street, asked how much of the current 8 city mills goes to the Fire Service based on last year's budget, and if a fire tax is imposed, will the millage be rolled back by the amount that was taken out for the Fire Department for the previous year? Several people have spoken to her and are against the fire service fee; her neighbor almost lost his home because he couldn't pay the county's sanitation assessment. Many people don't think \$60/year is a lot of money, but it is to many people. There are a lot of poor people in Palatka. She hears that if you can't afford to keep up your house or pay taxes, you don't need to live in Palatka, but that is not the case. When the tax base increases enough to pay for more fire, they need to do it that way, because property can be sold for delinquent taxes on fire service fees. Also, as to the method of determining what class a residential property falls into, what are the square footage parameters? Mr. Burton said he can provide her with that information.

Christy Sanford, 312 Dodge Street, said the City can provide exemptions for the disabled or those on fixed incomes. Mr. Burton said he would need to check with his legal counsel to determine if that is proper, and it may be that it is alright as long as the cost is not spread to other users. Commissioner Brown asked if people already paying taxes will get a break; some folks feel that they will be paying double if they pay taxes and an

assessment fee. The playing field needs to be made more even. And she definitely wants to address hardship cases.

Mr. Bush said once this is in place, they can determine if they can roll back a percentage of the millage based on needs for other things, like additional police officers, etc. Somewhere in the neighborhood of five of the eight mills goes to fund fire service costs; if they adopt this to cover 50% of the cost, they could roll the millage back, unless they identify other needs. They need a vision of what all their needs are before they make that decision.

Mayor Flagg said it is crucial to determine the offset that will be generated by this fee, and offset the millage accordingly, whether they have to use the money on other things or not, which can be determined later. The people who are not paying any money for ad valorem taxes need the same service. Mr. Burton said they can show the math. This model does recognize a lesser burden on smaller homes, vs. the larger burden on larger homes. There is also a model that reverses that, to offset the larger amount of taxes paid by larger homes. Mr. McDonald said the benefit properties receive is through the property owners. All property owners today are getting a benefit through the protection class assessment; Palatka has a protection class rating of 5, and that benefits all citizens. This is well documented.

Allegra Kitchens, 1027 S. 12th Street, said the majority of the citizens of Palatka are extremely poor, and many can't afford insurance and won't be able to rebuild if their homes are burned down. The County hates their MSBUs and to her knowledge the County has never rolled back its millage rates. There are really poor people in Palatka who need to be considered.

Mayor Flagg noted this Item comes with a recommendation from the Fire Chief to draft an ordinance to set a fire service fee for F/Y 2005-06. Commissioner Norwood moved to have the Attorney draft an ordinance setting forth a Fire Service Fee Assessment on properties within the City, and to schedule a public hearing on the matter to take comments from the public. Commissioner Azula seconded the motion. Commissioner Brown said she'd like some answers to the questions she asked earlier. Mayor Flagg asked for and received a roll-call vote on the motion, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none.

BOARD APPOINTMENTS - Downtown Tax Increment Fund Oversight Committee - Mayor Flagg read the slate of members as proposed by Downtown Palatka, Inc. Commissioner Brown moved to appoint Garry Wood, Michelle Van Doren, Walt Riddle, Chip Laibl and County Commissioner Linda Myers to the Downtown Tax Increment Oversight Committee. Commissioner Azula seconded the motion, which passed unopposed.

BOARD APPLICANT INTERVIEWS - PUTNAM COUNTY LIBRARY BOARD - One position - Applicant Susan Ivey was present for interview. Mayor Flagg noted the appointment will be made on June 23.

BOARD OF ZONING APPEALS - One position - Applicants Eddie L. Brown and Dwight Parker were present for interviews. Mayor Flagg noted the appointment will be made on June 23.

HISTORIC PRESERVATION BOARD - Two positions - Applicant Lynn Braddy was present for interview. Mayor Flagg noted the appointments will be made on June 23.

