

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
March 27, 2006

The City Commission met in a formal session Monday, March 27, 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
Bill Harding, Deputy Director, Utilities and Public Works
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

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

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mr. Harriss reported that he wanted to add a resolution to the consent agenda regarding the sale of property located on De Haven Street, which had been previously approved by the City Commission.

3.B/ Approval of Minutes

The minutes of the regular City Commission meeting of March 13, 2006 were approved as presented.

3.C/ Proclamations

Proclamation recognizing contributions by and expressing confidence in Wm. B. Harriss.

Vice Mayor Burk, along with the Commissioners, read and presented the proclamation to City Manager Bill Harriss.

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

Dwight Hines, 150 Nesmith Avenue, complained about the lack of access to public records in the City of St. Augustine. He

stated that he had filed a complaint with the State Attorney in Tallahassee and the Department of State. He said that City records were not only inaccessible they were not being created property. He said he had also filed a complaint with the EPA suggesting that they investigate and put a hold on any federal or state grants for the City until the matter was cleared.

David Thundershield Queen, P.O. Box 270, requested that the Commission revisit their approval of Ordinance 2005-38, PUD approval for development of the Red House Bluff Creek site, because it was a sacred indigenous settlement site from approximately 2,000 BC to 700 AD. He claimed that the developer failed to report the archeological survey findings to the state, city and St. Johns River Water Management District. ¹

Ed Slavin, P.O. Box 3884, spoke against the development of the Red House Bluff Creek site and in support of preserving 10,000 years of Indian history by making it a park. He spoke in support of a living wage, a form of health plan for those who could not afford health care, annexing West Augustine into the City, wireless internet technology in the City, preservation of documents, and he recommended that dumping in the old City reservoir had to be addressed along with performance evaluations for the City Manager.

Glenda Bailey Mershon, 390 Aztara Drive, spoke against the development of the Red House Bluff Creek site and in support of preserving 10,000 years of Indian history.

Jerry Butterbaugh, 21 Leonardi Street, once again requested that the Commission address the matter of large trucks on Leonardi Street by putting up signs denying them access to the street.

Sherry Badger, 2772 South Collins Avenue, spoke against the development of a strip mall near St. Augustine High School.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation of the Comprehensive Annual Financial Report. ²

Gary Huggett of Masters, Smith and Wisby, (City auditor) gave a brief summary of the City's Comprehensive Annual Financial Report (CAFR) for 2005.

5.B/ Presentation of the Certificate of Achievement for Excellence in Financial Reporting.

Mr. Huggett explained that the City had been awarded the Certificate of Achievement for Excellence in Financial Reporting for the 13th year. He commended the City Comptroller and his department for work well done in compiling the voluminous report.

Mark Litzinger, City Comptroller, presented the award to the Commission.

5.C/ Presentation by Flagler College regarding proposed changes to Sevilla Street between King Street and Valencia Street.

Dr. William T. Abare, President, Flagler College, displayed a fiber board exhibit of his proposal and addressed the Commission. He proposed that the City change Sevilla Street from a two way traffic street to a one way traffic street heading from north to south. He also proposed that the sidewalk on the west side of Sevilla Street be widened from 4-feet to 7-feet and extended eastward to accommodate increased pedestrian traffic, which would allow for an eight-foot parking lane and an 11-foot driving lane. He explained that the proposal was instigated by construction of the new student center that would begin on April 6, 2006 with a timeline of approximately 13-months. He pointed out that the location and the historic nature of the adjacent properties would make the project a challenge, which was one reason for making the traffic one way during construction. However, he said that further consideration

¹ The end of audio tape one A due to technical difficulties

² Report attached to original minutes

concerning future foot traffic led them to recommend that the street remain one way for safety purposes after completion of the student center. He added that they would also like to install two raised crosswalks that would serve as modified speed bumps. He concluded that the crosswalks would be constructed at the college's expense.

Commissioner Burk questioned who would be paying for the sidewalk modification and construction, and the response was Flagler College. She suggested that there was no downside to the proposal, and she questioned the situation with the residents on the street.

Dr. Abare replied that the college had tried to reach the Ellert's, the only residents on the street, to no avail. However, he said that the college owned a house at 47 Valencia Street that they intended to make available to the Ellert's, free of charge, during construction.

Commissioner Boles agreed with the one way direction from north to south proposed for the street and suggested that the Commission keep the proposal in mind for future construction sites around the City.

Mr. Harriss pointed out that the Commission had to consider the proposal during construction, and whether they would like to continue the proposal after construction, plus what type of material would be used on the sidewalk.

Dr. Abare stated that they had decided to construct the sidewalk with coquina and cement and encompass the length of the block for consistency.

Commissioner Jones stated that, in light of the student body and its movement, it was a good plan during construction, as well as for the future.

