

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
May 22, 2006

The City Commission met in a formal session Monday, May 22, 2006 at 5:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Vice Mayor Susan Burk, and the following were present.

Roll Call:

Susan Burk, Vice Mayor/City Commissioner
Joe Boles, City Commissioner
Donald A. Crichlow, City Commissioner
Errol D. Jones, City Commissioner

Absent:

George Gardner, Mayor/City Commissioner (Excused)

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 Litzinger, City Comptroller
Mark Knight, Director, Planning and Building Department
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 Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Doug Clewis, Grace Methodist Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Commissioner Jones noted that he would like to make an introduction during Item 3.C.

3.B/ Approval of Minutes

The minutes of the regular City Commission meeting of May 8, 2006 were approved as presented.

3.C/ Proclamations

2006-30 The Former Ponce de Leon Hotel

Vice Mayor Burk reported that a proclamation had been presented to Flagler College acknowledging the school for achieving National Landmark status. She congratulated the school and thanked them for their contribution to the community.

Non Agenda Item

Commissioner Jones introduced Robin Anne Thomas-Mattie and acknowledged her life and educational achievements considering her heroic efforts to overcome her disabilities after a serious automobile accident.

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

Sherry Badger, 2772 South Collins Avenue, spoke regarding the Iberia Street cleanup and the illegal dumping in the coquina pits, and permission to do so had been denied by the St. Johns Water Management. She questioned who would be paying for the attorney fees and cleanup.

Dwight Hines, 150 Nesmith Avenue, stated that he had been through the Castillo plan and it was strictly qualitative with no numbers included. He said that without numbers he could not conduct calculations regarding traffic patterns, and he pointed out that any changes that were made to the fort would impact the City traffic patterns.

Ed Slavin, P. O. Box 3084, spoke regarding the living wage and having a staff study conducted as well as hiring an economist. He spoke concerning heritage tourism and the mistakes that led to illegal dumping in the coquina pits. He gave a demonstration that allegedly showed how porous coquina was.

Commissioner Jones pointed out that Mr. Slavin brought the matter to the Commission during every meeting; moreover, he said that Mr. Slavin's presentation was an inaccurate representation of what actually occurred in nature. He added that the City conceded that a mistake had been made, he appreciated Mr. Slavin's concern, and he suggested that Mr. Slavin exaggerated matters consistently. He concluded that the proper authorities would determine what the City had to do and how they would correct the problem and the City would abide by the law.

Mr. Slavin stated that the City needed an inspector general to cut waste to have more funds to do more for the residents of the City. He recommended establishing a procedure to conduct a national search for selection of the next City Manager.

Commissioner Jones pointed out that the City Manager position was not vacant and would not require a national search; moreover, the extent of a search would be debatable. He assured Mr. Slavin that the City had no criminal intent regarding the dumping matter.

Mr. Slavin insinuated that there was more than a mistake involved with the dumping in the coquina pits. He recommended conducting a hearing and asking the City Manager questions under oath.

Jay Bliss, 12 Oglethorpe Boulevard, spoke regarding a Harbor Management Plan and pointed out that our waterways were not polluted, but they had an increasing number of boaters to take into consideration. He urged boat inspection of all boats, including the ones docked in the City Marina. He suggested that boat owners were conscientious residents and taxpayers that should be allowed to set their own moorings on land in public trust by the City of St. Augustine.

Gina Burrell, 27 Seminole Drive, recommended that the City consider using biodiesel or cooking oil as a fuel to replace diesel fuel. She said that the COA, St. Johns County and the St. Johns County School Board were all using the fuel source. She said that the initial cost would be approximately \$25,000; however, the cost of the fuel would be \$1.50 a gallon, plus the local restaurants could be tapped for the fuel source. She concluded that it could be a cost effective program for the City.

Robert Hall, 42 Spanish Street, spoke on behalf of his neighborhood association and the HP-3 district, and he requested better signage at Cordova and Cuna Streets to help visitors and avoid traffic jams. He said that area also had experienced increased vandalism and late night noise, which was aggravating the residents. He suggested that commercial uses were pushing out the residents, and he recommended protecting the balance of the living city. He implored the Commission to write an ordinance that would control outdoor amplified music. He recommended stronger architectural

guidelines for the HP-3 district, especially regarding scale.

