

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
March 13, 2006

The City Commission met in a formal session Monday, March 13, 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

John Regan, Chief Operations Officer
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
Bill Harding, Deputy Director, 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 Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Gabbat Jerry Kass, Congregation Sons of Israel, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Commissioner Burk requested that her Commission Comments, normally heard during item nine, be heard before item four, General Public Presentations, to be certain that her comments regarding the City Manager were not misunderstood, and there was no objection.

3.B/ Approval of Minutes

The minutes of the regular City Commission meeting of February 27, 2006 were approved as presented.

3.C/ Proclamations

- Proclamation recognizing the Allen D. Nease High school 2005 football achievement

Mayor Gardner read and the Commissioners presented the proclamation to Craig Howard, Head Football Coach of Allen D. Nease High School and four of his football captains: Mannie Wellington; Max Grimard; Evan Lamolinara, and Ian Aguilar.

4. General Public Presentations and Comments (3 minutes per presentation)

with maximum total time limit of 20 minutes).

Commissioner Burk stated that the City Manager served the Commission, which meant that he was three votes away from looking for a new job at anytime. She noted that the City Manager was not in attendance for the meeting, and recommended discussion about him, as he had recently been under aggressive personal and professional attack by a disgruntled citizen. She proceeded to list his and his staff's innumerable accomplishments during his time as City Manager, as well as the positive attributes possessed by the City Manager, emphasizing integrity. She concluded that she had the greatest respect for the City Manager's abilities, which he had earned. She questioned the other Commissioner's sentiments.

Commissioner Crichlow echoed Commissioner Burk's opinions and focused on Mr. Harriss's integrity and acknowledged the prosperity of the City under his leadership. He concluded that Mr. Harriss ran the City 100% by the book and some people liked him and some people did not, but there was no denying his dedication.

Commissioner Boles compared the City Manager's accomplishment to those of other well known leaders in the City, and he stated that Mr. Harriss ran the City really well. He noted that for the past few months of meetings the City Manager had been attacked by one citizen, and the Commissioners were getting tired of hearing it. He suggested that there was a level of civility that had to be maintained, and he noted that when someone was unjustly accused the Commission had no problem saying so.

Mayor Gardner stated that in politics citizens should attack the politicians and not the professionals running the City. He said that the Commission firmly supported public comment; however, in some instances the situation had gone too far, but henceforth the situation would not be allowed to continue. He suggested that so much could be better

handled if citizens went to City Staff or the Commissioners rather than bringing their concerns to public hearing that was aired on TV. He pointed out that some people were not satisfied without creating a debacle on television, but the Commission would be more astute regarding the situation in the future. He acknowledged Mr. Harriss's twenty years service and rise through City ranks.

Commissioner Burk suggested that the Commission present the City Manager with a proclamation of appreciation for his dedicated service to the City.

Jay Bliss, 12 Oglethorpe Boulevard, expressed concern regarding the boaters in relation to the proposed Harbor Management Plan, and recommended proper enforcement of existing regulations.

Reverend Byron E. Hodges, St. Mary's Missionary Baptist Church, expressed concern regarding the homeless situation in relation to the St. Francis House and its proximity to the church and some of the recent illegal activities carried out by the homeless. He suggested that the church and the St. Francis House could coexist with proper law enforcement, and he distributed potential resolutions.

Andrew Galena, Hasting, also expressed concern regarding the Harbor Management Plan as related to local boaters.

Commissioner Boles pointed out that currently the City did not have a Harbor Management Plan.

5. PRESENTATIONS AND STAFF REPORTS

6. ITEMS BY CITY ATTORNEY

(None Scheduled)

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations

- 2006-10 – Certificate of Recognition to Reverend & Mrs. LeRoy Lewis.

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A/ Consent Agenda

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

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

8.A.3/ Approval of final subdivision plat for Adams Crossing on Plantation Island Drive.

8.A.4/ Approval of final subdivision plat for Live Oak Street.