Murphy McDaniel, 3535 CR-214, Avalon Carriage Service, disagreed with the proposal because he thought the proposal was about greed, as the college was supposed to remain small, but it currently had over 2,000 students. He emphasized that the proposal

would interfere with the tour industry by impacting traffic flow. He questioned whether the Commission wanted St. Augustine to become a college town.

Cathy Brown, 20 Sevilla Street, spoke in support of the proposal for safety reasons; moreover, she hoped the change would be permanent.

Randy Brunson, 110 Woodlawn Road, recommended lighting the proposed and existing crosswalks for safety.

John Danahy, 101 Oglethorpe Boulevard, spoke in support of the proposal, but he questioned whether the City planned on conducting a traffic study, because he was not certain that the traffic flow change would help the situation on King Street.

Mr. Harriss stated that the City had not done a traffic study, there would be some impact on King Street, but he did not believe it would increase the level of service much more. He added that Sevilla Street was a narrow street.

Commissioner Crichlow expressed concern about changing the old City streets or altering the appearance of the vista. He said that parking had been added to the street making it narrow; therefore, he could approve widening the sidewalk if they eliminated parking and left the street two ways. He suggested that making the street one way would cause more problems; however, he would support a one way street during construction. He expressed concern regarding the trees that had been scheduled for removal, because, he would not want to see the canopy or the character of the street jeopardized.

Commissioner Jones pointed out that scheduled tree removal had nothing to do with the proposal, and he pointed out that no trees would be removed as a result of the reconfiguration.

Mr. Harriss agreed and said the scheduled tree removal was the result of the health of the trees, and he added that unhealthy trees posed a potential safety problem.

Frank Riggle, 67 Dolphin Drive, stated that he met the person the City had hired to look at the trees and four of the ten trees on the street had to be removed due to disease that made them instable. He said that the other six trees would remain allowing for the canopy. He stated that the remaining trees would be enhanced through pruning and by carefully fixing the sidewalks around them while bringing the sidewalks into ADA compliance. He pointed out that the proposal added one parking space making 21 on the street.

Mr. Jones noted that no tree would be removed due to the reconfiguration. He suggested that the traffic impact would be minimal, the tour industry situation could be lessened, eliminating parking spaces would be a problem and the perception of pushing people into the parking garage would not have a positive affect. Therefore, he felt the proposal was a good solution. He added that St. Augustine was a college town and many other things through diversity and proud to be so.

MOTION

Commissioner Jones MOVED to approve the one way configuration, north to south, as presented by Flagler College for a permanent configuration. The motion was SECONDED by Commissioner Boles.

Commissioner Burk recommended that the City obtain a second opinion regarding removal of the four trees, as perhaps they could be saved.

Commissioner Jones recommended replacing the removed trees and putting street lighting on the crosswalks.

Mr. Harriss stated that the trees were a matter dictated by the PZB, but he thought it would be prudent to replace them. He assured the Commission that staff would get another opinion about the trees in question. He pointed out that the raised crosswalks would also serve as speed humps.

Commissioner Crichlow expressed concern regarding the Ellert family.

Dr. Abare stated that they were not rushing the Commission to make a decision, as the proposal was primarily for the construction period.

Commissioner Jones modified his MOTION to be a temporary configuration (during construction) and Commissioner Boles agreed to amend his SECOND. The motion was approved by UNANIMOUS VOICE VOTE.

Mayor Gardner clarified that the street and sidewalk configuration would remain the same during construction for the student center.

Dr. Abare stated that the college would go before the Commission closer the end of the construction to address the rest of the matter.

5.D/ Update regarding the Harbor Management Plan.

John Regan, Chief Operations Officer, summarized the history of the proposed Harbor Management Plan, and he stated that there were many components of the plan that had to work together to achieve their goal. He said that there had already been a public meeting. He explained that Taylor Engineering's first proposal dealt with management from building grassroots development and support for the plan and would begin with an intensive planning process that was politically sensitive and involved, which was estimated at \$132,000. He said the second proposal broke down the elements of the plan for permitting and engineering involved with establishing mooring fields, which was the longest lead time activity requiring a lot of engineering. He stated that after the basics were prepared the public would be engaged in the overall development of the harbor management plan. He said the areas involved with the plan were north and south of the Bridge of Lions and Salt Run and the associated work would cost \$88,000. He said the engineering would take 3-4 months from initiation of a contract.

Mr. Regan questioned whether the Commission wanted to proceed, and if so how they would like to move forward. He said that staff recommendation was to adopt the second proposal, as it would move discussion into the future when staff would have completed the parking facility and other projects in progress.

A discussion determined that both plans moved to establish mooring fields and constructions costs would be a separate matter, for which staff would research grant opportunities, as generally the cost was approximately \$2,000 per mooring ball.

