

CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
July 12, 2004

The City Commission met in a formal session Monday, July 12, 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

James P. Wilson, City Attorney  
Martha V. (Nell) Porter, City Clerk  
Timothy A. Burchfield, Chief Administrative Officer  
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  
Paul K. Williamson, Director, Public Affairs  
Mark Litzinger, City Comptroller  
Lt. Jeremy A. Masters, Police Department  
Capt. John Rayno, Fire Marshal  
Orfeo Paolini, Sound Technician  
Karen Rogers, Recording Secretary

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**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Dr. David Rice, Ancient City Baptist Church, delivered the invocation and Commissioner Lennon led the Pledge of Allegiance.

**3. ADMINISTRATIVE ITEMS**

**3.A/ Modification of Agenda**

Mayor Gardner stated that the appellant had requested tabling Item 10.A., an appeal of a Planning and Zoning Board decision concerning a deck relative to property located at 243 South Matanzas Boulevard. He pointed out that there

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were a number of citizens in attendance wanting to speak during the public hearing for the appeal. He questioned the best way to handle the situation.

Mr. Wilson replied that generally when a party motioned to table for the first time the Commission approved if the cause was good. He said that should the Commissioners decide to grant the tabling a public hearing should not be held, as the appellant would not be present to hear or respond to the testimony.

Commissioner Jones questioned whether they could allow the people in attendance to speak, as they might not be able to

attend the August meeting. He questioned whether they could give them the option to speak during Item 4., and they could also return and speak during the August meeting.

Mr. Wilson replied that the appellant was not present; therefore, they could not respond, which created the risk of prejudicing the Commission or making a due process violation, and there could be a possible presumption of bias in the event the appellant took the appeal to court. He concluded that allowing a public hearing on the matter could create a possible procedural defect.

Mayor Gardner recommended that the City Attorney look into a way of preventing a similar situation in the future.

A discussion resulted, and it was determined that the Commission would table the item without a public hearing until the August 23<sup>rd</sup> meeting.

#### **MOTION**

**Commissioner Burk MOVED to table the appeal until August 23, 2004. Commissioner Lennon SECONDED the motion.**

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

#### **3.B/ Approval of Minutes**

The minutes of the Regular City Commission Meeting of June 28, 2004 were approved as presented.

#### **3.C/ Proclamations**

**4. General Public Presentations and Comments (3 minutes per**

**presentation with maximum total time limit of 20 minutes).**

(There were no general public presentations or comments.)

#### **5. PRESENTATIONS AND STAFF REPORTS**

None Agenda Item – 4<sup>th</sup> of July

Paul K. Williamson, Director, Public Affairs, reported on the 4<sup>th</sup> of July weekend events known as *Celebrate Liberty*.

Mayor Gardener - Florida Association of City Clerks, stated that the City had received a resolution from the Florida City Clerks Association in appreciation for the City's support when they held their annual conference in St. Augustine.

#### **5.A/ Presentation by St. Augustine Sightseeing Trains regarding appearance modification of the trains.**

Jim Wettach, 530 Lindsey Lane, manager of the sightseeing trains, stated that the new train design was almost exactly like the existing design. He explained that they were asking to add some brass accessories and paint the entire train red except the gas tank, smoke stack and cow catcher. He said that currently the front of the trains was painted blue, and he referred to the artist renditions he had distributed to the Commissioners. He added that the trolley company had no objections to his request for modification.

Mayor Gardner said that some of the engines served as passenger trains and he questioned whether those vehicles would continue to be used.

Mr. Whettach replied that the long range plan was that the new vehicle would be completed by the 2<sup>nd</sup> week of August and

if it was determined that if the vehicle was acceptable, all the vehicles would be refurbished and painted the same. He said at that point they would have five of the new vehicles and the old flat faced vehicles would be phased out as they built more new ones.

Commissioner Lennon questioned whether the new vehicles would have enough horse power to drive over the Bridge of Lions.

Mr. Whettach replied that the new vehicles would be able to travel over the bridge; he added that they had driven over the bridge during the Nights of Lights event.

