

## CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
April 23, 2007

The City Commission met in a formal session Monday, April 23, 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  
Jim Piggott, General Services Director  
Mark Knight, Director, Planning and Building Department  
Dr. William Adams, Director, Heritage Tourism  
Sam Lansdale, Deputy Director Public Works  
Paul K. Williamson, Director, Public Affairs  
Robin Upchurch, Assistant City Attorney  
Michael Arnold, Fire Chief  
Kevin Stark, Police Department  
Susan Goins, Recording Secretary

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### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Mattie Taylor, Hurst Chapel AME Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

### **3. ADMINISTRATIVE ITEMS**

#### **3.A/ Modification of Agenda**

Mayor Boles stated that the community had expressed concern about removal of the trees on Sevilla Street. He said they questioned the opinions of paid experts for Flagler College, and they had also had questioned the qualifications of Mr. Lippi.

He explained that he voted for the removal of the trees based on liability for the city. He suggested that the city hire a third party to provide an objective opinion about the safety and long-term health of the trees.

Commissioner Gardner stated that he favored hiring a third party to review the matter.

Commissioner Jones stated that he agreed that the city hire a third party to review the trees. He pointed out that the removal of the trees had not been pushed by Flagler College, the college had offered several alternatives and based on the information provided, the Commission voted to remove the trees.

Commissioner Burk suggested that the city hire an arborist from outside St. Augustine to ensure an unbiased opinion.

Commissioner Crichlow stated that an independent opinion regarding the health of the trees was important. He added that the Historic Architectural Review Board should review the matter to determine the impact of modifying the street to the historic character of the city.

#### **MOTION**

**Commissioner Jones MOVED to refer the matter to the Historic Architectural Review Board for review after the independent tree study as per Commissioner Crichlow's request. The motion was SECONDED by Commissioner Gardner.**

Commissioner Gardner suggested that the tree assessment include a determination of the lifespan of the trees and recommended maintenance to prolong their life.

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Commissioner Jones suggested that the discussion regarding the Timucua burial site be placed on the agenda as a discussion item following general public comments considering some of the representatives of The American Indian Movement (AIM) were from out of town.

#### **3.B/ Approval of Minutes**

#### **MOTION**

**Commissioner Crichlow MOVED to approve the minutes of the regular meeting of March 26, 2007 as presented. The motion was SECONDED by Commissioner Gardner and APPROVED by UNANIMOUS VOICE VOTE.**

#### **3.C/ Proclamation**

- **2007-09 - Sexual Assault Awareness Month**

Mayor Boles read and presented the proclamation to Beth Hughes.

- **2007-18 - Letter Carriers' Food Drive Day**

Mayor Boles read and presented the proclamation to Julie Gustafson.

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

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

- Homestead Exemption
- City should not pay water of bills of city employees

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

- Effects of global warming could flood the city
- The city should respect Native American burial sites

1. Diane Casagrande, 6801 12 Street, St. Petersburg, Florida
2. George Garcia, 6801 12<sup>th</sup> Street, St. Petersburg, Florida
3. Susan Broderick, 8 Catalonia Court
4. Ruby Beaulieu, 6804 Amarillo Street, Port Richey, Florida

The aforementioned residents spoke in favor of preserving the American Indian Burial Site and referred to the following:

- Digging up the burial site was disrespectful
- Human remains should be left where originally buried

- The burial site was part of American history
- Remains removed from the site should be returned
- People buried at the site were humans; not artifacts or specimens
- The city should consider ways to preserve and protect the burial site

Mayor Boles questioned whether the city had the bones excavated at the site.

Mr. Harris replied affirmatively. He explained that the city was willing to return the remains; however, the state archeologist required a proposal for preserving them. He said the city wanted to keep them until resolution of the matter rather than digging a hole in the ground for them. He pointed out that the city could buy the site if they had the funds. He added that the city archeologist said the site had not risen to the significance of a national registered district site; however, another archeologist could disagree.

Mayor Boles stated that state funding could be used to pay for the site and AIM could start a fund raising effort to purchase the property and donate the site to the city as stewards.

Following a brief discussion regarding the site, Mr. Harris pointed out that the city wanted to wait for the state archeologist to approve the plan to return the remains. He added that the city would support representatives from AIM accepting the remains if they could legally; however, he had not believed the city had the authority. He added that the State Statute controlled burial grounds.

Commissioner Jones suggested that he discuss the matter with representatives of AIM and the Director of Planning and Building because the city was prepared to accept stewardship of the land if there was funding to purchase the property.

