KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER

CITY OF PALATKA
FLORIDA

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

RUBY M. WILLIAMS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD F. HOLMES
CITY ATTORNEY

August 10, 2010

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, VERNON MYERS, Jr. AND JAMES NORWOOD, Jr.:

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held on Tuesday, August 31, 2010, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 6:00 p.m.

The purpose of the meeting is to hold a joint workshop with the Downtown Merchants to discuss Municipal Code revisions to allow sidewalk displays in the Central Business District.

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

We acknowledge receipt of a copy of the foregoing notice of a special meeting on the 10th day of August, 2010.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Vernon Myers
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

City of Palatka
Building & Zoning
201 N. 2nd Street
Palatka, Florida 32177
386-329-0103 • Fax 386-329-0172

August 24, 2010

TO: Mayor Flagg, Vice Mayor Brown, Commissioners Kitchens, Myers and Norwood

FROM: Debbie Banks, Director of Building & Zoning

RE: Wares on Sidewalk Workshop II

Please find attached a draft ordinance amending Section 70-31 - Placing merchandise, benches, or other obstructions in sidewalk. The draft includes 13 items for discussion. Boxes highlighted in gray are negotiable with the exception of item 10. When the allowance for an A-frame sign in the downtown area was added, the sign ordinance was not updated. I am in the process of working on that ordinance to include the A-frame signs.

- 1. The reason for the 2 ½' measurement is that the UPS/FedEx box protrudes from the building that far in the 400 block. The 50% frontage is a suggestion.
- 8. As people walk downtown, they are not necessarily looking down which is why a minimum height for planters (and probably anything on the sidewalk) should be included.
- 12. The City must be protected from the liability that will be incurred by allowing items on the sidewalk. I am not sure what the amount of insurance should be.

Violations: It would be difficult to utilize current methods of code enforcement where a warning is sent with 30 days to comply since merchants now place merchandise on the sidewalk and bring it in everyday. I recommend the ability to immediately cite someone after the first warning has been given.

Permits: A permit should be required and I am recommending it renew annually with the Business Tax Receipt to eliminate more paperwork. Initially, a $25 application fee would be preferred with renewals at no charge although a new certificate of insurance would be necessary at that time.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 70-31, 94-161 AND 94-162 OF THE CITY OF PALATKA MUNICIPAL CODE REGARDING PLACING MERCHANDISE, BENCHES OR OTHER OBSTRUCTIONS IN SIDEWALK

WHEREAS, The Palatka City Commission is charged with providing for the health and safety of its citizens: and

WHEREAS, the City Commission has determined that the following ordinances will benefit the health and safety of its citizens.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALATKA THAT THE FOLLOWING CHANGES AND ADDITIONS SHALL BE MADE TO THE PALATKA MUNICIPAL CODE:

ARTICLE II. SIDEWALKS

DIVISION 1. GENERALLY

Sec. 70-31. Placing merchandise, benches or other obstructions in sidewalk.

Except as otherwise provided in section 70-1, it shall be unlawful for any person to place, put or leave any goods, wares, merchandise, boxes, benches or other obstructions of any nature whatsoever on any part of the sidewalks along the streets of the city outside the property line of the streets except that in the Downtown Riverfront (DR) and Downtown Business (DB) zoning districts business owners may obtain a permit to do so in conformance with the following conditions:

1. Merchandise may be placed on the city sidewalk up to 2 ½ (two and one half) feet from the front of the building housing the permanent retail operation not to exceed more than fifty percent (50%) of the building frontage.
2. No sales may take place in the right-of-way.
3. Placement of all merchandise must adhere to the requirements of the Americans with Disabilities Act and all other applicable standards and shall maintain a 48" clear path at all times.
4. Displays of merchandise may not obstruct ingress to or egress from the building.
5. No electricity may be used in conjunction with the display of merchandise, for artificial

light or any other purpose. Electrical goods which are not plugged in may be displayed.

