

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
June 26, 2006

The City Commission met in a formal session Monday, June 26, 2006 at 5:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Gardner, and the following were present.

Roll Call:

George Gardner, Mayor/City Commissioner
Joe Boles, City Commissioner
Donald A. Crichlow, City Commissioner
Errol D. Jones, City Commissioner

Absent:

Susan Burk, Vice Mayor/City Commissioner (excused)

John Regan, Chief Operations Officer
James P. Wilson, City Attorney
Karen Rogers, City Clerk
Timothy A. Burchfield, Chief Administrative Officer
Mark Litzinger, City Comptroller
Mark Knight, Director, Planning and Building Department
Paul K. Williamson, Director, Public Affairs
Jimmy Owens, Fire Chief
Kevin Stark, Assistant Chief of Police
Dr. William Adams, Director Heritage Tourism
Susan Goins, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Ken Asplund, Living Waters Ministry, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

John Regan, Chief Operations Officer noted modifications to the agenda. He reported that there would be a fourth item added to Item 8.B. to discuss West Augustine.

3.B/ Approval of Minutes

The minutes of the June 12, 2006 City Commission Meeting were approved as presented.

3.C/ Proclamations

(None Scheduled)

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

Ed Slavin, P.O. Box 3084, referred to the following:

- Congratulated the St. Augustine Record for winning various journalism prizes including reporting the Commissioners trip to New York City
- He wanted to know why \$8,100 was spent for something that could have been done by fax and why the commission stayed in \$300 per night hotel rooms while in New York

- Called attention to the June 26, 2006 article in the St. Augustine Record, stating that the city was charging poor people in West Augustine 25% more for their utilities; however, the city had not applied for a \$4.5 million grant to help them
- Questioned whether citizens were being represented by the City Commissioners or developers.
- Commented that he would like the response of the Commission to his column in the June 25, 2006 issue of the St. Augustine Record entitled "We Can Make It Much Better"

5. Staff Reports and Presentations

(None Scheduled)

6. ITEMS BY CITY ATTORNEY

6.A/. Discussion regarding 36 May Street Planned Unit Development (PUD).

Mr. Wilson summarized that a previous application for a PUD had been turned down, it was appealed to the courts, and the court had ordered the city to mediation. He said that the Commission had appointed Commissioner Crichlow as representative in the mediation, and after negotiations a settlement was proposed in a letter from Karen Taylor.¹

George McClure - 81 King Street, explained that the site could have two small lots and one large lot, and he said that originally his client had applied for a PUD at 36 May Street. He said his client had asked for more single family residential lots, but he scaled his plan to three residential lots, but the request had been denied by a 3/2 vote from the City Commission. He added that there had been discussions about how his client could address the concerns of the neighbors in terms of mass and scale of the project. He said that he had filed a petition with the circuit court, they were referred to mediation, during

¹ Karen Taylor's letter attached to the original minutes

which time Ms. Taylor and Commissioner Crichlow were able agree in terms of various aesthetic issues. He indicated that they were not able to reach a formal agreement at that time; however; they later came to an understanding that lead to some modifications:

- Limited height (thirty feet)
- Restricted number of stories (two stories)
- Defined architectural styles
- Limited the footprint (3,100 square feet for lot one and lot two, and 3,500 square feet for lot three)

Mr. McClure stated that they were required to have a public hearing to revisit the issue based on the modifications, at which time the Commission could approve or disapprove the proposal. He said that if the modifications were not approved his client would go back to court for a judges decision, but if the Commission approved the modification his client would drop the case and pay his attorney fees. He requested a full public hearing to see if the proposed modifications would resolve the matter. He said Mr. Knight had told him that based on advertising requirements the first available date for the hearing would be July 24, 2006.

Commissioner Crichlow pointed out that the proposed restrictions would prohibit large structures; therefore, the development would be more compatible with the neighborhood.²

MOTION

Commissioner Boles MOVED to set a public hearing on the agenda for July 24, 2006. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

7. ITEMS BY CITY CLERK

Ms. Rogers reported that she did not have any items to report.

² Heard after Item 9.

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A/ Consent Agenda

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

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

MOTION

Commissioner Jones MOVED that the consent agenda items under 8.A.1. and 8.A.2. be accepted as presented. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Non Agenda Item

Mayor Gardner mentioned that some citizens had asked when the budget workshops would be held. He stated that the workshops were scheduled for Thursday, August 17, 2006 and Friday, August 18, 2006. He explained that they usually meet on the first day and if there was any further business, they continued to the second day. He clarified that the budget hearings were open to the public.

Mr. Regan acknowledged new members of the city management team. He stated that Tim Fleming joined the city in March as the Contracts Administrator and James Piggott, the new General Services Director joined the city after a 21 year military career. He mentioned that Mr. Piggott was a graduate of West Point specializing in Personnel Management, and he also had a Master's Degree from Long Island University in Counseling and Leadership Skills.

