

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
September 13, 2004

The City Commission met in a formal session Monday, September 13, 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
Donald A. Crichlow, City Commissioner
Errol D. Jones, 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
John Regan, Chief Operations Officer
Mark Knight, Director, Planning and Building Department
Robert Leetch, Director of Utilities
William H. Harding, Director, Public Works
Paul K. Williamson, Director, Public Affairs
Mark Litzinger, City Comptroller
Loran Lueders, Assistant Chief of Police
James Owens, Fire Chief
Karen Rogers, Recording Secretary

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 recommended that Paul Williamson deliver his report Item 8.B.1., regarding the state of the storm and operation during Hurricane Frances, prior to public comment in Item 4.

3.B/ Approval of Minutes

The minutes of the City Commission Workshop Meeting of August 16, 2004, Regular Meeting of August 23, 2004, and Workshop Meeting of August 26, 2004 were approved as presented.

3.C/ Proclamations

(None Scheduled)

8.B.1/ Hurricane Frances – State of Storm Message.

Paul K. Williamson, Director, Public Affairs, stated that everyone's learning curve had greatly increased during the current hurricane season. He said there were three stages of emergency

management; preparation, response during the storm and recovery. He stated that the City had been well prepared and responded efficiently and operations returned quickly to normal in all areas. He said that his report entailed a four day period; Friday, Saturday, Sunday and Monday, and he addressed the different departments as follows:

- Fire Department - Center for Emergency Operations - Chief Jimmy Owens, Emergency Management Coordinator - The main fire station served as the Emergency Operations Center - Police and Fire Department functioned in 12 hour shifts
- Public Works Department - Affected areas were street, parks and solid waste - The three divisions were augmented with the utilities department to form a recovery task force to remove debris and maintain clear passage for emergency vehicles - Sixteen streets had been blocked and ten were cleared the first day - Solid waste regular service was restored on Tuesday

Mr. Williamson elaborated that Tillman Ridge had been closed late Thursday, because evacuation traffic on I-95 was backed up making it impossible for the City to haul trash; however, the situation provided extra labor for other emergencies. He said that the amount of debris generated by the storm was approximately 1,200 tons, which would take eight months to generate under normal conditions. He said that the City was responsible for 19 traffic lights and most had been restored by Monday with the aid of generators. He added that there were 100 reported downed trees. He said that Utilities never lost water service, as backup power had been used at the well fields, but all the lift stations had lost power at some point during the

storm. He said that the City was refining a plan that prioritized the 67 City lift stations with supplemental power as needed during emergencies. He said that the City had been lucky not to get the predicted 12 inches of rain. He noted that the stormwater project on Artillery Lane had functioned beautifully. He added that the storm would delay Public Works and Utilities projects for approximately 2-3 weeks.

- Facility assessment - Minor roof damage, accelerated erosion on the seawall, minor damage on the north side of the marina and the lighthouse dock came lose from the pilings
- Financial Department - No parking citations for a week
- Information Technology - no damage
- Lost revenues - Calculated at \$18 million in tourism for St. Johns County, but total impact locally had not been determined
- Cost of storm to the City - In excess of half a million dollars to be determined by the requirements of FEMA (FEMA would pay up to 75% of costs related to the hurricane) - City paper work in compliance for FEMA funding

Mr. Williamson stated that 2,500 employee overtime hours had been logged to date, but the City stood to have most of the cost reimbursed through FEMA.

- Heritage Tourism - Historical properties suffered minor damage - approximately \$75,000 lost in admissions to the museum - Lost parking revenues over Labor Day weekend
- Visitor Service - Partner closer with VCB in the future to insure the VIC operated to the maximum during emergency

Mr. Williamson stated that the VIC had offered free parking during the weekend to encourage people in Jacksonville to visit St. Augustine.

- Planning and Building Department – Performed the original damage assessments within two days – Public properties \$250,000, commercial properties \$25,000 and residential properties \$500,000 in damages
- Public Affairs – Worked at the EOC for four days to provide the City with specific information – City lost both radio stations necessitating future relationship with radio stations in Jacksonville – Work on communications with the public for future emergencies

Mr. Williamson stated that they were initiating a “you okay” campaign encouraging neighborhoods to interact with their neighbors by checking with one another to find out if everyone was okay. He said that the idea was to be sure that the elderly or ill were alright during and after emergencies.