RESOLUTION 7-143 - Palatka, Russia - The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, UNITED STATES OF AMERICA, RECOGNIZING AND RE-ESTABLISHING A SPECIAL FRIENDSHIP WITH ITS NAMESAKE AND FRIENDSHIP CITY, THE CITY OF PALATKA, MAGADANSK REGION, RUSSIA, AND RE-AFFIRMING TIES AND CONTACTS BETWEEN THESE FRIENDS, NAMESAKES AND SISTER CITIES. Commissioner Brown moved to adopt the resolution as read. Commissioner Azula seconded the motion. Commissioner Brown noted that when the Mayor of Palatka, Russia came to visit

Palatka, he stayed with then-Mayor Smith for a month, and that should be added to the resolution. Also, she sits on the FLC International Trade Committee, and asked that the Clerk pass on information on the Sister Cities program to the group that is visiting Russia. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Resolution 7-143 was declared adopted.

RECESS - Mayor Flagg called a short recess at 7:56 p.m., with consensus of the Commission.

Mayor Flagg called the 6-9-05 City Commission meeting back to order at 8:07 p.m. and the commission recommenced with the Orders of the Day.

PUBLIC HEARING - ORDINANCE 05-25 annexing 15.51 acres on the east side of Lundy Road, 300 feet south of Edgemoor Street - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IN SECTION 13, TOWNSHIP 10 SOUTH, RANGE 26 EAST, AND SECTION 18, TOWNSHIP 10 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to adopt the ordinance as presented. Commissioner Brown seconded the motion. There being no public comment, Mr. Mengel provided a graphic of the property location, and noted it is on the south end of the golf course. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-25 was declared adopted.

PUBLIC HEARING - 331 U. S. Hwy 17 North - Planning Board Recommendation to annex, amend the Land Use Map from County Urban Service to City Industrial, and rezone from county C-4 to City M-01 (light industrial) - 3 Diamonds Development; Ronald Clark, Agent for owners

ORDINANCE 05-26 - Annex - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA, CERTAIN ADJACENT TERRITORY IN SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as presented. Commissioner Azula seconded the motion.

Ronald Clark, Esquire, 501 St. Johns Avenue, said these are for climatized store units. They will put up 40 storefronts at 1,000 sq. ft. each, with water & fire protection. This is affordable for small business people. There will be a park and fountain. They anticipate the cost at \$5 million. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance 05-26 was declared adopted.

ORDINANCE - Land Use Amendment - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) AS DESCRIBED HEREINAFTER, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as presented. Commissioner Azula seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance 05-27 was declared adopted.

ORDINANCE - Rezoning - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING

MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 37, TOWNSHIP 9 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on first reading. Commissioner Azula seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. The ordinance was passed on first reading.

PUBLIC HEARING - 7341 Crill Avenue - Planning Board recommendation to Annex, amend the Land Use Map from County Urban Service to City Commercial, and rezone from County Agricultural to City C-1 (General commercial) - Imatiaz and Shamim Bhatti, owners.

ORDINANCE 05-28 - Annex - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as submitted. Commissioner Azula seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance 05-28 was declared adopted.

ORDINANCE 05-29 - Land Use Amendment - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) AS DESCRIBED HEREINAFTER, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to adopt the ordinance as written. Commissioner Azula seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. Ordinance No. 05-29 was declared adopted.

ORDINANCE - Rezoning 7341 Crill Avenue - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 26 EAST; AND PROVIDING AN EFFECTIVE DATE. Commissioner Brown moved to pass the ordinance on first reading as presented. Commissioner Azula seconded the motion. There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. The ordinance was declared passed on first reading.

