

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
February 12, 2007

The City Commission met in a formal session Monday, February 12, 2007 at 5:00 p.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

Karen Rogers, City Clerk, CMC
Ron Brown, City Attorney
Timothy A. Burchfield, Chief Administrative Officer
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
Dr. William Adams, Director, Heritage Tourism
Loran Lueders, Police Chief
Barry Fox, Sergeant, Police Department
Susan Goins, 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

(None)

3.B/ Approval of Minutes

MOTION

Commissioner Gardner MOVED to approve the minutes of the regular meeting of January 22, 2007 as presented. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Gardner, Crichlow, Jones, Burk Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

3.C/ Proclamation

(None)

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

Leslee Keys, 37 BayView Drive, referred to the following:

- Thanked the Commission for establishing Fullerwood Park

Tom Wright, 410 Arredondo Drive, referred to the following:

- Against Ordinance 2007-01 regarding residential density stabilization

Dwight Hines, 150 Nesmith Avenue, referred to the following:

- Books by local authors should be more accessible in the Spanish Quarter gift shop
- City records were not well organized

Sherry Badger, 2772 South Collins Avenue, referred to the following:

- Lewis Speedway flooded after heavy rain and the problem should be addressed

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

- Ordinance 2007-01 should be rejected
- Seniors age sixty five and older must contact the property appraiser by March 1, 2007 to be eligible for the increased homestead exemption

Robert Hall, 42 Spanish Street, referred to the following:

- Plans regarding the celebration of the 450th anniversary of the City's Founding should be initiated

Merrill Roland, 6281 Old Dixie Drive, referred to the following:

- Handicapped accessibility was not available at the Boat and Breakfast Hotel at the city marina

5. Staff Reports and Presentations

(None)

6. ITEMS BY CITY ATTORNEY

Ron Brown, City Attorney, stated that he provided a copy of an Order Denying Complainant's Motion to File *Instantly* by the Department of Labor Administrative Review Board regarding a citizen complaint. He pointed out that the order denied the complainant's request for an extension of time to file a rebuttal brief responsive to the City's brief and stated that a rebuttal brief would not be accepted by the board. He said it would not dismiss the action; however, it dismissed the reply brief and action would be determined based on the original brief.

Mr. Brown stated that the Conch House Builder, LLC. requested a quitclaim deed for certain submerged lots located between the above water lots on the Salt Run side of Davis Shores and the city's submerged land. He pointed out that the city had disclaimed interest in the lots and issued letters of disclaimer regarding the lots. He said the title company for the new buyers of the project requested a quitclaim deed.

Following a brief discussion regarding ownership, it was determined that the city never asserted claim of ownership over the property.

Mr. Robert Heekin, attorney for Conch House Builders, LLC. presented paperwork from the St. John's County Tax Collector that the Conch House paid taxes on the property, and he displayed a diagram of the platted lots.

Commissioner Burk suggested that they sign the deed and authorize city staff to verify the following:

- Whether the Conch House had paid taxes over several years
- Whether they had consistent private ownership since the lots were platted
- The city was not holding deeds to the property

MOTION

Commissioner Crichlow **MOVED** to allow the City Attorney to execute the quitclaim deed and to verify that taxes had been paid, the property had been in private ownership and the city was not holding deeds to the property. The motion was **SECONDED** by Mayor Boles.

VOTE ON MOTION

AYES: Crichlow, Boles, Gardner, Jones
Burk

NAYES: None

MOTION APPROVED UNANIMOUSLY

7. ITEMS BY CITY CLERK

7. A/ Notification of Proclamations

- 2007-03 - Certification of Recognition for Charlie Trinowski, President of the Florida State Elks Association
- 2007-04 - Take to Heart Day

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A/ Consent Agenda

8.A.1/ Preview of upcoming Commission Meetings

8.A.2/ Notification of two upcoming term expirations on the Historic Architectural Review Board.

8.A.3/ Release of Liens for Unit Connection Fee Mortgages.

8.A.4/ Consideration of Tax Deed Sale relative to property located at 7 Blanche Lane.

8.A.5/ Authorization for the Historic Preservation Advisory Committee to begin the organizational process for the 450th anniversary celebration of the City's founding.

