

CITY OF ST. AUGUSTINE

Regular City Commission Meeting

January 10, 2005

The City Commission met in a formal session Monday, January 10, 2005, 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

Joe Boles, City Commissioner

Donald A. Crichlow, City Commissioner

Errol D. Jones, City Commissioner

Absent: Susan Burk, Vice Mayor/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

Mark Litzinger, City Comptroller

Robert Leetch, Director of Utilities

William H. Harding, Director, Public Works

Dr. William Adams, Director, Heritage Tourism

Paul K. Williamson, Director, Public Affairs

Kevin Stark, Assistant Chief of Police

James Owens, Fire Chief

Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF

ALLEGIANCE

Pastor David Alert, Historic St. Cyprians Episcopal Church, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

William B. Harriss, City Manager, reported that there would be one other presentation related to the blood drive competition between the City and St. Johns County, which would be conducted before Item 4, General Public Presentations and Comments.

3.B/ Approval of Minutes

The minutes of the Regular City Commission Meeting of December 13, 2004, and Special City Commission Meeting of December 29, 2004 were approved as presented.

None Agenda Item — Blood Drive

Jayne Norris, CEO, Blood Center of St. Johns County, presented a "travel trophy" to Mayor Gardner, because the City of St. Augustine was the winner of the first annual City/County Blood donation Challenge. She explained that due to the discrepancy between the numbers of employees working for the City compared to the number working for the County, they made an adjustment based on percentages. She announced that the City's percentages were double those for the County. She said that the City would retain the trophy for one year until the subsequent challenge when it would be up to the City employees to earn the privilege of keeping the trophy for another year.

Mayor Gardner questioned whether the competition would take place in December.

Ms. Norris replied affirmatively stating that December was a vital time for supporting the community with blood donations.

Mayor Gardner presented Ms. Norris with a City Crest lapel pin.

3.C/ Proclamations

(None Scheduled)

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

Dwight Hines, 150 Nesmith Avenue, requested that all the information the City generated be placed on the website. He said that it was happening all over the country in a spotty manner. He explained that it was prohibitively expensive to make abundant public record requests as he did in numerous counties. He noted that if government employees knew that their work was going to be observed it made them more conscientious.

Mr. Harriss stated that the City was working diligently to install information on the website. He said that the amount of information Mr. Hines requested was something the average citizen rarely requested. He said the information was available at City Hall; therefore, he advised Mr. Hines to spend more time at City Hall rather than causing the citizens to provide the information on the internet. He explained that to put everything on the website would be expensive and difficult.

Mayor Gardner suggested that Mr. Hines contact the Commissioners regarding the matter.

Commissioner Crichlow suggested that the request would have to be the consensus of a majority of the citizens to warrant the expense of such a proposition.

Robert M. Hall, 42 Spanish Street, distributed photographs to the Commission and stated that the size of the vehicles trying to access Cuna and Spanish Streets far exceeded the acceptable size to maneuver the narrow streets, which could indicate an enforcement issue. He referred to the photographs pointing out the delivery trucks that blocked Cuna Street discouraging visitors from walking in the area, which affected the merchants. He continued that the delivery trucks blocked the street and the view for hours during the day, and they also posed a problem for emergency vehicles.

Commissioner Crichlow noted that they were referring to Cuna Street west of St. George Street.

Mr. Hall further referred to the photographs indicating loading zones that could be used by the delivery trucks. He also suggested other alternatives to the problem, stating that the problem was huge, and he had lost tenants as a result of the situation. He presented the Commissioners with a list of residents and merchants in the area that also disagreed with the situation.

Mayor Gardner acknowledged the problem and said that the City had not established a Code to control commercial deliveries.

Mr. Harriss responded that commercial deliveries had been handled in the same manner for 25-years. He said that if the Commission wished the City could install a railing to stop the practice. He noted that there had been complaints about the area in the past as the trucks blocked the view, but there was no safety problem. He said that he was not certain where the trucks would park to deliver on St. George Street, other than making existing delivery areas larger and constructing something to block that part of Cuna Street.