B. Discussion Items

8.B.1/ Discussion regarding the Fullerwood School Building.

Mr. Regan advised that staff had received a letter from David Toner, Executive Director for Facilities & Operations, St. Johns County School District regarding land they were designating at the Fullerwood School site for a park that could be used by all residents in St. Johns County. He said that, based on the school districts analysis on parking required for the facility, they had provided four options for the site layout; however, the board indicated that they favored option four. He noted that the school had reconciled the neighborhood issues regarding parking. He added that there had been numerous discussions regarding the situation, and he opened discussion with the Commission.

Commissioner Crichlow stated that he read the letter from Mr. Toner and reviewed the four options that had been presented, and he reiterated that option four had been recommended by the school board. He said the school had discussed the options with members of the community, and they had been receptive. He commented that he knew option four had not achieved the maximum parking required by the facility but the parking and retention greatly limited the area available for the play field. He questioned whether the retention on the west side adjacent to the park was wet or dry retention, and he questioned whether there were options to relocate the retention to increase the size of the park. He said it seemed that the site was so small that there would not be much room for community use.

Commissioner Jones explained that he saw the allotted space and it was not small considering it would be a passive park. He stated that he discussed the parking situation with Mr. Toner and the school was going designate eight to ten parking spaces for community use. He advised that the county was still working on the plan and trying to maximize parking for the facility to keep parking off the neighborhood street.

Commissioner Crichlow questioned whether the retention pond would be wet or dry.

Commissioner Jones responded that they would not know until the surveyed was completed.

Commissioner Crichlow said having the retention that close to the park and kids would necessitate guidelines, and if it was a wet pond and if it was deep, it would need to be fenced.

Commissioner Jones stated that the possibility of moving the retention pond to the center of the parking area had been discussed, but the county was flexible and they would work with City Staff.

Mayor Gardner commended Gina Burrell, community member for her efforts toward the project.

Commissioner Jones stated that if she had an objection, then he would like her to comment, otherwise they could move forward.

Mayor Gardner stated that after Ms. Burrell met with Mr. Toner, she questioned what action would be taken. He commented that she raised the point of moving the retention pond to an area north of the school to open the park space, and she had questioned whether it would be a wet or dry retention. He suggested that a semi-pervious soil or surface could be used in some of the parking areas to reduce the need for a retention pond. He stated that Mr. Toner referred to the park as being the same size as Davenport Park, which was 20,000 square feet. But, he said that the area designated in option four was probably half or even less than half that size. He said no one in the neighborhood wanted a regional park that would bring in excessive traffic, but he hoped the park could be enlarged. He suggested that city and facility staff work together to resolve issues such as ingress, egress and fencing.

Mr. Regan disclosed that the attached site plan was not fully detailed and it might not

reflect all the land owned by the school board.

Commissioner Crichlow stated that he would like to thank the school board for working with the community. He suggested that they find a viable option, and he added that he would like to keep the door open for flexibility and creativity as they refined the design to see whether the play area could be enlarged and possibly distanced from the retention pond for safety purposes.

Mayor Gardner stated that the main focus of renovations would be the old auditorium and cafeteria building. He advised that once the renovations were completed, the building would be available for other community uses. He commended Mr. Toner for making that provision, and he said that city staff would work with the school. He said it appeared that they had Commission concurrence for city staff to work with school facilities.

Gina Burrell, 27 Seminole Drive, stated that an advisory committee of community members had met with Mr. Toner regarding use of the building and surrounding property. She stated that Mr. Toner had given her the impression there would be no problem moving the retention pond, and she added that there would be twelve public parking spaces. She suggested that residents get involved in the park process.

8.B.2/ Presentation regarding the 2006 Neighborhood Grant Awards.

Paul K. Williamson, Director, Public Affairs, summarized that the commission had addressed the neighborhood grants funding panel recommendations a month ago, and they had approved two applications and denied two applications. He said the commission had opened the period of application for another three weeks for all associations to apply for the remaining funds. He stated that staff had contacted every association by e-mail, letters and phone calls to encourage participation. He reported that two associations had submitted applications.

He stated that the Lighthouse Neighborhood Association requested \$678.00 to fund a neighborhood bulletin board and the Saint Augustine North Davis Shores Neighborhood Association had requested \$400.00 for bike racks in Oglethorpe Park. He noted that the funding panel had met and unanimously recommended both applications for approval.

MOTION

Commissioner Jones MOVED to accept the grant panel's recommendation to fund the two community groups as stated. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Mr. Williamson reported that there was approximately \$3,900 unused funds budgeted for the 2006 grant cycle. He said the funding panel had recommended that the money be rolled over into the budget for the subsequent year.

Mayor Gardner questioned whether there were any recommendations from staff.

Mr. Regan responded that staff recommended that the money be put into surplus funds and during the budgetary process the Commission would determine the annual grant funding for the 2006/2007 grants cycle. He stated that it would be against normal protocol to roll the money into a grant program without discussion at the budgetary level.