A discussion determined that the police department would research the amplified music and vandalism situations, and the Parking and Traffic Committee would address the matter of signage for Cuna and Cordova Streets.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation by Paul Kirkley, Executive Director of the YMCA.

Commissioner Boles said that he met with the people from the YMCA. He summarized that 11-acres of the Madiera project had been given to the City by the developer Chester Stokes, and the City could decide what to do with the acreage. He said that the YMCA was proposing to use a portion of the acreage. He said that originally they had approved the PUD with the 11 acres to be used for passive recreation, which meant open space. He pointed out that the use of the 11 acres would be determined by the surrounding neighborhood.

Commissioner Burk clarified that the Commission would not take action at that time.

Mike Davis, Chairman of Board of Directors of the YMCA, requested that the Commission consider putting a YMCA on the aforementioned site that the City would eventually own. He explained that the City would own the property and the YMCA would be responsible for building and maintaining the building and programs and running the facility, and the proposal would require five acres. He said that currently they were leasing property from the state of Florida at Anastasia State Park, but they preferred to be located in City of St. Augustine limits to better serve City residents. He suggested that the proposal would be a great mix for the City, as the YMCA was an organization that helped people in the community. He expounded on the benefits and contributions of the YMCA.

Commissioner Crichlow suggested that the proposal was a win-win situation; however, he could not approve it unless the surrounding neighbors supported the proposal. He concluded that it would be a great location for a YMCA.

Commissioner Burk pointed out that the City had promised the property would be used for passive park or open green space; therefore, she suggested that the matter would become an issue.

Commissioner Jones said that it would be a good use for the land, but the surrounding neighbors would have to approve the proposal. He suggested that the YMCA talk with the community.

Mr. Davis said that they would see what they could do through the neighborhood association.

A brief discussion revealed that most of the Commission was in support of the proposal if the neighborhood was in agreement.

5.B/ Presentation by staff regarding the Neighborhood Grants

Paul K. Williamson, Director, Public Affairs, reported that the funding panel had recommended approval of two applications, denied one application for lack of information and recommended approval of the fourth application if the Commission changed the eligibility requirements. He said that based on discussion he had reworded the requirements, and he was before them for direction. He added that if the Commission determined to change the eligibility they had also discussed reopening the grant application process for a period of time to allow the other neighborhood association the opportunity to apply. He read the eligibility requirements and the modifications and the change in language for the application, which was based on the Commissioner's discussion. ¹

¹ Attached to original minutes

Commissioner Boles approved of the wording and pointed out that he appreciated the language indicating that the neighborhoods would have to maintain their project. He said the recommended changes might inspire one of the neighborhoods to work on overlay, assessments or surveys.

Commissioner Burk stated that she still supported the bricks and mortar concept, as she wanted people to be able to observe what the grant produced.

Commissioner Jones said that he could not approve changing the rules after the fact. He said that if they agreed to change the language he would prefer that the change take affect for the subsequent grant cycle. However, he said that he agreed with Commissioner Burk, as bricks and mortar were so much easier to measure. He recommended that SANDS support their project separate from the grant award, as he could not support it; moreover, he would need more information before he could consider using taxpayer money.

Commissioner Boles pointed out that it was only the second grant cycle, and the Commissioners had not followed the rules the first time by increasing the funding to fund all the applications. He pointed out that they had funded the two applications that followed the rules; therefore, they would not be compromised, and making the change would prejudice the process if they did not reopen the application process, but the Commissioners had expressed willingness to do so. He suggested that they would be allowing additional groups a chance to apply, which they wanted to encourage. He said that it was a living process that they were finding their way through.

Commissioner Burk agreed that the City would not want to endorse a neighborhood's interpretation of history. She suggested reopening the application process using the existing eligibility requirements to allow neighborhoods to apply for the remaining funds, but she did not want to change the ordinance.

Commissioner Crichlow questioned the status of the Magnolia Association's application that required more criteria.

Mr. Williamson replied that if the Commissioners chose to reopen the application process the Magnolia Association would probably reapply with the additional information.

Commissioner Crichlow said that he could not support intangible projects, as the intention had been to beautify the neighborhoods with physical improvements. He suggested that the SANDS project was worthwhile; however, it was not a project for the Neighborhood Grants Program. He suggested that maybe they could support the SANDS project some other way.