6. All merchandise must be brought in at the close of business each day.
7. All merchandise and supporting structures shall be kept clean and in good repair.
8. Planters will be allowed to remain outside at all times provided they are at least 24" in height and maintained at all times.
9. Newspaper racks and package/letter drop-off containers must be permitted and installed to code.
10. A-frame/sandwich sign/menu boards must be permitted
11. Benches or seats for occupancy by persons may be placed and maintained on and along the sidewalks of the city provided they are maintained by the owner or occupant of the abutting property in a safe and sightly condition and no part thereof extends more than 24 inches outside of and beyond the property line of such owner. No signage will be allowed on any portion of the bench or seat for occupancy.
12. Each business owner placing anything on the city sidewalk must provide a Certificate of Insurance naming the city as additional insured $300,000?? $1,000,000??
13. Each business owner placing anything on the city sidewalk must provide the city an indemnification clause.

Violations:

- First offense – warning
- Repeat offense - A fine of $25 per occurrence will be charged for each day a violation of this ordinance is found following the initial warning.

~~; provided that benches or seats for occupancy by persons may be placed and maintained on and along the sidewalks of the city provided they are maintained by the owner or occupant of the abutting property in a safe and sightly condition and no part thereof extends more than 24 inches outside of and beyond the property line of such owner, and provided further that g~~ Goods and merchandise delivered to duly licensed merchants and operators of places of business in the city may be deposited and left on the sidewalks immediately in front of the places of business of such merchants and operators between the hours of 12:00 midnight and 8:00 a.m. of the next morning when and where any such place of business is not then open or has no storage area to receive

such goods and merchandise at the time of delivery. The leaving of any goods or merchandise on the sidewalks of the city after 8:00 a.m. of the morning of delivery shall be and constitute a violation of this section by the merchant or operator of the place of business to whom such delivery is made.

Permit

Before placing merchandise on the sidewalk by any business owner, a permit to do so shall be issued by the city to such person. The application for such permit shall be accompanied by proof of insurance and an indemnification statement. Permits will automatically renew in following years with the business owner's Business Tax Receipt. A new certificate of insurance and indemnification will be required each year.

Sec. 94-161. DR downtown riverfront district.

(a) *Intent and purpose.* The Downtown Riverfront (DR) District is established for the purpose of providing a pedestrian oriented, retail/entertainment area that has historically been downtown and its waterfront area. The boundaries of this district extend from the St. Johns River west along Reid Street, St. Johns Avenue and Laurel Street to South 4th Street including portions of its intersecting streets and along the riverfront from Madison Street southward to the end of the city park (see attached map). It is further intended that this district would become an area of unique character with balanced commercial, residential, and public and other places in which people feel safe and comfortable. It is also intended that this district discourage uses that are likely to create friction with pedestrian movement and the primary activities for which the district is intended.

(b) *Permitted principal uses, activities, and structures.* Unless otherwise expressed herein, uses not specifically listed as permitted shall be prohibited. Sale, display preparation, and repair incidental to sales and storage shall be conducted on private property only with the exception of merchandise allowed on the sidewalk per Section 70-31. Permitted principal uses, activities, and structures in the Downtown Riverfront District are as follows:

Sec. 94-162. DB downtown business district.

(a) *Intent and purpose.* The Downtown Business (DB) District is established for the purpose of providing a transitional buffer between the Downtown Riverfront (DR) District and the more

intensive uses which would be inconsistent with the intent of the Downtown Riverfront (DR) District. This district would provide a broader range of activities and uses that would support development within the Downtown Riverfront (DR) District. The boundaries of this district extend along St. Johns Avenue and Reid Street from 4th Street to the railroad tracks and Oak Street and Laurel Street from 4th Street to the railroad tracks (see attached map).

(b) *Permitted principal uses, activities, and structures.* Unless otherwise expressed herein, uses not specifically listed as permitted shall be prohibited. Sale, display preparation, and repair incidental to sales and storage shall be conducted on private property only <u>with the exception of merchandise allowed on the sidewalk per Section 70-31</u>. Permitted principal uses and structures in the downtown business (DB) district are as follows:

City of Palatka
Sidewalk Display Application/Permit

This application must be **typed or printed in black ink** and submitted to:
City of Palatka Building & Zoning, 201 N 2nd St., Palatka, FL 32177 (PH 386-329-0103, FAX 386-329-0172)

