

## CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
January 23, 2006

The City Commission met in a formal session Monday, January 23, 2006, 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:

### Roll Call:

George Gardner, Mayor/City Commissioner  
Susan Burk, Vice Mayor/City Commissioner  
Joe Boles, City Commissioner  
Donald A. Crichlow, City Commissioner  
Errol D. Jones, 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  
Bob Leetch, Director of Utilities and Public Works  
Dr. William Adams, Director, Heritage Tourism  
Paul K. Williamson, Director, Public Affairs  
Loran Lueders, Chief of Police  
Jimmy Owens, Fire Chief  
Karen Rogers, Recording

### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Father Nakitas Theodosian, Holy Trinity Greek Orthodox Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

### **3. ADMINISTRATIVE ITEMS**

#### **3.A/ Modification of Agenda**

Mr. Harriss reported that the presenter for Item 11.C.1., Florida East Coast Industries - Comp Plan amendment, had requested that Ordinance 2006-03 be tabled until the February 13, 2006 meeting, as the presentation was not complete.

### **MOTION**

**Commissioner Crichlow MOVED to table Item 11.C.1. (until February 13, 2006). The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

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

The minutes of the regular City Commission meeting of January 9, 2006 were approved as presented.

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

- 2006-03 - Supporting St. Johns County Public Library System in St. Johns Reads Month

Mayor Gardner read and presented the proclamation to the branch manager of the main library and the president of Friends of

the Library who accepted the proclamation with gratitude and presented the Commissioners with a copy of the book *The Kite Runner*.

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

The following people spoke regarding the proposed City run shuttle service:

- Barbara Nailler, 300 Salt Grass Court, representing The San Marco Avenue Merchants Association, expressed concern about the south of the Plaza business district, no study for need had been conducted, \$5 millions to move people such a short distance was a huge expense, there should be a less expensive method of moving students and employees late at night, should the City be in the tourist transportation business, the Commission should take a more prudent course of action and wait until the parking garage was in operation and then conduct an analysis of need
- Rob McCauley, 4020 Grande Vista, Ripley's Museum, said the sightseeing trains felt that the proposal would greatly impact their business economically, which would directly affect the franchise fees, scale down the proposal for students, employees and residents of the City and a closed bus type vehicle would be better than a tram which would create confusion
- Richard Pinto, 105 St. George Street, said the proposed tram vehicle would create confusion for the visitors and the sightseeing tour industry, the target user for the shuttle should not be the tourists, the linear route made more sense, the Commission should move slower and the Historic Area Council, the Parking and Traffic Committee agreed and he would rather have no shuttle than the wrong shuttle
- Dennis Axlen, 6024 Winifred Masters Road, Elkton, Tours of America, expressed concern regarding an open air transit vehicle if the City offered free transit system to take visitors to

attractions, as it would hurt their business by 20%-30%, hence hurt other attractions

- Tony Ganong, Executive Director of the St. Augustine Historical Society, said his organization was dependent on the proper function of the sightseeing trains, he expressed concern that visitors using the free shuttle would not be aware of businesses south of the Plaza and suggested proper signage regarding the free shuttle and historic attractions, the system should service local residents and students and be an enclosed minibus and not an open tram to avoid confusion
- William Rosenthal, 62 San Marco Avenue, said there had not been an impact study, the City had limited discussion with the sightseeing train businesses for which they would be entering into direct competition with, it was difficult for a municipal mass transit system to pay for itself, the City was not prepared for the new set of liabilities that it was taking on, the business districts west and south of the areas that the system would service would be omitted, the service was designed to benefit a select few and at the expense of the many and as proposed the system was unfair, illogical and perhaps illegal, and it was too early to make such a commitment without review and discussion
- Harvey Wolf, business owner on San Marco Avenue, said his calculation indicated \$5 million would move those late night people for approximately 300 years by taxicabs, and he suggested a more in depth look at the proposal

The following people spoke regarding the truck traffic on Leonardi Street:

- Trevor Smith, 23 South Leonardi Street, distributed a petition and stated that traffic on Leonardi Street was terrible and the adjustment to the street had not solved the problem, as people used the street as a shortcut between King Street and Dixie Highway
- Jerry Batterbaugh, 21 Leonardi Street, stated that it had been four years since the residents asked the City to solve the

truck problem on Leonardi Street, the gas tanker truck using Leonardi Street was the fault of City Staff and it was a dangerous situation, there was a problem with fire trucks on their street, the diesel fumes were outrageous and City Staff was not helpful