8.A.6/ Authorization to Negotiate a Contract for Design of the Davis Shores Neighborhood Park.

8.A.7/ Approval of Contract Addendum for the Construction Phase of the St. Augustine Water Treatment Plant Addition.

8.A.8/ Authorization to purchase property located adjacent to the Fleet Maintenance/Warehouse Compound - 13 Elkton Lane.

John Regan, Chief Operations Officer stated that there were eight items on the consent agenda.

Mayor Boles requested further discussion regarding item 8.A.5.

MOTION

Commissioner Jones **MOVED** to approve consent agenda items 8.A.1 through 8.A.4 and 8.A.6 through 8.A.8. The motion was **SECONDED** by Commissioner Crichlow.

VOTE ON MOTION

AYES: Jones, Crichlow, Burk, Gardner,
Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Boles suggested establishing a county wide committee to organize the 450th anniversary celebration of the city's founding. He suggested that planning the event was a large task that would burden the Historic Preservation Advisory Committee. He requested that the

Commissioner defer action until the subsequent meeting. He added that he would provide additional information to the Commission via the City Clerk.

MOTION

Commissioner Crichlow MOVED to defer action on item 8.A.5. for the subsequent meeting. The motion was SECONDED by Commissioner Gardner and APPROVED by UNANIMOUS VOICE VOTE.

8.B/ Discussion Items

(None)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

9.A./ Reconsideration of the previous vote on Ordinance 2007-01 regarding Residential Density Stabilization – Vice Mayor/Commissioner Crichlow.

Commissioner Crichlow stated that the election showed that opposition to the ordinance was a vocal minority. He said the citizens that voted for the ordinance were aware of what they voted for. He pointed out that the ordinance applied to developed lots and would not affect single undeveloped lots. He added that overlay zoning could address density if structured correctly; however, it was a long and complicated process.

MOTION

Commissioner Crichlow MOVED to reconsider the vote on Ordinance 2007-01. The motion was SECONDED by Commissioner Burk.

Commissioner Burk stated that the matter had been discussed in the past, and the ordinance represented a start.

Commissioner Gardner stated that neighborhood overlay zoning was a long process; therefore, he favored the ordinance until it was established.

Commissioner Jones stated that the ordinance would not prevent citizens from building three story homes. He suggested another public hearing because the matter was being re-considered. He said residents were not aware the issue could be addressed again since it failed at the prior meeting.

Mayor Boles stated that the majority of residents would vote to control density; however, he did not believe that they knew what the ordinance meant. He encouraged looking at neighborhoods individually.

Commissioner Gardner stated that there was testimony provided to Planning and Zoning Board and the Commission that neighborhoods could request a variance if a resident wanted to build three houses on multiple lots that originally had a single house. He added that neighborhoods could determine whether specific boundaries would be excluded from the ordinance.

Commissioner Jones replied that each neighborhood could address the Commission if they wanted the ordinance.¹ He asked for clarification regarding re-considering the ordinance at another time.

Mayor Boles explained that if a Commissioner was on the winning side of the vote they could re-address the issue.

VOTE ON MOTION

AYES: Crichlow, Burk, Jones

NAYES: Gardner, Boles

MOTION CARRIED 3/2

MOTION

Commissioner Crichlow MOVED to place Ordinance 2007-01 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Burk.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-01

¹ End of tape 1

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO ZONING; AMENDING THE DEFINITION OF "LOT" AS CONTAINED IN SECTION 28-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROHIBIT THE DIVISION OF CONTIGUOUS LOTS OF RECORD IN SINGLE FAMILY RESIDENTIAL DISTRICTS (RS-1 AND RS-2) IMPROVED BY A STRUCTURE INTO NON-CONFORMING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

VOTE ON MOTION

AYES: Crichlow, Burk, Gardner, Jones

NAYES: Boles

MOTION CARRIED 4/1

9. B./ Discussion regarding naming of the park area located at the former Fullerwood School – Commissioner Gardner.

Commissioner Gardner suggested naming Fullerwood Park *Burrell Park* in recognition of Gina Burrell. He said the Commission requested neighborhood feedback which supported naming the park Fullerwood Park. He read a letter from Gina Burrell removing her name for consideration, because the focus was ensuring that children had a safe and convenient location to play.