MOTION

Commissioner Jones MOVED to deny the application submitted for the DVD, because it did not meet the current criteria. Commissioner Burk SECONDED the motion. NO FURTHER ACTION TAKEN.

Commissioner Boles stated that they did not have to deny the application, because it had not been recommended for approval. He said the application could only be considered by the grants panel if the Commission changed the criteria.

Commissioner Burk questioned whether the Commissioners wanted to open the application process for bricks and mortar projects for a length of time.

Commissioner Boles pointed out that if there were other applications they would have a reason to reopen the process, otherwise there was no rational to reopen the process.

Commissioner Burk recommended dealing with the Magnolia Association application.

MOTION

Commissioner Jones MOVED not to change the rules. Commissioner Crichlow SECONDED the motion.

VOTE ON MOTION

AYES: Jones, Crichlow, Burk

NAYES: Boles

MOTION CARRIED 3/1

Mr. Harriss suggested that the Commission could reopen the application process for the Davis Shores neighborhood association to allow them to apply under the bricks and mortar criteria, if they chose to do so. He said the Magnolia Association application had been turned down for lack of criteria, but the Commission could remand the project to the grants panel to review with more criteria.

A discussion determined that they would extend the grant application process.

MOTION

Commissioner Crichlow MOVED to extend the neighborhood grants application period for three weeks. Commissioner Jones SECONDED the motion.

VOTE ON MOTION

AYES: Crichlow, Jones, Boles, Burk

NAYES: None

MOTION CARRIED UNANIMOUSLY

5.C/ Presentation by staff regarding the Parking and Traffic Master Plan.

John Regan, Chief Operations Officer, reported that the parking garage was on schedule to open for the Fourth of July weekend. He said they planned to park cars, but landscaping and interior work would still be in process. He said that they ran into asbestos issues at the VIC, which slowed progress; however, they were planning to open the restrooms and porches for the Fourth of July weekend.

Mr. Regan said that the Parking and Traffic Committee had added public education and communication to the Parking and Traffic Master Plan, and they negotiated with DFA

Communications to execute the new element. He said some of the work products associated with the new elements would include brochures and informational packets.

Mr. Regan said that staff was reviewing the first draft design work for the downtown on street metering program, and they were looking to take the signage program to production. He said that they were asking for authorization for the City Manager to execute a change order in the Walker contract to hire DFA Communications.

MOTION

Commissioner Crichlow MOVED to move ahead with DFA Communications as consultants for the proposed informational program. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

Commissioner Boles questioned whether the downtown employees receiving 50¢ an hour parking abilities, which doubled their parking costs, would dissuade them from parking downtown and convince them to use the parking garage.

Mr. Regan replied that the best parking rate was the bulk monthly pass costing \$25.60 for 24 hours, seven days a week parking access.

Commissioner Crichlow clarified that it would cost 90¢ a day.

Mr. Regan agreed and added that it was almost free parking.

Commissioner Burk interjected that she believed the City needed a shuttle. She said that she had changed her thoughts, as she had considered the original shuttle proposal would be for tourists. But, she said that after talking with some of the restaurant owners she thought that they should have a shuttle available for the downtown employees. She added that it should be a shuttle that the City would not have to commit a lot of money for. She recommended a temporary trial shuttle with the easiest, shortest route with air conditioned vehicles, because she insisted it

was necessary and opening the garage without it would not be a good idea.

Commissioner Crichlow agreed and suggested that signage for a free shuttle would be a hook to get visitors to park in the garage. He cautioned that they would lose a lot without a free shuttle.

Commissioner Burk said that her suggestion could serve as part of the one year study using the simplest, least expensive, most flexible kind of shuttle and lease vehicles or whatever. She concluded that a free shuttle should be a component to opening the parking garage.

Commissioner Boles said that he had been dissuaded from the shuttle proposal, because after walking the distance he had to question *a shuttle to where*. He clarified that once parked in the garage everyone would be right next to the historic district. He added that it took him 15 minutes to walk from the garage to the end of Aviles Street. He pointed out the distance that visitors walked at Disney World, Sea World or in New York. He suggested checking with the Council on Aging to see what it would cost for them to have an air conditioned shuttle at the garage for handicap purposes.