- Nanette Philips, 31 South Leonardi Street, stated that the City solutions to the problem on the street had been an abysmal failure, parked City employee vehicles blocked the view of Pellicer Lane, trucks and their fumes were a terrible problem and the problem needed to be fixed

Mr. Harriss stated that the situation was difficult, and the City had tried to address the matter the best they could. He said that, according to their survey, the City had moved a portion of the traffic off Leonardi Street onto Pellicer Lane, speeding checks indicated that drivers were not speeding, and they could not take all the trucks off of Leonardi Street. He added that residents of the street had told truck drivers they were not allowed on the street and even jumped in front of trucks to stop them. He pointed out that it was frustrating for staff to spend so much time on one area when there was so much that required staff attention all over the City. He said that the residents were trying to make the street a cul-de-sac, which could be done at the Commission's direction.

Commissioner Burk pointed out that if they were to cul-de-sac the street there were about 40 other roads that would petition for the same convenience. She said that she thought there was a sign telling trucks to use Pellicer Lane.

Mr. Harriss said that was true and the sign had alleviated some of the problem, but the residents wanted all trucks off Leonardi Street, especially City trucks and that would not be easy. He said that a survey conducted a year earlier indicated that the traffic had decreased considerably; however, with the increased growth the traffic would also increase.

A discussion regarding a speed hump on Leonardi Street determined that the proposal had been turned down, because they could not put a hump on the street without losing parking spaces and due to the number of driveways on the street.

Mayor Gardner questioned whether there would be a legal problem with putting up a no trucks sign.

Mr. Harriss replied that he did not believe so; however, it would pose an enforcement problem.

A discussion regarding signage resulted, and it was determined that the City would try installing a no trucks sign as suggested by the residents even though it had originally been a truck route; however, fire and City trucks would be allowed to use the street.

Commissioner Jones stated that the Commissioners were elected to make policy, there were experts on staff, and the Commissioners should not try to micro-manage City business. He pointed out that trucks traveled that route as a short cut, and if they stopped trucks from traveling on Leonardi Street they would move to other streets and those streets would suffer from traffic and diesel fumes. He said that the Commission should not resort to knee jerk solutions and micro-managing staff.

Commissioner Burk suggested tabling a vote until the next meeting, after she had the opportunity to research the situation further.

Commissioner Jones said that he did not appreciate the attack on City Staff, because everyone had taken part in the current solution to the problem and it might have been a mistake, but no one was perfect. He said that they tried solutions and when they did not work they had to go back to the drawing board preferably without people pointing fingers.

Mr. Harriss pointed out that if the gas tanker truck could not use Leonardi Street for access the City would have to eliminate 2-3 parking spaces to make the entrance

accessible. He pointed out that they would be decreasing the parking inventory, because they could not please everyone with one solution.

Commissioner Boles stated that he could not vote on anything in response to public comment. He pointed out that public comment provided the opportunity for the public to air their feelings. He said that at best he would be comfortable asking the City Manager to present a report. He concluded that he did not want to hash the problem out during public comment, because they had a long agenda. He concluded that surely he would not vote during public comment time.

A brief discussion determined that Commissioner Burk would deliver a report regarding the matter.

Ed Slavin, P. O. Box 3084, accused City Staff of not listening to the public, questioned why staff was not accountable to the Commission, stated that the City should have performance appraisals, questioned why the City did not have propane powered vehicles and why the City vehicles were allowed to speed, and he complained that the City Manager and Attorney were never seen on camera. He demanded discussion regarding a living wage and that a motion be made immediately. He insisted that there should be an archeological park on Lewis Speedway where a supposed 4,000 year old Indian village existed and accused Robert Graubard, owner of the property he referred to, of misrepresentation, and he commanded the Commission to move immediately regarding the matter.

David Thundershield Queen, P. O. Box 270, requested that the Commission revisit Ordinance 2005-38 as the developer failed to report to the City and State that a significant archeological Indian Village was located on his property. He spoke in support of a living wage including a progressive advalorem tax to support it, and he questioned why there was no visible monument honoring the Civil Rights movement.