Commissioner Crichlow questioned whether that was standard procedure, as his accounts were not carried forward to the next year. He commented that it would be the prerogative of the Commission to increase the grant funding.

Commissioner Jones expressed that he would not want to roll the money over as the matter should be addressed on a yearly basis after consideration of the available dollars and needs. He recommended encouraging community groups to participate in the

process and consider what was needed instead of trying to get the maximum allotted money.

MOTION

Commissioner Crichlow MOVED not to carry over the surplus grant funds to the next fiscal year. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.³

8.B.3/ Update on Parking Structure.

Mr. Regan reported that staff was ready to open the parking facility with full function parking on Saturday, July 1, 2006. He disclosed several details of the staffing program to show that they addressed the primary issues as related to security and ADA compliance. He referred to the following:

- 24 hour staff presence
- 8:00 a.m. until 8:00 p.m. - supervisor would lead the team
- 10:00 a.m. until 6:00 p.m. – cashier in attendance
- 10:00 a.m. until 6:00 p.m. - an ambassador would walk around the facility, pick up trash, answer questions and explain the automated system to the public
- 6:00 p.m. to 8:00 a.m. security would be on duty

Mr. Regan noted that they had also worked out details for shutting down entrances and exits, and the security consultant pointed out that the garage would be safer than a surface lot. He mentioned that their goal had been to open 40% of the plaza system; however, that plan changed because staff rejected concrete work that had not met their standards. He reported that they were removing the concrete for replacement; therefore, the fencing plan would be extended further south and the area would be closed for the next month. He stated that sections of the plaza would be opened at interval, but depending

³ Commissioner Boles entered the room 5:40pm

on the weather over the next few days, they might be able to open 25% of the plaza system. He commented that they wanted to make sure the system met the standards and the intention of the design. He stated that the marketing plan was in place, and they were ready to start advertising. He reiterated that they would have free parking from July 1, 2006 until July 4, 2006.

Mr. Regan stated that most of their July revenue was collected during the first fifteen days of July; therefore, the marketing firm had suggested that since the facility was not completed the city might consider free parking throughout July to work with the public to become familiar with the garage. He stated that they had a few test groups revealing a favorable response from people that worked downtown, as they would try the garage if it was free. He noted that the downside would be \$50,000 in deferred revenue. He said that the City Manager and staff had discussed the recommendation and considering the scale of the project free parking for the month of July could represent a significant promotional opportunity. He expressed that he would like the opinions of the commission.

Commissioner Crichlow said that everyone he spoke with thought that keeping free parking for a longer period of time was a good idea. He said that they should extend free parking throughout July, as people would be inconvenienced due to ongoing construction. He said the proposal would allow people to get used to the facility and allow staff to work out any problems with the system. He questioned whether Mr. Regan had discussed extending the free parking with the Parking and Traffic Committee.

Mr. Regan replied that PAT had not endorsed the idea, because they felt that the city should acknowledge residents, but the free parking primarily favored tourists. He indicated that PAT was leery about the \$50,000 revenue impact, but they suggested offering free parking in September.

Commissioner Boles stated that the parking lot would be functional, but he questioned whether the public would be terribly inconvenienced; thereby, creating a negative memory of the parking garage.

Mr. Regan responded that the plaza, the VIC and the bus loop system were the only areas that would not be opened. He stated that they were still working on the second elevator bank but, generally speaking, the garage was completed.

Commissioner Crichlow agreed that they could not go wrong with free parking in July.

Commissioner Jones agreed stating that it would encourage locals to use the facility, and if they had guests in town, they would encourage them to use it as well.

Commissioner Boles questioned how much money they would lose for the month, as well as the cost of advertising.

Mr. Regan replied they would lose \$50,000 on parking and advertising would cost \$60,000.

Mayor Gardner clarified that they had consensus for free parking in the garage throughout the month of July.

MOTION

Commissioner Crichlow MOVED to give staff the option and the flexibility to keep parking in the new parking garage free through the month of July. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

Commissioner Boles questioned what would happen if they did not feel comfortable charging for parking by the end of July.

Mr. Regan replied that they could bring the matter before the Commission, but the construction schedule was to bring the plaza and bus loops into service in July. He stated

that unforeseen issues could occur, but they would need to address that at the end of July.

Mayor Gardner questioned the location of the restrooms.

Mr. Regan responded that until the restrooms were opened at the VIC, they would continue with the temporary facilities that would be located by the temporary bus loop system.

After a brief discussion it was determined that staff would make sure that restroom signage was clear and visible and that changes would be made as needed once the facility opened.

Commissioner Crichlow questioned whether the ambassadors would dress in period costumes.

Mr. Regan replied that he believed they ordered a uniform with a red shirt, because in the parking garage industry red was a universal color. He stated that they had not talked about costumes but the matter could be discussed further.