8.A.5/ Update on School Concurrency Program.

John Regan, Chief Operations Officer, reported that the City Manager was taking care of a family medical situation, he read the Consent Agenda items, and it was determined to remove Item 8.A.5. for discussion.

MOTION

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

8.A.5/ Update on School Concurrency Program.

Mark Knight, Director, Planning and Building Department, reported that school concurrency was a new law specifying that school facilities had to be concurrent with the impact of development. He said the interlocal agreement with St. Johns County and a number of other counties was for a pilot program to develop an interlocal agreement with the county, municipalities and school board. He said that the proposed agreement was a draft developed by the school board in conjunction with St. Johns County and

municipalities and contained a provision for incorporation into the Comprehensive Plan. He said the agreement allowed the school board to identify whether capacity was available, and in the event that there was not sufficient capacity a developer could opt not to develop property or fund the necessary improvements.

A brief discussion regarding the matter ensued, and it was determined that the agreement would amount to additional fees similar to impact fees for developers; however, it was still a pilot program and details would be addressed prior to voting on the matter.

Commissioner Jones pointed out that the City would not have control of the school board's decision but they would notify the Commission of their decisions in effort to meet the needs of all the children.

Mr. Wilson pointed out that there would be information meetings to address the details, but the amount of local and state input would have to be determined in the future.

MOTION

Commissioner Crichlow MOVED to approve Item 8.A.5. on the consent agenda. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

8.B/ Discussion Items

Non Agenda Item – VIC Parking Garage

Mr. Regan announced that the garage at the VIC had been constructed without any deaths or significant injuries; therefore, a tree would be planted on the roof to acknowledge the significant milestone. He stated that there would be a ceremony and luncheon held on Friday, March 17, 2006.

Harbor Management Plan

Mr. Regan stated that Commissioner Boles had represented the City Commission to the Port and Waterway Authority, and staff had

met with Taylor Engineering to develop a scope of work that Taylor would handle on behalf of the Port Authority. He said that there were two variations for harbor management planning; in its entirety costing \$130,000 and the alternative of starting with permitting mooring field sites and the associated environmental issues, but that would not address the operation of the mooring fields or the details that residents had expressed concern about.

Commissioner Boles reminded the Commissioners that the Port Authority would be paying for the aforementioned work.

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Boles – Parking Meter Fees

Commissioner Boles stated that he had voted for the overall parking plan, but he thought that \$1.50 per hour for meter parking was excessive, and he recommended readdressing the matter, as he would like the fee to remain at \$1.00 (as recommended by the Parking and Traffic Committee). He said he believed that the public was waiting for the opportunity to voice their opinion about the proposed meter fees.

Commissioner Crichlow interjected that everyone kept saying the fee would be \$1.50 per hour; however, with the necessary permits citizens would pay 50¢ an hour; therefore, the concern made no sense.

Commissioner Boles said that he was equally frustrated with Commissioner Crichlow, as all the public saw published was the \$1.50 per hour for parking meters and until the Commission shifted the focus to the accessibility of the 50¢ parking permit mechanism it would be difficult to realistically consider. He said that citizens had no idea how or where they would get the said permits; therefore, they needed to make the plan public, because until that time he would continue to receive complaints; moreover, he was tired of trying to explain without the necessary information to answer the public's questions.

Commissioner Burk stated that the parking meters were intended for rapid turnover, not all day parking. She suggested that the logistics would be simple, and stated that she was not willing to change her mind at that point.

Mayor Gardner stated that he had voted for the \$1.50 per hour meter rates to create turnover and eliminate all day parking at meters. He noted that it was a work in progress, as the plan was not near completion.

Mr. Regan stated that currently staff was conducting a survey of who was using the on and off street parking. He pointed out that whatever meter rate the Commissioners chose it would not affect the design of the meter. He said that staff was also working with a marketing firm concerning marketing and public relations, and as the design came into focus they would be able to develop brochures and literature to help educate the public.

