

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
March 12, 2007

The City Commission met in a formal session Monday, March 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

William B. Harriss, City Manager
Ron Brown, City Attorney
Karen Rogers, City Clerk
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
Paul K. Williamson, Director, Public Affairs
Dr. William Adams, Director, Heritage Tourism
Robin Upchurch, Assistant City Attorney
Loran Lueders, Police Chief
Jimmy Owens, Fire Chief
Barry Fox, Sergeant, Police Department
Susan Goins, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Byron Hodges, St. Mary's Missionary Baptist, 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 Crichlow MOVED to approve the minutes of the regular meeting of February 26, 2007 as presented. The motion was SECONDED by Commissioner Burk and APPROVED by UNANIMOUS VOICE VOTE.

3.C/ Proclamation

- 2007-07 - Recognition of contributions from the Historic District One Association, Inc.

Mayor Boles read and presented the proclamation to Hildegard Pacetti.

Ms. Pacetti recognized the efforts put forth by the late Paul Fagundo.

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

(None)

5. Staff Reports and Presentations

(None)

6. ITEMS BY CITY ATTORNEY

Mediation Settlement

Ron Brown, City Attorney, stated that a lawsuit involving a public records request dispute against the city had been resolved. He said Commissioner Jones and Robin Upchurch, Assistant City Attorney attended the mediation and the city was vindicated regarding the manner and timing in which the city responded to the request.

Commissioner Jones stated that the mediation was short and both parties were satisfied with the outcome.

MOTION

Commissioner Jones MOVED to approve the mediation agreement. The motion was SECONDED by Commissioner Burk and APPROVED by UNANIMOUS VOICE VOTE.¹

VOTE ON MOTION

AYES: Jones, Burk, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

Lawsuit

¹ Attached to original minutes

Mr. Brown stated that a boater claimed that their boat had been damaged during a pump-out procedure at the City Marina. He explained that the insurance company had paid the boat owner for the value of the boat and filed a claim against the city. He said the Florida League of Cities represented the city in the claim, mediation would be June 21, 2007 and a Commissioner was required to attend. He added that the city was contesting the claims.

Commissioner Jones volunteered to attend the mediation.

Upcoming Hearing

Mr. Brown stated that they received notice from property owners concerning a decision by the Code Enforcement Board. He explained that the matter concerning a finding of violation involving a boarding house located in Lincolnton. He said a special magistrate was appointed and scheduled a hearing for March 28, 2007 at 9:30 a.m. at City Hall, and the matter required Commission representation.

Following a brief discussion, Commissioner Jones volunteered to attend the mediation.

Bass Cab Demolition

Mr. Brown stated that there was a review in process to determine the existence of asbestos at the old Bass Cab building, and once completed they would finalize the demolition process.

7. ITEMS BY CITY CLERK

7. A/. Notification of Proclamations

- **2007-06 - International Women's Day in St. Augustine (Enterprising Women's Leadership Institute EWLI)**

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 cancellation of the April 9, 2007 Commission Meeting.

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

8.A.4/ Consideration of recommendation by the Entry Corridor Review Committee relative to 116 San Marco Avenue.

8.A.5/ Consideration of Florida Department of Transportation Local Agency Program Agreement.

8.A.6/ Consideration of the donation of surplus property to the Town of Hastings.

William B. Harriss, City Manager, read the consent agenda.

MOTION

Commissioner Burk MOVED to approve the consent agenda. The motion was SECONDED by Commissioner Jones and APPROVED by UNANIMOUS VOICE VOTE.

8.B/ Discussion Items- Discussion regarding proposal for lobbying services from Fiorentino and Hewett.

Mr. Harriss stated that he had received the proposal from the lobbying firm, Fiorentino and Hewett. He said their fee was \$4,000 per month for twelve months or \$25,000 fixed rate for the session.