Mayor Gardner said that they were using the side streets as delivery alleys for St. George Street, which was short sighted. He said that the Commission had indicated support to expand the paving of the side streets to make them more pedestrian vision friendly and to expand the district. He recommended using the area behind the Carpenter Shop for delivery trucks.

Commissioner Crichlow suggested prominent signage to direct the delivery trucks.

Mr. Harriss suggested using a balustrade to discourage access to that area of Cuna Street. He said that if they used the area behind the Carpenter shop they would have to move the shop.

Mayor Gardner stated that it looked as though there was enough depth to park delivery trucks behind the structure.

Mr. Harriss replied that there were 3-4 parking spaces the City rented in that area. He said that the City could sacrifice that revenue to create a delivery zone; however, that would upset the people who rented the parking spaces.

Commissioner Crichlow said that he would take a look at the area, and he suggested that the Commissioners and staff do the same.

Mr. Harriss agreed that it had been a problem for a long time, but he had not discovered a solution.

Commissioner Boles questioned whether the trucks could deliver from the east side of Cuna Street.

Mr. Harriss replied that they could; however, then there would be another group of merchants affected that would complain.

Commissioner Boles stated that they were referring to the scenic vista being blocked on either side of St. George Street.

Mayor Gardner said that if he were a merchant or resident in the area he would consider pooling money and paying for any efforts related to the problem.

Mr. Harriss said that it could be a neighborhood grant; however, he did not think the money was as crucial as what the City wanted to do about the situation. He said that perhaps it would be better to have Commissioner Crichlow look at the area and report to the Commission during the subsequent meeting, and he would work with the Commissioner. He questioned whether that plan was acceptable.

Commissioner Boles said it would be more acceptable than signage 24/7, and he added that he would prefer to see balustrades than signs.

A brief discussion reiterating the matter ensued.

Lisa King, 59 Cuna Street, referred to the distributed photographs and spoke in support of Mr. Hall. She requested that the City take some action to prevent delivery trucks from using Cuna Street as a delivery area. She stated that the biggest

problems were the UPS and FedEx trucks that could be parked on Cuna Street anywhere from 10 minutes to three hours, two or three times daily. She stated that when the trucks parked on the west side of Cuna Street the foot traffic ceased, and currently she was on the verge of losing her business, as she could not make ends meet. She noted that the merchants and residents on the east side of Cuna Street supported the effort. She stated that she had been in business at that location for almost two-years. She pointed out that there were other merchants attending that were affected by the problem. She volunteered to give up her leased parking space behind the carpenter shop.

Mayor Gardner suggested that the matter be given high priority, and he acknowledged the other attending merchants.

Commissioner Boles pointed out that his office used to be in the same area; therefore, he was aware of the parking situation.

A discussion followed regarding the number of deliveries the different shops experienced and the related problems including the parking situation.

Commissioner Boles said that as the City experienced more foot traffic on the side arteries there would be more viable commercial spaces, at which time the City would have to move the delivery vehicles somewhere else.

Mayor Gardner said that eventually they would have to do the same thing European Cities did by limiting commercial deliveries to specific hours. He suggested that the trucks and the merchants would adjust to limited delivery hours. He added that he did not know why the City was not doing so currently.

Commissioner Boles said that he was not concerned, as the trucks would find a way to get the merchandise to the customers.

Mayor Gardner said that because it had been common practice for the delivery trucks to deliver at their leisure for the past 25-years was not a good reason to continue the practice. He added that he did not fault the delivery trucks, as the City had never addressed the situation.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation by Gordon J. Wilson, Superintendent, National Park Service.

Gordon Wilson, Superintendent, National Park Service, delivered a media presentation regarding the planning process for the Castillo de San Marcos along with alternatives for visitor and park service zones and historic resource zones. He said that they were addressing the General Management Plan, which defined in broad terms the visitor experience and resource conditions as they made decisions over the subsequent 20-years. He said they had not conducted a management plan in 20-years, but some of the same issues still existed; specifically the matter of a Visitor Center relating to a connection to the Spanish Quarter that was operated by the City.

Mr. Wilson stated that they had been working on the plan for a number of years by meeting with different groups to discover their perception of different issues in order to develop management alternatives. He added that they were currently taking public input regarding the alternatives until January 31, 2005.