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

### **5.A/ Report regarding the Transit System.**

John Regan, Chief Operations Officer, reported that he had discussion with some focus groups (small groups selected from a broader population and interviewed through facilitated discussion for opinions and emotional responses about a particular subject, and the results were qualitative and not statistically significant). He said that since the previous meeting he had met with the Sunshine Bus Company, run by the Council on Aging, attended a Parking and Traffic Committee meeting and conducted further vehicle research.

Mr. Regan said that he had met with the Historic Area Chamber of Commerce, the manager of the A1A Ale Works, where a Saturday service shift had approximately 50 employees working, and with both sightseeing train companies. He related the aforementioned groups concerns and suggestions regarding the free shuttle as follows:

- The design should be geared to locals, employees and students
- If the City hurt the train companies they be would hurting everyone in the tourism industry and other related businesses
- The system should be based on reliability and low headway
- The City should be moving toward something that complimented the existing industries

Mr. Regan said that the Sunshine Bus Company would bring fifty cents on the dollar operationally speaking. He said that if the Commission wanted to use an open air tram vehicle the Sunshine Bus Company would not be a player for contract operation, because that type of vehicle was not federally approved as a public transportation provider; therefore, they could not bring operational dollars to the table as it would not fit within their mission, which hinged on their obtaining additional and recurring funds. However, he said that if they wanted to use a tram there were privatization opportunities, or the City could operate the transit system.

Mr. Regan reported that they were continuing to gather vehicle options, and they had visited a vehicle supplier that could purchase equipment on state contract. He described a vehicle with a low floor and ramp system with perimeter seating that cost \$130,000. He said that they were also researching alternative fuel source vehicles.

Mr. Regan stated that PAT had heard a presentation by Cathy Brown of the Council on Aging regarding the Sunshine Bus Company, and in the end the committee endorsed the following issues:

- Recommended negotiating with the Sunshine Bus Company
- The main function of the Sunshine Bus Company would be to provide drivers, as the system would require 4-5 drivers
- A transit system would be a complex issue for the City, but for the Sunshine Bus Company it would be a matter of adding a route onto an existing public transportation system
- PAT determined that the user focus should be on the local element
- Continue studying both routes, as Flagler College was in favor of the loop system

Mr. Regan stated that all their decisions would have major impacts in five months, as they would be eliminating the parking systems that students and employees currently utilized. He said that the community was beginning to accept the Commission's goal of making on street parking available for short term users.

Dan Sullivan, Chairman, Parking and Traffic Committee, stated that the free shuttle would be the beginning of an inner city transportation system. He said that PAT recommendations were as follows:

- An enclosed vehicle
- Focus on the local user group
- Linear route
- Dependable time schedule

Mr. Regan clarified that routing was not critical in the design, and the endorsement of PAT was to continue studying both routes.

Commissioner Crichlow questioned whether the studies indicated which group would represent the majority of rider-ship.

Mr. Regan stated that they had no survey at that time.

Commissioner Burk suggested that the users would depend on the route and type of vehicles. She expressed concern about flexibility, as they were dealing with the unknown. She said that she had changed her mind since the previous meeting and agreed with staff and the Parking and Traffic Committee's recommendation. However, she expressed concern that dealing with the COA and a long term commitment would limit the flexibility to make changes if the recommendation did not work. She stated that in negotiations with the COA she wanted it understood that there would be no long term commitment.

Mr. Regan stated that staff's opinion was that they could make a one or two year agreement.

Commissioner Burk said that if they purchased their own vehicles she would feel less nervous about involvement with federal money.

Mr. Regan stated that currently the City was in a position to acquire vehicles without federal funds.

Commissioner Boles said that he was the chairman of the board of the Council on Aging and the council was not currently hearing a desire from the City that the council take over and acquire vehicles, as the City had a good budget for vehicles. He stated that the council was at the table to have a route in the downtown part of the city. He said they had a county wide network but not in the interior; therefore, if a partnership did not work it would not affect the council.

Commissioner Burk stated that they could not have the council running the route for purposes other than the City's focus on the parking garage.

Commissioner Boles stated that it was his understanding that Flagler College planned to lease 300 parking spaces in the VIC parking garage, and the City was discouraging parking in the neighborhoods surrounding Flagler College by issuing residential parking permits. He said that increased parking meter rates would discourage employees from using the downtown parking spaces; therefore, the City had a responsibility to transport them downtown; moreover, he wanted the City to look after the employees and students with flexibility and cost effectively. He said that they could only guess who would use the shuttle, and if the City worked with the COA they would not use Sunshine Buses, as the City would purchase their own vehicles. He pointed out that it would be easier for the Sunshine Bus Company to change and/or add bus routes.