ORDINANCE - The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING CHAPTER 94 OF THE COCDE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA; TO AMEND THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO BUFFERS BETWEEN USES OF DIFFERING ZONING; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DETERMINATION OF REQUIRED BUFFERS; PROVIDING FOR CATEGORIES, MAINTENANCE, AND TIMING OF INSTALLATION OF BUFFERS; PROVIDING FOR EXCEPTIONS, MODIFICATIONS AND VARIANCES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as presented. Commissioner Sanders seconded the motion. Commissioner Brown said she asked that this come before the Commission due to problems they've experienced with inadequate buffering requirements in the past, and she'd like to see some examples of this at the next meeting so they can be sure they are doing the right thing, and putting the right buffers in the right places. Commissioner Norwood said citizens continually ask for better buffers to make the distinction between commercial and residential. Commissioner Brown said she'd like

to see this tabled so they can take a look at examples of this. Mr. Mengel noted a scrivener's error on the effective date; it will take effect upon adoption by the City Commission.

John Turner, 512 N. 2nd Street, said he didn't hear anything on width or types of buffers. He'd like to know the sizes and types of buffers. Mr. Mengel said within the table on page 3, these are described. There are three options within each category, and the width depends upon the buffer selected by the developer. The widest is where there is undisturbed vegetation on the site, up to 75' wide.

Mayor Flagg asked what the sources of the information were for this ordinance. Mr. Mengel said he chose one from a certain jurisdiction in Georgia, which was a good model, and some local changes took place. This also addresses phasing in of projects currently underway. Mr. Holmes said it is an extreme improvement over what they have now. There being no further discussion, a roll-call vote was taken, with the following results: Commissioner Azula, yes; Commissioner Brown, no; Commissioners Norwood, Sanders and Mayor Flagg, Yes. The ordinance was declared passed on first reading.

ORDINANCE - Amending PUD acreage from 10 acres to none - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING SECTION 94-233(A) OF THE CODE OF ORDINANCES OF THE MUNICIPAL CODE PERTAINING TO THE MINIMUM ACREAGE REQUIREMENTS FOR CONSIDERATION OF A PLANNED UNIT DEVELOPMENT (PUD) FROM TEN (10) ACRES TO NONE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on first reading as read. Commissioner Sanders seconded the motion. Mr. Mengel said as far as the Planning Board's motion was concerned, there was a syntax change on some language, and the draft included a double negative, which he has fixed.

Allegra Kitchens, 1027 S. 12th Street, said she is 100% against lowering the PUD acreage on this, but if they won't leave it at 10 acres, she wouldn't be that upset if they put it at 2 acres. Her neighborhood was changed from R-2 to R-1A. If that is the case, every lot in her neighborhood can have a PUD on it. She represents a minimum of 14 of her 28 neighbors; they don't want a high-rise, commercial facilities or recreational units in her neighborhood. It would allow too many other uses in her neighborhood; every lot could have multi-family units. There are no minimum lot sizes or maximum heights involved. This will change for the entire City of Palatka, and not just her neighborhood. It will affect every lot in the City of Palatka.

Mr. Holmes said, with regard to her first concern, since a PUD is an overlay of existing zoning, residential lots cannot be converted to any other use unless the zoning is changed. The zoning can be changed whether or not a PUD is overlain. According to a PUD plan, you aren't allowing uses that otherwise aren't permitted by zoning. In her neighborhood, someone would still have to abide by R-1A zoning. Ms. Kitchens said she doubts anyone would have any problem getting their zoning change, given the recent permissiveness of the Commission. A PUD can exist on R-3, and that is all over the City of Palatka. If they want to preserve the character of "old Palatka" they need to change this.

To answer Commissioner Norwood's question, Mr. Mengel said a typical city lot is 50 x 150 feet, or 0.13 acres; a city block is just over 2 acres. Ms. Kitchens said some lots in Palatka are 50 x 100 feet; some along River Street are 50 x 150 feet; some run 75 x 150; they vary from block to block. Mr. Mengel said most of the lots in the South Historic District run around 0.13 acres. PUD is not a bad word; it is a zoning agreement. Any PUD would come before the Planning Board and Commission. Mayor Flagg said it is not just a black check. Mr. Mengel said it becomes an agreement between the developer and City as to what will go there. It is not just unrestricted development.