Mr. Williamson summarized that the City had been well prepared and would be better prepared for future hurricanes, and they intended on working closer with service providers to be better prepared for the future. He concluded that the City stood ready to help families in other counties.

Commissioner Lennon stated that Maricarmen (a friend to the City) had a tree fall on her house during the hurricane. He questioned whether there was any method in which the City could legally try to help in that type of situation.

Mr. Wilson replied that for public safety reasons in an emergency the City could go into private property to be certain citizens were okay; however, tree removal

or debris clean-up was not the City’s liability.

Commissioner Lennon questioned, in the instance of providing access to a home, whether the City could go into private property and move an obstruction.

Mr. Wilson said that if the citizen gave the City permission they could, but it would be a matter of policy as to whether the City would do that in any instance other than for public safety. He said that generally speaking he was having trouble thinking of the circumstance in which the City would do so.

Mr. Harriss stated that they were discussing a policy problem; moreover, staff was not trained or capable of removing large trees that required a crane; furthermore, the City could potentially take on an extreme liability. He added that Maricarmen had not been in danger after the tree had fallen.

Commissioner Lennon recommended that the City lease or purchase a boom truck to assist citizens in such incidents. He added that Maricarmen had suffered extreme discomfort and anxiety in her situation. He justified his suggestion saying that a boom truck could assist staff with clearing roads in emergencies to save time and avoid traffic problems.

Mr. Harriss agreed that wanting to help citizens was an admirable intention; however, he pointed out that if government was going to perform tree removal they could not do it with a used boom truck or without expertise.

A discussion resulted regarding the City’s liability and use of City funds in such situations.

Mayor Gardner questioned whether the City continued to suspend the

requirement for tree permits on private property that was in danger during the storm.

Mr. Harriss replied that the City had been liberal with its interpretation for permit requirements, but the quicker the City got back to normal the better.

Commissioner Burk recommended that anyone with damaged trees take photographs for insurance purposes.

Commissioner Lennon pointed out that there was an unsafe limb across the street from Government House that required the City's attention.

Mr. Harriss agreed that the tree had to be taken down.

Commissioner Lennon suggested instituting a policy for big trees, in which big branches must be cabled or pinned.

Mr. Harriss replied that he agreed with the suggestion.

Mayor Gardner stated that he and staff had met with Rusty Rucillo, Florida Power and Light, who expected all of St. Johns County to have power within the next couple of days. He said that the worst situation about Hurricane Frances was being in the dark without electricity and without information. He noted that Florida had experienced the most massive state wide power outage in recent history. He offered a resolution joining many Florida cities encouraging FPL to seek more effective methods to communicate with its customers in a similar emergency as Hurricane Frances.

Kal Kalieta, 38 Cordova Street, Old Powder House Inn Bed & Breakfast, commended all the emergency workers for a job well done during Hurricane Frances. He said that he was

representing the Inn Keepers of St. Augustine Historic Inns, and they were frustrated that the media had reported that all hotel accommodations in northern Florida were booked during Hurricane Frances; however, the inn keepers had empty rooms. He said to make matters worse the VCB reported that hotels had done okay with bookings during the hurricane, which was not true. He indicated that because of the hurricane and the lack of communication there had been an unfortunate business and employee impact on the hospitality industry. He requested that the Commission keep the issue in the forefront.

Commissioner Crichlow responded that as the City representative on the VCB he would mention the situation during the subsequent meeting.

Commissioner Burk noted that the bigger hotels on I-95 were filled, but the small hotels as well as the bed and breakfast establishments in the City and on the beach had vacant rooms during the hurricane. She said that she had a 28 room hotel on Vilano Beach, but only three people stayed during the storm.