Commissioner Burk pointed out that if they worked with the COA it might alleviate some of the sightseeing train and merchant concerns about the proposed City shuttle.

Mayor Gardner clarified that the City would purchase the vehicles without Federal funds, but the operating funds would be through the COA.

A brief discussion determined that further information would be determined through negotiations, and Mr. Regan was looking for direction to research the details.

Mayor Gardner agreed that the shuttle service for employees and students would be a good trade-off for taking away downtown parking spaces. He said they had a five month window to accomplish a great deal; therefore, he was interested in moving ahead. He agreed with Commissioner Burk that although they had favored the tram, an enclosed vehicle currently made sense to him.

Commissioner Jones pointed out that they might want to begin with a vehicle with a low floor and ramp system prototype. He stated that they were moving into the proposal slowly, but they had to move to get all the pieces in place and make the plan work. He said that he approved of a City vehicle operated by the drivers for the Sunshine Bus Company. He added that they had considered the merchants south of the Plaza as well as north on San Marco Avenue; however, the linear route would work as a test route.

Mayor Gardner stated that he had developed a prototype brochure map that he would get to the Commissioners prior to the subsequent meeting to consider authorization for use (and he distributed a prototype). He noted that the VIC was temporarily closed for renovation, and he suggested that everyone in the tourism community would want to be involved in the brochure map.

Commissioner Jones referred to the prototype brochure and stated that it would be appropriate for the private sector to handle that type of brochure, as the City should produce a map of the City including historical sites without advertising individual businesses.

Mayor Gardner agreed and said that he was recommending a general brochure without commercial details.

Mr. Regan stated that the Sunshine Bus Company used a "soft start" to deal with flexibility issues.

Commissioner Crichlow expressed a strong belief that the majority of the rider-ship for the shuttle would be tourists; moreover, it could be as much as 80% of the rider-ship, especially when considering repeat visitors. He questioned why the Parking Committee had selected a vehicle for 20% of the rider-ship instead of for his predicted 80% rider-ship. He said that the situation bothered him, because he thought the proposal would be a big mistake. He said that there was an inferred assumption that students and employees would not use a tram, but he did

not know that was true, as it would mean the difference between a four minute shuttle ride or a ten minute walk. He said that he would use a tram, as he would not care about inclement weather or if the vehicle was air conditioned. He suggested that they could make a clear distinction between a vehicle that was a sightseeing train and a City shuttle. He emphasized that the City was not getting into the sightseeing business; moreover, he suggested that the shuttle could prove to be a plus for the sightseeing trains. He suggested that an enclosed vehicle would be designed for a select minority and the smaller size vehicle would leave people waiting to go downtown. He questioned why they would want to design the system and vehicles for the minority. He emphasized that they did not have the luxury of time regarding the shuttle system.

Mr. Sullivan acknowledged that the Commissioner could be correct. He said that PAT had concluded that their mission was to move people from point A to point B as swiftly as possible. He said that they intended to be certain that the color of the vehicle caused no confusion for the tourists with sightseeing trains or the Sunshine Bus Company. He stated that they were asking the Commissioner's approval for an enclosed vehicle, as they were considering the beginning of a public transportation system. He pointed out that the Federal Government would not provide funding for tourists; therefore, they had to be specific about the use of any Federal funding for the future. He stated that they did not need another tram chasing the tourists.

Commissioner Burk stated that she had changed her mind again. She suggested that they were blinding themselves because the Council on Aging provided an easy route by handling the matter; therefore, the City would not have to worry about it, but she questioned whether they were really thinking of what was best. She stated that they were parking the tourists in the garage; therefore, the City needed to give them a ticket downtown and back; moreover, a plain white tram would be more accessible and recognizable. She stated that small enclosed vehicles would

result in waiting lines and the tourists would not want to wait in lines.

A discussion regarding a shuttle tram and sightseeing trains ensued, and it was determined that any system they chose would not be mutually exclusive of any group of people.

Mr. Regan pointed out that there were many student and employee automobiles currently parking on the streets; therefore, it was necessary for them to buy into a City plan to solve the parking problem. He stated that research regarding the current use of the free shuttle indicated that most tourists were not using it.

Commissioner Burk emphasized that the current shuttle use was not comparable to the system they were talking about; therefore, it was not a good indicator.