Commissioner Boles clarified that the Port and Waterway Authority wanted to know whether the City was committed to moving forward. He added that he did not believe they had any choice about moving forward.

Mayor Gardner questioned the plan for bringing the matter to public workshops.

Mr. Regan replied that they had already conducted a major public workshop; therefore, he recommended moving forward with some of the baseline engineering associated with the mooring fields, hence adopting the second proposal, after which they would conduct public workshops.

Commissioner Crichlow clarified that if they adopted the second proposal they would apply for permits, plus phase two would include public input to achieve commitment.

Commissioner Boles said that phase two would also include paying for implementation of the program; therefore, he could not understand why they would not want to go with the more comprehensive first proposal including a \$132,000 study that would move the plan further and save staff time.

Mr. Regan described the northeastern and Florida models for mooring field, and said that one or a combination of models would have to be determined.

Commissioner Boles questioned whether Taylor's study would not include the necessary information about the two models.

Mr. Regan suggested that it was a matter to be determined at the City level.

Commissioner Boles noted that it would be a political issue.

Mr. Harriss pointed out that after the study was conducted the plan required public input as well as Commission and staff input. He said that the second proposal was the heads down engineering that nobody commented on and took 4-6 months.

Commissioner Boles stated that he had no real problem with the recommendation; however, the beauty of the sea grants people making a presentation was that it would depoliticize the matter with a sound sensible approach. He said he had hoped that Taylor Engineering and the Port and Waterway Authority would conduct the public hearing process as well. He stated that the Commission did not have the expertise to make decisions about mooring fields, and he was real uncomfortable with a political solution to the plan. He said that he would have to look at the matter differently if that was the way the plan went.

Jay Bliss, 12 Oglethorpe Boulevard, pointed out that the \$88,000 from the Port and Waterway Authority was also from the local constituency and the 41 square mile port district in St. Johns County. He stated that there was a viewpoint that north of the Bridge of Lions was not suitable for City run mooring fields. He said it was a great place to anchor and view the City; therefore, he wanted the Commissioners to call a halt to mooring there, as it would cost taxpayers money. He strongly suggested that the northeast model had the most valid qualities.

Commissioner Boles pointed out that they were taking comments about a plan that they did not even have.

Cindy Wilson, 27 Monrano Avenue, recommended involving the boating community in the decision making process.

Commissioner Boles reiterated that the City did not currently have a plan to present for public input. He said that everyone wanted to talk and worry about the plan in effort to control the outcome, but he saw no value in hearing it until there was a plan. He promised that there would be ample public hearings.

Ms. Wilson suggested that there was value to public input before a plan was drafted.

Mr. Bliss stated that there was no formal plan; however, spending money for a study was in effect a plan.

Tom William Driggers, 70 Washington Street, questioned where the waterway rights had gone.

Mayor Gardner suggested that the Commission could vote on the fact that the community wanted a harbor management plan and move on from there.

Commissioner Crichlow pointed out that money would be spent on a study the City would need no matter which way they decided to go, and the port authority was looking for assurance that the City was not going to waste the money for the study, but it would be put to good use, which was what they should vote on.

Commissioner Boles agreed that the port authority wanted to be certain the City was serious about the plan if they were going to spend \$88,000, and he emphasized that he was quite serious about the matter.

MOTION

Commissioner Boles MOVED to approve and request that the Port and Waterway Authority move forward with the \$88,000 plan, as it fit into the City's time schedule. Commissioner Burk SECONDED the motion.

Commissioner Jones said that people were curious about how open the plan would be to public participation, as well as how restrictive the plan would be in general. He suggested that they had to be clear about those matters and understand it before buying into a plan. He questioned whether approving the aforementioned plan represented a total commitment to completion. He said that they needed parameters; therefore, he was not certain he wanted to vote on the matter without a workshop. He suggested that he had questions, such as staff work load, the Bridge of Lions etc. and he did not know if they needed to rush into the plan at that time.

Commission Boles restated his motion to authorize the 3-4 month study for someone other than staff to conduct, and he pointed out that they would not be committed to anything else.

Commissioner Jones pointed out that the study cost \$88,000, and they did not know how many years it would take to implement the components.³

Mr. Regan stated that a major goal was protection of the federal rights of boaters, waterway rights, rights of property owners, and environmental protection, which were all major goals that would be achieved through engineering. And, he said that when the study was completed they would engage the public; probably September when staff would be better prepared to deal with the project. He described the seawall meetings and the VIC process to compare with the proposed procedures for the harbor management program. He said that they were looking for a way that would work for everyone involved. He stated that any model they eventually adopted would not change the engineering process. He added that the port authority had recommended not spending a lot of money on the north side of the Bridge of Lions; although staff suggested that they include the area in the current scope of work. He concluded that they were trying to put the technical element and the public outreach process into a logical sequence.