David Brezing, 7 Cincinnati Street, member of the San Marco Merchant Association, expressed appreciation for everyone involved with getting the City safely through the hurricane. He said that the association wanted to encourage local government to include the business community's economic loss in the storm damage assessments. He stated that although the loss might not be physically apparent the situation was far worse for the merchants. He explained that after a month of storm warnings and storms the St. Augustine businesses were suffering disastrous revenue losses. He requested that the Commission include less tangible issues such as public

information and perceptions of the community for future emergency response plans. He said that the Mayor's initiative to provide free parking at the VIC the past weekend was an example of sending the message that the City was open for business. He said that they were not advocating putting profit above propriety, but they were asking that the tourism agencies and business associations be included in local emergency response planning to insure that information going to the public and media included status reports on the availability of lodging, food, entertainment and access to parks and attractions.

Commissioner Lennon questioned whether the historic inns had any relationship with Glenn Hastings and the VCB.

Mr. Brezing replied that some of the inn keepers had contacted Mr. Hastings about the future. He said that the VCB had great long term plans and marketing that could be used in times of emergency, and the inn keepers had suggested temporary signage on I-95.

Commissioner Lennon questioned whether the inns had power during the hurricane.

Mr. Brezing replied that he had no backup power, but they had ways of making their guests comfortable.

Commissioner Lennon suggested that the inn keepers contact the VCB when they regained power in an emergency.

Mr. Brezing noted that the inns could not accommodate guests in all instances; however, there had been instances in the past month when cancellations had been profuse even though there was no reason

that the Inns could not accommodate guests.

Mayor Gardner stated that hopefully that type of event would not occur for another 100 years.

Commissioner Lennon stated that the biggest complaint they experienced at the EOC was that there had been no local radio for information.

Mr. Harriss noted that the City needed to encourage the local radio stations to devise an emergency form of power.

Mr. Harriss suggested that any station that was going to qualify as the official radio station for the EOC should be capable of functioning during a power outage.

James Philcox, 115 Cordova Street, Old City House Inn & Restaurant, expressed appreciation for all the help during the hurricane. He spoke about the economic impact on the hospitality industry during Hurricane Frances. He suggested using blinking construction signs on overpasses on I-95 during emergencies to let travelers know that St. Augustine had accommodations. He pointed out that there had been \$270,000 lost in bed tax during the emergency, which could purchase that type of signage or fund an individual to work at the EOC as a liaison between the VCB and the public during emergencies. He stated that no trash pickup on Friday had made it tough for his business, and the sewage lift station in his neighborhood was still not functioning.

A brief discussion resulted regarding the lighted DOT signs, and it was determined that the DOT could not function outside of their capacity.

John July, 89 Cedar Street, Aunt Peg's Bed & Breakfast, suggested that thinning the tree limbs around the utilities would prevent many downed lines during a storm. He added that the cellular phones and cable lines had also been out during the storm. He said his cable was still out, and he could not get any response from the company.

Mr. Harriss noted that the City had a franchise agreement with the cable company; however, the City could not control the company functions. He stated that he would see what he could find out about the matter.

Commissioner Crichlow reiterated that the worst thing was not knowing.

Mayor Gardner stated that FPL had revised their tree trimming procedures to clear foliage to be satisfactory for a three year period and in a manner that was still aesthetically pleasing.

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

Gary McMahon, 8 Vedder Street, noted that he was the subject of Item #7, and he stated that he was requesting reinstatement. He pointed out that there were currently two members of the Code Enforcement, Adjustments and Appeals Board whose terms were up and they would not be eligible for renewal in December, and there was another member that was in the process of resigning due to illness. Therefore, he recommended that the Commission reinstate him to his position to complete his term.

Commissioner Burk questioned whether the Commission could simply reinstate Mr. McMahon.

Mr. Wilson replied that the Commission could do so, because Mr. McMahon had essentially resigned as a result of qualifying to run for a County office.

MOTION

Commissioner Burk MOVED to reinstate Gary McMahon on the Code Enforcement Board for the duration of his term. The motion was SECONDED by Commissioner Lennon and approved by UNANIMOUS VOICE VOTE.

Mr. McMahon said that the old Fullerwood School was being used by the School Board and required increased parking. He suggested widening the first 2.5 blocks of Hildreth Street for increased accessibility or establish no curb parking from 7:00 a.m. to 7:00 p.m.

Commissioner Jones suggested that the staff Parking Committee review and survey the situation and report to the Commission.