Michael Woodward, Esquire, 501 Atlantic Avenue, Interlachen, said the purpose of zoning regulation is to create predictability. There is a tension between the desire for predictability and flexibility, which is especially true for PUDs. They need to look at the ramification of making PUDs more available to any lot size. People in St. Johns County are suffering because government failed to provide for the fallout of that rapid

development. They opened their arms to development; they were looking for a drink of water, but got a tidal wave. St. Johns County is looking at restricting development now, as their development has become unmanageable. This encourages the proliferation of small PUDs in Palatka. The present ordinance strikes a good balance between predictability and flexibility, and assures citizens that their lifestyles will be protected into the future. Mr. Woodward noted the intent of the PUD ordinance, Section 92-231, is to 'encourage the development of large tracts of land as planned neighborhood communities.' Reducing the land size of PUDs is contrary to the intent. The intent to limit PUDs to large tracts of land is for predictability. If even the smallest parcel is technically available for a PUD, people will use it in lieu of rezoning for the purpose of whatever development they want to do. It will open a zoning application to a multiplicity of uses. It will be an administrative nightmare for city staff, as each PUD has its own set of rules for monitoring; a PUD is its own particular set of rules. It would reduce the predictability and stability for other property owners. You will never be quite sure as to what may go in next to you. An earlier City Commission determined that the PUD article should encourage the development of large tracts of land. There aren't many 10-acre tracts of land in Palatka, but Palatka annexes large tracts of land all the time. If there are only a few PUDs you can give them the attention they deserve.

Mr. Woodward said this situation came about because one particular developer wants to do a PUD at 9.8 acres. It is envisioned at being a future land use amendment in the future. He is suggesting that it would be more appropriate, rather than to change a rational ordinance simply because one developer finds it inconvenient, they should stay with the current ordinance, which will help to prevent the problems they have in St. Johns County. He recommends the ordinance be left alone.

Elizabeth Hatcher, 613 S. 18th Street, said she is adjacent to the Historic District. She is part of Palatka, and doesn't want Allegra Kitchens to speak for her. She thinks a PUD is an excellent idea. She grew up here and her family has been here for years. They need to provide for residential growth. A PUD is an agreement; the Commissioners are supposedly bright, intelligent people that can make agreements with developers specific to a piece of property. PUDs are only advantageous to developers on large tracts of land, not one single lot.

Betsy Scarlett, 2025 Kate Street, said she knows that PUDs are different for different towns, and knows that PUDs are agreements for development, and asked how many times this provision has been amended over the years. Mr. Holmes said the current zoning code that contained provisions for PUDs was adopted in 1981, and there could have been amendments since, but he can't answer that at this time. Mrs. Scarlett said you need an awfully good reason for an amendment. Commissioner Brown said things change with time; years ago people used coal to light fires, but after people stopped using it, regulations for coal were still on the books. They have to make changes to ordinances to keep up with change. Mr. Holmes said he doesn't believe there are any active PUDs right now. If a City Block is two acres, you'd have to have five current city blocks to have a PUD. It could well be that the size requirement has kept PUDs out. Mrs. Scarlett said this seems to be a drastic change. Mr. Holmes said if PUDs hold a developer to a tighter standard, how that can be a bad thing? She said there needs to be standards; she is opposed to not knowing or understanding more when they say the sky is the limit. Mr. Holmes said that is not what they are saying. The only zoning classification in which there is no height restriction is R-3. Every other zoning classification has a restriction. The only underlying zoning classification there is no height restriction on is R-3; they tried to put a restriction there, but it got voted down. The PUD is not the villain; the lack of a height restriction is the villain. Mr. Holmes said if someone has a PUD, which is a binding agreement with the City, he would have a limit, or could have a limit, but not under R-3 unless a PUD is in place. Once the agreement has been reached, it is enforceable. Commissioner Brown said a few weeks ago they tried to put a height restriction in R-3 zoning, and the speakers at the meeting said they didn't want it, so it was voted down. Mrs. Scarlett said she'd be happy with 5 - 10 acres as a minimum for PUD.