Commissioner Crichlow said he had been thinking about the shuttle, and he thought it should be free for everyone. He stated that 98% of the people that rode the shuttle would be parking in the garage. He indicated that it would cost them the same to run the shuttle no matter how many people were on it. He added that they could address the issue if they noticed people taking advantage, but it would be simpler to run the shuttle without validation.

Commissioner Jones stated that he spoke to both of his representatives on the parking committee, and he had received similar feedback. He agreed with not requiring validation and suggested that they could deal with the matter if there were problems.

Commissioner Boles said he did not think they could legally withstand the challenge of using public funds to setup a bus system and not allow citizens to ride the shuttle without validation. He suggested the possibility of

talking with the Council on Aging, because the downtown area was the only area that was not serviced by the Sunshine Bus Company. He pointed out that it would be easy for the Sunshine Bus Company to alter their route system to provide what might be needed, and it would not require city funding. He suggested that they start discussions to insure an alternative service.

There was a brief discussion about validation and whether it was discussed in the contract, but Mr. Wilson said the issue of validation was not addressed in the contract.

MOTION

Commissioner Jones MOVED not to require validation and the shuttle would be open to anyone that boarded it on the route to and from the parking garage using the Cordova Street, King Street and Cathedral Place loop. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Commissioner Jones MOVED to amend the motion to provide for a free shuttle in the described route. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Mr. Regan stated that they would open the shuttle with broad hours of operation and depending upon ninety days of evaluation, they could refine the schedule for different seasons and users. He reported that the schedule would initially be as follows:

- Monday-Thursday – 7:00 a.m. until 7:00 p.m.
- Friday - 7:00 a.m. until 1:00 a.m.
- Saturday - 9:00 a.m. until 1:00 a.m.
- Sunday - 9:00 a.m. until 7:00 p.m.

Mr. Regan pointed out that the vehicles had been restructured in terms of DOT standards,

for safety criteria and inspections. He also referred to the following:

- Both vehicles had been buffed and waxed
- Decals had been removed from the buses
- Handicap accessibility was available through an elevator lift system
- Both vehicles were ready to operate and could be brought onto the route for peak capacity
- Perimeter seating with hand holds for standing people
- Approximately forty people could ride the vehicle

He stated that they had also been working on a logo and he displayed pictures of the reconstructed buses and the proposed logos. He stated that they would probably change the logo in the future. He pointed out that there would be signage posted at each stop. He reported that, if they were to run the shuttle for 12 hours per day, it would cost \$241,000 per year, and if they were to operate 6 hours per day, it would cost \$120,000 per year. He stated that they would probably end up operating the shuttle between 6 and 12 hours per day but initially they would operate approximately 12 hours per day. He stated that for the July 4th weekend, they would have both vehicles running to get people familiar with the shuttle system.

Mayor Gardner questioned whether the contract was for one year and whether the first ninety days would be a test period to determine what time they would operate.

Mr. Regan replied affirmatively, and he stated that if something came up before the ninety day period was over they would work with the operator to change the schedule.

Mayor Gardner pointed out that one issue that had continuously surfaced was how they would accommodate the downtown workforce. He stated that employees went to work at various times of the day and some

might not leave restaurants until midnight but the proposed hours would not accommodate them.

Mr. Regan responded that they discussed defined departures schedules with the operator particularly in the morning, and they could also work in the late afternoon for people that would be returning to their cars.

After a brief discussion, it was determined that they would work with the operator to determine a schedule, and they would continue discussions with business owners to coordinate schedules.

Mayor Gardner questioned how long the shuttle route took.

Mr. Regan responded that it took ten to twelve minutes, however the requirement in the contract was fifteen minutes.

Commissioner Crichlow questioned how they would determine the survey for rider-ship.

Mr. Regan responded that they would probably hire statisticians to help with determination.

Mayor Gardner questioned the signature logo to identify the vehicle and uniforms for the drivers.

Mr. Regan replied that it was something that would be negotiated, as identifying the operator was a common practice and he added that the operator would be an employee of the shuttle company.

MOTION

Commissioner Jones MOVED to execute the contract with (St. Augustine Historical Tours dba Old Town Trolley Tours) shuttle services as submitted. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Non Agenda Item West Augustine

Commissioner Jones commented that he knew there was a newspaper article regarding representatives of the CRA (filing a federal discrimination complaint against the city, alleging the city was too slow installing water and sewer lines in black and poor neighborhoods). He said he knew there were concerns but he did not think that it was the appropriate forum in light of the time lapse. He stated that he was aware of Steven Crooms, Chairman, The West Augustine CRA, as well as the issues of the community and he expressed similar concerns. He suggested that the Commission designate a Commissioner to look into the issue and work with the community group to get feed back and open the lines of communications. He volunteered to be the person to work with Mr. Crooms and the West Augustine CRA to address their concerns.

Mayor Gardner expressed that he had no problem with Commissioner Jones being delegated; however, he pointed out that the meetings would be open to members of the Commission.