³ End of audio tape one B

Commissioner Jones stated that if Mr. Regan was comfortable with the proposal he was comfortable to move forward.

Mayor Gardner pointed out that the money was currently available, and study costs would probably be increased in the future. He concluded that some kind of harbor management plan was in the City's future.

VOTE ON MOTION

AYES: Boles, Burk, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

5.E/ Update regarding the St. Francis House.

Mr. Regan stated that the Commission had directed staff to investigate the situation associated with the St. Francis House and its neighbors. He explained that staff had engaged the St. Francis House Executive Director Tammy Byers to get acquainted and the positive meeting had resulted in four action items as follows:

- Continue the Neighborhood Crime Watch and step the organization up in general
- Dialogue with the St. Francis House Board of Directors during their March 30, 2006 meeting
- Inner Neighbor Agreements on file with the police department making the residents and the police department agents for each other concerning incidents related to the St. Francis House and creating a mutual aid amongst neighbors
- Schedule a time certain neighborhood meeting to facilitate preparation and signing of the aforementioned agreements

Peter Romano, 62 Sanford Street, encouraged the City to include the members of the Neighborhood Watch in Lincolnville in the decisions regarding the St. Francis House. He stated that the county had to be involved with the matters concerning the facility.

Cathy Brown, 20 Sevilla Street, stated that the St. Francis House was capable of assisting 20 men and 8 women, but they fed 125 homeless for lunch and currently there were 980 homeless in St. Johns County. She spoke encouraging the Commissioners to acknowledge the situation through political leadership. She recommended that the City Commission engage the County Commissioners regarding the matter, as the problem had far exceeded the St. Francis House capacity. She suggested that there were funding mechanisms for the situation.

Tom William Driggers, 70 Washington Street, stated that he was a client of the St. Francis House, and he emphasized that it was not a homeless shelter, it was a work camp.

Jim Hardin, President of the Homeless Coalition of St. Johns County, noted that the homeless problem had been going on for a long time, but he had no immediate solution. He stated that homelessness was chronic nationwide. He said that the President of United States was introducing a ten-year plan concerning the homeless, and he encouraged the Commissioners to support the plan when it was presented.

Ed Slavin, P.O. Box 3084, spoke regarding a living wage in relation to the homeless situation.

Reverend Byron Hodges, 69 Washington Street, stated that the aforementioned solution to the situation was like putting a band aid on a cancer. He agreed that homelessness was a problem everywhere, and he said the churches complaint was that the St. Francis House was a magnet for criminal activity and public indecency. He said he thought that it was up to the St. Francis House to identify their clients in effort to rectify the existing problem. He concluded that the situation was not a nuisance, as it amounted to criminal activity.

Aubrey Skillman, 58 M.L. King Avenue, stated that his grandfather had helped start the St. Francis House and currently he felt that it was under attack. He suggested that

the county required two or three more shelters and advised against relocating the St. Francis House without plans.

Mr. Regan pointed out that the Lincolnville Neighborhood Association would play a role in the ultimate solution, and he questioned whether the Commission wanted staff to move forward with his aforementioned recommendations.

Commissioner Boles stated that Mr. Regan's recommendations were a good start. He introduced Tammy Byers and Reverend Hodges and recommended that they start talking to one another. He pointed out that the City could not run the St. Francis House out, as it was a private organization that owned the property. He suggested that if everyone communicated they would be able to work on the matter better. He stated that the Police Chief was working on a plan to enforce against the criminal activity.

MOTION

Commissioner Boles MOVED to yea and do well [approved John Regan's recommendation]. Commissioner Burk SECONDED the motion.

Commissioner Jones stated that the St. Francis House met a need, but the organization would like to be in a larger facility to accommodate that need. He pointed out that the St. Francis House was looking for another facility and the real solution to the situation would occur when they found it; however, it would not happen over night, as no one wanted the facility on their street. He added that currently they were trying to de-escalate some of the tension and some of the problems would be handled behind the scene. He assured the public that the City was trying to assist the situation and he offered to help the St. Francis House with confidentiality. He highly recommended that Reverend Hodges and Tammy Byer enter into discussion. He acknowledged the churches situation regarding trespassing and being open to the public, and asked the Police Chief to get the no trespassing signs to the Reverend. He

concluded that they did not have a solution at that moment, but they were working on a temporary solution for the situation as it currently existed.

Commissioner Burk said that staff would coordinate a meeting with all the stakeholders to discuss dealing with the situation as it currently existed but without discussion regarding relocation. She said that was what Commission Boles meant when he motioned, and she had seconded that intention.⁴

The motion was approved by UNANIMOUS VOICE VOTE.