Randy Braddy, 614 River Street, said regarding this particular request, he didn't have much concern with it until the last Planning Board meeting on Tuesday. The 10 to zero

concern comes about as there was some action taken to delete minimum setback requirements under a PUD. Mr. Holmes said he suggested they could do that, but that was not the net affect of the action that was taken. They did talk about it, but the deletion that was made would still leave the setbacks in place in the establishment of the different zoning requirements, so setbacks would fall to the underlying zoning. Mr. Braddy said it was discussed that in order to provide maximum flexibility, there should be no setback requirements of any kind. He is concerned that this seems to be the line of thought going on. Following whatever action they take on this, they could get a request to remove the connection to the underlying zoning. A PUD request could allow ten units on a 1-acre parcel with no setback requirements, subject to a negotiated contract between the developer and the Commission. That asks the citizens to give their rights by proxy to the Commission or Planning Board with regards to the negotiating process. They would have no rebuttal or protection. He thinks they need some protection, however minimal it may be. He's not absolutely certain 10 acres is good in a city the size of Palatka, but taking it to zero is not responsible; he can see taking it to two acres. Zero acres is too open-ended. He'd like the ordinance to be revised to something more than zero. He advocates for a two-acre minimum.

John Turner, 512 N. 2nd Street, said density starts kicking in after a while. Since PUD can go in any class of zoning, what happens if PUD is on a commercial property, and can it be two acres? He believed PUD was a separate classification of zoning. On the County level, it is the zoning, but Mr. Holmes just said PUD is in addition to whatever zoning is already there. R-3 would become R-3/PUD. If something is already zoned R-3, why would someone want to burden themselves with a PUD when they can already do whatever the zoning will allow? He recommends going to zero, which would satisfy any PUD in any zoning classification.

Sam Deputy, 917 Carr Street, said he is concerned because he lives next to a pocket of R-3. Two months ago a motion was made to allow a flea market next to him. Mr. Mengel said that was on M-1 or Commercial. Mr. Deputy said someone could do away with a buffer and construct a PUD on a city lot within 50 feet of his home, which could be of unlimited height. Redevelopment is good, within bounds. He recommends two acres.

Ron Brown, Esquire, St. Augustine, native of Palatka, said during the time he's lived here, the City hasn't benefited from new growth until recently. They haven't had an opportunity for development, and are now facing the age-old problems of how to provide services without a tax base. The town of Hastings is experiencing a similar situation, and a large tract of agricultural land is being groomed for residential development. They realize the survival and future of Hastings depends upon flexibility of the town. People want to invest their money, and have an idea of what they want to do, and have to be able to work with the City. In Hastings, they are doing PUDs, and having to make some changes in order to arrange the housing, other amenities, and find an efficient and creative use of the land. Palatka can do that and preserve the areas that are important to its history. In St. Augustine Beach, everything is on the tax rolls, and everyone pays taxes. They are at 2 mills. They are doing PUDs. They are trying to be flexible while preserving their neighborhoods. That's the same opportunity Palatka has now. Palatka's ordinances were adopted at a time when these opportunities weren't available. They need to make the ordinances work better for the citizens. Changes in the code reflect the fact that changes occur in the community; otherwise, the Commission wouldn't have the ability to amend ordinances they have passed. PUDs give them an opportunity to control what happens in their city. There are vacancies available on St. Johns Avenue that aren't 10 acres, but can benefit from a PUD, that would fit within the theme of the community. Ten acres is a big piece of real estate in a town like Palatka. That needs to be a smaller number. He's not sure that is zero, but 1/2-acre minimum requirements have worked. He suggests 1 acre.