MOTION

Commissioner Crichlow MOVED to appoint Commissioner Jones to look into the matter further as a representative of the Commission and report the Commission. The motion was SECONDED by Mayor Gardner and approved by UNANIMOUS VOICE VOTE.

9. ITEMS BY THE MAYOR AND COMMISSIONERS

9.A./ Consideration of Voting Delegate for the Florida League of Cities Conference.

Mayor Gardner reported that the conference would be held August 10-12, 2006 in Jacksonville, Florida and they would need one of the Commissioners to attend as the voting delegate on behalf of the Commission.

MOTION

Commissioner Jones MOVED to select Commissioner Burk as the official delegate for the Florida League of Cities voting conference. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Commissioner Crichlow – July 4th and VIC

Commissioner Crichlow stated that he was looking forward to the Fourth of July festivities. He requested that Mr. Williamson come forward with details of the July 4th activities including the fireworks.

Mr. Williamson replied that the fireworks display would be ready, they would have music in the plaza at 6:00 p.m., the fireworks would begin at 9:30 p.m. and all the details were available on the city website. ⁴

Commissioner Crichlow mentioned that after walking around the VIC, upon completion it would be the best visitor's center in the Southeast of the United States. He expressed that it would be a wonderful facility geared toward visitor's orientation that would improve their experience in St. Augustine.

Mayor Gardner - Parking Permit Sales

Mayor Gardner questioned the schedule for selling monthly parking passes.

Mr. Regan replied that they would be ready to sell the monthly parking passes the afternoon of Friday, June 30, 2006. He said that initially they would be sold in the office at the parking facility until the system was working at the new Customer Service Center.

Mayor Gardner expressed that he wanted to apologize for poor representation at the retirement party for former City Clerk, Nell Porter. He stated that they should have had a proclamation signed by the Commission to recognize her nineteen years of service with the city. He stated that he would like to

⁴ End of audio tape one

prepare a proclamation for signature by all the Commissioners and present it to Ms. Porter after her return from vacation.

Mayor Gardner reported that on July 1, 2006 the city would receive a \$350,000 grant for the Lightner Museum/City Hall building. He added that there was a matching obligation, which they were currently working on. He stated that the city committed \$80,000 to the flat roof over the Lightner Museum. He pointed out that the grant was for to continued window replacement and roof work. He stated that the city received confirmation that a grant in the amount of \$112,500 had been awarded for a kayak ramp system at Joseph Pomar Junior Park in addition to a \$200,000 grant for the proposed Davis Shores Park. He said that each of the grants had matching commitments of various levels that was being worked on. He concluded that amount of support from the state was appreciated.

10. Appeals and Public Hearings (NOT PERTAINING TO ORDINANCES & RESOLUTIONS)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A/ Resolutions

11.A.1/ Consideration of Resolution 2006-11, FDOT Highway Maintenance Agreement.

Timothy A. Burchfield, Chief Administrative Officer, stated that the annual resolution concerned DOT maintenance of all of medians within the city and some slightly outside of the city limits. He pointed out that it was an annual contract with a 3.2% multiplier added to the revenues the city received before reimbursement for the work performed by the city.

Commissioner Crichlow MOVED that Resolution 2006-11 be approved. The motion was SECONDED by Commissioner

Boles and approved by UNANIMOUS VOICE VOTE.⁵

11.B. Ordinances – First Reading

11.B.1/ Introduction and consideration of Ordinance 2006-16, establishing the San Marco Hotel Planned Unit Development (PUD).

Mr. Knight stated that the ordinance before the Commission established the San Marco PUD including terms and conditions for development of the site. He stated that the area was at the intersection of San Marco Avenue and Castillo Drive including the Best Western Spanish Quarter Motel, which was located on Castillo Drive. He pointed out that the applicant was requesting re-zoning for a PUD, as they proposed to re-construct the old San Marco Hotel. He explained that when the request was denied by the PZB the applicant appealed, went back to HARB with a Victorian architecture design that was approved by HARB, at which point the applicant went back to the PZB with the new architectural design that was currently before the Commission in the PUD.

Mayor Gardner stated he heard that the plan had been well received by the HARB, PZB, and the neighborhood and the Commission would be voting on first reading, which would move the matter to a public hearing to allow all parties to go into detail.

MOTION

Commissioner Boles MOVED to place Ordinance 2006-16 on first reading, read by title only, and approved. The motion was SECONDED by Commissioner Jones.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2006-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING

⁵ Recess 7:00 pm to 7:20 pm

THE SAN MARCO HOTEL PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

MOTION APPROVED BY UNANIMOUS VOICE VOTE.

11.B.2/ Introduction and consideration of Ordinance 2006-17, amending the Charter to designate a Commission seat as the Mayor's seat.