Mr. Wilson pointed out the media display of the four draft alternatives and said that the different characteristics could be changed around to apply to different alternatives. He indicated the four different alternatives for the visitor center and the main parking lot as well as consideration for restoring the glaxis.

Commissioner Crichlow questioned whether the funding Representative Mica had acquired for a visitor center was for the visitor center that Mr. Wilson was referring to.

Mr. Wilson replied that Congressmen Mica's legislation authorized construction of the visitor center, but they had not gotten to that level of specifics. However, he said that the structure would have to serve approximately one million visitors for the Castillo and the Spanish Quarter, which would include a museum exhibit and auditorium. He pointed out that the alternatives provided for different locations for the visitor center.

Mr. Wilson said that when the National Park Service was created in 1916 they established a two sided mission to preserve resources and provide for a quality visitor experience. He reiterated that they were providing the four alternatives for public response.

Commissioner Crichlow commented that the outcome of the plan was important, as the fort green was an important part of the St. Augustine community pride.

Mayor Gardner questioned the number of visitors to the fort.

Mr. Wilson replied that they had received approximately 650,000 visitors in the past year. He added that in 1992 for the centenary celebration they had received approximately 820,000.

A discussion was held regarding the comment sheet for public input.

Commissioner Jones questioned the dimensions of the proposed visitor center.

Mr. Wilson replied that there were a lot of considerations involved, but probably around 10,000 square feet. He added that the architecture would be consistent with City requirements, as well as consideration for location and the fort architecture.

Commissioner Jones questioned the visual perspective of the different locations in terms of creating a visual obstacle. He added that he liked the idea of expanding the fort green by eliminating some of the parking, and he thought there should be a full visitor center rather than a contact station.

Mayor Gardner questioned whether they could expand employee parking in the administration area without impacting the historic integrity.

Mr. Wilson replied affirmatively; however, he said that they might lose some of the open space used for recreation.

Mayor Gardner questioned whether there was the potential for selling the employee parking lot on Fort Alley and Avenida Menendez and using the funds for other elements of the Castillo or visitor center.

Mr. Wilson said that they could do land exchanges; however, typically they did not sell land. He pointed out that the recently passed legislation authorized construction of the visitor center and gave Orange Street to the City, which the National Parks Service had owned for approximately a century. He invited all comments for the use of the property in question.

Commissioner Crichlow expressed concern for any structure impairing the scenic vista, as the fort provided a landmark vista.

Commissioner Jones pointed out that the parking garage at the existing VIC would provide plenty of parking for the fort; hence there would be little need for expanding the parking on the fort property.

Mr. Wilson acknowledged the controversy regarding parking in the City; however, he noted that they had to balance what was best for the visitor's experience.

Commissioner Boles said that he would like the parking lot replaced with grass, and he thought the visitor center across from the existing VIC was a good idea. He recommended keeping public bathroom facilities in the fort.

Mr. Wilson said that after January 31st they would analyze the comments and issue a draft environmental impact statement with the preferred alternative, which would be subject for public comment for months before a decision would be made. He concluded that they were looking forward to continuing the partnership with the City of St. Augustine.

6. ITEMS BY CITY ATTORNEY

Mr. Wilson said that a new lawsuit had been filed by Access Now regarding ADA access problems around town. He said that the City insurance carrier did not cover that type of suit; therefore, the Commission had to decide whether to use in-house counsel or outside expert counsel. He said that the answer to the lawsuit was due in two weeks, and he required the Commission's authorization to look for outside counsel.

Mayor Gardner questioned whether he needed authorization at that time.

Mr. Wilson said that he could answer the lawsuit.

Mr. Harriss stated that the City required the help of an expert in the field for guidance.

Mr. Wilson said that he would look around the state for counsel with the necessary experience.

Commissioner Crichlow questioned whether it was the type of lawsuit where the plaintiff could be made responsible for attorney fees or whether the City would bear the cost of defending the case.