Mr. McMahon pointed out that the City of St. Augustine Beach had passed an ordinance requiring that new construction provide one parking place for each bedroom. He suggested that the Commission consider the same possibility.

John Prosser, 128 San Marco Avenue, spoke regarding the street entertainers and his intention to take the City to court. He continued to make threatening remarks against the City as he left the room.

5. PRESENTATIONS AND STAFF REPORTS

(None Scheduled)

6. ITEMS BY CITY ATTORNEY

(None scheduled)

7. ITEMS BY CITY CLERK

7.A/ Discussion regarding Code Enforcement, Adjustments and Appeals Board.

(Matter addressed in Item #4)

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 modification of the Interlocal Agreement with St. Johns County.

8.A.3/ Request for expenditure of unappropriated fund balance to purchase emergency equipment.

Commissioner Burk requested removing Item 8.A.3. for discussion.

MOTION

Commissioner Burk MOVED to approve the consent agenda items 8.A.1. and 8.A.2. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

8.A.3/ Request for expenditure of unappropriated fund balance to purchase emergency equipment.

Commissioner Burk said the request was for equipment to address problems from storms and hurricanes, but she would like to add preemptive tree trimming.

She stated that the City needed to be more aggressive searching for potential tree maintenance and trimming.

Mr. Harriss replied that the City's main focus had been maintaining the right-of-way. He stated that the City was not qualified to work anywhere near power lines, which had to be done by Asplund.

Commissioner Burk suggested that the City could identify potential problems and notify Asplund in writing.

Mr. Harriss agreed that notification in writing was effective.

Commissioner Lennon stated that he thought the funds were strictly for more equipment.

Mr. Harriss replied said that mainly it was for generators, pumps and debris removal equipment. He suggested that Code Enforcement add Commissioner Burk's request to their equation.

Commissioner Crichlow stated that Eddie Conlin, tree medic and arborist, had offered his services to the City, within reason, to determine the health of trees.

Mr. Harriss noted that most volunteer services had limits, especially time limits, but he could see Mr. Conlin instructing City Staff about what to look for with trees, which would be a logical use of his services.

MOTION

Commissioner Burk MOVED that item 8.A.3. be approved. The motion was SECONDED by Commissioner Lennon and approved by UNANIMOUS VOICE VOTE.

Commissioner Jones questioned whether a vote to spend public dollars should have a roll call vote.

Mr. Wilson replied that it was not necessary.

8. B/ Discussion Items

8.B.1/ Hurricane Frances – State of Storm Message.

(Heard before Item #4)

Non Agenda Item – Request for Horse Drawn Carriage Permits

Mark Litzinger, City Comptroller, apologized for not being able to get the item on the agenda on time. He noted that during the previous meeting the Commission had approved an investigation to determine whether there was public need or convenience to issue a number of horse drawn carriage permits and to set a public hearing. He stated that he had recently received an additional request from Ripley's for forty-four new horse drawn carriage permits; therefore, he was requesting that staff include those additional forty four permits in the staff investigation. He said that he would also like the Commission to include any other requests for permits.

Commissioner Lennon questioned the number of permit requests the City had received thus far, and the response was approximately 80+.

Commissioner Crichlow noted that if Ripley's was involved that he would have to recuse himself as Ripley's was a client of his.

MOTION

Commissioner Burk MOVED to proceed and accept (horse drawn carriage) permits (for investigation). The motion was SECONDED by Commissioner Jones and approve by UNANIMOUS VOICE VOTE. (with Commissioner Crichlow recused)

None Agenda Item – Bond Rating

Mr. Harriss announced that the City had received an A+ bond rating for the upcoming issue, which was the highest rating the City had ever received. He stated that the budget team had done a great job, and he was proud of them.

Mayor Gardner commended the City Manager for his role in the process. ¹

8.B.2/ Consideration of proposed leases for the Casa del Hidalgo.