5.F/ Report concerning the road paving project in Davis Shores.

Mr. Regan apologized to the residents and Commission for the material that had been used to pave the streets on Davis Shores. He explained that personnel had not followed the proper procedures for contracting, project tracking, issuance of a purchase order and general communication with management, as well as changing the policy from using S3 smooth asphalt to chip and seal. He said that mistake contained no malice, as the material had technical merit as a method of overlay. He said the material could extend the life of an asphalt road by 7-10 years, increase structural integrity; it was 26% the cost of asphalt overlay and provided an excellent surface that could be paved at a later date with S3 smooth asphalt. He said the problem was that no one, including the Commission or top management, knew about the paving material. He stated that review would result in corrective action. He said that if the Commission wanted a smooth surface on the roads they could do so within the contingency fund; moreover, they were relatively confident that the seven roads could be fixed.

John Danahy 101 Oglethorpe Boulevard, complimented staff for being thorough. He praised City Staff's understanding and concern for the residents and neighborhood association.

⁴ A brief recess from 7:33 p.m. until 8:05 p.m.

Commissioner Boles agreed that the situation had caused a great deal of consternation. He questioned whether the chip and seal surface would allow for a longer lasting more stable smooth asphalt surface over it at less cost than smooth asphaltting initially.

Mr. Regan replied that the chip and seal would provide leveling, and the cost was the same. He said that the price per square yard was essentially the same; however, the long term life cycle would be extended due to the chip and seal. He concluded that they would asphalt surface as quickly as possible according to the will of the Commission.

Consensus was to authorize resurfacing the seven roads for a smooth surface.

6. ITEMS BY CITY ATTORNEY

Jim Wilson, City Attorney, reported that a citizen had objected to his sewer bill, and as a result of the hearing the citizen had requested an appeal. He explained that some of the allegations made during the appeal indicated that it would be best to have the appeal before the Commission in a special meeting. He noted that the appellant wanted the appeal to last a few days; however, the matter should only take an hour. He added that it would be an informal hearing that would not require advertising.

A brief discussion determined that a meeting date would be scheduled.

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations

- 2006-12 – Certificate of Recognition to Florida A & M University and its Music Department.
- 2006-13 – Certificate of Recognition to Elizabeth Nancy Henley.

7.B/ Consideration of one appointment to the Historic Architectural Review Board.

Nell Porter, City Clerk, reported that Paul L. Weaver's term on HARB had expired, he was eligible for reappointment, and he was the only applicant.

MOTION

Commissioner Burk MOVED to appoint Paul Weaver (to HARB). The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

Commissioner Boles recommended amending the motion to state that they were reappointing the only applicant, as he would like that to be known.

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A/ Consent Agenda

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

8.A.2/ Approval of final subdivision plat for Allgood Estates, 36 Comares Avenue.

8.A.3/ Consideration of request for rate increase by the Old Town Trolley Tours.

Mr. Harriss read the Consent Agenda items, and it was determined to remove Item 8.A.3. for discussion.

MOTION

Commissioner Boles MOVED to approve Items 8.A.1. and 8.A.2. on the Consent Agenda. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

8.A.3/ Consideration of request for rate increase by the Old Town Trolley Tours.

Denny Axlen, Old Town Trolley Tours, requested an increase in the adult trolley tickets from \$18.00 to \$20.00 and from \$6.00 to \$10.00 for children. He added that they provided a three day pass for visitors and complimentary shuttle service from any hotel in the City, and they provided a beach bus

from the Plaza to the Alligator Farm, Lighthouse and other beachside attractions. He said the main reason for the request was the increased price of gasoline. He continued that when he took possession of the trolley tours there had been 22 employees and currently there were 72. He said that the starting salary had increased by 45%, the top end salary had increase by 31% and currently they would like to reward their employees a little more.

Mayor Gardner said that during the previous request for ticket price increases he had asked for a \$1.00 preservation fee. He questioned whether Mr. Axlen could add a \$1.00 fee onto the ticket price.

Mr. Axlen said that there were a number of Cities that adopted a similar policy, and if it was the wish of the Commission they would abide.

Mayor Gardner said that it might be a fall back position one day for necessary funding.

Commissioner Boles questioned the cost of tour tickets in Savannah.

Mr. Axlen point out that offering three consecutive days on a tour ticket was significant to St. Augustine. He said that a once around tour in Savannah cost \$20.00 and an all day tour cost \$23.00. He said that in Paris, France the cost was approximately \$36.00 and in Washington DC tours cost \$52.00.

A brief discussion determined that if the other tour train company wanted to increase their ticket fees they would have to go before the Commission.