Commissioner Jones stated that lobbying work was usually completed prior to the session; therefore, the firm's service was required beyond the legislative session. He said the city needed assistance in Tallahassee pertaining to homestead exemption and taxes, and he expressed concern regarding the Charter Government

proposed by St. John's County and the potential effect on the city.

Commissioner Gardner stated that the money would be better utilized to cover the potential loss from the proposed property tax legislation.

Commissioner Crichlow stated that many local governments obtained lobbyist, and he expressed concern that the city could be left out of funding.

Commissioner Burk stated that the city had a good relationship with the elected officials and it was not worth the money.

Mayor Boles stated that lobbyists had experience finding money sources. He suggested that the city hire the firm and evaluate their progress after a year. He expressed concern that the session had begun and suggested considering the matter for next year while composing a legislative priority list.

Following a brief discussion, it was determined that the city would not hire the firm and research the matter to determine whether Fiorentino and Hewett had experience with grants and the type of services provided throughout a year contract.

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Mayor Boles – 450th Anniversary Celebration

Mayor Boles presented a license plate from the city's 400th anniversary celebration in the 1965. He explained that the U.S Congress appointed a 400th Birthday Commission for Jamestown, Virginia, and he discussed whether a bill or resolution was sufficient for appointment of a Florida State 450th Birthday Commission.

Commissioner Gardner stated that the Director of Public Affairs and the Director of Heritage Tourism recommended an

exploratory committee including themselves, a member of the Commission and three community representatives familiar with city heritage and event development. He explained that the exploratory committee would outline the scope, structure, and frame the planning, including recommendations for sub-committees. He added that the city, represented by the Commission, should control the event.

Mayor Boles replied that control of the event included financial responsibility. He said Dr. Proctor would obtain the names of people with sufficient money to serve on the committee. He added that he scheduled appointments to inquire whether the Pope or the King of Spain could attend the celebration.

Homeless Shelter

Mayor Boles stated that the St. Francis House and the Salvation Army were working on establishing the new homeless shelter. He explained that they identified a potential site for a larger facility, and he was scheduled to discuss the progress with the Salvation Army on March 20, 2007.

Panhandlers

Mayor Boles stated that panhandlers asked his mother to borrow her cell phone to call someone to bring them food. He said the panhandlers were getting creative with ways to obtain money from citizens.

Commissioner Crichlow – Tree Removal

Commissioner Crichlow suggested that the city increase the fine for tree removal because residents had been removing trees without permission. He said the \$5,000 fine was not a deterrent. He suggested that the Code Enforcement Board discuss increasing the penalty for tree removal and provide recommendations to the Commission.

Mr. Harriss stated that other cities had larger fines and city staff would investigate the matter.

Commissioner Burk – Concerts in the Plaza

Commissioner Burk stated that the concerts in the Plaza would begin April 5, 2007 and continue throughout August. She added that there would be special holiday concerts on Memorial Day, Independence Day and Labor Day.

Commissioner Jones - Salvation Army

Commissioner Jones stated that residents expressed concern that a homeless shelter would be built in West Augustine. He suggested contacting community groups to hear their concerns and work with them if the shelter was established in their neighborhood. He added that the community had composed a letter opposing the shelter.

Affordable Housing

Commissioner Jones stated that there were rumors about building a community of storage units/shipping containers for affordable housing.²

Commissioner Gardner replied that he discussed the matter with the West Augustine community group. He explained that he was working towards establishing shipping containers to convert into a clinic, office or apartments. He said he favored the shipping containers because building a major center would take a long time, and he requested that the community consider the idea.

Newsletter

Commissioner Jones stated that the *Food Not Bombs* newsletter misquoted him stating that “the homeless would go away because it got cold”. He said he recognized that the problem was not that simple.

² End of tape 1

Commissioner Gardner – Interlocal Agreement at Salt Run

Commissioner Gardner said a resident had informed him that a sign had been installed at the Lighthouse Restaurant stating that it was private property.