APPLICATION IS HEREBY MADE FOR THE PURPOSE OF PLACING THOSE ITEMS LISTED BELOW IN/ON THE SIDEWALK OF THE CITY IN THE DOWNTOWN BUSINESS AND RIVERFRONT DISTRICTS PER MUNCIPAL CODE SECTION 70-31. ONCE SIGNED AND APPROVED BY THE CITY, THIS APPLICATION SHALL SERVE AS THE PERMIT UNTIL SUCH TIME THE BUSINESS TAX RECEIPT IS RENEWED. THIS PERMT SHALL THEN RENEW EACH YEAR PROVIDED THE APPLICANT PROVIDES ALL REQUIRED ATTACHMENTS WITH THE RENEWAL.

Check all that apply: _____ Merchandise _____A-frame/sandwich sign _____Menu board _____Newspaper rack _____ Package pick-up box _____ Planters _____Bench _____Other (explain) _____

Type of Ownership: _____ Property Owner _____ Business Owner _____ Both

Business Name:	**Business Phone:**
Business Owner's Name:	**Home Phone:**

Business Address: _____

Mailing Address: _____

Type of Business: _____

Business Tax Receipt Number:

Property Owner's Name (if different from business owner):_____

Required Attachments:	**Note:**
o Certificate of Insurance o Indemnification Clause o Hold Harmless Agreement	Tenant signature and property owner signature required if rental.

_____ _____ _____ _____
Business Owner Signature **Date** **Property Owner Signature** **Date**

STATE OF _____ **County of** _____

Before me this day personally appeared _____who executed the foregoing application and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this _____day of _____A.D._____.

FOR OFFICE USE ONLY

Current Zoning	Required attachments: ____ Yes ____ No	Date Rec'd:

Approved by: _____

Title: _____ Date Approved: _____

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MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

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DONALD E. HOLMES
CITY ATTORNEY

MINUTES
CITY OF PALATKA WORKSHOP
PALATKA CITY COMMISSION – DOWNTOWN MERCHANTS
July 27, 2010 – 6:00 p.m.

Proceedings of a workshop meeting of the City Commission of the City of Palatka, Florida, called to be held on the 27th of July, 2007 at 6:00 p.m.

PRESENT:	Mayor	Karl N. Flagg
	Commissioner	Mary Lawson Brown
	Commissioner	Allegra Kitchens
	Commissioner	Vernon Myers
	Commissioner	James Norwood, Jr.

Also Present: City Manager Elwin C. Boynton, Jr.; City Clerk Betsy Jordan Driggers; Finance Director Matthew Reynolds; Police Lt. James Griffith; Fire Chief Mike Lambert; Planning & Zoning Director Debbie Banks.

CALL TO ORDER: Mayor Flagg called the meeting to order at 6:15 p.m. and read the following call, which was issued July 16, 2010:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, VERNON MYERS, Jr. AND JAMES NORWOOD, Jr.:

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held on Tuesday, July 27, 2010, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 6:00 p.m.

The purpose of the meeting is to hold a joint workshop with the Downtown Merchants to discuss merchandise being placed on sidewalks in the Central Business District.

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

The following Commissioners acknowledged receipt of a copy of the foregoing notice of a special meeting on the 16th day of July, 2010.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Vernon Myers
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

Mayor Flagg greeted the downtown merchants and participants present. He asked downtown merchant officers to identify themselves and what businesses they represent. A sign-up sheet was distributed, upon which all participants were asked to write down their name and business name & address.

The following participants signed the roster:
Sam Deputy, President, Downtown Palatka, Inc.; Graphics II, 623 St. Johns Avenue
Angela Murtagh, V. President, Downtown Palatka, Inc.; Angela's, 726 St. Johns Avenue
Kathleen Patricia, Ruby Slippers, 212 St. Johns Avenue
Dana Gooding, The Bicycle Shop, 330 St. Johns Avenue
Mary Rhadigan, The Art Shoppe, 225 St. Johns Avenue
Lavinia Moody, Energy & Training Center, 520 Oak Street
Sherri W. Kummer, Ralph's House of Flowers, 605 St. Johns Avenue
Tish Leary, Ralph's House of Flowers, 605 St. Johns Avenue
Shirley Crooms, Shirley's Purses & More, 729 St. Johns Avenue
Jennifer Harrell, The Gypsy Palace, 320 St. Johns Avenue