Commissioner Brown said she believes the ordinance should be amended to a 2-acre minimum. Commissioner Norwood said two acres gives them more flexibility to approve PUDs, and stops any and all PUDs on every possible piece of land. If R-3 doesn't fit, a PUD would. If there is a limitation on acreage, it prohibits a proliferation of PUDs. Mr. Holmes said since they have advertised for a maximum change to zero, they can make a change to anything in between and still have current advertising. PUDs are favored by

municipalities, not developers. It gives more control to the municipality or county. He doesn't know a circumstance under which a developer would prefer a PUD over just developing a piece of property. Developers don't normally want a PUD; it's the municipality that wants it. Whatever number they chose is fine, but if it weren't for the polarization caused by the Jutras property project, they wouldn't see people lining up against this. They would be advocating for more PUDs as an alternative for developers. Mr. Jutras didn't come here with the idea of a PUD; he wanted straight R-3 zoning. Staff couldn't support that because it didn't have sufficient controls. PUDs are seen as giving the town controls, not making it easier for developers, especially in Palatka where the underlying zoning is the rule. In the County, the PUD becomes the zoning, but that is not true in the City. It is just an overlay. If a city block is just over 90,000 square feet, it is a little greater than two acres. Commissioner Brown moved to amend the ordinance to set the minimum land area for a PUD at two acres instead of none. Commissioner Sanders seconded the motion. Mr. Holmes said the amendment would read under Section 1(a), 2nd line, after "be" strike the rest of that line, and after "requirement", in its place insert "not less than two acres in area." The passage would then read, "A parcel which is proposed for planned unit development shall be not less than two acres in area; however all parcels intended for development as a Planned Unit Development shall be in single ownership or control." As to the revision, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. The motion to amend passed unopposed.

As to the main motion to pass the ordinance on first reading, which is now as amended, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders and Mayor Flagg, Yes; Nays, none. The ordinance was declared passed on first reading.

ORDINANCE Amending the Zoning Chart in Section 94-111 - the Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING SECTION 94-111 OF THE CODE OF ORDINANCES OF THE CITY OF PALATKA, FLORIDA; TO AMEND THE PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO THE ENUMERATION OF ZONING DISTRICTS; SPECIFICALLY AMENDING THE CHART LISTED IN SECTION 94-111; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to pass the ordinance on 2nd reading. Commissioner Azula seconded the motion.

Allegra Kitchens, 1027 S. 12th Street, said she is not speaking for anyone else when she said the prior ordinance would change all the lots in Palatka. She speaks for some of her neighbors, and when zoning codes get changed, it changes all of Palatka. She does not agree with their dropping the table from the ordinance. They are seeing more and more safety regulations put in place by previous commissions being dropped from the Code. She is feeling uneasy about that.

Michael Woodward, Esquire, 501 Atlantic Avenue, asked for some clarification on new language. After the table is a note says "this table is for illustrative purposes only . . ." and asked what that means. Mr. Mengel said that language closely mirrors the language adopted by Putnam County in their land development code, and relates to the analysis of the relationship between zoning and the comprehensive plan. Mr. Woodward said he understood that the table was there for illustrative purposes, but the text controls the intent. Mr. Holmes said Mr. Woodward is asking for Mr. Mengel's opinion, which may not be shared by the Commissioners. He doesn't want that to be taken as the Commission's opinion, also.

Mr. Woodward said after the ordinance passed on first reading, he wasn't comfortable with the way his dialogue with the Commission ended. He heard feedback from the commission about he and others like him, who had asked that the change not be made, which sounded to him like, "ya'll said you didn't want us to get rid of the table, and they are getting a table, so why aren't they happy?" They were happy with the first table as it was. It was clear and fairly restrictive, which is what they liked about it. This table is too broad and not restrictive enough, and increases types of development that wouldn't be allowed under the old table. He wonders how far they want to go to make growth easier

by loosening restrictions on how that growth can occur. They will get all the growth they want or need even with fairly tight restrictions. Perhaps they've been overlooked by growth, and may need to open their arms wider to development, but they need to be careful about what they let folks do and where. Loosening restriction is a step in the wrong direction. He asked they vote the ordinance down.