Mayor Boles added that the superintendent and school board members had informed him that they would not name property after a living person.

Commissioner Gardner – Announcements

Commissioner Gardner provided announcements regarding community events and concerns.

Commissioner Crichlow – Truck Driving on Leonardi Street

Commissioner Crichlow stated that the trucks that were using Leonardi Street were

tanker trucks crossing over King Street, going north on Leonardi Street. He stated that the trucks came three times per week during the winter and once per week in the summer. He suggested that the trucks drive down U.S.1 turn west on King Street, and make a right turn onto north Leonardi Street.

Following a brief discussion, it was determined that the Commission would defer action and discuss the matter at the subsequent meeting to receive input from the City Manager.

9. C./ Discussion of proposed Ordinance prohibiting certain outdoor activities – Mayor Boles.

Mayor Boles stated that he had requested that city staff propose an ordinance for prohibiting certain outdoor activities including sleeping overnight and public defecating/urinating.

Mr. Brown stated that the Federal Court decided that certain bodily functions could not be criminalized; therefore, unless there was an alternate resource the city could not criminalize those acts. He pointed out that the ordinance would be in effect ten days after it was passed, but excluded the homeless until an alternative facility was effective for them.

Commissioner Burk suggested that the city marina be used as public restrooms since it was staffed 24 hours.

Mr. Regan replied that city staff would investigate the cost.

Mayor Boles – Lobbyist

Mayor Boles stated that he had spoken with Fiorentino and Hewett regarding their government relations practice, and he questioned whether the Commission wanted a representative in Tallahassee that was aware of legislative issues.

Mr. Regan stated that if the Commission directed city staff they could research the type of services, fees and the benefit provided by Lobbyists to other cities.

Mayor Boles suggested a presentation by a Lobbyist regarding their services.

Mr. Regan stated that staff would discuss the issue with Fiorentino and Hewett.

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

(None)

11. Resolutions and Ordinances (To include public hearings)

11.A. Resolutions

11.A.1/ Consideration of Resolution 2007-03, authorizing a Change in Route for the St. Augustine Sightseeing Trains.

Mr. Regan summarized that Resolutions 2007-03 and 2007-04 pertained to route changes regarding drop-off and pickup for the St. Augustine Sightseeing Trains and St. Augustine Historical Tours. He added that there had been an update of the resolution that corrected Scrivner's errors and included a graphic representation of the route.

MOTION

Commissioner Burk MOVED to pass Resolution 2007-03. The motion was SECONDED by Commissioner Jones and APPROVED by UNANIMOUS VOICE VOTE.

11.A.2/ Consideration of Resolution 2007-04, authorizing a Change in Route for the St. Augustine Historical Tours.

MOTION

Commissioner Burk MOVED to pass Resolution 2007-04. The motion was SECONDED by Commissioner Crichlow and APPROVED by UNANIMOUS VOICE VOTE.

11.B/ Ordinances – First Reading

(None Scheduled)

11.C.1/ Ordinances – First Reading – Public Hearing – Public Hearing – Ordinance 2007-02, vacating a portion of Red Cox Road (formerly known as Old Beach Road).

Mr. Knight summarized that Ordinance 2007-02 vacated a portion of Red Cox Drive known as Old Beach Road. He displayed a map and explained the location and surrounding areas.² He pointed out that in order to develop a neighborhood park at the intersection of Red Cox Road and Anastasia Boulevard, the proposed area needed to be vacated.

Mayor Boles opened the public hearing; however, there was no response.

MOTION

Commissioner Burk MOVED to place Ordinance 2007-02 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Jones.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF RED COX ROAD (FORMERLY KNOWN AS OLD BEACH ROAD), WITHIN THE CITY LIMITS OF ST. AUGUSTINE AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESOLUTION OF CONFLICT WITH OTHER ORDINANCES;

² Map attached to original minutes

PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Jones, Crichlow, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.D. Ordinances – Second Reading – Public Hearing Required

11.D.1/ Public Hearing – Second Reading – Ordinance 2006-35, as amended, modifying the parking requirements for Marinas.