Debbie Banks, Planning & Zoning Administrator, said her Department has been receiving complaints on items being placed on the sidewalks, which are not allowed per City Code. The Code Enforcement Officer wrote letters to the people placing merchandise on sidewalks informing them of the Code violation. She was asked by Mr. Deputy to hold off on citations to give them time to come up with a solution. This workshop is a result of time passage. Her Code Enforcement Officer did research on what other municipalities allow. Most of them mirror the City's ordinance; this is done for safety reasons. Most cities that do allow merchandise to be placed on sidewalks require permits for doing so. She'd like some definitions as to what is allowed. Mayor Flagg asked for clarification on sidewalk items such as allowable space, heights, whether trash cans or planters, and newspaper racks should be included. Mayor Flagg said safety is the number one concern. He never wants the City to be involved in selective enforcement. They have a reputation of being fair and impartial. They know it is important for merchants to get their message out. They don't want to leave this open for interpretation.

Mr. Deputy said the Downtown merchants are looking at the ability to define their businesses. When in a retail area like Downtown, the location is what they need to consider. This is a prime location. When driving through the CBD you are looking at parallel parking, so there are issues with that. You can see store-fronts, you just have a hard time defining what the store does. Many storefronts are small and blocked by vehicles. They are looking for an opportunity to define the business in order to attract customers. All businesses should be treated the same. They allow newspaper boxes and real estate ad boxes to be located on sidewalks. Those businesses should not be granted more advantages than his business. They appreciate that Mrs. Banks treats everyone the same; she will fine anyone. She has upheld the Code. There needs to be flexibility in the Code. According to Code, his flower pots are illegal. This goes too far. If someone is walking that close to his building, they will run into it. They don't want to see 15 washing machines or baby carriages put out on the sidewalk.

Mayor Flagg read the portion of the Code regarding obstructing streets and sidewalks (Section 70-31, Article II), which states, "Nothing except as provided in Section 70-1, it shall be unlawful for any person to place, put or leave any goods, wares, merchandise, boxes, benches or other obstructions of any nature whatsoever on any part of the sidewalk along the streets of the city outside the property line of the streets; provided

that benches or seats for occupancy by persons may be placed and maintained on and along the sidewalks of the city provided they are maintained by the owner or occupant of the abutting property in a safe and slightly and no part thereof extends beyond 24" outside of and beyond the property line of such owner, and provided further that goods and merchandise delivered to duly licensed merchants and operators of places of business in the city may be deposited and left on the sidewalks immediately in front of the places of business of such merchants and operators between the hours of 12:00 midnight and 8:00 a.m. of the next morning when and where any such place of business is not then open or has no storage area to receive such goods and merchandise at the time of delivery. The leaving of any goods or merchandise on the sidewalks of the city after 8:00 a.m. of the morning of delivery shall be and constitute a violation of this section by the merchant or operator of the place of business to whom such delivery is made." Mayor Flagg asked to have a round-table discussion on how the ordinance is adversely affecting the merchants' specific business.

Angela Murtagh, Angela's of Palatka, said she's been here 5 years. Prior to the past 3 – 4 months she's been able to put out a small display. A few merchants usually get together and put out some things on Thursdays and Fridays. That was never an issue until a few months ago. It was a small display and not in a traffic area. It is now being overdone. Some merchants just put out too much merchandise. If they were to totally do away with a display it would hurt her business. She's noticed a 30% cut in her profits because she can't put out a rack or display; it makes people stop and come into her business. Some of them have an overhang in front of their building or more square footage of frontage or pavement. They need to take all of St. Johns Avenue and every building into consideration on this. Some stores don't have ample display windows.

Sam Deputy said a tree stands in front of his building, so he doesn't have all 48" in front of his building that is necessary by Code, which means the City is also violating the Code. Some businesses have a tree almost directly in front of their door, which puts them at a disadvantage. If the trees were maintained properly, they wouldn't be as large as they are. He got in trouble for having a ladder up against a tree because he was trying to get the tree off his building. They need to take this into account. It limits what they can do in front of their buildings.

