

## CITY OF ST. AUGUSTINE

Special City Commission Meeting  
December 22, 2006

The City Commission met in a formal session Friday, December 22, 2006 at 9:00 a.m. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Boles, and the following were present.

### **Roll Call:**

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

William B. Harriss, City Manager  
Ron Brown, Interim City Attorney  
John Regan, Chief Operations Officer  
Mark Litzinger, City Comptroller  
Jim Piggott, General Services Director  
Mark Knight, Director, Planning and Building Department  
Bob Leetch, Director of Utilities and Public Works  
Robin Upchurch, Assistant City Attorney  
Paul K. Williamson, Director, Public Affairs  
Susan Goins, Recording Secretary

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### **2. Second Reading - Public Hearing - Ordinance 2006-39 regarding an additional Homestead Tax Exemption for qualified seniors.**

Robin Upchurch, Assistant City Attorney, summarized that Ordinance 2006-39 had been amended to reflect that the city would proceed with the \$25,000 exemption and if permitted by law there would be a \$50,000 exemption. She said she had spoken with the Property Appraiser's Office, and they agreed to accept the ordinance as it would be hand delivered on December 27, 2006. She explained that State Statute 196.075 granted the municipality the authority to increase the exemption and that had not been changed; however, it was reasonable to believe that it would. She added that once it had been changed, the ordinance would allow qualified senior citizens to the \$50,000 exemption.

Mayor Boles opened the public hearing.

B.J. Kalaidi, 8 Newcomb Street, referred to the following:

- Ordinance 2006-39 corrected the city's failure for seven years to grant an additional homestead exemption for low income senior citizens
- Requested the city write a letter to the governor elect and representatives in both houses of the Florida legislature requesting immediate attention in March 2007 to enact legislation to amend the State Statute to increase homestead exemption for low income senior citizens from \$25,000 to \$50,000

Mayor Boles closed the public hearing.

Commissioner Gardner questioned whether the legislature would enact the referendum for the additional \$25,000 in March 2007 and whether it would be retroactive for 2007.

Ms. Upchurch replied that once the legislature was back in session they would change the matter; however, she was uncertain whether it would be retroactive.

Mayor Boles stated that the local tax collector found no burden to apply the ordinance in 2007 provided legislature made it effective for 2007.

Ms. Upchurch stated that the property appraiser allowed them the \$25,000 exemption for 2007, and the city would look to the legislature to see how they would handle changing the statute.

Commissioner Crichlow questioned whether the city would increase the millage rate or decrease city services to account for the \$30,000 loss to the city due to the exemption.

William B. Harriss, City Manager, replied that the city's loss would be \$31,000 for each additional \$25,000 of exemption. He explained that the city needed to raise the millage or lower the level of service to account for the loss. He added that increased assessment or laying-off one or two employees could cover the city's loss.

#### **MOTION**

**Commissioner Jones MOVED to place Ordinance 2006-39 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Gardner.**

Mr. Brown read the title as follows:

ORDINANCE NO. 2006-39

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING DIVISION 6, SECTION 2-190, OF ARTICLE IV, CHAPTER 2, OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION OF \$25,000; PROVIDING THAT SAID ADDITIONAL HOMESTEAD EXEMPTION SHALL BE AVAILABLE TO ANY PERSON WHO HAS LEGAL OR EQUITABLE TITLE TO REAL ESTATE AND WHOSE PERMANENT RESIDENCE IS MAINTAINED THEREON PROVIDED THAT SAID PERSON HAS ATTAINED THE AGE OF SIXTY-FIVE (65) YEARS OF AGE AND PROVIDED THAT SAID PERSON'S HOUSEHOLD INCOME DOES NOT EXCEED \$20,000 AS DEFINED BY GENERAL LAW; PROVIDING FOR ADJUSTMENTS; PROVIDING DEFINITIONS; SPECIFYING THE TAXES TO WHICH THE ADDITIONAL EXEMPTION APPLIES; ESTABLISHING ANNUAL FILING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

#### Non Agenda Item

Bob Leetch, Director of Utilities and Public Works provided an update on the north west force main project. He summarized that in April 2006, the Commission approved an agreement with four developers for the growth of a seven-mile forcemain at the triplex station. He explained that there would be three large pumps with a directional drill under the river bypassing some stations and connecting to a forcemain on Orange Street. He said they expected to have the \$6.2 million contract signed in January 2007. He added that the project would be completed in 120 to 150 days.

Mayor Boles pointed out that the city would have a greater capacity to furnish water to areas outside of city limits, generating increased revenue for the city.