Mayor Boles stated that he saw a sign stating “Parking for Yacht Club members only”. He pointed out that the sign was not necessary because the Yacht Club only used the facility Wednesday and Friday.

Mr. Harriss replied that the Yacht Club had installed the signage. He said they should change the sign to allow community groups to use the parking lot when using the building.

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 Interlocal Agreement with the St. Augustine Port, Waterway and Beach District regarding the Lighthouse Park Boat Ramp.

Jim Piggott, General Services Director, stated that the St. Augustine Port, Waterway and Beach District offered to replace the existing concrete floating dock at the Lighthouse Park Boat Ramp. He explained that the district required the city’s assistance to apply for a Florida Inland Navigation District (FIND) grant to finance 50% of the estimated construction cost. He said that if the Commission approved the interlocal agreement, Resolution 2007-07 must be adopted, which applied for the FIND grant.

MOTION

Commissioner Burk MOVED to approve the Interlocal Agreement specifying that the city apply for the FIND grant. The motion was SECONDED by Commissioner Jones.

Commissioner Gardner expressed concern that expanding the dock area would increase boat traffic in the neighborhood.

Commissioner Crichlow explained that expanding the dock would not increase the amount of boats.

Carl Blow, St. Augustine Port Waterway & Beach District, further explained that the dock would increase the efficiency of the ramp.

VOTE ON MOTION

AYES: Burk, Jones, Crichlow, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.A.2/ Consideration of Resolution 2007-07, authorizing application for a Florida Inland Navigational District Grant Application.

MOTION

Commissioner Crichlow MOVED to approve Resolution 2007-07. The motion was SECONDED by Commissioner Burk and APPROVED by UNANIMOUS VOICE VOTE.

11.B.1/ Ordinances – First Reading - Introduction and consideration of Ordinance 2007-06, regarding modification to the St. Augustine Firefighters’ Pension Trust Fund.

Timothy A. Burchfield, Chief Administrative Officer, summarized that Ordinance 2007-06 was modified due to changes in the tax code by the legislature.

MOTION

Commissioner Burk **MOVED** to place Ordinance 2007-06 on first reading, read by title only and passed. The motion was **SECONDED** by Commissioner Crichlow.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-191, DEFINITIONS, BY AMENDING THE DEFINITIONS OF "CREDITED SERVICE" AND "RETIREMENT"; AMENDING SECTION 20-193, BOARD OF TRUSTEES; AMENDING SECTION 20-199, VESTING; AMENDING SECTION 20-200, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 20-206, DISTRIBUTION OF BENEFITS; AMENDING SECTION 20-214, DIRECT TRANSFERS OF ELIGIBLE ROLL-OVER DISTRIBUTIONS; ADDING SECTION 20-217, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Crichlow, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.C.1/ Ordinances – First Reading – Public Hearing

(None)

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

11.D.1/ Public Hearing – Ordinance 2006-37, amending the Future Land Use Element for Small Scale Development in Commercial Land Use Designations.

Mark Knight, Director, Planning and Building Department, summarized that Ordinance 2006-37 provided for amendments to the Future Land Use Element of the city's Comprehensive Plan. He explained that the proposed amendment to the Future Land Use Element limited all small scale amendments to the Future Land Use Map, pertaining to Commercial Medium Intensity and Commercial Low Intensity designations, to a maximum of ten residential dwelling units per acre. He added that the ordinance applied if the area was ten acres or less or commercially designated.

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

MOTION

Commissioner Burk **MOVED** to place Ordinance 2006-37 on second reading, read by title only and passed. The motion was **SECONDED** by Commissioner Crichlow.

Mr. Brown read the title as follows:

ORDINANCE NO. 2006-37

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE ELEMENT; PROVIDING FOR PROOF OF PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

VOTE ON MOTION

AYES: Burk, Crichlow, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.D.2/ Public Hearing - Ordinance 2007-03, Prohibiting Certain Outdoor Activities in Public Places.