Ms. Crooms said she agrees with Mrs. Murtagh; she put a lot of things out because 701 St. Johns Avenue put a lot of things out. Then she moved to another location and it would have been nice if she could have put some things out before she could get her sign up. She put something in the flower bed and it was stolen.

Tish Leary, Ralph's House of Flowers, said they've had a sidewalk display of yard flags for several years. She has never had a safety problem with her display. It attracts customers to her store. Benches are allowed, but their stores can't put items out for display. They put a sign in the bushes, but they had to move that also. There are many businesses all over the city with those same signs up.

Mayor Flagg said they are taking business survival and laws into consideration. They want businesses to survive without breaking the law.

Dana Gooding, The Bicycle Shop, asked if there is a difference between the sign she describes and an A-frame type sign. Mrs. Banks said the little "stick in the ground" signs are called snipe signs. They are not allowed on city property. You can have an A-frame sign in certain downtown districts. Ms. Murtagh asked if it is possible that the current ordinance is outdated.

Lavinia Moody, Energy Training Center, said she is not officially opened yet but she does need to be informed.

Mary Rhadigan, The Art Shoppe, said she's had flowers outside her shop for 5-½ years and no one has ever cited her for it. She has a sign on a pink flamingo which has never been cited. She had no complaints on her flower pots or sign. They do need flowers, as it dresses up the streets. They are within 24" of the building.

Dana Gooding, The Bicycle Shop, said it definitely affects business. He puts a few bicycles outside his shop. It draws people into his shop. It has a positive effect on his business. It makes downtown look alive.

Kathleen Patricia, Ruby Slippers, said they are on a block that is relatively closed. There are only a few businesses open. She has a small A-frame sign in front of her shop which is lovely, and a waiting area. It's interesting how many people are surprised she is open. Her small area is very tastefully done and has attracted customers. The hair dressing business in that block has picked up as a result of customers seeing her shop is open. Her table and chair have opened up the block. It makes people aware she is open. She often has a homeless man sleeping on the bench next to her shop, but she gets cited for her beautiful display.

Jennifer Harrell, The Gypsy Palace, said they don't want to cause safety violations. They are swimming in a sea of mainly office tenants. There are only three retailers on the 300 block. It helps to have a pretty planter or flag outside which differentiates them as a retailer. She agrees that sidewalk signage is helpful and likes the A-frame signs.

Mayor Flagg said they need to maintain a pedestrian-friendly downtown. He's been hearing that for many years. They have to be able to have people park their cars, get out and walk around. The primary purpose of a sidewalk is to allow the free movement of pedestrians. They recognize that in retail you need an attraction that will cause someone to come into your shop. She asked how the merchants can create an environment of consistency that will allow the renaissance of downtown -- minimally, without affecting the economic bottom line, develop a theme and a consistency without impeding the sidewalk, distracting or disgusting the pedestrians. There are window space differences, overhang differences, etc. He asked how they can model or revise the City Code so that they can attract business while creating moderation in sidewalk displays. They don't want to handicap anyone with laws and rules, but there are always some who go overboard without regard. It is their intent to have a user-friendly ordinance that does not impede economic advancement but places limits and parameters in place. Safety is foremost. The City just wants voluntary compliance. They are very aware that the current code allows no flexibility. Mrs. Banks is doing her job. They need to be able to have a letter that goes out to say things can't be done, but that the City is willing to discuss the issues. They need to find a balance that will allow downtown to thrive.

Commissioner Kitchens said as one who travels down St. Johns Ave, she never has a problem identifying what people are selling. Some stores are set back and have an alcove where they can place things. She's never had a problem identifying what a business does or sells. The trees don't cover anything up as the trunks aren't that big. People used to have decorative signs in front of their businesses with a piece of merchandise shown on it, such as a purse hanging on a purse shop. As to other cities' codes, there are several ordinances to choose from that allow merchandise on sidewalks which have parameters. If they want to put things out, that's OK as long as it is allowed by law. The sign issue is a totally separate issue than items on the sidewalk. The City has never allowed snipe signs on its right-of-way. The sidewalks vary in size and clearance varies from town to town. All ordinances reference public safety, ingress and egress as the reason for controlling merchandise on sidewalks. There are also ADA compliance issues to consider. She spoke to the City Attorney about changing the