Mr. Regan continued that in 1992 the American Public Transit Association conducted a nation wide study on fixed route systems defining 69% of the users as workers and students. He noted that they could accomplish their goals with an open air shuttle, as it was not an easy decision, but the Commission had to be aware of all aspects of the proposal.

Commissioner Burk again emphasized that visitors would use a free tram system from the Visitor Information Center.

Commissioner Jones pointed out that they could not take the chance of dealing with any specific group exclusive of another. He suggested that they continue research on the tram, as they might end up with a combination of vehicles. He agreed that they could probably count on 50% tourist use and during season the number could increase; therefore, a small vehicle would be insufficient.

A discussion regarding the matter resulted, and it was determined that staff would continue researching the open air tram and enclosed bus and report to the Commission, and Commissioner Burk suggested that staff

form a student focus group for input and report to the Commission by the next meeting.

Mayor Gardner concluded that they had to worry about managing the visitors as well as the students and employees.

#### **MOTION**

**Commissioner Jones MOVED that Mr. Regan follow through and report to the Commission by February 13, 2006. Commissioner Boles SECONDED the motion.**

#### **VOTE ON MOTION**

**AYES: Jones, Boles, Burk, Crichlow**

**NAYES: Gardner**

**MOTION CARRIED 4/1 <sup>1</sup>**

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

(None Scheduled)

#### **ITEMS BY CITY CLERK**

##### **7.A/ Notification of Proclamations.**

- 2006-02 - Recognizing the Reverend Goldie M. Eubanks, Sr.
- 2006-04 - Recognizing the Reverend Michael J. McConnell and First Lady Gloria McConnell.
- 2006-05 - Proclaiming Friday, January 20, 2006 as Arbor Day.

##### **7.B/ Consideration of four appointments to the Historic Preservation Advisory Committee.**

Martha V. (Nell) Porter, City Clerk reported that there were four appointments for HPAC to fill the term expirations for Phillip J. Moan, Jeanne Krausz, Mariam Pujals and Michelle Rayna, and Ms. Pujals and Ms. Rayna were eligible to serve a second term. She stated

<sup>1</sup> A brief recess from 7:06 until 7:34 p.m.

that she had received applications from the following:

1. Mariam E. Pujals, 72 Sanford Street
2. Michelle Rayna, 184 Marsh Island Circle
3. Rosalie Russo, 348 Charlotte Street
4. Alison Simpson, 1306 San Jose Road

#### **MOTION**

**Commissioner Burk MOVED to approve the four applicants for the four positions. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

#### **8. ITEMS BY CITY MANAGER (Includes Consent Agenda)**

##### **8.A/ Consent Agenda**

**8.A.1/ Preview of upcoming Commission Meetings.**

**8.A.2/ Notification of an upcoming term expiration on the Historic Architectural Review Board.**

**8.A.3/ Approval of final subdivision plat for Mitchell Estates.**

Mr. Harriss, City Manager, read the Consent Agenda items.

#### **MOTION**

**Commissioner Jones MOVED to approve Items 8.A.1. through 8.A.3. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

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

(None Scheduled)

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

##### **Commissioner Crichlow – Notification for PZB**

Commissioner Crichlow referred to the signage for variance and exceptions etc. that was posted on property that was scheduled

to go before the boards. He questioned whether the signage could remain posted indicating the date of upcoming meetings to allow the public to know that the matter was continuing and leave the signage in place until the matter was determined by the board. He suggested that removing the signage before a resolution was achieved on a particular matter could be used as a tool to reduce public input.

Mayor Gardner noted that at times the signs were not removed after a matter had been resolved.

A discussion determined that staff would consider making the related signage more descriptive and the ordinance would be reviewed and a report would be brought to the Commission.

#### Mayor Gardner – Historic Preservation Properties

Mayor Gardner stated that the effort toward getting state appropriation for the 33 state owned historic properties were as follows:

- Representative Proctor and Senator King were lead contacts in the matter
- Representative Proctor was carrying a City proposal to his state contacts in effort to secure a portion of state lands in the Colonial Spanish Quarter for the Castillo Operations Center
- The National Park Service had a final list of four alternatives for long range plans that should be available for public comment in February
- Senator King was handling the City's proposal for state appropriations for the state owned historic properties that would be sent to the Governor and Legislative leadership
- 65 requests for letters of support had been sent out, and they had received approximately 24 responses thus far

Mayor Gardner questioned whether the City had applied for a grant from the American Waterworks Association for the North City Waterworks Building, and staff indicated that

an architect had to be hired to develop a scope of work involved.