Mr. Wilson stated that he had prepared Resolution 2006-06 for adoption should the Commission approve the rate increase.

Commissioner Burk questioned whether it was a good time to allow an increase to \$21.50 and use 50¢ toward historic preservation.

Mr. Wilson suggested that the action was probably outside the terms of the franchise agreement.

Commissioner Burk pointed out that they did not have to grant the increase either; therefore, Mr. Axlen might be willing to agree to something outside the franchise agreement.

Mr. Wilson stated that he would have to research the franchise agreement before giving the Commissioner an answer.

Commissioner Jones pointed out that the other franchise would not be included, and he questioned how that would work.

Mr. Wilson agreed that it would be inequitable, and he pointed out that the other franchise would have to request a rate change, at which time they would be subject to the same modification.

Commissioner Burk suggested tabling the matter for the City Attorney's review.

MOTION

Commissioner Boles MOVED to approve Resolution 2006-06.

Commissioner Burk pointed out that if they motioned they would lose their bargaining power.

Commissioner Boles stated that he did not want to bargain.

Commissioner Crichlow SECONDED the motion.

A discussion determined that the City received 2.5% through the franchise to maintain the services the City provided to keep the franchise in operation and it would be difficult to stretch that for historic preservation; unless of course the tour companies agreed to it. It was also determined that the Commission had granted the tour companies a fifteen year agreement starting in 2005, and within the first three years the City could not increase the

percentage, but after three years the City could increase the percentage .5% annually up to a maximum of 5.0%.

VOTE ON MOTION

AYES: Boles, Crichlow, Jones, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

Non Agenda Item – De Haven Property

Timothy A. Burchfield, Chief Administrative Officer, stated that Resolution 2006-05 was before the Commission regarding the sale of property at 119 De Haven Street and indicating that the City could sell the property. He said the sale price was \$142,500, and the City would net approximately \$133,500 after closing. He said that one of the Commissioners had added a 27-foot height restriction to the property that they wanted lifted, because the height ordinance had been amended and approved to restrict height to 30-feet. He said that the City had hired Irene Arriola to sell the property, and she had done a fine job.

Commissioner Crichlow noted that he had been responsible for the 27-foot height restriction; however, he would abide by the current height ordinance for nonconforming lots.

Mr. Burchfield requested that the Commissioner's motion include authorization for the City Manager to execute all sales documents.

Commissioner Burk stated that she had opposed the sale of the property, as she wanted the area to be used for a pocket park; therefore, she would continue to vote against the matter.

MOTION

Commissioner Crichlow MOVED to approve Resolution 2006-05. Commissioner Boles SECONDED the motion.

VOTE ON MOTION

AYES: Crichlow, Boles, Jones, Gardner

NAYES: Burk

MOTION CARRIED 4/1

Commissioner Boles recommended that the money be put into historic preservation for a purpose that would be determined later.

Commissioner Burk recommended that they put half into historic preservation and half into the contingency fund.

Mayor Gardner introduced the topic of demolition by neglect and said that the amended demolition code restricted that occurrence. He said that he was interested in a revolving fund that would provide the City with the financial resources to purchase property or assist property owners in adapting their property rather than demolishing. He questioned the situation with the old Victorian house on M. L. King Avenue that was in ill repair, as it appeared that the owner was demolishing through neglect.

Mark Knight, Director, Planning and Building Department, replied that staff had been in contact with the property owner about the situation, but the property owner was not financially ready to work on the house. He said that enforcing a case of demolition by neglect meant that the City would be telling a property owner that if they did not fix their house the City would take it away, making it a tough clause to address.

Commissioner Jones recommended reviewing the Key West demolition ordinance, which restricted the property owner to rebuild in the existing foot print.

Commissioner Boles reiterated his proposal for the funds, as they may want to articulate a use for the funds at a later date.

Mr. Harriss assured him that the money would sit until the Commission designated it.

8.B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Crichlow – Cathedral Parrish Festival⁵

Commissioner Crichlow announced that the annual Cathedral Parrish Festival would be held on Memorial Day weekend, and he would be running the bingo tent.

Sunken Boats

Commissioner Crichlow announced that the last of the sunken boats had been removed from St. Augustine waters. He added that 13 boats had been removed.

Mr. Harriss acknowledged the Port and Waterway Authority for their assistance.

Red Bluff Branch Development

Commissioner Crichlow assured the public that the City was investigating the development and the archeological site. He stated that the City Archeologist assured him that all the necessary steps had been taken in the investigation. He said that he believed the developer had erred by not submitting the archeological report to the state, but it was his understanding that he had agreed to do so. He concluded that the City Archeologist had been comfortable with the report.

Mr. Harriss reported that the City Archeologist would oversee the construction site should something be found.

Commissioner Burk pointed out how unusual it was to have an archeologist on staff.