Mr. Wilson reported that the item was put together at the request of the Commission to change the way the Mayor was elected and to make the Mayors seat a two year seat. He noted that the only two year seat was seat number three; therefore, he made changes in the charter language as follows:

- Deleted the language that created the old method
- Added new language to make Commission seat three the Mayors seat

Mr. Wilson indicated that it would not change the Mayor's duties; however, it would change the designation to seat three and delete the separate balloting for Mayor that currently existed. He explained that it had to be submitted for referendum, because the original method for electing the Mayor had been adopted by referendum and a charter could not be changed without adopting another referendum. He stated that he had also drafted a proposed ballot question that had to be more than twenty five words but less than seventy five words and it had to clearly identify the charter referendum. He pointed out other aspects as follows:

- The charter had to be approved by no less then four of the Commissioners

- It must be adopted in a form that would go to the Supervisor of Elections no later than September 1, 2006
- The referendum could not be on the ballot less than 60 days and no more than 120 days after adoption

Commissioner Boles stated that he was inclined to ask the Commission to return to a time when the Mayor was elected among the Commissioners and served as chairman of the board. He stated that anything they did to indicate the Mayor as having a separate balloting mandate was a disservice to the position, because the Mayor only had one vote. He mentioned that currently if someone ran for Mayor and lost, they would be off of the board, which could breed ill will among the Commissioners because they were running against each other.

Commissioner Jones indicated that he agreed with Commissioner Boles, and he thought that the current system was confusing.

Commissioner Crichlow stated that he agreed with Commissioners Boles and Commissioner Jones, and he questioned whether an ordinance was necessary to pass a referendum.

Mr. Wilson replied that state law specified the need for an ordinance; moreover, the previous changes were by ordinance.

Mayor Gardner stated that when he was elected to the position he committed to being a full time Mayor, because he thought that the Commissions had isolated themselves, and he believed it was necessary to get involved with the community. He explained the history of the current method of electing Mayor, and said that in 1988 Ramelle D. Petroglou had been Mayor but some of the Commissioners moved to removed her, and they had gotten three votes to do so. He stated that the public outcry lead to the change in the charter, which he agreed was confusing. He expressed that he would go

along with the Commission on the idea of bringing the election of the Mayor back to the Commission table; or they could just have five Commission seats and elect a chairman instead of a Mayor.

Commissioner Jones questioned whether Mr. Wilson thought the Commission should proceed and Mr. Wilson suggested that they table the issue. Commissioner Jones stated that Commissioner Crichlow would not be at the City Commission meeting in two weeks.

After a brief discussion the Commission decided to motion to set the ordinance for public hearing on July 24, 2006, at which time Mr. Wilson would introduce another ordinance for first reading regarding the Commissioners appointing the Mayor.

MOTION

Commissioner Jones MOVED to place Ordinance 2006-17 on first reading, read by title only and passed and set for public hearing July 24, 2006. The motion was SECONDED by Commissioner Crichlow.

Mr. Wilson read the title as follows

ORDINANCE NO. 2006-17

A CHARTER ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE II, SECTION 2.01 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE TO PROVIDE THAT CITY COMMISSION SEAT THREE BE DESIGNATED AS THE MAYOR/COMMISSIONER SEAT; AMENDING ARTICLE IV, DIVISION 3, MAYOR, SECTION 4.09, TO DELETE THE SEPARATE MAYORAL PREFERENCE BALLOT AND TO PROVIDE THAT THE COMMISSIONER ELECTED TO SEAT THREE SHALL SERVE AS MAYOR; PROVIDING BALLOT PROPOSITION FOR THE NEXT GENERAL ELECTION; AND PROVIDING FOR A REFERENDUM CLAUSE

MOTION APPROVED BY UNANIMOUS VOICE VOTE

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

(None Scheduled This Meeting)

11.D.1/ Public Hearing - Ordinance 2006-15 regulating Walking Tours Utilizing Public Rights-of-way.

Mr. Wilson summarized that the ordinance was before the Commission to regulate the walking tours on city sidewalks after sunset by limiting the number of people in the tour to twenty and providing lights for the group safety. He stated that the Commission set ordinance 2006-15 for public hearing to acquire public input.

Mayor Gardner opened the public hearing.

Tim Fleming, 26 Anderson Street - stated that for the last ten years he had been a licensed tour guide for the city conducting historical walking tours as well as ghost tours. He pointed out that over the last ten years the popularity of the walking tours had increased; therefore, some regulations were needed. He stated that the primary problem was on Cordova Street in front of the cemetery. He mentioned that two years earlier the city asked Paul K. Williamson, Director, Public Affairs, to contact various tour companies to address voluntary guidelines concerning the number of people that could be on a walking tour. He said the tours companies that he worked with had twenty five to thirty people on a tour; therefore, twenty people was a low. He pointed out that twenty people was the maximum amount of people allowed on walking tours in the Charleston, South Carolina and he questioned whether the number in the city ordinance was taken from the Charleston ordinance. He suggested twenty five to thirty people in each tour because that was a manageable amount. He stated that each guide should be responsible for carrying illumination, and he suggested carrying period lighting such as oil or candle lamps to keep the ambiance of the tour.