Commissioner Burk again recommended that there be a shuttle for employees to encourage them to park in the garage.

Commissioner Boles said that perhaps they could have a special parking pass for employees that included use of the shuttle. He suggested putting the matter back on the table and see what they could do.

Commissioner Burk recommended that residents of St. Johns County be included in a special parking pass that included free shuttle access.

Commissioner Crichlow said that he would like to have something in place that they could fall back on.

Mr. Regan suggested a short term operations contract with the sightseeing trains. He said that the key issue had been whether the

proposed shuttle would be air conditioned or an open air vehicle. He said that there were at least three companies that would bid for a shuttle contract if the vehicle was air conditioned.

Commissioner Burk stated that she had been strongly against an air conditioned vehicle; however, she would concede in order to have some type of vehicle operating on a temporary basis.

Commissioner Crichlow stated that the open air sightseeing trains had been moving people around the City for years, and he could not understand why an air conditioned vehicle would be necessary. He concluded that they needed something in place.

Mr. Regan said that the City could purchase vehicles quickly, but getting a system functioning would create a major situation.

Commissioner Burk reiterated that two Commissioners were willing to concede for air conditioned vehicles in order to get something on the road.

Mr. Regan said that he would research contract operations and bring information to the subsequent meeting.

Commissioner Boles questioned when they would begin selling the parking permits for the garage to commercial entities.

Mr. Regan said that they would begin selling the permits the week prior to opening the garage.

Commissioner Boles questioned whether they could start the procedure sooner, as he would be more comfortable knowing that the rider-ship from the garage to downtown businesses would be primarily filled with employees; thereby, freeing parking spaces downtown.

Mr. Regan replied that staff had identified 29 operational issues that had to occur before July 4th. He said that if it was the will of the Commission to market the passes as soon as possible they would make it a top priority.

Commissioner Crichlow acknowledged the good job that was being done on the VIC; however, he expressed concern regarding the design for the exhibits and ticket booths etc. He questioned whether a design had been drafted for the interior.

Mr. Regan replied that the matter would be thoroughly discussed during the upcoming workshop. He added that the mission statement was strong, and they had stayed on that course.

Commissioner Boles questioned whether the workshop was designed to discuss the interior of the VIC as well as the Spanish Quarter, and the response was affirmative.

A brief discussion determined that staff had visited Charleston, South Carolina and Savannah, Georgia to look at the visitor centers.

6. ITEMS BY CITY ATTORNEY

Commissioner Burk requested an update on the ordinances the City Attorney was working on.

Jim Wilson, City Attorney, replied that they were currently gathering information regarding controlling commercial lighting to achieve a standard, and he was in the last phase of development for the walking tours ordinance.

Commissioner Jones questioned the status for the Mayor Election ordinance.

Mr. Wilson said that the ordinance could not be addressed too early or too late; therefore, he would present it in the proper timeframe.

A brief discussion regarding ambience lighting for outdoor dining at restaurants determined that they would revisit the matter during a subsequent meeting.

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations

2006-26 Red Hat Society Day.

2006-28 Reverend Thomas A. Wright

Martha V. (Nell) Porter, City Clerk, reported the aforementioned proclamations had been issued outside Commission meetings.

7.B/ Confirmation of two appointments to the Entry Corridor Review Committee.

Ms. Porter reported that Mathew Baker and Harvey Simms no longer served on citizen boards; therefore, staff had asked for volunteers to serve on the Entry Corridor Review Committee and Antoinette Wallace and Paul Weaver had volunteered. She asked for the Commissioners confirmation.

MOTION

Commissioner Jones MOVED to approve the two recommendations for the Entry Corridor Review Committee. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Mr. Harriss pointed out that the committee was a recommending body that could not take action.

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A/ Consent Agenda

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

8.A.2/ Determination of legal sufficiency and acceptance of an application to appeal a Historic Architectural Review Board decision relative to property located at 25 (23) Avista Circle.

8.A.3/ Update regarding the St. Johns County School Pilot Program.

Mr. Harriss read the Consent Agenda items.

MOTION

Commissioner Jones MOVED to approve the Consent Agenda as presented. The

motion was **SECONDED** by Commissioner Boles and approved by **UNANIMOUS VOICE VOTE**.