Commissioner Jones agreed with Commissioner Burk and stated that sometimes people only heard what they wanted to hear, as the matter of the 50¢ discount permits had been mentioned often. He said that they wanted the meters for turnover parking, and they wanted to encourage the public to walk.

Commissioner Crichlow stated that ideally no one would pay \$1.50 per hour to park, as the tourists would use the garage and the locals would have 50¢ per hour permits and employees would use the garage with cut rate permits. He emphasized that the plan was designed to bring the local citizens back downtown and lowering the rates would hinder that potential as well as the success of the parking garage. He concluded that he would like to increase the amount to \$2.00, and Commissioner Burk agreed.

Commissioner Boles expressed concern that if they sold 50¢ per hour permits the people who would use them were the ones they were trying to move into the garage, because

going from \$2.00 to \$4.00 per shift for restaurant employees was not that big of a difference when considering walking in the rain from the other side of town. He suggested having zones where the meters would be \$1.00 per hour and not subject to reduction.

Nights of Lights

Commissioner Boles pointed out that the Raintree and Cortesse Restaurants and other businesses in the entry corridors would be forced to turn off their white lights because the Nights of Lights were over; therefore, those establishments would use multi colored lights, which would not work well. He suggested unplugging the Nights of Lights Ordinance requirements from the entry corridors, which were commercial areas.

A discussion determined that the restaurants in the historic areas should be allowed to have the white lights in their outdoor dining areas, but the whites lights outlining the historic district buildings would have to be turned off until the next season.

Mayor Gardner – Funding for the Historic Structures

Mayor Gardner informed the public that the Commission would be lobbying the State Legislature in effort to achieve state funding for the historic properties. He suggested that currently they had the best opportunity since the 1960's to obtain support from the state.

St. Francis House

The Commission entered into discussion regarding the homeless situation at the St. Francis House, and it was determined as follow:

- Efforts were being made toward relocating the establishment
- Reverend Hodges would also have to address the St. Johns County Commissioners, as it was the only homeless shelter in the County

- The St. Francis House could pay for law enforcement to patrol the situation on a 24-hour basis
- The church could post City “no trespassing signs”
- It was agreed that the problem existed, and it would get worse with good weather
- The people that used the facility had no shelter
- Chief Lueders would increase enforcement
- The church and the St. Francis House could coexist ¹
- Some of the homeless were participating in drug trafficking, trespassing, public indecency, loitering and harassment, which was against the law
- Everyone had to work together to solve the problem
 - The church might have to hire security
 - The church should not have to solve the problem
 - The St. Francis House needed to address the problem on their property and law enforcement needed to address the problem off that site
 - The church and the City would get in touch with the board of directors of the St. Francis House to discuss the situation
 - The situation should be viewed and dealt with through enforcement as a neighborhood nuisance
 - City staff would facilitate a meeting with the board for the St. Francis House and bring an operational plan to the Commissioners
 - Concern was expressed that the situation experienced in the St. Francis House neighborhood was currently being experienced City wide

10. Appeals and Public Hearings

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A/ Resolutions

(None Scheduled)

¹ End of audio tape one

11.B/ Ordinances - First Reading

(None Scheduled)

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

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

11.D.1/ Public Hearing – Ordinance 2006-07, concerning the voluntary annexation of property located on Madeore Street.

Mr. Knight stated that the next three ordinances pertained to a single family lot where City limits ran through the middle of the property, and as a result the property owner could not obtain a building permit from the City or County. He said that the owner wanted to build a single family home on a single family lot; therefore, the applicant wanted to annex the portion in the county into the City and have the same land use and zoning of RS-2.

Mayor Gardner opened the public hearing for the three ordinances; however, the public did not respond.

