

KARL N. FLAGG
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

VERNON MYERS
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



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 E. HOLMES
CITY ATTORNEY

MINUTES
CITY OF PALATKA WORKSHOP
PALATKA CITY COMMISSION – DOWNTOWN MERCHANTS
August 31, 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 31st day of August, 2010 at 6:00 p.m.

PRESENT: Mayor Karl N. Flagg
Commissioner Mary Lawson Brown
Commissioner Allegra Kitchens
Commissioner Vernon Myers

ABSENT: Commissioner James Norwood, Jr.

Also Present: City Manager Elwin C. Boynton, Jr.; City Clerk Betsy Jordan Driggers; Police Chief Gary Getchell; Chief Building Official Joff Fillion

CALL TO ORDER: Mayor Flagg called the meeting to order at 6:00 p.m. and read the following call, which was issued August 10, 2010:

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.

Isl 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 10th day of August, 2010.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Vernon Myers
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

INVOCATION – Police Chief Gary Getchell

PLEDGE OF ALLEGIANCE – Mayor Karl N. Flagg

Merchants Present:

Angela Murtagh, 726 St. Johns Ave. (Angela's)
Dana Gooding, 330 St. Johns Ave. (The Bicycle Shop)
Sam Deputy, 623 St. Johns Ave. (Graphics II)
Lavinia Moody, 520 Oak St.
Tish Leary, 605 St. Johns Ave. (Ralph's House of Flowers)
Shirley Crooms, 729 St. Johns Ave.
William Ennis, 714 St. Johns Ave. (Downtown Blues)
Mary Rhadigan, 225 St. Johns Ave. (The Art Shoppe)
Kathleen Patricia, 212 St. Johns Ave. (The Ruby Slipper)
Chris Smoot, 922 St. Johns Ave. (The Computer Rx)
Alexander Altman, 922 St. Johns Ave. (The Computer Rx)
Gerry Miller, 201/305 St. Johns Ave.
Linda Myers, 1401 Reid St. (Dunkin' Donuts/Baskin Robbins)
Robert Griffith, 510 Mulholland, representing Ruth Burk
Ken Venables, 2002 Cherry Lane

Mayor Flagg said Debbie Banks, Director of Building & Zoning, was unable to attend tonight but offered an ordinance for discussion. He read her cover memorandum into the record (filed).

Mr. Boynton said under Sections 12 and 13, Insurance, page 2, Mr. Holmes suggests Section 12 read, "Each business owner placing anything on the city sidewalk must provide a Certificate of Insurance evidencing a policy of liability insurance naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$5000,000 per person, \$1,000,000 per accident for personal injury/death and \$300,000 for property damage."

Mr. Boynton said Mr. Holmes suggests Section 13 should read, "Each business owner placing anything on the city sidewalk must sign appropriate documents upon demand by the City agreeing to hold the city harmless and indemnify the City against any claims, demands, suits, or causes of action, and against any costs incurred by the City in defending itself against any of same, arising or allegedly arising from or as a result of the business owner's placement of anything on the city sidewalk as is otherwise permitted by this ordinance." Mr. Boynton said Mr. Holmes indicated he had modified the draft ordinance as attached, and doesn't think the coverage amounts are excessive. He distributed copies of Mr. Holmes' memorandum.

Mayor Flagg said the ordinance will be discussed by section.

Division I, Sec. 70-31 - There was consensus on Items 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13.

Clarification on #8 to determine if the 24" includes the height of the plant will be obtained. Mayor Flagg said he'd like to stick with the height of the planter, and if the height needs to be dropped to 18" that can be considered. Mr. Filion said traffic obstruction regulations dictate that, on a corner lot, anything inside 30 feet from the center of the intersection throughout an area shaped like a pyramid cannot be over 30" high. There was consensus that 18" would suffice. Discussion ensued regarding impeding private parking areas with planters, and planters on corners within the "obstruction pyramid." Regarding deciding whether property is private or public, Mayor Flagg said a survey should serve to determine ownership.

As to #9, Mayor Flagg said the owners of newspaper/magazine boxes should be officially notified of the first reading of the ordinance. He would also like to see some conformity in how the boxes look and where they are placed. Commissioner Kitchens said when the Palatka Daily News was contacted about their boxes the Editor started quoting "freedom of the press" laws.

As to #10, there was consensus to add the caveat regarding obstruction of intersection by A-frame signs into the ordinance.