#### **MOTION**

**Commissioner Burk MOVED to approve the new paint scheme and design as presented. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

#### **6. ITEMS BY CITY ATTORNEY**

(None Scheduled)

#### **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 extending the Nights of Lights program.**

Timothy A. Burchfield, Chief Administrative Officer, noted that they

had scheduled budget workshops for Thursday, August 26, 2004 and Friday, August 27, 2004, starting at 9:00 a.m.

Commissioner Lennon questioned why the workshops were not scheduled earlier.

Mr. Burchfield replied that between the Florida League of Cities conference and the Commissioner's trip to Minorca Spain those were the only open dates to schedule the workshops when the majority of the Commissioners were available. He added that he was aware that Commissioner Lennon would be in Aviles Spain at that time.

Commissioner Lennon stated that it would be the first time he would miss a budget workshop.

Mr. Burchfield explained that extending the Nights of Lights program was for the benefit of the Super Bowl event.

Mayor Gardner clarified that the extension for the Nights of Lights would be until February 6<sup>th</sup>.

#### **MOTION**

**Commissioner Burk MOVED to approve the consent agenda. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

Commissioner Crichlow noted that the extension of the lights pertained to the City only, and he questioned whether the City would request that private citizens leave their lights on also.

Mr. Burchfield replied that Mr. Williamson would contact them to encourage them to leave their lights on for an additional week.

## **8.B/ Discussion Items**

### **8.B.1/ Discussion concerning the Voting Delegate to the Florida League of Cities Conference.**

Mr. Burchfield stated that Commissioner Lennon could not serve as the voting delegate to the Florida League of Cities Conference, because he was on their board of directors.

Mayor Gardner suggested that they appoint Commissioner Jones as representative, and Commissioner Jones accepted the suggestion.

## **9. ITEMS BY THE MAYOR AND COMMISSIONERS**

### **Commissioner Crichlow – 4<sup>th</sup> of July**

Commissioner Crichlow extended his appreciation for the successful 4<sup>th</sup> of July events.

### **Commissioner Jones – Leonardi Street**

Commissioner Jones acknowledged the Public Works Department for their work on Leonardi Street.

Commissioner Jones expressed condolences for the passing of George Hamilton III.

### **Mayor Gardner – Crosswalks**

Mayor Gardner reported that the St. Augustine Beach Commission had accepted a consultant's report including the idea of in-street pedestrian crossing signage, and he distributed a photograph of the signage. He said that the Commission had discussed signage for the crosswalks on San Marco Avenue, and he continued to receive e-mails from residents about vehicles not stopping for pedestrians that were trying to cross the

street. He said that FDOT had denied the signage as not necessary, but he would like the FDOT to reconsider the matter.

Commissioner Lennon pointed out that the reason was parking, and he said there was no parking on the street in question on St. Augustine Beach. He said that there was parking on both sides of San Marco Avenue; therefore, it would not be practical.

William H. Harding, Director, Public Works, reported that FDOT had researched the situation and determined that the safety history had not indicated a need and also for the same reason Commissioner Lennon had mentioned. He said that if the concern continued it would require removal of 3-4 parking spaces on each side of the crosswalks to provide the necessary visibility.

Commissioner Burk suggested looking further into the matter upon completion of the garage.

## **10. Appeals and Public Hearings**

### **10.A/ Public hearing and appeal of a Planning and Zoning Board decision relative to property located at 243 South Matanzas Boulevard.** <sup>1</sup>

## **11. RESOLUTIONS AND ORDINANCES (To include public hearing)**

(None Scheduled)

### **11.B/ Ordinances - First Reading**

(None Scheduled)

### **11.C/ Ordinances – First Reading – Public Hearing Required**

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<sup>1</sup> Item address by Commission in Modification of Agenda Item 3.A.

(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)

**13. Adjournment**

There being no further business, the meeting was adjourned at 5:41 p.m. <sup>2</sup>

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MAYOR

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CITY CLERK

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<sup>2</sup>Transcribed by Karen Rogers, Recording Secretary