Mr. Wilson replied that if the court found merit in the lawsuit they could award attorney fees to the claimant. (Inaudible)

Commissioner Boles stated that Mr. Wilson could answer the suit and find an attorney that knew something about that area of the law and keep the case in mind until such a time as they needed someone for court.

Mr. Harriss agreed that they needed counsel to review the case, and if anything else was needed they could go before the Commission for further authorization.

MOTION

Commissioner Crichlow MOVED to authorize the City to proceed, if necessary, with outside counsel. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations.

Martha V. (Nell) Porter, City Clerk, said that the notification was for the Arbor Day Proclamation that would be presented during the Arbor Day ceremony in the Plaza on January 21st.

7.B/ Consideration of three appointments to the Historic Preservation Advisory Committee.

Ms. Porter said that she had received applications from the following:

1. Algird Ambrose, 30 Desoto Place
2. Robert M. Hall, 42 Spanish Street
3. Karen Harvey, 6 Flamingo Drive
4. Warren T. Michael, Jr., 7601 A1A So.
5. Robin E. Moore, 162 Nautilus Rd
6. Rosalie Russo, 348 Charlotte
7. William Spencer, 11 Aviles Street, 2-A

Ms. Porter stated that Carla Wright had already served two terms and was no longer eligible to serve, but Robert Hall and Karen Harvey were eligible to serve another term.

The Commission voted by written ballot and reappointed Robert Hall and Karen Harvey; however, the third nomination tied for two ballots, at which point it was determined to cast the ballot during the subsequent meeting when all five Commissioners were in attendance.

7.C/ Ministerial Approval of an appointment to the Firefighters' Retirement System Board of Trustees.

Mr. Harriss noted that the fifth member of the board was nominated by the board, but ministerial approval by the Commission was required.

MOTION

Commissioner Boles **MOVED** to approve the recommendation to reappoint Doug Wiles as fifth member of the board. The motion was **SECONDED** by Commissioner Crichlow and approved by **UNANIMOUS VOICE VOTE**.

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 Unit Connection Fee Mortgages.

8.A.3/ Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 36 May Street.

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8.A.4/ Utility Easement relating to 11 Tremerton Street

MOTION

Commissioner Jones **MOVED** to approve Items 8.A.1. through 8.A.4. on the Consent Agenda. The motion was **SECONDED** by Commissioner Boles and approved by **UNANIMOUS VOICE VOTE**.

8. B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Jones — Blood Drive Challenge — Tsunami

Commissioner Jones acknowledged the City employees for winning the blood drive challenge with St. Johns County.

Commissioner Jones suggested a moment of silence in respect for those who lost their lives during the Indonesian Tsunami. He encouraged the public to assist with the disaster in anyway they could.

Commissioner Crichlow — City Website

Commissioner Crichlow encouraged the public to observe the City website and take note of the events that would be offered during the Super Bowl.

Mayor Gardner — Neighborhood Association Grants

Mayor Gardner reported that the outline for neighborhood grants was also posted on the City website. He noted that the Commission would further discuss the program during the subsequent meeting. He said the most important aspects for consideration were public input regarding how the grants would be awarded and ways the neighborhoods might use the grant funding. He said that the purpose of the grants was to encourage the neighborhoods to be more active.

10. Appeals and Public Hearings

(None Scheduled)

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 2005-01, designating property located Northeast of the terminus of Nix Boatyard Road as Marine Industrial.

Mark Knight, Director, Planning and Building Department , said that before the Commission was a PUD ordinance proposed by the PZB as well as the Land Use Plan amendment for property located Northeast of the terminus of Nix Boatyard Road. He

said that on December 7, 2004 the PZB reviewed the application for the planning and development, and they recommended that the Commission approve the Land Use Plan amendment for Marine Industrial and the PUD that would outline the development criteria for the dry boat storage facility. He said that annexation of the property was pending the Commission's approval.

Mayor Gardner questioned whether the intended use of the property was for a single structure for boat storage, and what the current zoning was.

Mr. Knight said that the applicant proposed a change to Marine Industrial land use, but he was not certain what the current land use was for the county.

Mayor Gardner questioned the reason the applicant wanted a Planned Unit Development.