Timothy A. Burchfield, Chief Administrative Officer, reported that staff had issued a Request for Proposals at the Commission's request for the second story of the Casa del Hidalgo and for the small space on the first floor. He said that the City had received two proposals for each space, and the ranking committee composed of himself, Jason Sheffield and Dr. William Adams had determined that Jeff Holleran's proposal for a Latin Jazz Piano Bar should be awarded the second floor space. He said that using the second floor space would require the City to install an elevator, but the amount of revenue received from the lease would pay for the elevator. He added that Mr. Holleran had offered \$2 per square foot more than the City had asked for, plus the use was appropriate for the City's intentions for the building.

MOTION

¹ End of audio tape one

Commissioner Lennon MOVED to approve Mr. Holleran's business for the second floor as recommended by staff. The motion was SECONDED by Commissioner Burk.

Mayor Gardner questioned the hours of operation.

Mr. Burchfield replied that the businesses would be required to remain open until 9:00 p.m. Monday through Thursday and Friday through Sunday until 10:00 p.m., as a minimum timeframe. He added that Mr. Holleran also agreed to maintain the restroom, but the City would pay for the materials.

Commissioner Lennon questioned whether smoking would be allowed, and the response was negative.

Commissioner Crichlow clarified that the music would be Latin jazz, and he questioned whether the balconies would be used and whether the music would be outside or inside.

Mr. Burchfield replied that the exterior balconies would be prohibited for use, as staff had to investigate their structural integrity. He said that use of the interior balconies was not included in the current lease, but the City would entertain that possibility in the future. He clarified that the music would be inside and not loud.

The motion was approved by UNANIMOUS VOICE VOTE

Mr. Burchfield said the ranking committee had chosen Nand Sethi's Spanish Gift Shop for the first floor space. He said that Mr. Sethi intended on using a strong Spanish theme in the gift shop, and the actual space did not lend itself to much more than a small gift shop.

Commissioner Lennon expressed concern that Mr. Sethi's proposal included the language "including some domestic souvenirs and gifts". He said that could include t-shirts etc.

Mr. Burchfield replied that if the Commission desired they would be certain not to include that language in the negotiations. He explained that the lease would specifically state what the lessee's would be doing with the property. He stated that if the lease was violated the City would bring the matter to the lessee's attention, and if they would not comply the City would terminate the lease.

Commissioner Lennon stated that he would like the language removed and the gift shop to be strictly Spanish oriented.

A brief discussion resulted regarding what would be sold within the proposed gift shop, and it was determined that Spanish accessories in a true Spanish theme gift shop could be sold.

Mr. Burchfield stated that if Mr. Sethi was not willing to comply with the City's terms they did not have to rent the space to him, as the space could be used temporarily as an information center for the City.

Commissioner Burk suggested that the space could be used as an auxiliary gift shop for the Spanish Quarter. She said that they might consider not leasing it at all.

Mr. Harriss pointed out that the revenue from leasing the space would be far greater than the Commissioner's suggestion.

Commissioner Lennon questioned whether the City planned to allow outdoor dining.

Mr. Burchfield replied not at that time.

Mr. Harriss stated that the City was amiable to the idea of dining in the courtyard, but the space would have to be leased also. ²

MOTION

Commissioner Burk MOVED to proceed with the negotiations with Tranquility Bay as discussed. Commissioner Jones SECONDED the motion

VOTE ON MOTION

AYES: Burk, Jones, Crichlow, Lennon, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

None Agenda Item – VIC Parking Fees

Mayor Gardner questioned whether the Commissioners thought the VIC should continue the suspended parking fees.

Commissioner Burk stated that without advertising it did not make sense.

Mr. Harriss said that the City had done some advertising through the Record, and the VCB, and the Chamber had advised their people. He said that they had not done a newspaper or radio advertisement, because they only intended suspending fees for a week. He added that September was the worst month for tourism; therefore, he had not considered suspending fees a big deal, but he would like the Commission to agree to any continuation.

² A brief recess from 6:42 until 6:53 p.m.

A discussion determined that the City would consider a free parking program at the VIC for the following year to attract visitors during the month of September.

Commissioner Crichlow suggested that they suspend the parking fees for another week as there might be people evacuating from the other side of the state due to Hurricane Ivan. He said that even if there was no time to advertise, after the fact word of mouth advertising could benefit the City.

MOTION

Commissioner Crichlow MOVED to continue (suspended parking fees at the VIC) for another week and through the weekend. Mayor Gardner SECONDED the motion.