Mayor Gardner referred to the recent request for demolition on Davis Shores and questioned whether the demolition ordinance could legally be amended to require that an applicant "shall" supply replacement plans.

Mr. Wilson replied that according to the ordinance the board could require plans as a condition of demolition, but they had not chosen to require plans under all circumstances, because it could be onerous under circumstances when evaluating a building that was not valuable or historic; however, the board could exercise the requirement as a condition.

Commissioner Boles said that if they were going to work on the matter they would have to have the board articulate a historical significance before they could deal with replacement structures. He said that if a structure was not significant the City should not require future site plans for demolition approval.

Commissioner Crichlow agreed that under some circumstances plans would not be necessary. He pointed out that the City had no architectural controls over construction unless a structure was located in a historic district.

Commissioner Boles expressed surprise that none of the neighborhood associations had initiated discussion regarding guidelines for their neighborhoods.

A brief discussion regarding the matter resulted, and it was determined that the neighborhood associations would establish controls they would prefer in their area and a board would review the matter, but it would be up to the Commission to implement any controls.

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

(None Scheduled)

#### **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 2006-04, amending the Comprehensive Plan, Future Land Use Map designating property located on the west side of South Whitney Street, south of Madeore Street as Residential Low Density.**

Mark Knight, Director, Planning and Building, suggested that the Commission address ordinances 2006-04 and 2006-05 simultaneously, as they both pertained to the same property. He said that during the previous meeting the Commission had annexed a portion of the property in question in order for the owner to develop three subdivision lots and ordinances 2006-04 and 2006-05 were designed to match the zoning and land use for all the property.

Commissioner Crichlow reported that he had to recuse himself from voting on the two ordinances, as he had a contractual agreement with the property owner.

### **MOTION**

**Commissioner Burk MOVED to place Ordinance 2006-04 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

#### ORDINANCE NO. 2006-04

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 0.57 ACRES OF PROPERTY, LYING ON THE WEST SIDE OF SOUTH WHITNEY STREET, SOUTH OF MADEORE STREET, AS RESIDENTIAL LOW DENSITY; PROVIDING FOR SEVER-

ABILITY; AND PROVIDING AN EFFECTIVE DATE.

**MOTION CARRIED BY UNANIMOUS (4/0) VOICE VOTE.**

**11.B.2/ Introduction and consideration of Ordinance 2006-05, designating a zoning classification of Residential, Single-Family-Two (RS-2) relative to property located on the west side of South Whitney Street, south of Madeore Street**

### **MOTION**

**Commissioner Burk MOVED to place Ordinance 2006-05 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

#### ORDINANCE NO. 2006-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 0.57 ACRES LYING ON THE WEST SIDE OF SOUTH WHITNEY STREET, SOUTH OF MADEORE STREET, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO THE CLASSIFICATION OF RESIDENTIAL, SINGLE-FAMILY-TWO (RS-2); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

**MOTION CARRIED BY UNANIMOUS (4/0) VOICE VOTE.**

**11.B.3/ Introduction and consideration of Ordinance 2006-06, amending the General Employees' Retirement System.**

Timothy A. Burchfield, Chief Administrative Officer, reported that during the 2001-2002 fiscal year modifications had been made to the General Employees Pension Plan including the executive and managerial levels pension multiplier, and at that time the police and fire chiefs were not a part of the plan, as they were covered by a separate plan. He

said that the Commission at that time intended for the chiefs to participate in the executive level multiplier but review of state statutes with the plan actuary, Mike Tierney indicated that the chiefs could not enjoy the benefit under the police and fire plans. He said that Mr. Tierney found a way to provide that benefit through the general plan by paying the chiefs a supplement from the general plan. He stated that the amendment also provided for a modified DROP plan, because a regular DROP was too expensive for the plan.