8.B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Crichlow – Florida Trust for Historic Preservation Conference

Commissioner Crichlow reported that the conference had been well attended and a remarkable success, as well as a tribute to the City.

Commissioner Jones – Florida Trust for Historic Preservation Conference

Commissioner Jones echoed Commissioner Crichlow's comments.

Commissioner Boles – Florida Trust for Historic Preservation Conference

Commissioner Boles expressed appreciation for attending the functions offered at the conference. He said that he had been fortunate to represent the Commission by reading a proclamation at Flagler College's recognition of their National Historic Landmark designation.

Mayor Election

Commissioner Boles referred to the method of electing the Mayor and pointed out that when he was a young man the Mayor was elected by the Commission; however, the system had changed, which had been a situation that he recommended the Commissioners research. He said his Commission philosophy was that the Commission served as a board of directors for a medium size nonprofit corporation with a budget and basically the Mayor served as chairman of the board, no more or less. However, when the method changed to residents electing the Mayor the wrong message was sent to the citizens, as the

Mayor position dose not carry any more voting or enactment power than the other Commissioners. He said that designating one seat as the Mayor's seat would potentially increase the misconception; therefore, he proposed a discussion concerning the possibility of the Commission voting to select the Mayor as the chairman of the board of directors. He asked the Commissioners to consider his suggestion for future discussion.

Historic Preservation

Commissioner Boles referred to the old granite curbs that were pulled out when staff reconstructed streets.

Mr. Harriss explained that the City did not get rid of granite curbs, as there was a stock pile of them.

Commissioner Boles said that some of those curbs had the old rings to tie horses up and there had been mounting blocks, which were things that made the City unique. He said that he would walk around and observe any other unique aspects of the City that should be preserved.

Mr. Harriss agreed that they had the opportunity to do so, as staff as well as the citizens could take part in that preservation plan. He said that he had never heard about mounting blocks around the City. A brief discussion determined that the City Manager would research the matter with Commissioner Boles.

10. Appeals and Public Hearings

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A/ Resolutions

11.B/ Consideration of Resolution 2006-08, Supporting Alternative C for the National Parks Service Visitor Center in St. Augustine.

A brief discussion determined that Alternative C was still an option, and the Commissioners supported that option. It was also determined that it was a general management plan without a numbers study.

MOTION

Commissioner Jones MOVED to approve Resolution 2006-08. The motion was SECONDED by Commissioner Crichlow.

Commissioner Crichlow clarified that the City liked the alternative, but there was no way of knowing whether it would actually be selected by the National Park Service. He asked how the alternatives would impact traffic flow.

Gordy Wilson, Superintendent, National Park Service, replied that they really were not certain of that aspect as the plan was for general operations and no studies had been conducted. He said that they would get into details upon implementation. He stated that the public hearings would begin in a couple of weeks including graphics for the plans and the park service would be accepting comments for a couple of months.

Commissioner Jones said that any changes should reduce the traffic in the area. He said that the alternative was all positive from his perspective.

MOTION APPROVED BY UNANIMOUS VOICE VOTE.

11.B/ Ordinances - First Reading

(None Scheduled)

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

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

(None Scheduled)

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

Vice Mayor Burk adjourned the meeting at 7:43 P.M. and reopened it at 7:44 P.M. when she realized that there was a speaker for General Public Comments.

John Bailey, 9 Sunrise Avenue, Ormond Beach, referred to the harbor management plan expressing interest because he had a boat in the harbor. He stated that it appeared the City had already decided to get rid of life long sailors that moored their boats in the harbor year-round, without any explanation of what the boaters would do. He explained that he lived on a modest income and could not afford boat slippage or mooring fees. He described the harbor management program used in the Chesapeake Bay and New England that could remedy the situation while bringing control and safety to the harbor. He said the plan included boat owner provided mooring in certain areas, and he asked the commission to give his suggestion consideration.

Commissioner Boles questioned why he was not mooring his boat in Volusia County.

Mr. Bailey replied that Volusia County did not allow mooring, and he provided the Commissioners with limited information as he understood it.

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

(None Scheduled)

Adjournment

There being no further business, the meeting was adjourned at 6:50 p.m. ²

MAYOR

²Transcribed by Karen Rogers, Recording Secretary

CITY CLERK