

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
April 26, 2004

The City Commission met in a formal session Monday, April 26, 2004, at 5:00 p.m. in The Alcazar Room at City Hall. The meeting was called to order by Mayor George Gardner, and the following were present:

1. Roll Call:

George Gardner, Mayor/City Commissioner
Susan Burk, City Commissioner
Errol D. Jones, City Commissioner
Donald A. Crichlow, City Commissioner
William Lennon, City Commissioner

William B. Harriss, City Manager
James P. Wilson, City Attorney
Martha V. (Nell) Porter, City Clerk
Timothy A. Burchfield, Chief Administrative Officer
Mark Litzinger, City Comptroller
John Regan, Chief Operations Officer
Mark Knight, Director, Planning and Building Department
Dr. William Adams, Director, Heritage Tourism
Robert Leetch, Director of Utilities
William H. Harding, Director, Public Works
James Whitehouse, Staff Attorney
Paul K. Williamson, Director, Public Affairs
James Owens, Fire Chief
Loran Leuders, Assistant Chief of Police
Orfeo Paolini, Sound Technician
Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Chris Washington, A Level Christian Community Church, delivered the invocation and Commissioner Lennon led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

(None)

3.B/ Approval of Minutes

The minutes of the City Commission Special Meeting of March 15, 2004, Regular Meeting of March 22, 2004 and Special Meeting of April 5, 2004 were approved as presented.

3.C/ Proclamations

Non Agenda Item

Assisted by Mayor Gardner, Dr. William Adams, Director, Heritage Tourism, read and presented a proclamation to Paul and Nancy Masser honoring their service as ambassadors of St. Augustine and for their selfless dedication to the

enrichment of the heritage tourism experience as re-enactors.

3.C.1/ Flagler College Society for Advance Management

Professor Louis R. F. Preysz III acknowledged Flagler College and President William T. Abare and stated that the Society for Advanced Management was the oldest management society in the world, and he introduced the recipients of the championship as follows:

- Robert J. Federer
- Brian R. Foxworthy
- Richard D. Frissell
- William S. Graves, III
- Ashley K. Williams

3.C.2/ Letter Carriers Food Drive

Julie Gustavson, a letter carrier, introduced the new Postmaster Steve Kirkland.

Mayor Gardner read and presented the proclamation and City Crest lapel pins to Ms. Gustavson and Mr. Kirkland.

Ms. Gustavson said that in 2003 the letter carriers had collected a total of 20,512 pounds of food, the total pounds collected in St. Johns County since 1997 was 150,000 pounds, nation wide 61.7 million pounds had been collected in 2003 and a half billion pounds of food had been collected nationwide during the past eleven years. She said that an estimated 30 million Americans faced hunger daily in America, including 12 million children. She stated that it was the largest one day food drive in the nation, and it was conducted at a time of the year when food banks were running low. She noted that any food collected in St. Johns County would remain within

the county, and she encouraged citizens to participate.

3.C.3/ Civility Month

Mayor Gardner read the proclamation, proclaiming May as Civility Month, for the benefit of the Commission and the public.

3.D/ Administrative

(None)

4. General Public Presentations and Comments (3 minutes per presentation with maximum total time limit of 20 minutes).

Elizabeth Holiday, 11 Aviles Street, stated that as a citizen of St. Augustine she felt that it was important to be up to date on the direction the City was taking; therefore, she was often at City Hall requesting copies of public information. She said that she read the minutes from the City Commission and numerous board meetings and at 15 cents a page it was an expensive hobby. She said that one of her requests from the City Clerk's Office had been the correspondence generated by the Mayor while in his official capacity. She said that Mayor Gardner had put forth a stream of letters and e-mails when he first took office; however, the correspondence had tapered off considerably. She stated that she had requested the Mayors recent correspondence on March 24, 2004; however, letters and e-mails generated through the Mayor's home office had not been copied to the City. She said that on April 1, 2004 she had posted a certified letter to the Mayor requesting that he furnish the City with his letters and e-mails, and she received a letter from the Mayor stating that he was gathering the information for transmittal to the City Clerk, and indicated that he hoped to have the files updated within the week.