Mr. Brown summarized that Ordinance 2007-03 prohibited the use of public places for certain activities such as habitation, sleeping and the placement or deposit of human excrement. He said the ordinance allowed enforcement when there were facilities available for those activities. He added that the public restrooms at the City Marina would be available 24 hours per day.

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

MOTION

Mayor Boles MOVED to place Ordinance 2007-03 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Crichlow.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-12 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO PUBLIC HEALTH AND SAFETY; MAKING FINDINGS; PROVIDING A DEFINITION; PROHIBITING SLEEPING, CAMPING OR HABITATION AND THE PLACEMENT OF ANY HUMAN EXCREMENT, INCLUDING URINE AND FECES, ON THE PUBLIC STREETS, SIDEWALKS, ALLEYS, PARKS, PLAZAS OR ANY OTHER PUBLIC PLACES; DESIGNATING COMMENCEMENT OF ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Boles, Crichlow, Gardner, Burk, Jones

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.D.3/ Public Hearing - Ordinance 2007-04, Vacating, Discontinuing and Abandoning a Utility Easement on a Portion of Genovar Street located West of U. S. 1.

Mr. Harriss summarized that Ordinance 2007-04 vacated an easement, and the street had been previously vacated. He said the property owner requested that the city vacate the easement.

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

MOTION

Commissioner Burk MOVED to place Ordinance 2007-04 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Crichlow.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING AN EASEMENT IN FAVOR OF THE CITY AND LOCATED OVER AND ACROSS PORTIONS OF GENOVAR STREET AS DESCRIBED IN ORDINANCE 90-06; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Crichlow, Jones, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.D.4/ Public Hearing - Ordinance 2007-05, requiring the Sanitary Disposal of Dog Feces.

Ms. Upchurch summarized that during the prior Commission meeting there was a discussion regarding applying the ordinance pertaining to the disposal of dog feces to private property in addition to public property. She stated that Palm Coast and Palatka imposed a duty to remove feces from public and private property; however, Daytona and Gainesville prohibited the placement of dog feces on public and private property. She suggested that the Commission remove references to private property in the ordinance. She added that homeowners could request that the dog owner leave the property and if they returned, contact law enforcement to issue a trespass warning.

Commissioner Burk stated that an ordinance instructing a citizen to step onto private property was in violation of state trespassing laws. She suggested that the Commission remove the words *private property* from the ordinance.

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

Following a brief discussion it was determined that the Commission would amend the ordinance to prohibit dog defecation on private property and require pickup on public property.

MOTION

Commissioner Jones MOVED to amend Ordinance 2007-05 to prohibit dog defecation and urination on private property without permission of the property owner and pickup on public property. The motion was SECONDED by Commissioner Burk and APPROVED by UNANIMOUS VOICE VOTE.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2007-05 on second reading as amended, read by title only and passed. The motion was SECONDED by Commissioner Jones.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 5-50 OF THE CODE OF THE CITY OF ST. AUGUSTINE; REQUIRING THE SANITARY DISPOSAL OF DOG FECES; PROVIDING FOR A PENALTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Crichlow questioned whether the city would install signage regarding the ordinance.

Mr. Harriss replied that the city could install signs if they noticed violations.

VOTE ON MOTION

AYES: Crichlow, Jones, Burk, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

(None)

Non-Agenda Item

Commissioner Jones stated that the city had disposed of surplus property for Sister City Hastings.

Mr. Harriss stated that Hastings was appreciative and would refurbish the property.

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

Mayor Boles presented Commissioner Gardner with a plaque from the First Coast Planning Organization commending him for his participation in the First Coast NPO.

Non-Agenda Item

Tommy Harrison, Zion Baptist Church, thanked the city for the work completed around the church.

13. Adjournment

There being no further business, the meeting was adjourned at 6:45 p.m.³

MAYOR

CITY CLERK

³ Transcribed by Susan Goins