As to #11, Kathleen Patricia asked if she can place a table and two chairs between the tree/bench in front of her building and the street. There was a consensus to have Mr. Filion investigate the site. Per discussion, this is on the curb. Commissioner Brown said they are looking at doing eco-tourism and they may need to make changes to benefit people who come here to spend their money. As they look at these things their vision should be broad. They should be looking into the future. Commissioner Kitchens read from the ordinance that benches and seats shall only be placed up to 24" from the building. There was a consensus to use "property line" instead of "building" for consistency. Mr. Boynton said one of the examples they looked at allotted for café seating. They will look at that. This is meant to apply to merchandise and not seating. They may be able to add a section to accommodate that. Mr. Deputy noted if you put seating out, you have no control over who sits there. If someone is being problematic, you can call the police, but this is seating on public property.

Numbers 12 and 13 were amended by the City Attorney; refer to his memorandum (filed).

Mrs. Murtagh said she is afraid if unethical people know they have this insurance coverage they will hurt themselves intentionally. Mayor Flagg noted they can walk into her shop and hurt themselves intentionally now. Chris Smoot said his insurance is high and hard to obtain. He may not be able to get that much coverage for his sandwich sign. Mrs. Rhadigan said if she has to carry insurance on her flower planters, she will take them up. She can take her sign up. There was a consensus for all to contact their insurance companies to determine if there will be a cost.

Kathleen Patricia asked if the names of their businesses are going to be added to the Downtown Palatka sign. Mr. Deputy said Jonathan Griffith is working on a signage plan for downtown.

Violations – no comments were made.

There was a consensus that the final section (Line 27 at the bottom of page 2, through line 4 on top of page 3) could be revised or be updated.

Permit – There was no objection or comment to the permit itself, but Mrs. Murtagh suggested dropping it to \$15.00. Mr. Fillion said they don't do anything under \$25.00 and it is only a 1-time fee, provided you renew on time.

There was no comment regarding revisions to Sec. 94-161 and 94-162, which makes note of these exemptions.

The permit application was discussed and there were no comments offered.

Mayor Flagg read a letter from Jennifer Harrell, 320 St. Johns Ave., into the record supporting this proposed ordinance.

Closing comments were heard from business owners.

Sam Deputy said they have been working to figure out how they can be more "friendly" as a daytime destination. They need an information center and don't have one. The Chamber has a visitor room, but they are not open on Saturday or Sunday and you can only be in the visitor room if you are a member. They'd like to have a kiosk open seven days per week where business can place their information. They'd like to work with Building & Zoning on putting two A-frames on Reid Street to contain local tourist information and signage. They can't rely on merchants and their employees to disseminate this information.

Shirley Crooms said she has approached her store by auto by every way possible. She is going to get some nice planters to go flat up against her building wall, not on the ground, and put lettering on her building to attract customers.

Gerry Miller said they rely a lot on the Pennysaver for advertisement. Also, if anyone gets the chance he suggested going to Downtown Deland, which gets a lot of action, as does Mt. Dora.

In order to provide uniformity throughout the ordinance, it was clarified that each reference to distance should read "30 inches from the property line" by Mayor Flagg.

Kathleen Patricia said they need to get the word out that they are on St. Johns Avenue to make sure people know that businesses are on that street. Mrs. Murtagh suggested she put something on the back of her building, which faces US Hwy 17. Ms. Patricia said she thinks signs along the rear of those buildings look ugly.

Chris Smoot said he is concerned with the purchase and cost of liability insurance.

Mrs. Murtagh asked if this covers the (unintelligible). Mr. Deputy said that's already allowed; you just have to get a special permit for it.

Linda Myers concurred with Commissioner Brown's comment regarding planning for Palatka's future.

Ken Venables said this is a risk management tool for both the city and businesses. This is beneficial for businesses, too. They should include this in their plan. Also, this doesn't seem to cover festivals.

Mr. Venables noted on Page 3, under Violations – there is no timeline under which the violation should be corrected. It was pointed out that the fine begins after the first day of violation.

Commissioner Brown said she has small flower pots around her business but they are on her own property. She thanked staff for coming up with a solution. She thanked participants for helping to come up with a solution.

Commissioner Kitchens concurred and thanked all for their input. She is pleased with the ordinance. Out of 37 municipalities contacted about this, only a few allowed something on the sidewalks with stringent restrictions. Most of them did not. This covers the City's liability without putting undue burden on the merchants.

Commissioner Myers said this ordinance is pro-business and the Commission is pro-business. They need to work to revitalize downtown. This is an important step along that path.

Mayor Flagg suggested that all of the information that has been compiled be given to Mrs. Banks and a first reading should be scheduled for October 14. This will provide time to get the draft ordinance out well in advance.

Mr. Boynton said they will take care of the aesthetics on Hwy 17 through the CDBG grant the City has applied. Signage is coming. He looks forward to next year and asks for everyone's patience.

ADJOURN - There being no further discussion, the workshop was adjourned at 7:30 p.m. upon a motion by Commissioner Brown.