She noted that it was the 26th of April and the City Clerk's Office had not received the public records. She questioned how many e-mails were out there and how many letters had been written on City letterhead. She noted that there was no law against a Mayor operating a home office, but it was against the law to withhold documents generated in that office.

Mayor Gardner acknowledged that he had been remiss. He said that he did not like to throw anything away; therefore, there were approximately 3,500 e-mails in his inbox and about the same number in his sent box. He said that the e-mails were not all pertaining to his official duties; therefore, he was trying to sort through the correspondence. He stated that he would begin to send the City Clerk groups of his correspondence. He added that if there were particular matters of concern that Ms. Holiday was interested in he might be able to provide them more rapidly.

Nancy Skinner, Anderson Street, expressed concern that the water at Oyster Creek might contain sewage discharge. She provided a sediment sample and requested that it be tested for fecal matter.

Commissioner Crichlow questioned where Ms. Skinner had obtained the sample.

Ms. Skinner replied that she had obtained the sample in Oyster Creek Lake on the west side of US 1.

Mayor Gardner stated that he suspected that there were more exhaustive measures necessary for testing.

Mr. Harriss said that he had spoken with Ms. Skinner. He said that there was fecal matter in all waterways but the

percentage of the fecal matter determined whether there was contamination. He pointed out that the sample Ms. Skinner provided was untestable. He said that they had people working for the City that tested the water regularly for all the waterways of St. Augustine. He said that any hot spots discovered were reported to the DEP immediately. He said that currently the DEP believed the City was in full compliance.

Commissioner Lennon pointed out that it was a tidal lake.

Mr. Harriss replied that it was, which meant it would be a real problem determining where fecal matter came from.

Commissioner Crichlow recommended that if there was a regular sample testing in the near future that the City Manager report the results to the Commission.

5. PRESENTATIONS AND STAFF REPORTS

(None Scheduled)

6. ITEMS BY CITY ATTORNEY

Mr. Wilson informed the Commissioners that there had been a lawsuit filed against the City by a group of people asking for a declaratory action regarding the decision about the Ponce property made by the Commissioners during the previous meeting. He said the lawsuit required a response within 20-days. He added that because of the unique pleading in the lawsuit the City Attorney, Commissioners and Staff were implicated; therefore, he would not be able to defend the case, as he might be called as a witness. He recommended hiring outside counsel, and he said that he had discussed the matter with Bill

Pence of Akerman & Senterfitt, and the City already had a working relationship with the firm; therefore, the firm was uniquely qualified to represent the City. He requested the Commissioner's authorization to hire the firm using the same rate structure that had been used in the past.

Commissioner Lennon questioned whether the City could redeem the cost of the outside counsel if they won the case.

Mr. Wilson replied that if the court found there was no legal merit to the lawsuit the court had the option of awarding attorney fees in such cases. He said in that particular case it was a real possibility.

MOTION

Commissioner Crichlow MOVED to engage the recommended attorneys. Commissioner Jones SECONDED the motion.

VOTE ON MOTION

AYES: Crichlow, Jones, Lennon, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

7. ITEMS BY CITY CLERK

(None Scheduled)

8. ITEMS BY CITY MANAGER (Includes Consent Agenda - noted with an asterisk)

8.A./ Consent Agenda

8.A.1/ Preview of upcoming Commission Meetings

8.A.2/ Consideration of Release of Liens on two Unit Connection Fee Mortgages.

8.A.3/ Approval of Final Plat for Davis Acres.

8.A.4/ Approval of Grant Award from the Assistance to Firefighters Grant Program.

8.A.5/ Approval of an Engineering Design Consultant services relative to the Wastewater Treatment Plant (WWTP) Improvements.

Mayor Gardner questioned whether item 8.A.5. was part of the bonding issue.

Mr. Harriss replied that the City had acquired the funding.

Mayor Gardner questioned where Davis Acres was located.

Mr. Harriss replied that it was located in West Augustine.

Commissioner Lennon requested an update on the water plant.