Mayor Boles suggested adding the matter to the agenda for the subsequent Commission meeting.

## **5. Staff Reports and Presentations**

(None)

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

(None)

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

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

- **2007-10 - Doctors' Day in the City of St. Augustine**
- **2007-11 - 50th Anniversary of the Easter Festival and Parade**
- **2007-12 - Recognition of Henry "Hank" A. Lanterline**
- **2007-13 - Tai Chi Day**
- **2007-15 - Society for Advancement of Management, Flagler College**

### **7.B/. Notification of a seminar "Successful Citizen Advisory Board Training" sponsored by the Florida League of Cities.**

Karen Rogers, City Clerk stated that the city would host a citizens' advisory board training on June 29, 2007 from 12:30 p.m. to 4:30 p.m. She said the training was organized by the Florida League of Cities in conjunction with the Florida Institute of Government and would be conducted by Tom Taylor of the Florida Conflict Resolution Consortium.

## **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.**

**8.A.3/ Reimbursement from the Florida Department of Transportation for the State Highway System Lighting, Maintenance and Compensation Agreement.**

**8.A.4/ Approval of Old Sebastian Point Final Subdivision Plat.**

**8.A.5/ Consideration of Lease Agreement with Granada Street, LLC for property located at 30 Granada Street.**

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

Commissioner Gardner asked for clarification regarding item 8.A.5.

Mr. Harriss replied that the matter concerned demolition of the old Bass Cab building after which the city would use the site for parking for five years in exchange for grandfathered rights on the property.

**MOTION**

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

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

**9.A/ Discussion concerning Sevilla Street Tree Canopy – Commissioner Gardner.**<sup>1</sup>

<sup>1</sup> Heard under item 3.A.

**Commissioner Gardner – Commission Priority List**

Commissioner Gardner suggested that the money remaining in the budget from the Commission priority list be used to purchase additional picnic tables for Francis Field for school children that visit the Visitor's Information Center. He stated that \$25,000 was assigned for improvements at the Spanish Quarter Museum; however, the funds had not been used.

Following a brief discussion regarding available funds, Mr. Harriss stated that he would investigate the item funds that had not been spent and do a request to dedicate the money after he received a quote for the picnic tables.

Mayor Boles suggested that city staff update the Commission regarding the priority item funds that had not been spent.

**Commissioner Crichlow – Cathedral Parish Festival**

Commissioner Crichlow thanked the supporters of the Cathedral Parish Festival.

**Mayor Boles – Sister City Aviles, Spain**

Mayor Boles stated that he went to Aviles, Spain and discussed the following with the Mayor:

- Continuing the student exchange program for fourteen to eighteen year olds and college students
- Aviles would partner with the city for the 450<sup>th</sup> Anniversary Celebration
- Proposed a tourism exchange program

**Non-Agenda Item**

John Regan, Chief Operations Officer provided an update on the Visitor's Information Center Parking Facility and referred to the following:

- Usage was on track with expectations
- The facility had been designed to provide peak parking capacity during large events
- Working on payout system in terms of staffing and how to use the system
- \$5 entrance fee during peak usage while they solve glitches with the payout system
- Establishing metering system and form of parking citations
- Installing new electronic system to efficiently track violators of city parking policies; if someone received three parking tickets, the city would boot their car
- Parking citation system would tie in with Tallahassee to deny car registration
- New citations would be waterproof and tear proof
- Updated fee schedule in regards to parking fines
- Updating downtown metering system installed around the Plaza for 60 days trial period at \$1.50 an hour and 50¢ rate card
- Implement pilot in July for 60 days and implement the rest of the machinery in the 4<sup>th</sup> quarter
- Implementing residential parking on Saragossa Street
- Signage program on state highway system directing people to the Parking Facility
- Updating parking "P" signs

Mayor Boles questioned whether the new parking meters would be remote controlled.

Mr. Regan replied that there were different types of meters; however, they were researching wireless systems.

Following a brief discussion regarding the type of meter system, Mr. Regan said that staff would research the type of technology

and provide recommendations to the Commission.

Commissioner Crichlow pointed out that the parking rate for locals would be 50¢.

Mayor Boles suggested a four hour time limit to discourage people that worked downtown from parking on the street.

Following a brief discussion regarding a time limit for parking, Mr. Harriss stated that the city previously had a time limit for parking; however, it was removed from the Code in the 1980's.