#### **MOTION**

**Commissioner Burk MOVED to place Ordinance 2006-06 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

#### **ORDINANCE NO. 2006-06**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, ARTICLE III, ST. AUGUSTINE CODE, THE ST. AUGUSTINE CITY EMPLOYEES' RETIREMENT SYSTEM; AMENDING SECTION 20-103 (PARTICIPATION IN THE RETIREMENT SYSTEM), PROVIDING FOR THE PARTICIPATION OF THE POLICE CHIEF AND FIRE CHIEF FOR PURPOSES OF A SUPPLEMENTAL RETIREMENT ALLOWANCE; AMENDING SECTION 20-104 (CREDITED SERVICE), PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PERIODS OF PRIOR MILITARY SERVICE OR GOVERNMENT EMPLOYMENT; AMENDING SECTION 20-108 (NORMAL AND REDUCED EARLY RETIREMENT CONDITIONS), PROVIDING FOR A REDUCED EARLY RETIREMENT PENALTY; AMENDING SECTION 20-141 (SUPPLEMENTAL RETIREMENT ALLOWANCE), TO PROVIDE A SUPPLEMENTAL RETIREMENT ALLOWANCE FOR THE POLICE CHIEF AND FIRE CHIEF; CREATING A NEW SECTION 20-145, PROVIDING FOR A "BAC-DROP" PROGRAM; CREATING A NEW SECTION 20-146, PROVIDING FOR ROLLOVERS

AND DIRECT TRANSFERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

**MOTION CARRIED BY UNANIMOUS VOICE VOTE.**

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

**11.C.1/ Public Hearing - Ordinance 2006-03, amending the Comprehensive Plan, Future Land Use from Open Land to Residential Low Density/Mixed Use relative to property located north of State Road 16, west of Florida East Coast Railway**

(Tabled)

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

**11.D.1/ Public Hearing - Ordinance 2006-01 amending the Definition of Lot Area.**

Mark Knight, Director, Planning and Building, reported that the ordinance prevented creation of significantly odd shaped lots in order to achieve lot area.

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

#### **MOTION**

**Commissioner Burk MOVED to place Ordinance 2006-01 on second reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.**

Mr. Wilson read the title as follows:

#### **ORDINANCE NO. 2006-01**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, MODIFYING THE DEFINITION OF "LOT AREA" AS FOUND IN SECTION 28-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING

FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

**MOTION CARRIED BY UNANIMOUS VOICE VOTE.**

**11.D.2/ Public Hearing - Ordinance 2006-02 amending the St. Augustine Police Officers' Retirement System.**

Mr. Burchfield reported that the City had finalized a union contract with the Police Department in September, and the major change had been to increase the multiplier from 2.5% to 3.0% and increase the employee's contribution. He said the ordinance had been approved on first reading, and he requested the Commissioners approval.

**MOTION**

**Commissioner Boles MOVED to place Ordinance 2006-02 on second reading, read by title and approved. The motion was SECONDED by Commissioner Crichlow.**

Mr. Wilson read the title as follows:

**ORDINANCE 2006-02**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE X OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, ST. AUGUSTINE POLICE OFFICERS RETIREMENT SYSTEM; AMENDING SECTION 10.02 TO PROVIDE FOR A 3% MULTIPLIER; AMENDING SECTION 10.03 TO LIMIT AD HOC COST OF LIVING ADJUSTMENT IN THE EVENT CITY CONTRIBUTIONS EXCEED FIVE PERCENT; AMENDING SECTION 10.08 TO INCREASE MEMBER CONTRIBUTIONS; AMENDING SECTION 10.08 TO PROVIDE FOR LIMITED RETROACTIVE APPLICATION OF INCREASED MULTIPLIER; AMENDING SECTION 10.13 TO

PROVIDE FOR DEFERRAL OF ENTRY INTO DROP UNTIL AGE 52 WITH 25 YEARS OF SERVICE; PROVIDING FOR FUNDING OF "EXTRA BENEFITS"; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

Mayor Gardner opened the public hearing; however, there were no speakers.

**MOTION CARRIED BY UNANIMOUS VOICE VOTE.**

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

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

Ed Slavin, P.O. 3084, spoke regarding a living wage, preservation of the alleged Indian Village on Mr. Graubard's property on Lewis Speedway, and he recommended a performance appraisal for the City Manager and a number of City upper management and requested that they be visible on TV during the Commission meetings.

David Thundershield Queen, P. O. Box 270, spoke regarding the absence of a City installed Civil Rights monument, honoring the modern day heroes, in the downtown areas, and the alleged Indian Village on Mr. Graubard's property on Lewis Speedway.

**Adjournment**

There being no further business, the meeting was adjourned 8:22 p.m. <sup>2</sup>

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MAYOR

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

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CITY CLERK