Mr. Harriss said they were referring to wastewater, and they had gotten the money from the last bond issue, which included both water and wastewater with the water plant. He said that they had hired an engineer that was in the process of conducting a study relating to alternative water sources by using a different procedure called filter membrane process. He said the item represented the first steps for necessary improvement to the wastewater treatment plant to eliminate any potential pollution of wastewater into the waters.

MOTION

Commissioner Lennon MOVED to approve Items 8.1. through 8.5. on the consent agenda. The motion was SECONDED by Commissioner Burk

and approved by UNANIMOUS VOICE VOTE.

8.B/ Discussion Items

Mr. Harriss stated that John Regan would give a report regarding three items relating to ongoing projects by City and state agencies.

Skateboard Park

John Regan, Chief Operations Officer, stated that there were different issues that had been given consideration regarding the skate board park on Davis Shores as follows:

- Relationship with the City of St. Augustine
- Funding sources
- Dealing with the neighborhood
- Safety and design

Mr. Regan stated that there had been two neighborhood meetings where it was determined that the park would be a daylight only operation, Tory Strange would be asked to manage the facility, and how children would cross Anastasia Boulevard. He said that a traffic light was under consideration with the potential of reconfiguring Red Cox Road in order to do so. He added that there had been preliminary discussion with the DOT, and one of their criteria was that a traffic signal would have to be visible for both directions. He concluded that the resident driven initiative was going well.

Commissioner Lennon questioned whether the exiting school crossing signal would suffice as a traffic signal. He added that there was a curve in the road in that area.

Mr. Regan replied that a traffic signal required a correct line of sight from an engineering point of view, which was a

calculated distance based on the speed of the road, and he thought that the R. B. Hunt signal might not have that right line of sight from both directions. He said that the traffic engineers would study the situation.

Bridge of Lions

Mr. Regan said that the bid opening for the bridge would take place the following week, and he understood that there was an excellent group of contractors interested. He acknowledged the DOT and Reynolds, Smith & Hill for their cooperation. He said they had demonstrated their commitment to the Super Bowl event, by agreeing to stop work on the bridge two weeks prior and one week after the Super Bowl. He said that they anticipated working on the piling system for the temporary bridge at that time; therefore, esthetically it would not look bad during the event.

Mr. Regan said that the City had been working with the DOT regarding parking. He said that the DOT would be required to have off-site parking for the workers, equipment suppliers and material suppliers. He said that hanging equipment would be prohibited, vibration activities would be limited to 7:00 a.m. until 6:00 p.m. and would not take place on Saturdays and Sundays. He stated that the contractor would be required to enforce proper traffic behavior by its workers. He added that there was a complete list of holidays that they would not work. He said that for all the issues that had not been thought through there would be Partnering Meetings with the DOT and staff would be there to take care of the City's interests.

Visitor Information Center

Mr. Regan said that the PZB meeting on May 4th would address the issue of a

variance for lane lists and removal of a tree within the footprint of the structure. He said that the architectural rendering to the multi modal transportation facility would be unveiled on May 12th and 13th. He added that the design team had met the level of expectation regarding architectural quality. He said that on May 24th the rendering would be brought to the City Commission for approval. He said that in May they would go before HARB for an opinion of appropriateness and in July the certificate of appropriateness. He said that the 26th of July was scheduled for the City Commission's final approval of all design development documents. He said that concurrently they would put out the civil engineering package, and they should begin construction in late August or September. He said that the business community requested that work begin after Labor Day weekend. He said that the reconfiguration of Cordova Street, development of satellite parking on the Events and Francis Fields, a shuttle system to ferry people to the VIC, and all elements to accommodate visitors would be completed in time for the Super Bowl. He noted that there would be 399 parking spaces available, which almost duplicated the number of parking spaces currently available at the VIC. He added that the Super Bowl was held at the lowest visitor period of the year.

Mayor Gardner questioned whether the lease parking for the bridge workers would be away from visitor parking.

Mr. Regan replied that there were potential sights on the island and the mainland, such as the old K-Mart parking lot and the Elk's Club.

Mayor Gardner questioned whether the Amphitheater was under consideration.

Mr. Regan replied that the means and methods were up to contractor.

Mayor Gardner suggested parking that was not normally used by visitors. He questioned whether the work on the VIC would also halt during the Super Bowl.