ordinance to hold the City harmless from injuries. He told her hold harmless agreements don't protect the City, but an indemnification agreement does protect the City. As for the few cities that allow this, individuals apply for permits and they sign indemnification and hold harmless agreements, and keep insurance information on file. Eustis does this. If someone is injured the Town isn't held responsible. If this method is used, and if a merchant wants to put out a flower pot or anything else, the City would be covered in case of any injury arising out of the merchandise or items on the sidewalk. This is a flexible way to handle it. Doing it on a permitted basis is acceptable to her. These ordinances also state what you can put out and how much of it you can put out. With café's, if you have seating on the sidewalk, you cannot refuse to let anyone sit there for any reason. She read Eustis' ordinance. If they do this, the best way to do it is to allow it on a case-by-case permit basis.

Commissioner Brown said she's been around for some time and seen many changes on St. Johns Avenue. She also has a business downtown. She likes the downtown flower pots. She drove down St. Johns Avenue recently. People have put too much junk on the sidewalk. They need to police each other. They want it to look nice and want pedestrians to stay safe. Some of these businesses are in small stores and they all need as much help as they can get. If she goes by Walmart and there are flowers outside that she wants, she will stop. They need to be creative and think outside the box on this issue. They need to maintain an attractive Downtown. Some towns look bad and have old dilapidated buildings that house lovely businesses. They need an attraction to get people out of their cars and into their stores. Merchants need to work with the City to maintain attractive streets. Nothing distinguishes an office from retail stores. They need to be creative.

Commissioner Myers said they should do everything within reason to assist local merchants. This issue doesn't affect his business. He believes they need to promote these businesses as they are vital to the community, but have to do it within reason. The ordinance warrants tweaking. The insurance issue is valid and if it is permitted they need hold harmless/indemnification clauses. The permitting is a good idea and is what cities that do allow it require. St. Johns Avenue has different sidewalk depths. A bicycle outside a bicycle business is great for business. Clothing displays in good taste are not objectionable. The permit process warrants consideration.

Commissioner Norwood said he had a bicycle that needed repair and if he hadn't seen the bicycle display on the sidewalk he'd not have known there was a bicycle shop downtown. The City and CRA have invested quite a bit of resources into the CBD trying to improve the aesthetics to attract customers. They should have limited displays if they are to be allowed. He doesn't even want to think of appliances on the sidewalk. He can't support that. The government has requirements for handicapped access and they can't violate those requirements. They need to have voluntary compliance through changes to the ordinance. Trees are not doing what they need to do if they are hindering businesses, and they need to look at this as well. The City needs to comply with its own ordinances. He didn't understand the diversity the ordinance was causing. Times and the economic situation dictates they change the way they do business. The merchants have been creative, but the ordinance doesn't allow creativity. He can support changing the ordinance to making it more user-friendly. They can't wait for things to happen, but need to make things happen inside the law.

Mayor Flagg said having a unanimous entrepreneurial spirit downtown can work wonders. If people are only concerned with their particular business or block, that stymies the progress they need to make. People need to look beyond their own boarders and decide what is good for all of downtown. One block doesn't need to make another block look bad. The need a strategic plan and need to be progressive in their thought processes. They need people to partner with them as elected leaders. They

need a positive and pristine pedestrian–friendly downtown. They need to do whatever it takes to promote downtown. What do shoppers from Palatka and tourist shoppers want, and how do they get them off Reid Street? They need to get them and keep them on St. Johns Avenue. When it's all said and done, people will shop locally if things are available. They need to make sure they are all at the table on this. Commissioner Brown said she finds people can solve problems if they are asked for a solution. The merchants have heard from the Commission and know the problem. She'd like them to get together at their meetings and come back with a suggestion or solution to this as they know the problem better than anyone does. They can then meet in another workshop setting to discuss the results. Mayor Flagg said the City Manager has taken notes and at some point there will be a proposed ordinance that will reflect progressive leadership. They are here to listen and help.