Commissioner Jones stated that he could support the motion, but he could not see extending beyond that time, as he did not believe that it would generate tourism. He agreed that the motion would be good for people that might evacuate to the City.

Commissioner Burk agreed that it was a compelling argument.

VOTE ON MOTION

AYES: Crichlow, Gardner, Jones, Burk, Lennon

NAYES: None

MOTION CARRIED UNANIMOUSLY

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Crichlow – Emergency Equipment

Commissioner Crichlow stated that money appropriated for emergency equipment out of the unappropriated

fund would help with the problems the City experienced with the lift stations.

Commissioner Crichlow acknowledged the St. Augustine Record, as they had not missed a delivery throughout the hurricane. He stated that it was nice to experience something normal in an emergency situation.

Commissioner Crichlow requested the public to be patient with trash pickup considering the volume of debris from the hurricane. He also requested that the public be patient with the delay on projects resulting from the hurricane. Commissioner Crichlow commended the City Manager for his leadership and for getting the City to the point where it commanded an A+ bond ranking. He said that it also reflected the belief of the bond people in the VIC parking project.

Commissioner Crichlow expressed appreciation for City staff for the overtime they put in for the City while they were experiencing concern for their families during the storm

Commissioner Jones - Galimore Center

Commissioner Jones noted that paving at the Galimore Center had created a problem for citizens on election day. He said that it had been an oversight on his part and City Staff, but staff had alleviated the problem as rapidly as possible.

Commissioner Burk - Hurricane Frances

Commissioner Burk noted that she had received e-mails from citizens in appreciation to the City for the service they received during the hurricane. She also acknowledged the citizens for staying off the streets during the storm.

Commissioner Lennon - Aviles, Spain

Commissioner Lennon stated that he had recently traveled to Aviles on behalf of the City, and he met with the heads of all the Spanish Parties, at which time they had agreed to move forward with the student exchange program. He said that Aviles would finance 8-12 students to travel to St. Augustine. He said that the Flagler students involved in Students and Free Enterprise had won a title in Barcelona Spain, after which they had gone to Aviles to attend ceramic school. He said that the University of Asturias was interested in sending students to school in St. Augustine for a semester, and he suggested that perhaps some St. Augustine students could do the same thing. He noted that his trip had gone well, and he acknowledged that Aviles had made a large budget obligation for the student exchange program. He concluded that he would meet with Len Weeks, Ambassador to Spain, to begin the City student exchange process.

Mayor Gardner - Hurricane Frances

Mayor Gardner questioned whether the City still had extended crews working on debris pickup.

Mr. Harriss replied that they were still working, but it would take a couple more weeks to complete the cleanup.

Mayor Gardner questioned the status for paving the Galimore Center and Cordova Street.

Mr. Harriss replied that neither project would continue until the areas had dried out; moreover, the street division was currently working on the cleanup.

West Castillo Drive - Entrance Corridor

Mayor Gardner asked the Commissioners to consider making West Castillo Drive

from route one to San Marco Avenue an entrance corridor, as it would be a major entry to the VIC when the multi modal transportation project was completed. He indicated that architectural control was important to a visible entry to the City.

Mr. Harriss said the process would be to take the matter to the PZB for review first, after which it would be brought to the Commission in the form of an ordinance. He noted that the City owned one side of Castillo Drive, but the concern was for the appearance of the other side of the drive. He concluded that he would be certain it was on the subsequent PZB agenda for the board's consideration, because a change in the Zoning Code would be required to go before the Commission.

Commissioner Lennon questioned whether the area was district HP-5.

Mr. Harriss replied that it was HP-5 in some areas, which extended to Prosperity Bank and part of the law office, but if the request was just for Castillo Drive it would not all be HP-5.

University of Florida

Mayor Gardner reported that the University of Florida had given the City cataloging software program access. He said that Tony Wallace had been assisting cataloging on a part-time basis. He suggested that maybe the NCO outer office could be used to house the computer.

Mr. Harriss said it was a nice office; however, it was not located near the artifacts that were being cataloged.