Mr. Regan said that was correct and added that the site would be completely fenced off to make a contained area. He said that approximately 10-days prior to the Super Bowl the activity would be shut down and approximately a week afterward as well.

Commissioner Lennon pointed out that the Chamber of Commerce had suggested ceasing activity at least two-weeks ahead of the Super Bowl, because the TV stations and companies would be moving in at that time.

Mr. Regan said that 14-days was a possibility, but they had to remember that every time a contractor shut down there was a cost involved.

Mr. Harriss said that depended on what the contractor was doing at the time. He said that they wanted a minimum of 10-days and expand the time if they could.

Mr. Regan said that staff was not familiar with the situation, but he would take the information under advisement.

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Jones – Staff

Commissioner Jones acknowledged Bill Harding and Staff for meeting with the members of St. Mary's Baptist Church on Washington Street and sharing the City's plans related to the parking lot and for coordinating efforts.

Commissioner Jones noted that crews were replacing water lines and sidewalks on Orange Street and sidewalks on Palmer Street.

Commissioner Jones acknowledged the passing of Rosalie Gordon-Mills and extended sympathy to the family. He noted that Ms. Mills was 96 years old.

Mayor Gardner added that she would have been 97 years old in three weeks.

Commissioner Crichlow – Staff

Commissioner Crichlow acknowledged Paul Williamson and staff for the successful events in St. Augustine.

Mayor Gardner – Orange Street

Mayor Gardner noted that there would be a reconfiguration of Cordova Street, and he questioned whether the new sidewalks would be torn up.

Mr. Harriss explained that concrete was temporary, they had used the type that was not expensive, and for safety purposes the City had to lay the concrete in spite of future plans.

Mayor Gardner questioned what the zoning notice was for on the Santa Domingo Redoubt.

Mr. Harriss replied that the notice was for the drive isle for the garage and the removal of a tree.

Public Records

Mayor Gardner reminded the public that when they presented any materials to the City Commission a copy was required for the record and should be presented to the City Clerk.

Department of Transportation

Mayor Gardner stated that the City had sent a letter to the DOT requesting road spikes or warning signs at pedestrian crossings. He questioned whether the City had received a response.

Mr. Harriss replied that he was not aware of a response, but he would check into the matter.

Mayor Gardner questioned what the speed limit was on San Marco Avenue, and he was informed that the limit was 25 miles per hour.

Florida School for the Deaf and Blind

Mayor Gardner announced that FSDB legislation in Tallahassee would be decided that week. He said that there was a house bill prepared by Representative Wiles and a Senate Bill that had been totally rewritten. He stated that in his opinion Representative Wiles' bill offered the best conditions for building a relationship between the school and the City. He urged Citizens to contact their legislatures in both Houses and offer support for Representative Wiles' bill.

Easter Parade

Mayor Gardner noted that Margo Pope had made mention of moving the Easter Parade from Sunday afternoon to Saturday. He said that the parade traditionally took place on Sunday; however, the problem with Sunday was the parking situation around the Plaza.

Paul K. Williamson, Director, Public Affairs, said that he had discussed with Margo Pope the possibility of making Easter Sunday a holiday for families to go to church and celebrate at home without dealing with an event in the afternoon. He pointed out the situation for parking around the Plaza, as the

honor system for vehicle removal was being stretched as the number of visitors the City experienced increased. He also pointed out that the Christmas Parade was held on a Saturday morning and by noon all the parking was available again; whereas if there was a parade in the afternoon, parking had to be blocked off most of the day around the Plaza and on King Street. He said that he had made the suggestion to the Easter Festival Committee, but it was their decision. He added that he was not one to mess with tradition; he had just made a suggestion about the operation of the event. He said that the goal was to maximize the success of all events and minimized the inconvenience for citizens and businesses.

10. Appeals and Public Hearings

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A/ Resolutions

(None Scheduled)

11.B/ Ordinances - First Reading

11.B.1/ Introduction and consideration of Ordinance 2004-08, concerning Demolition of Primary Structures with Potential Landmark Status.