Mr. Harriss pointed out that the archeological fees did not cover running the program; therefore, it was basically funded through ad valorem taxes.

Preservation Property Funding

Commissioner Crichlow referred to the City of Pensacola and said that if Pensacola was the

model the City would use in effort to acquire funding from the state, would the funding be managed by an organization independent of the City. He said that the college in Pensacola managed their funding and the City was not involved at all.

Mayor Gardner stated that there was no reason for the City of St. Augustine to be involved with so much preservation property, as they were state owned properties. He suggested that keeping the unique significance of the City alive required a collaboration with the Federal Government, the state, Flagler College and St. Johns County. He added that if the City could do a top job of managing the visitors and providing the best visitor experience they would be doing a tremendous job. Therefore, he was not considering the City as the owner of the entire old city experience. He stated that they were focusing on meeting with Representative Dr. Proctor and the University of Florida President to see whether the university would be willing to serve as the state agency for funding for the preservation properties. He said that they needed to develop a plan similar to Pensacola; therefore, there was a lot of work to be done.

A brief discussion regarding the old preservation board ensued.

Commissioner Boles said that the City of St. Augustine had to remain uniquely involved in the matter, because the University of Florida was not in St. Augustine. He said that on grounds of parity the state should fund the state historic properties existing in the City of St. Augustine. He added that he would not want to give up any of the City's vital involvement in the management of the historic properties. He pointed out that the City had done a good job managing the historic properties.

Commissioner Burk expressed shock about the idea of management being out of the hands of the City.

Mr. Harriss clarified that the City had no idea what type of agreement was possible with the University of Florida, as they had not

⁵ End of audio tape two

discussed the matter with them, but when they did it would be in effort to develop a working model that satisfied the City's need. He said the Pensacola model could not work due to the unique difference of situations, although there were elements of that model the City could use. He said that it was an equity and parity issue that would be addressed. He added that the UF could be a good partner in the program, and the City would have to find a way to make them comfortable with the proposal. He said that the Governor had made it clear that the City would have to work through a state agency to obtain his support for funding; therefore, the City was destined to work with the UF.

Commissioner Boles questioned whether he meant the funding or the long term ownership.

Mr. Harriss replied that he did not believe that there was any question of ownership; it was a question of whether the long term funding for the program would be palatable to the City and Commission. He said staff thought that there was a way to make the proposal work.

Mayor Gardner emphasized that St. Augustine would never be out of the loop. He summarized the history of the proposal and stated that the City had made a mistake by not continuing a state preservation board in St. Augustine, along with their funding. He acknowledged the Flagler Foundation for their contribution to the City through maintenance of their properties. He said the historic properties program was too big for the City to handle alone. He stated that the City was worth preserving, and by rights the state should be contributing to the properties that it owned.

Commissioner Jones – Archeological Site

Commissioner Jones questioned who conducted the (Red House Bluff Creek site) archeological report.

Mayor Gardner clarified that the project was originally the North Florida Commerce Center PUD, then the Whispering Creek Town Center

A discussion determined that a private consultant had been hired, the report was on file at City Hall, therefore a public record, the City was not responsible to send the report to the state, preservation was the first alternative for an archeological site, which was the case in the project and development would be outside of the archeological site.

Ghost Tours

Commissioner Jones stated that Commission had counted on the ghost tours industry to limit the size of their groups; however, the industry was not self regulating and the groups were too large. He requested that staff draft some guidelines to regulate the ghost tours.

Paul K. Williamson, Director, Public Affairs, stated that he would start by making the tour companies aware of the Commissioner's concern.

Commissioner Burk pointed out that recently she had counted groups of over 40.

Commissioner Boles – Public Comment Time

Commissioner Boles pointed out that public comment time was not the time for the Commission to engage in dialogue, it was the time for the public to state their opinion and the Commission to listen.

Seasonal Lighting Program

Commissioner Boles requested that the City Clerk send the Commissioners the Nights of Lights Ordinance, as he could not find where the entry corridors had been incorporated.

Mr. Wilson pointed out that it was in the entry corridors ordinance, but they could change the content of that ordinance and exempt the entry corridors during a certain period.

Commissioner Boles stated that he wanted to fix the ordinance so that restaurants etc. that used (white) lighting and were not in the historic downtown area could continue using the white lights, otherwise they would end up using colored lights, and he did not want that

to happen. He requested a modification to the ordinance for the subsequent meeting.

Commissioner Burk said that she thought they were going to extend the modification to restaurants in the historic area that used white lights for their outdoor seating.

Commissioner Boles said that the seasonal lighting program was to light up the downtown and bring visitors, which had been successful.

Commissioner Burk added that the ambience lights they were referring to were in the trees and not outlining the building like they did during the season.

