

CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
March 26, 2007

The City Commission met in a formal session Monday, March 26, 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  
Robin Upchurch, Assistant City Attorney  
Loran Lueders, Police Chief  
Jimmy Owens, Fire Chief  
Barry Fox, Sergeant, Police Department  
Susan Goins, Recording Secretary

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**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Boles, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

**3. ADMINISTRATIVE ITEMS**

**3.A/ Modification of Agenda**

Mayor Boles stated that item 5.A. regarding a presentation by Flagler College had been added to the agenda.

**3.B/ Approval of Minutes**

**MOTION**

**Commissioner Gardner MOVED to approve the minutes of the regular meeting of March 12, 2007 as presented. The motion was SECONDED by Commissioner Jones and APPROVED by UNANIMOUS VOICE VOTE.**

**3.C/ Proclamation**

(None)

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

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

- A Bar near his house played loud music
- Noise ordinance stated that outdoor amplification was prohibited after 10:00 p.m.

Mayor Boles suggested that Mr. Hall contact the City Attorney for interpretation of the noise ordinance.

Following a discussion regarding the matter, Mr. Harriss stated that the Planning and Zoning Board could restrict outside amplified music.

## 5. Staff Reports and Presentations

### **5.A/. Presentation by Flagler College regarding a discussion on Sevilla Street.**

Dr. William Abare, President Flagler College, summarized that the Commission had agreed to one-way traffic on Sevilla Street during construction of the student center; however, the college wanted to permanently change the street to one-way. He said a one-way street would be safer for pedestrian traffic and would improve the landscape and street architecture. He said the college had a study completed by a landscape architect and an arborist regarding future landscaping.

Sharon Fowler, Hauber Fowler & Associates, Orlando, Florida, noted that after studying the landscape on Sevilla Street, the trees leaned over the road which was not safe during storms and hurricanes. She referred to a diagram and outlined the current landscape.<sup>1</sup> She explained that the trees root system had filled the planting space and went over the curb. She stated that they devised solutions to the problem and referred to the first solution:

- Keep the current trees

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<sup>1</sup> Attached to original minutes

- Remove pavement to provide more space for the existing trees
- Increased landscaping to allow more room for the trees to receive water and oxygen
- Change Sevilla Street to a one-way 14-foot road

Ms. Fowler stated that the change would eliminate the danger of students crossing the street with two way traffic, allowed more movement down Sevilla Street and gave the trees more room to grow.

Ms. Fowler referred to the second solution:

- Remove the current trees, which would inevitably need to be removed
- Replace the trees with 22-foot Live Oak Trees
- Space the replacement trees 50-feet apart to allow room to spread and improve growth

Larry Smith, Agronomist/Horticulturist, Arborist, stated that the existing trees were planted in too small an area. He explained that there had been infrastructure damage to the sidewalks and curbing, and wood formations developed at the base of the trees, plus there was a liability issue for the city. He added that the replacement trees were a suitable size to maintain the ambiance of the city.

Mayor Boles questioned whether the college wanted the city to vacate the street as less vehicle traffic on the street would be beneficial.

Mr. Abare stated that he was in favor of the street vacation; however, there was a home on the street that needed access to the right-of-way.

Commissioner Gardner expressed apprehension about losing the tree canopy.

Commissioner Burk stated that the city could vacate the street with a life estate easement for vehicle access. She

questioned whether the College would plant twenty trees if the city vacated the street.

Mr. Harriss expressed caution about vacating the road. He said the matter would take research and an ordinance. He added that staff could research the matter at the Commission's request.

Commissioner Jones stated that he would not favor vacating the street. He said that he supported removing and replacing all the trees at the same time.

Commissioner Crichlow stated that he would not support replacing the trees. He said the city should replace the trees after they die. He suggested removing parking to provide more space for the trees to improve their health. He spoke against vacating the street. He added that he would prefer the street wider than 14 feet.