Mr. Knight replied that the Marine Industrial Land Use had been established specifically for a dry boat storage facility on Riberia Street, which allowed 50-foot height and reduced lot coverage. He said the applicant needed the height for the proposed boat storage, and the other uses would be addressed through the PUD.

Commissioner Crichlow said that he did not like PUD's for small properties; however, the current proposal was nine acres and a PUD would be appropriate. He said that area was used historically for marine purposes. He added that they would not be changing the use, but simply bringing the property into the City and calling it what it was.

MOTION

Commissioner Jones MOVED to place Ordinance 2005-01 on first reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO INCORPORATE AND DESIGNATE APPROXIMATELY 8.92 ACRES OF PROPERTY, LYING EAST OF U.S. HIGHWAY 1 AND NORTHEAST OF THE TERMINUS OF NIX BOATYARD ROAD, AS MARINE INDUSTRIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Jones, Crichlow, Boles,

Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.2/ Introduction and consideration of Ordinance 2005-02, establishing a Planned Unit Development (PUD) zoning designation relative to property located Northeast of the terminus of Nix Boatyard Road.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2005-02 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE GENOVAR ANNEXATION PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Harriss clarified that the second reading on the two ordinances would be heard during the first meeting in February.

VOTE ON MOTION

AYES: Crichlow, Jones, Boles,

Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.C/ Ordinances — First Reading — Public Hearing Required

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

11.D.1/ Public Hearing — Ordinance 2004-20, as amended, concerning adding Low Intensity Assisted Living Facility to the Residential and General Office (RGO) Zoning Category.

Mr. Knight stated that the ordinance added Assistant Living Facility to the RGO zoning designation. He explained that the first reading had been heard by the

Commission during a previous meeting, but there had been an amendment to clarify the intent of an Assisted Living Facility at Allegro. He said that the matter was tabled to hear feedback from another agency on how to develop Assisted Living Facilities.

Sid Ansbacher, 780 North Ponce de Leon Boulevard, said that they had covered the matter in detail during the first reading of the ordinance, and a couple of issues had been eliminated. He said that the term Limited Assisted Living Facility had been a concern for Commissioner Crichlow in regards to the location on a barrier island, but it was determined that as long as the nomenclature complied with the ALF definition in the Florida Statutes, chapter 400, they could call it anything. He said that they had decided to label the definition Retirement Housing, because the purpose of Allegro was elder housing and not a standard apartment complex. He said that Allegro had been constructed with the idea of assisting residents, but to insure minimum medical and dietary assistance they needed licensing. He clarified that they amended the language Limited Assisted Living Facility to read Retirement Housing.

Commissioner Crichlow said that the verbiage in the ordinance would define the states designation of Low Intensity, Class One, Assisted Living Facility, but they would call it Retirement Housing, which complied with the Comp Plan.

Commissioner Boles said that he was missing the difference between Retirement Housing and Assisted Living Facility inline with the legislative definition. He said that regardless they were still amending the City Code to allow Allegro to respond to its internal needs for an aging population. He said that he would vote in favor of the ordinance because they were dealing with the elderly; however, Allegro was not built as an Assisted Living Facility but it had been marketed as Assisted Living.

Commissioner Crichlow said that it had not been an Assisted Living Facility.

Commissioner Boles disagreed, and he stated that it was marketed to an elderly population as providing assistance, but they could not provide the medical assistance. He added that the request was to designate 40-units as ALF. He suggested that they should have seen the situation coming, because the situation was impacting facilities nationwide. He said that the evacuation situation did not concern him, but modifying the Zoning Code to fit circumstances was a concern that generally he would not approve.

Commissioner Jones said that if the use was more intense it would conflict with the location on a barrier island, and he wanted to avoid the perception of approving an Assisted Living Facility.

Commissioner Boles stated that he understood that they were changing the Code to make it a permitted use by exception only, but if one of the other apartment complexes in that location decided to convert to Retirement Housing the Commission would be facing the situation again.

Mayor Gardner opened the public hearing; however, there was no response.

Mr. Wilson recommended a motion to amend the ordinance to replace the term Low Intensity Assisted Living Facility with the term Retirement Housing.