Commissioner Boles recommended exempting the entry corridors, and they would address the historic district at another time, and hold off on enforcement until the Commission reached consensus.

Mr. Harriss said that if the Commission wanted the lights on year round it was a significant difference to the ordinance, but if it just applied to the entrance corridors it would be easier.

A brief discussion determined that the amended ordinance would go before the Commission for the subsequent meeting.

Mayor Gardner –Announcements

Mayor Gardner delivered announcements regarding people and community events.

10. Appeals and Public Hearings

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A/ Resolutions

11.A.1/ Consideration of Resolution 2006-03, allowing the use of bingo games by charitable, non-profit or veterans' organizations during approved/permitted fundraising events at Francis Field

Jimmy Owens, Fire Chief, representing the Sunrise Rotary Club of St. Augustine, said that members of the club had suggested adding bingo to their events, but the State Statutes were strict about the matter. He said that Rotary, as a nonprofit organization, was able to meet the necessary requirements, as well as the jackpots and gaming, but in order to conduct bingo on municipal property there had to be a resolution in place allowing it.

Mayor Gardner questioned whether the resolution would protect the City against fraud regarding the proceeds.

Mr. Wilson replied that the resolution would only apply to the Francis Field area and certain charitable or non-profit veteran organizations.

Commissioner Boles questioned whether the resolution could allow bingo for the Rotary event and in the future deal with the matter on a case-by-case basis.

Mr. Wilson replied that limiting the resolution to one club could possibly constitute a first amendment issue, and they were not approving bingo on Francis Field, they were approving charitable non-profit groups to use bingo as a fund raising tool. However, he said that they could make the resolution more specific.

Commissioner Burk said that they wanted the bingo to be ancillary to an event and not the event.

Chief Owens pointed out that the State Statutes controlled the size of an event on certain sites.

Mr. Wilson added that the total pot could only be \$250 and only a certain number of games could be held during a night. He read the restrictions to the Commissioners should they wish to amend the resolution at that time.

A discussion determined that the County had tightened their restrictions on bingo and the City had adopted their policy.

Mr. Harriss pointed out that the City would deny any requests that were not appropriate.

MOTION

Commissioner Boles MOVED to approve Resolution 2006-03. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

11.A. 2/ Consideration of Resolution 2006-04, authorizing the submittal of a Florida Inland Navigational District Grant (FIND).

Mr. Burchfield reported that the resolution requested additional funds in the amount of \$600,000 to help with the construction for the seawall improvements. He said that currently the City had a grant in the amount of \$240,000 for construction, but there were available funds, for which the City was applying.

Commissioner Crichlow MOVED to approve Resolution 2006-04. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

11.B/ Ordinances - First Reading

11.B.1/ Introduction and consideration of Ordinance 2006-10, relating to service charges and meter test fees for all customers inside and outside the City limits.

Mr. Litzinger explained that the ordinance addressed a scrivener's error discovered in the original ordinance that had been approved in 2003.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2006-10 on first reading, read by title only and approved. Commissioner Boles SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2006-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 26-57 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO SET SERVICE CHARGES AND METER TESTS FOR ALL CUSTOMERS INSIDE AND OUTSIDE THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.

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

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

(None Scheduled)

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

Ed Slavin, P. O. Box 3084, stated that St. Augustine was a small but cosmopolitan city and the people expected answers and accountability. He reiterated his sentiments regarding the archeological site on Lewis Speedway, insisting that the matter should be further investigated. He questioned why the City was not purchasing gasoline and fuel oil on a long term contract basis. He said that the City paid 5¢ out of every dollar to Florida Power and Light for federal income taxes, and FPL did not pay taxes, but they did collect refunds. He recommended a municipal owned electric facility in St. Augustine, and he recommended questioning FPL under oath. He stated that he was still waiting for the answers to his 77 questions regarding illegal dumping in the old city reservoir, and he would appreciate those answers immediately. He suggested internet access anywhere in the City, and he

concluded that there were a lot of exciting things they could do to make the City a better place.

David Thundershield Queen, P.O. Box 270, expressed concern about the aforementioned archeological, historical treasures included in PUD ordinance 2005-38 and located on the property owned by Robert Graubard. He questioned whether the Commission wanted the historical treasures hidden behind gated communities. He recommended that the Commission readdress the matter, as it was an important part of the community that should be preserved in a respectful fashion.

Jerry Butterbaugh, P.O. 4233, informed the Commission that he would keep coming back to them about the trucks on Leonardi Street until the City fixed the problem.

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

(None Scheduled)

Adjournment

There being no further business, the meeting was adjourned at 9:43 p.m. ⁶

MAYOR

CITY CLERK

⁶Transcribed by Karen Rogers, Recording Secretary