Lee Pallas, Manager of the Ghost Tours - stated that Sandy Craig had introduced the Ghost Tours in April of 1994. He stated that it would be difficult to determine how many people would arrive for the tours each night; therefore, one hundred people could show up and there was no way to control the situation. He pointed out that they tried to anticipate busy nights by having extra staff however, most nights they were over staffed and sent employees home. He stated that they tried to limit groups to twenty five to thirty people but there was no guarantee without excessive costs reflected on the tourists.

Mayor Gardner questioned Mr. Wilson about penalties and enforcement.

Mr. Wilson replied that enforcement would be through Code Enforcement, the police and through complaints. He stated that when law enforcement issued a ticket, it would be to the tour guide because the guide was responsible. He pointed out that it was hard to cite a company with a city ordinance violation because that was something they should attach to a person. He said if violations were repeated by a company it would become a matter for Code Enforcement; however, they usually gave citations out to individuals.

Commissioner Crichlow stated that he received an email questioning whether tour guides in vehicles would be governed by the ordinance, because they walked in the streets.

Mr. Wilson responded that vehicle tours were exempt because they disembarked for short distances.

Commissioner Jones questioned whether there would be a problem with taking an extra two or three people because they were members of a family.

Mr. Williamson stated that the tour companies really did not know how many people would show up. He stated that based on their history and record keeping they could

judge how many employees they would need. He stated that the tours would probably not be forty people but more likely thirty people.

Mayor Gardner questioned whether he thought that twenty people was a reasonable number of people in a tour.

Mr. Williamson replied that he had observed nightly tours during Thursday night concerts and the groups usually had between ten to twenty people. He pointed out that there could be more people on a weekend. He commented that keeping the group together was the responsibility of the tour guide.

Commissioner Boles pointed out that the Ghost Tours brought people downtown. He stated that he would not want to take any action that would have a negative effect on the tour enterprise. He expressed that regulation was needed to give tour companies an atmosphere to grow and expand and recommended giving the issue full review. He questioned whether the proposed number of people in the tours had been taken from the Charleston ordinance. He commented that he thought it was a good idea to review what had been done in other cities and he would like to know how Charleston operated the Ghost Tour business. He stated that the city could be sued if someone got killed by a car; moreover, the city's duty was to make sure people were safe. He indicated that if he was going to vote for an ordinance, he wanted to know where it came from and the rationale behind it and if it came from another city that was good, but he wanted to know why it worked for that city, because it might not work for St. Augustine.

Commissioner Jones stated that they needed to do something and test it out and make adjustments when needed.

Commissioner Crichlow stated that he was not sure he agreed with the argument about difficulty of scheduling groups. He stated that if there was a family of three and they only had room for two, the family would have to

wait for the next tour. He said that he was not sure where the number twenty came from and he was not sure if it was based on any rational thought process or analysis. He stated that they needed to avoid large groups of people, because it could be dangerous. He questioned whether the tour business in Charleston was as popular.

Mr. Williamson stated that the Charleston ordinance limited tours to twenty people, excluding school groups, and it did not include a light.

Commissioner Crichlow stated that he had been on a Ghost Tour and although he could not remember the amount of people in the tour, he did not like the fact that he could not get close enough to the tour guide to understand and hear every word. Therefore, he said it would be more enjoyable for the people on the tour and also an advantage of the tour company to have fewer people.

Mayor Gardner agreed the tours needed some type of regulation. He recommended an amendment on page two of the proposed ordinance, section "C" exclusion for licensed tour vehicles, and questioned whether it would be acceptable to remove "conducting the tour while". (Section C. *Exclusion for licensed tour vehicles. The provisions of this section relating to tour sizes shall not apply to groups which are transported on the rights-of-way on licensed tour vehicles and only use the public sidewalks incidental to conducting the tour while loading or unloading licensed tour vehicles.*)

Mr. Wilson stated that the change was enforceable and could possibly make it easier.

Commissioner Boles reiterated that the goal was to try to keep everyone on the tour vehicle if there were over twenty people.

Dennis Axlen, Old Town Trolley Tours and Ghosts and Gravestones, stated that they ran Ghosts and Gravestones in Savannah, Boston, St. Augustine and San Diego and

they had thirty people per group. He stated that all of the people on the tour were in the vehicle with a driver and a tour guide. He pointed out that when they stopped, the driver helped people unload and the tour guide took the group to a destination then returned to the vehicle.

After a brief discussion, Mr. Axlen determined that since they were not referring to vehicle tours, he had no comments.

Mayor Gardner stated that the vehicle tour walk to the military hospital would be affected.

Commissioner Boles commented that Mr. Axlen should comment on that because the ordinance would affect that part of his tour.