Non-Agenda Item

Commissioner Burk said she wanted to discuss hiring Ron Brown, Interim City Attorney, as the new City Attorney. She pointed out that the Commission was not required to go through a hiring process, and they could hire anyone they chose. She stated that she had discussed the issue with Mr. Brown, and she requested that the Commission consider offering him the position. She suggested that he start the first of the year with an identical benefits package to the previous City Attorney.

Mayor Boles questioned whether Mr. Brown was aware of the benefits package.

Mr. Brown stated that he was aware of the package and accepted the offer on those terms.

Commissioner Burk questioned whether he was aware that the position was not a long-term contract.

Mr. Brown replied affirmatively.

Commissioner Crichlow said that Mr. Brown had experience in municipal law; therefore, he agreed with offering him the position.

Commissioner Jones supported the decision, and he added that Mr. Brown was capable of the position.

Commissioner Burk questioned when he would be available to start.

Mr. Brown replied January 8, 2007.

**MOTION**

**Commissioner Burk MOVED to engage Ron Brown commencing January 8, 2007 with the same benefits package as the previous City Attorney. The motion was SECONDED by Commissioner Gardner.**

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Non-Agenda Item

Commissioner Burk stated that she wanted to end vendors selling in the Plaza. She pointed out that the city was renting commercial space to commercial vendors; however, they were not required to. She added that she would like the permits revoked immediately.

Mr. Brown replied that there was a vendor ordinance that required permits, but the city could add language to regulate the matter.

Commissioner Burk replied that she wanted the vendors out of the Plaza.

Commissioner Gardner stated that the vendors in the Plaza affected the economics of the city, because they sold items for less money than the local merchants.

Commissioner Crichlow expressed that removing the vendors would enhance the ambiance in the Plaza. He added that the city needed to investigate the matter to ensure they were on firm ground.

Commissioner Jones questioned whether the city would be required to issue refunds for the remaining time on each permit, and he suggested that the city suspend all permits pending further review.

Mr. Harriss replied that the city needed to investigate First Amendment issues related to suspending vendor permits.

Commissioner Burk pointed out that if the city required a permit it was no longer a First Amendment issue.

Mr. Brown agreed that the right to grant was also the right to remove.

Mr. Harriss stated that the problem was vendors that wanted to sell without a permit. He explained that several vendors said they were selling First Amendment protected items; therefore, they did not need a permit.

Mr. Brown stated that the city would evaluate what was considered artistic expression, and whether the vendors should be allowed in the plaza without a permit.

Mayor Boles suggested reviewing and modifying the ordinance, and if necessary enact a separate ordinance for commercial activity in the plaza. He said the Commission had the power to do so, as well as the power to ban all commercial activity.

#### **MOTION**

**Commissioner Burk MOVED that no new permits would be issued for the plaza. The motion was SECONDED by Commissioner Jones.**

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Commissioner Crichlow said there were certain forms of expression that did not require permits. He pointed out that the First Amendment stated that they could do so on public property and the city could not legislate.

Mr. Brown replied affirmatively.

Mayor Boles questioned whether vendors that sold manufactured goods would be issued another permit.

Mr. Harriss replied that they would not be issued another permit.

Commissioner Jones suggested that the city send notices to the vendors to inform them of the changes.

Mr. Harriss replied that the matter would be taken care of.

Commissioner Crichlow stated that the city might receive complaints; however, most residents would support the change.

Mr. Brown stated that they could regulate expressive artists, as some "one man bands" could still play in the plaza because that was easy to define. He added that an artist that was making and selling jewelry was harder to define.

Commissioner Crichlow questioned whether the change precluded an organization from sponsoring a festival.

Mr. Brown replied that the Commission controlled the use of the park.

#### Non-Agenda Item

Commissioner Jones pointed out that the meeting had been announced and published and the Commission was allowed to amend the agenda; therefore, anyone that questioned whether the Commission met and made decisions behind closed doors was not factual.

#### Non-Agenda Item

Commissioner Gardner explained that the National Park Service long range management plan went under public comment last summer, and due to the vast amount of public comment in support, the preferred alternative was a Castillo Orientation Center in the Colonial Spanish Quarter. He said it was not as costly as the VIC; however, Congressman Mica succeeded in receiving an authorization bill through congress that could cover the cost.

He added that with the change of the preferred alternative, they would open another public comment period ending January 15, 2007, and he encouraged residents to send comments to NPS.gov.

### **3. Adjournment**

There being no further business, the meeting was adjourned at 9:40 a.m.<sup>1</sup>

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MAYOR

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CITY CLERK

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<sup>1</sup> Transcribed by Susan Goins