Ron Brown, 93 Orange Street, St. Augustine, said the City is just trying to ensure the consistency of internal language. There are some questions on the use of the application of residential multi-family zoning in various residential areas, which would give them more desirable opportunities they may not have had before.

There being no further discussion, a roll-call vote was taken, with the following results: Commissioners Azula, Brown, Norwood, Sanders, and Mayor Flagg, Yes; Nays, none. Ordinance 05-30 was declared adopted.

ADMINISTRATIVE REPORTS - There were none.

COMMISSIONER COMMENTS

COMMISSIONER BROWN:

- Said the reason she missed the last meeting was because she was in Atlanta sitting on the Florida League of Cities' Insurance Trust Board.
- She asked about the progress on hiring a new assistant for the clerk. Mr. Bush said the job has been advertised and applications are rolling in, and they should have someone on board shortly.

COMMISSIONER AZULA:

- Said Mr. Mengel also needs help, and asked if they need to upgrade the position to attract a building official. Mr. Mengel said at this time they have a very strong candidate they are looking at.
- He said during the Blue Crab Festival, a downtown restaurant was very overcrowded and the toilets were overflowing with feces in the doorway. This establishment was charging admission and just letting any and everyone in. He couldn't find a policeman to help control the crowd or even help him shut the place down. There was no toilet tissue in the bathrooms, and severe overcrowding. When he brought this to a bartender's attention, the bartender said he didn't deal with bathrooms, he just dealt with mixing drinks. He asked who they could contact at 11 or 12 o'clock at night to address these issues? Mr. Bush said inspections are normally handled through the health department. Mr. Mengel said there are minimum requirements within the Code related to occupancy load of a facility; many older facilities are grandfathered. If the occupancy load is enhanced via expansion of a facility, they then have to upgrade everything else, even with grandfathering.

Commissioner Sanders said restaurants downtown are very limited. Some restaurants don't want competing restaurants to come in due to fear of competition. Restroom facilities are the responsibility of the owner, and are health department issue. There was a festival going on, and a limited number of restaurants to handle the crowds. They'd love to see more businesses open to handle the crowds. Commissioner Azula said the Fire Marshal contacted the owners the next day and counseled them on the crowds.

Commissioner Norwood noted the Fire Marshal is salaried, and carries a city cell phone. He asked if emergency dispatch has access to his cell phone; Chief Venables said they do, and he carries a pager. With a call, they would send an on-duty fire company unit right over to deal with the overcrowding, and not wait for the fire marshal. Mr. Holmes said fire departments might not be able to deal with the toilets. Chief Venables said if someone calls dispatch, they will respond, do a head count, and if occupancy was exceeded, no one would be allowed in until the occupancy was down, and then one would be allowed in when one comes out. As to the toilets, the Health Department should be called. There are also 24-hour plumbers available to address emergency plumbing needs.

Commissioner Sanders said there were two complaints about dumpsters not being emptied on St. Johns Avenue, as the dumpsters were blocked by vehicles. He suggests that dumpster areas be chained off during festivals to prevent people from parking in front of them. The truck went back there three times to try to empty certain dumpsters.

Mr. Mengel said an 'after festival' meeting will be held with Blue Crab organizers, and that will be addressed. As to bathrooms overflowing, the Division of Hotels and Restaurants would be interested in that issue. Mayor Flagg said these entities are regulated on various different levels, and cannot plead ignorance of the law, and should have a protocol in place. If sanitation can't get to a dumpster, they need a way to tag the dumpster showing the City was there, but couldn't get to the dumpster because it was blocked, so the finger won't keep getting pointed at the City as being at fault in these matters.

There being no further business to discuss, the meeting was adjourned at 9:54 p.m. upon a motion by Commissioner Brown.

CITY CLERK

MAYOR