Commissioner Jones stated that since that was the closest the vehicle could get to the military hospital, that would be considered an unload.⁶

Susan Harold, Ripley's Believe It Or Not - stated that their tours disembarked at the unloading zone in front of The Oldest House and they had two story tellers for groups usually consisting of twenty four people per story teller. She explained that one story teller would go to the front of the Oldest House and tell their story and the other story teller would go to the St. Francis House to tell their story and then the guests would get back on the train.

Commissioner Jones expressed that he saw that as a unload and load situation.

Mayor Gardner questioned whether the City Attorney envisioned difficulty with the proposed amendment.

Mr. Wilson replied that he did not see any issues with the two circumstances because the tours got out and walked a minimal distance. He stated that they were just

⁶ End of audio tape two

having a presentation and getting back on the vehicle; therefore, it was not a walking tour.

Commissioner Crichlow questioned whether the concern of the Commission was while the group was in transit from one place to another or while they disembarked in the street to get near the tour guide. He said if the latter was the case, it would occur in front of St. Francis House and the Oldest House.

Mr. Wilson responded that his understanding was both because the destination groups were not organized and there had been several complaints regarding tours on Cordova Street. He stated that there had not been complaints about Aviles Street and The Oldest House. He commented that the size of the vehicles accommodated larger tour groups than the proposed ordinance allowed for walking tours, but there had been no complaints regarding the vehicle tours.

Commissioner Boles questioned who complained and when the complaints were made.

Mr. Wilson responded that some Commissioners had complained a few years earlier.

Commissioner Boles commented that the only person he knew that complained was Commissioner Burk, and he questioned whether there had been complaints from citizens, homeowners or businesses.

Commissioner Crichlow stated that there had been complaints regarding groups stopped in close proximity to private residences, which had been addressed in the past.

Commissioner Boles stated that he was interested to find out why Charleston and Savannah had not chosen to further regulate the industry.

Commissioner Jones commented that those cities used basic regulations without trying to over regulate. He pointed out that further investigation might not be necessary, as

perhaps Charleston and Savannah had no reason to further regulate.

Mr. Williamson stated the voluntary guidelines were as follows:

- Tours limited to 25 people
- Guides would use lights
- Conclude tours at 11:00 p.m.
- Conducted on public property
- If conducted on private property only with the property owners permission
- Tours would not impede traffic

Commissioner Boles stated that since the tour guides had been allowed twenty five people for the past two years, he would support the ordinance if it was limited to twenty five people and amended with the language as proposed by the Mayor.

MOTION

Commissioner Jones MOVED to amend the ordinance from twenty to twenty five persons and to eliminate the four words "conducting the tour while" as stated by Mayor Gardner. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

MOTION

Commissioner Jones MOVED to place Ordinance 2006-15 on first reading, as amended, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2006-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-11 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO REGULATE THE SIZE OF WALKING TOURS UTILIZING PUBLIC RIGHTS-OF-WAY AFTER SUNSET;

REQUIRING USE OF A LANTERN OR LIGHT FOR SUCH TOURS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

MOTION APPROVED BY UNANIMOUS VOICE VOTE

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

Harvey Wolf, Co-owner of Wolff Head Books, 67 San Marco Avenue, suggested that if the Mayor was elected by the Commission, the Commissioners would get more involved in what was going on in the community. He commented that the current system was self defeating because if three Commissioners wanted to be Mayor, only one could be on the Commission. He stated that he would like them to run for Commission seats and keep the system for electing the Mayor simple. He said that most communities the size of St. Augustine had a Mayor elected by the Commission to serve for a determined period of time.

Mr. Wolf commented that San Marco Avenue had over ninety businesses, and they were important to the survival of the community. He said that he had not heard anything about signage that would help people find uptown or discussion about shuttle routes for uptown. He suggested that if the Winery was included in the vehicle tours that perhaps the shuttle routes could include the Alligator Farm and uptown, but he emphasized that uptown businesses could use the help.

Commissioner Crichlow commented that during the review for naming the parking garage and the shuttle logo the Commission had made their determination based on consideration of all areas of the City. He stated that they were aware of the issue and they were taking uptown into consideration.

Mayor Gardner stated that he was concerned that uptown had been cut off during the

construction phase but questioned whether Mr. Regan or city staff could add temporary signage to redirect people uptown as well as downtown.

Mr. Regan stated that they could look into temporary signage. He pointed out that they planned to open the pedestrian system that flowed to San Marco Avenue within the month of July including broad sidewalks, lamp lighting and the project included modifications to Castillo Drive and San Marco Avenue intersection to make it more pedestrian friendly. He stated that transit was an evolutionary system and this was the first generation, but there would probably be other generations. He mentioned that the parking committee had discussed other types of loops, federal funding and coordination with the Council on Aging.

12.B/ Presentations (15 minutes per presentation).

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned at 8:45 p.m.⁷

MAYOR

CITY CLERK

⁷ Recorded by Susan Goins, Recording Secretary