MOTION

Commissioner Boles MOVED to approve the aforementioned. Commissioner Crichlow SECONDED the motion.

VOTE ON MOTION

AYES: Boles, Crichlow, Jones,

Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

MOTION

Commissioner Boles MOVED to place Ordinance 2004-02, as amended, on second reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2004-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-165 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ADD RETIREMENT HOUSING AS A USE BY EXCEPTION IN THE RESIDENTIAL AND GENERAL OFFICE (RGO) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Boles, Crichlow, Jones,

Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

Mr. Ansbacher thanked staff for working with him to serve the aging population.

11.D.2/ Public Hearing - Ordinance 2004-24, Correcting Scrivener's Errors in the Tree and Landscape Ordinance.

Mr. Knight said that the ordinance corrected the following scriveners' errors:

- Changed the word *minimum* to *maximum*

- Changed the word *move* to *more*
- Changed the word *may* to *shall*

Mayor Gardner opened the public hearing, but there was no response.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2004-24 on second reading, read by title only and approved. Commissioner Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2004-24

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 25-53 AND SECTION 25-57 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CORRECT SCRIVENER'S ERRORS IN ORDINANCE NO. 2004-17 RELATING TO TREES AND LANDSCAPING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

VOTE ON MOTION

AYES: Crichlow, Jones, Boles,

Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.3/ Public Hearing - Ordinance 2004-26, extending the Hours of Alcohol Sales during the Special Event known as Super Bowl Week.

Mr. Harriss said that he had spoken with County Commissioner McGuire who said the County Commissioners were going to propose a reduction in the length of time in the ordinance from seven to four days, Thursday through Sunday. He pointed out that the County had not passed the ordinance yet; therefore, he was simply giving the Commission information.

Commissioner Jones pointed out that they had passed the ordinance on first reading with the understanding that the City would do the same thing as St. Augustine Beach and St. Johns County. He questioned whether they could pass the ordinance on second reading with the same type of conditions.

Mr. Wilson said that it would be possible to word the ordinance in such a way as to follow the County's decision.

Mayor Gardner opened the public hearing.

Marcel Pitton, Manager, Casa Monica Hotel, stated that they were in favor of the hours, and actually the proposed four days would be the most important days to extend the hours.

Glenn Hastings, Executive Director, St. Johns County Tourist Council, said that there were several events occurring during the week of the Super Bowl; however, the primary activities would take place on the Thursday through Sunday.

Mayor Gardner closed the public hearing.

MOTION

Commissioner Jones MOVED to amend Ordinance 2004-26 to a timeframe of February 3, 2005 until February 6, 2005; therefore, reducing it to a four day time period.

Mr. Wilson suggested changing the effective date language in the sentence that stated *alcohol sales on the date set forth in section one* to *alcohol sales on the dates including the set forth in section one*. He said that would cover the County's choice of days.

Commissioner Crichlow suggested reiterating that they would follow the County's choice, as he was concerned about law enforcement.

Commissioner Jones questioned whether they could do that.

Mr. Wilson suggested that they make a motion, and he would find a way to make it work.

Commissioner Jones stated that it would be a good idea to be on the same track as the County when considering law enforcement.

Mr. Wilson stated that he would wait to see what the County decided, and whatever they decided would be reflected in the City ordinance.

Commissioner Crichlow SECONDED the motion.

Mayor Gardner requested that the City Attorney encapsulate the motion.

Mr. Wilson replied that the ordinance would be amended to read Thursday, February 3, 2005 through Monday, February 7, 2005 or the City would follow the County's decision.

VOTE ON MOTION

AYES: Jones, Crichlow, Boles,

Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

MOTION

Commissioner Boles MOVED to place Ordinance 2004-26, as amended, on second reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2004-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 4-3 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO EXTEND THE HOURS OF ALCOHOL SALES DURING THE SPECIAL EVENT KNOWN AS SUPER BOWL WEEK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

VOTE ON MOTION

AYES: Boles, Crichlow, Jones,

Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

Commissioner Crichlow requested that the City Manager notify the County of their decision.

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 7:02 p.m.

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MAYOR

CITY CLERK