#### **MOTION**

**Mayor Boles MOVED to approve one-way traffic and eleven new trees funded by Flagler College on Sevilla Street. The motion was SECONDED by Commissioner Burk and APPROVED by UNANIMOUS VOICE VOTE.**

#### **VOTE ON MOTION**

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

**NAYES: Crichlow**

**MOTION CARRIED 4/1**

#### **6. ITEMS BY CITY ATTORNEY**

(None)

#### **7. ITEMS BY CITY CLERK**

##### **7.A/ Notification of Proclamations**

- **2007-08 - National Public Works Week**

**7.B/ Consideration of two appointments to the Historic Architectural Review Board.**

Karen Rogers, City Clerk, stated that there were two appointments to the Historic Architectural Review Board for consideration. She explained that Antoinette Wallace was eligible for re-appointment; however, Peter Rumble was not eligible, and the vacancy required an architect. She said she had received seven applications as follows:

- Raymond J. Green, 133 Oyster Catcher Circle, Retired Architect
- Becky Greenberg, 3 St. Andrews Court, Retired Teacher
- Fred Halback, 287 St. George Street, Landscape Architecture
- Jay Whitaker Moore, 23 Mulberry Street, Self-syndicated Columnist
- R. Rhey Palmer, 74 Osceola Street, Leadership Director
- Miriam E. Pujals, 72 Sanford St., Retired college professor
- Antoinette B. Wallace, 104 Lincoln Street, Archaeologist

#### **MOTION**

**Commissioner Burk MOVED to re-appoint Ms. Wallace. The motion was SECONDED by Commissioner Crichlow and APPROVED by UNANIMOUS VOICE VOTE.**

The first ballot for the second seat indicated that Fred Halback received a majority vote of 3/2.

Mayor Boles questioned whether working for the city would be a conflict for Mr. Halback as a HARB board member.

Mr. Harriss replied affirmatively.

#### **8. ITEMS BY CITY MANAGER (Includes Consent Agenda)**

##### **8.A/ Consent Agenda**

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

**8.A.2/ Release of Liens for Unit Connection Fee Mortgages.**

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

**MOTION**

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

Non-Agenda Item – Resolution 2007-08

Timothy A. Burchfield, Chief Administrative Officer, summarized that Resolution 2007-08 was related to the Florida Department of Transportation Local Agency Program Agreement approved at the prior meeting. He said the city was required to pass a resolution to authorize signatures on the agreement.

**MOTION**

**Commissioner Burk MOVED to approve Resolution 2007-08. The motion was SECONDED by Commissioner Jones and APPROVED by UNANIMOUS VOICE VOTE.**

**9. ITEMS BY THE MAYOR AND COMMISSIONERS**

Commissioner Gardner –Tree Replacement

Commissioner Gardner stated that if the city could save the trees they should; however, damage had been done and Flagler College would replace the trees without cost to the city.

Release of Unit Connection Fees Documentation

Commissioner Gardner stated that he had not read the documentation for the release of unit connection fees included in the agenda packet because he relied on the City Manager and City Attorney to verify the

information. He questioned whether the documentation could be excluded from the packet.

Mr. Harriss replied that the city issued loans to citizens that needed connection fees paid. He explained that the papers were the legal documents after the loan had been paid.<sup>2</sup> He said the City Attorney could reduce the amount of documents included in the packet.

Commissioner Crichlow – Tour Trains

Commissioner Crichlow stated that he had observed a black tour train parked in the middle of St. Francis Street. He said the people on the tour were off of the train; however, there were cones in front and back of the train. He said the train blocked the street, and cars were forced to drive around it.

Mr. Harriss stated that he would discuss the matter with the tour company.

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

(None)

**11. Resolutions and Ordinances (To include public hearings)**

**11.A. Resolutions**

(None)

**11.C. Ordinances – First Reading – Public Hearing**

(None)

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

**11.D.1/ Public Hearing - Ordinance 2007-06, regarding modification to the St.**

<sup>2</sup> End of tape 1

**Augustine Firefighters' Pension Trust Fund.**

Mr. Burchfield summarized that Ordinance 2007-06 was modified due to changes in the tax code by the legislature. He added that there was a letter of no impact from the Actuarial Company.

**MOTION**

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

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

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, Gardner, Crichlow, Jones, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

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

(None)

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

(None)

**13. Adjournment**

There being no further business, the meeting was adjourned at 6:10 p.m.<sup>3</sup>

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MAYOR

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CITY CLERK

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<sup>3</sup> Transcribed by Susan Goins