Mark Knight, Director, Planning and Building Department, explained that the ordinance was initiated due to a concern for structures that were less than 50-years old. He said that HARB and the PZB had recommended approval where primary structures in National Register Districts and zoning districts would be reviewed by HARB for potential landmark status. He said potential landmark status was not the same as the status for structures over 50-years old.

Commissioner Crichlow questioned whether it pertained to any building that was scheduled for demolition no matter what age.

Mr. Knight replied any building that received a Certificate of Opinion would have to go to HARB for a Certificate of Demolition.

Mr. Harriss clarified that it would have to be a primary structure.

Mayor Gardner questioned whether a home would have to be in the National Register District or designated historic district.

Mr. Knight replied affirmatively and said that had to be established before it could be considered by HARB. He said that any structure over 50-years old in the City had to go to HARB for review prior to demolition. He said that if a structure was less than 50-years old and within the National Register District or the zoning, the property owner had to go to HARB for evaluation under a separate criterion.

Mayor Gardner said that there could be structures elsewhere in the City that would not be included.

Mr. Knight stated that staff had brought to HARB's attention that there could be structures 49-years old that were located outside National Register Districts that could have potential status; however, the board chose to only recognize the National Register Districts and zoning district.

Commissioner Lennon questioned how the ordinance got started.

Mr. Knight stated that a citizen had written to the Mayor requesting

consideration to adopt an ordinance for protection of structures specifically dealing with the Civil Rights era that might have potential landmark status. He said that he had brought the matter to HARB's attention and they developed the ordinance.

Commissioner Lennon questioned the situation if a property owner did not want to participate.

Mr. Knight said that the matter would go to the HARB and a certified notice would be sent to property owners within 150-feet, and there would be a hearing to determine whether the structure was significant enough to be a landmark. He said that if the HARB chose to make the structure landmark and denied the demolition, it could only be denied for one year unless HARB, the City or an independent group took action to stop the demolition.

Commissioner Lennon stated that the ordinance took away more rights of the people that might not want to be part of the law.

Mayor Gardner stated that there would have to be compensation.

Mr. Knight corrected that there would be no compensation, but it would delay any project for a year.

Mayor Gardner said that because the City did not have the funds to purchase those potential properties they could only delay demolition for a year in hope of a miracle.

Commissioner Burk said that the idea was to provide the public the opportunity to find grants or interested parties to purchase the property.

Mr. Knight said that since he had been with the City there had been a handful of

structures where demolition had been delayed, and as a result the property was saved by the property owners that realized the City's concern.

Dr. Adams explained that the National Register criteria applied to buildings less than 50-years old to determine whether they met the significance standard for a local landmark. He said the criterion was generally accepted by the court system as a standard for determining historic buildings. He said that the four criteria HARB would use were as follows:

- Structures associated with events that made a significant contribution to the history of the City
- Structures associated with the lives of persons significant in the history of the City
- Structures that embodied particular architecture characteristics or styles that were significant
- Structures that had archeological potential

Dr. Adams stated that under the National Register standards a structure must only meet one of the four criteria.

MOTION

Commissioner Burk MOVED to place Ordinance 2004-08 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2004-08

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-87 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ESTABLISH CRITERIA FOR THE

DEMOLITION OF PRIMARY STRUCTURES WITH POTENTIAL LANDMARK STATUS IN HISTORIC PRESERVATION ZONING DISTRICTS AND NATIONAL REGISTER DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

MAYOR

CITY CLERK

VOTE ON MOTION

**AYES: Burk, Jones, Crichlow,
Lennon, Gardner**

NAYES: None

MOTION CARRIED UNANIMOUSLY

**11.C/ Ordinances - First Reading -
Public Hearing Required**

(None Scheduled)

**11.D/ Ordinances - Second Reading
Public Hearing**

(None Scheduled)

**12.A/ General Public Comments (5
minutes per individual).**

(None)

**12.B/ GENERAL PUBLIC
PRESENTATIONS AND COMMENTS (15
minutes per presentations)**

(None scheduled for this meeting)

13. Adjournment

There being no further business, the meeting was adjourned at 6:14 p.m. ¹

¹Transcribed by Karen Rogers, Recording Secretary