#### **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 2007-09 Approving Settlement Agreement regarding property located at 108 Bridge Street.**

Mr. Brown summarized that Resolution 2007-09 authorized the Commission to approve a settlement agreement brought by the owners of a roominghouse at 108 Bridge Street. He said it was an appeal of a decision by the Code Enforcement Board finding a violation of City Code concerning roominghouses in residential districts. He explained that the owner of the property filed a request for mediation and a special magistrate proceeding under Chapter 70.51 of the Florida Statutes in an attempt to resolve the matter. He said Commissioner Jones attended the mediation, and he explained the details of the proposed settlement agreement.<sup>2</sup> He added that the

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<sup>2</sup> Attached to original minutes

agreement would be binding with any future owners of the property.

**MOTION**

**Commissioner Burk MOVED to approve Resolution 2007-09. The motion was SECONDED by Commissioner Crichlow.**

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**11.A.2/ Consideration of Resolution 2007-10 Establishing the Extent of the Right-of-way for Riberia Street, as Constructed and Maintained by the City.**

Mr. Harriss explained that Resolution 2007-10 was a step to claim a city right-of-way. He said the right-of-way had been used by the city; however, it had not been dedicated as part of the resurfacing utility project they had began to design in the area. He pointed out that the city had maintained it for more then four years; therefore, city ownership was not in doubt. He said the city had to establish the right-of-way to perform improvements along Riberia Street from King Street south to Cerro Street. He added that a sidewalk would be built on one side of the street.

**MOTION**

**Commissioner Jones MOVED to approve Resolution 2007-10. The motion was SECONDED by Commissioner Gardner.**

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**11.B/ Ordinances – First Reading**

**11.B.1/ Introduction and Consideration of Ordinance 2007-07, Increasing the Fee**

**for Filing a Petition for Vacating or Abandoning a Street or Alley.**

Mr. Brown summarized that Ordinance 2007-07 amended the City Code to increase the fee for filing a petition for vacating or abandoning a street or alley from \$200 to \$400. He said the new fee reflected actual administrative and publication costs.

**MOTION**

**Commissioner Burk MOVED to place Ordinance 2007-07 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. 2007-07**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ORDINANCE 82-30, INCREASING THE FEE CHARGED FOR FILING WITH THE CITY OF A PETITION FOR THE VACATING OR ABANDONMENT OF A MUNICIPAL STREET OR ALLEY; MAKING FINDINGS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**11.B.2/ Introduction and consideration of Ordinance 2007-08 Modifying the Form of the City's Parking Ticket Citations.**

Mr. Regan summarized that Ordinance 2007-08 authorized modifying the form of the city's parking ticket citations. He stated

that the new system linked with Tallahassee, allowed the city to automate the ticketing process to track violations better and deny vehicle registration once three tickets had been issued.

## MOTION

**Commissioner Jones MOVED to place Ordinance 2007-08 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. 2007-08

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 24-32 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO MODIFY THE FORM OF THE CITY'S PARKING TICKET CITATIONS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

## VOTE ON MOTION

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

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

(None)

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

(None)

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

Chuck Lippi, 243 Shamrock Road, referred to the following:

- Suggested that the city hire a certified arborist that had taken continuing education classes in the last three years because the material changed regularly
- The arborist should follow the American Society of Consulting Arborist ethics program, because they would provide the truth about their observations

Maureen Ortagus, 1445 Masters Drive, referred to the following:

- Thanked the Commission for deciding to receive third party input regarding the tree removal on Sevilla Street
- There were psychological and aesthetic value attached to the trees
- Removal of the trees would impact and change the view of the downtown area

Gina Burrell, 27 Seminole Drive, referred to the following:

- Thanked the Commission for hiring an independent arborist to review the matter concerning the trees on Sevilla Street
- Suggested that the Planning and Zoning Board review the matter since they worked to preserve and protect trees in the city

Guy Meilleur, P.O. Box 128 North Carolina, referred to the following:

- Volunteered his services as a certified arborist to examine the trees on Sevilla Street
- He had been an arborist for 41 years and had written continuing education articles on tree risk assessment and plant health care

- Acquainted with Mr. Lippi because they were both members of the American Society of consulting arborist

Tim Smith, 108 Bridge Street, referred to the following:

- Explained how the Pledge of Allegiance should be stated
- Suggested that the boy scouts build the picnic tables for Francis Field

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

(None)

**13. Adjournment**

There being no further business, the meeting was adjourned at 6:40 p.m.<sup>3</sup>

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MAYOR

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CITY CLERK, CMC

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