MOTION

Commissioner Burk MOVED to place Ordinance 2006-07 on second reading, read by title only and approved. Commissioner Boles SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2006-07

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 0.095 ACRES OF PROPERTY, LYING ON THE NORTH SIDE OF

MADEORE STREET, WEST OF SOUTH WHITNEY STREET, AS RESIDENTIAL LOW DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Boles, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.2/ Public Hearing – Ordinance 2006-08, establishing a Future Land Use Plan designation of Residential Low Density relative to property located on Madeore Street.

MOTION

Commissioner Burk MOVED to place Ordinance 2006-08 on second reading, read by title only and approved. Commissioner Boles SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2006-08

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 0.095 ACRES OF PROPERTY, LYING ON THE NORTH SIDE OF MADEORE STREET, WEST OF SOUTH WHITNEY STREET, AS RESIDENTIAL LOW DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Boles, Jones, Crichlow Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.3/ Public Hearing – Ordinance 2006-09, establishing a zoning classification of Residential Single Family-Two (RS-2)

relative to property located on Madeore Street.

MOTION

Commissioner Burk **MOVED** to place Ordinance 2006-09 on second reading, read by title only and approved. Commissioner Boles **SECONDED** the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2006-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 0.095 ACRES LYING ON THE NORTH SIDE OF MADEORE STREET, WEST OF SOUTH WHITNEY 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.

VOTE ON MOTION

AYES: Burk, Boles, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

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

Mayor Gardner reminded Mr. Slavin that the Commissioners would not tolerate personal attacks on anyone.

Ed Slavin, P. O. Box 3084, stated that he had been waiting for answers, and he proceeded with statements about the City along with questions as follows:

- The City was withholding documents he had requested
- The City should post the entire agenda on their website

- What was happening with the archeological site next to the high school
- When would the Commissioners vote for a living wage
- What about a moratorium on junkets and development
- When would the Commissioners address the numerous technical problems that occurred during Commission meetings
- St. Augustine was being ruined by developers
- Which Commissioners visited the old city reservoir, when, with whom and what were they told
- Why was dumping occurring in the old city reservoir after the St. Johns Water Management District ordered the City to stop dumping by certified letter on January 10th
- Why did the City dump approximately 20,000 cubic yards of plastic, metal and other refuse and unclean fill in the reservoir after being ordered not to do so
- Did the City consider the laws merely suggestions
- Was it the first time the City had dumped in the reservoir or on other property without proper permits
- What year did the City start dumping in the reservoir
- What and how much had been dumped since the City started dumping at each place that they dumped on
- How many fish were in the reservoir before the latest dumping
- Were there any fish alive in there now and how many
- How many fish were killed by the dumping
- Had the City checked on the fish and if not, why not
- What had the City learned from the dumping
- Was a chief environmental office required to protect the environment from further destruction
- What baseline data existed about aquatic life and water purity in the reservoir
- What analytical chemistry tests had the City performed in the reservoir since February 27th and what were the results
- Who knew the City was dumping at the reservoir

- Had a professional engineer, the City Attorney, Mr. Pence (City environmental Attorney), the City auditor or the City Commission approve the dumping
- How come the City had not dumped in a proper landfill with permits
- Who inspected the material prior to dumping
- What was the City Manager's motivation for dumping in the reservoir and was his motivation learned from his predecessor Mr. Pomar
- Who was paying for the City environmental attorney, what was his hourly rate, how much had he billed to date, and he said he would like a copy
- Was the developer of the San Sebastian Inland Harbor project paying any of the cost to remediate the dumping and if not why not
- Was Mr. Pence representing individual City managers and the City at the same time and was that a conflict of interest
- Why was the City dumping on City property for a private developer and who had approved it
- What public purpose was served by dumping in the reservoir
- The River Management District denied a discount permit unless there was a public purpose
- He was waiting to hear the public purpose for dumping in the reservoir

MAYOR

CITY CLERK

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

(None Scheduled)

Adjournment

There being no further business, the meeting was adjourned at 7:03 p.m. ²

²Transcribed by Karen Rogers, Recording Secretary