Announcements

Mayor Gardner announced that the City Budget meetings with public hearing would be held on September 23rd and 30th. He also informed the public that there were bumper stickers available in the NCO that said *St. Augustine, I'm part of it, I'm proud of it.*

10. Appeals and Public Hearings

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

Non Agenda Item Resolution 2004-23

Mayor Gardner stated that the resolution recognized the tremendous job FPL faced during Hurricane Frances and the work they perform, and it concluded strongly urging FPL to immediately seek appropriate and effective methods to communicate with its customers. He questioned where the resolution would be forwarded.

Mr. Harriss replied that it would be sent to the Governor and Public Service Commission, because it was a situation that many cities believed had to change. He said he had spoken with numerous city administrators that felt communication with the public could be improved. He instructed that the resolution could be approved in draft form.

MOTION

Commissioner Lennon MOVED to approve the resolution. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

11.A/ Resolutions

11.A.1/ Consideration of Resolution 2004-16, certifying the Non-Ad Valorem Assessment Roll for Fire Protection.

Mr. Litzinger reported that Resolution 2004-16 was a resolution that was passed annually to be submitted to the Tax Office no later September 15th of every year. He said that in accordance with Ordinance 97-25 it allowed the City to pass a one cent per square foot of enclosed building space taxed for the sole purpose of fire protection.

MOTION

Commissioner Lennon MOVED to approve Resolution 2004-16. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

11.A.2/ Consideration of Resolution 2004-20, concerning a rate increase for the St. Augustine Sightseeing Trains.

Mr. Litzinger said that the resolution was a request from the St. Augustine Sightseeing Trains to increase their ticket price to a rate comparative to their competitors, St. Augustine Historical Tours. He said the request was to raise their fares to \$18 for adults and \$6 for children.

Commissioner Crichlow recused himself from the vote.

MOTION

Commissioner Burk MOVED to approve Resolution 2004-20. The motion was SECONDED by Commissioner Lennon and approved by UNANIMOUS VOICE VOTE.

11.B/ Ordinances - First Reading

(None Scheduled)

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).

Merrill Rowland, 6281 Old Dixie Highway, questioned whether the City planned on having kiosks at the Casa del Hidalgo.

Mayor Gardner said that the City planned on having an area that served as a promotional gateway to the Heritage Tourism program within the Casa del Hidalgo. He said that there would be a restaurant on the first floor where the City would display information.

Mr. Rowland questioned whether it would be a kiosk.

Mayor Gardner said that was what he had originally envisioned; however, currently he was not certain.

Mr. Harriss noted out that it would be an indoor advertising bulletin board that would be part of the restaurant.

Mr. Rowland questioned whether he could have a kiosk inside.

Mr. Harriss replied that if Mr. Rowland made an agreement with a lessee for an inside kiosk that would be fine.

Mr. Burchfield pointed out that the Commission had determined that

subletting would not be allowed in the instance of Casa del Hidalgo.

Mr. Rowland suggested that the City work with him to have his historic tour guide business, because he had people that wanted to work for him. He noted the number of existing kiosks on St. George Street, and he stated that the only thing that was stopping him from going into business was having a place to hand out tickets and take money. He suggested that his proposal would provide visitors with entertainment in the evening. He expressed resentment that although there was an ordinance against kiosks on St. George Street there were still kiosks in business on the street. He concluded that his proposal would be good for the community.

Commissioner Crichlow stated that the matter would be addressed by the City soon.

Mr. Harriss stated that the existing kiosks were grandfathered until the City made a philosophical decision about the matter. He said the City had the legal right not to lease their property.

Commissioner Crichlow stated that it was his understanding that some private property owners were seriously considering building a kiosk for lease on their property, but they were waiting for the PZB and Commission to address the matter.

Mr. Rowland pointed out that another kiosk with a hand painted sign had recently popped up at the Mill Top, and he questioned whether the business was licensed.

Mr. Harriss stated that the City would check to see if the new kiosk had a license.

A brief discussion took place regarding the ghost tours, and it was determined that Mr. Williamson was monitoring the number of customers on the tours.

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 7:35 p.m. ³

MAYOR

CITY CLERK

³Transcribed by Karen Rogers, Recording Secretary