Mr. Knight summarized that the proposed amendment to Ordinance 2006-35 changed the parking requirement to one parking space per two newly constructed wet slips. He explained that if someone wanted to add slips to an existing marina, staff would evaluate the existing parking situation and parking under requirement by code. He said if they had parking spaces available for the existing boat slips when they added slips they could count those parking spaces at two per one to add boat slips; however, they could not to eliminate parking from the day of adoption, because the ordinance would only apply to newly constructed boat slips. He pointed out that each marina had different grandfathered parking requirements; therefore, the matter would be evaluated on a case by case basis. He provided an example that if a twenty slip marina had twenty parking spaces, and wanted additional wet slips they could add up to twenty wet slips without additional parking spaces.³ He added that city staff performed a random study of twenty cities and the majority had one parking space per two or three wet boat slips.

Mayor Boles opened the public hearing.

³ End of tape 2

Barry Benjamin, 1010 N. Marshwind Way, Ponte Vedra Beach, FL., referred to the following:

- Parking problems near the marina only existed on special occasions
- Recommended one parking space per two boat slips

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

- The ordinance had been written at the request of local business owners
- Requested a moratorium on future permits

Bruce Maquire, 11 Surfside Avenue, referred to the following:

- Recommended one parking space per three wet boat slips
- Wet slips provided dockage for the transient and sailboats

Robert Grubbard, 33 Water Street, referred to the following:

- Retaining parking requirements for existing marinas would effect the Conch House and other marinas without further capacity
- Requested one parking space per two wet boat slips for new and existing marinas

Debra Alexander, 307 Ribault Street, referred to the following:

- Suggested that the city perform a traffic study
- Variance could be requested on a case-by-case basis

Judd Hobgood, 205 Alcazar Street, referred to the following:

- Suggested transporting boaters from an offsite parking facility to eliminate parking problems

Mayor Boles closed the public hearing.

Mayor Boles pointed out that items were brought before the Commission when interested parties requested a discussion. He added that the city began working with the Port and Waterway to develop a mooring and harbor management plan. He explained that they were waiting for results of the study; moreover, determining the location for the mooring fields considering sensitive environmental issues created a long process.

MOTION

Commissioner Crichlow MOVED to approve Ordinance 2006-35 as amended. The motion was SECONDED by Commissioner Jones.

Mayor Boles pointed out that the ordinance would not protect the neighborhood from parking problems.

Commissioner Burk stated that she would vote for the amendment; however, she would vote against the amended ordinance.

VOTE ON MOTION

AYES: Crichlow, Jones, Burk, Gardner

NAYES: Boles

MOTION CARRIED 4/1

MOTION

Commissioner Crichlow MOVED to place Ordinance 2006-35, as amended, on second reading, read by title only and passed. The motion was SECONDED by Commissioner Gardner.

Commissioner Gardner expressed concern about upland development, and he added that the expansion of wet slips would be good for the city. He asked for clarification regarding the current status on a mooring field plan.

Mr. Regan replied that the Port and Waterway Authority contracted Taylor Engineering to establish the information needed for the environmental permit. He stated that they had worked with the

Department of Environmental Protection and staff would attend a mooring workshop on February 13, 2007. He explained that the mooring field organized the number of boats in the harbor and allowed for increased boat density on the water.

Mr. Brown read the title as follows:

ORDINANCE NO. 2006-35

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-373(c)(23) RELATING TO REQUIRED OFF-STREET PARKING FOR MARINAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

Mayor Boles agreed that the city needed more slips; however, he preferred providing additional slips without causing parking problems for residents.

Commissioner Crichlow pointed out that city staff had researched twenty cities regarding parking requirements.

VOTE ON MOTION

AYES: Crichlow, Gardner, Jones

NAYES: Burk, Boles

MOTION CARRIED 3/2

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

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

- Illegal dumping
- The city needed public transportation⁴

Jerry Butterbaugh, 21 Leonardi Street, referred to the following:

- Displayed pictures of trucks driving on Leonardi Street

⁴ End of tape 3

- Large trucks should not drive on residential streets

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

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned at 8:03 p.m.⁵

MAYOR

CITY CLERK

⁵ Transcribed by Susan Goins