Kathleen Patricia asked if there was a possibility of putting a light on the new brick directional sign at 3rd & Reid Street to illuminate it. It says Downtown Palatka but it doesn't say there are stores Downtown. Mr. Boynton said they are going after a grant to redo the lighting and parking lot. If so the entire corridor will change. Lighting and signage on that sign are part of that. Commissioner Brown said as they look at this they need to look at the inconsistency of sidewalk width or size. Mayor Flagg said they are receptive to the need of having a clean and pedestrian-friendly downtown. They need the downtown merchants to be united in what they would like to see that is consistent for all blocks. They want to motivate the entrepreneurial spirit with a feasible plan that creates a win-win situation.

Mr. Deputy said they can bring a simple plan back. Business start-up is confusing. They need a check list that tells them what they need to do. Mrs. Banks has helped quite a few businesses open. Mrs. Banks said the Chamber has developed such a check list. Mr. Deputy said they need to get businesses downtown and opened up. People can't find who owns the empty buildings downtown to rent them. They need to make it easier for people to locate downtown and need to look at a visioning process. The CRA is going to undertake this. They need to set that up.

Mayor Flagg said every Downtown block is not represented here tonight. They cannot gauge the level of interest without representation. They need to enhance what they are doing to keep people in business. Mr. Deputy said they can come up with something from a retail point of view. They are finding the "offices" don't want to participate in this type of plan. They are quite satisfied as their business hasn't taken a downturn, especially the lawyers. They can provide the retail aspect of this for the entire Downtown District. They want all areas of the District represented. They need to set a date for a workshop meeting and hand the merchants that goal. Mayor Flagg said they can't write off professional offices, but need to get them aboard as they are a part of Downtown. They need to create a balance between retail and professional. Mrs. Murtagh said they mailed a notice to every business downtown – 184 letters – about this meeting. Mr. Deputy said he makes sure the letters are sent. Mr. Gooding said the people here today are the ones that care about the future of Downtown. Mayor Flagg said it is his goal to build consensus among all types of businesses.

Ms. Rhadigan said no one has to leave their house to shop anymore, but one reason people will leave their house to shop is for the experience. Their Downtown is warm and friendly and has the river view. People like the experience. Mrs. Murtagh said Jennifer Sellers' store is an example of what they'd like to see Downtown, as well as Ruby Slippers. When you see the bicycles outside or the flags outside you know those businesses are open. These are good examples. They are nice, neat displays that are classy and never in the way. This is what they'd like Downtown to be. Mayor Flagg said they need to have group sales so multiple people have a reason to shop Downtown at the same time and walk block to block.

Mr. Boynton said the reason they are here is to talk about merchants placing merchandise on the sidewalks. He'd like Mrs. Banks and Mr. Deputy to come up with a proposed ordinance they can all live with. Obstructing a sidewalk means you can't get through it. They don't need to reinvent the wheel. There are many ordinances out there to use as an example. They need to bring an ordinance to the Commission and move forward. Every piece doesn't have to be ready at one time or they will never get this done. They can move forward to revise the ordinance to allow displays on the sidewalks through a permitting process. They need to move forward quickly on this. Mr. Deputy said the "indemnification" is a rider they'd have to put on their policy to cover the City. This goes by the square footage of their building. The more sales they have, the more liability insurance costs. They are looking at adding more cost of doing business to the merchants. Commissioner Kitchens said you have to produce a certificate stating you have this coverage.

Mrs. Banks said one of the other things they will see on the sidewalks is pushcarts. When they redid the ordinance several years ago, pushcarts were approved; the merchants wanted to see this approved. These are for food vending. That ordinance never was completed as to regulations on vendors. That is another component Downtown can help her with. Commissioner Kitchens said the examples she provided address food vendors. Mrs. Banks said it was being worked on at one time, but was never finished. They cannot just set up in a spot; they need to keep moving.

Mayor Flagg proposed they hold part II of a two-part workshop on the last Tuesday in August if possible. That should give the downtown merchant's time to put a plan together. There was consensus to set a tentative date and time of 6:00 p.m. on Tuesday August 24th for the next workshop and to come back with a draft ordinance.

ADJOURN – There being no further business to discuss, the workshop was adjourned at 7:30 p.m. upon a motion by Commissioner Myers.

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.