

CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
June 25, 2007

The City Commission met in a formal session Monday, June 25, 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  
Errol D. Jones, City Commissioner

Absent: George Gardner, City Commissioner (Excused)

William B. Harriss, City Manager  
Ron Brown, City Attorney  
Karen Rogers, City Clerk  
Timothy A. Burchfield, Chief Administrative Officer  
John Regan, Chief Operations Officer  
Timothy Flemming, Deputy Director General Services  
Mark Knight, Director, Planning and Building  
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  
Loran Lueders, Police Chief  
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**

(None)

**3.B/ Approval of Minutes**

**MOTION**

Commissioner Crichlow **MOVED** to approve the minutes of the regular meeting of June 11, 2007 as presented. The motion was **SECONDED** by Commissioner Burk and **APPROVED** by **UNANIMOUS VOICE VOTE**.

**3.C/ Proclamation**

**3.C.1/ Proclamations**

(None)

**3.C.2/ Recognitions**

(None)

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

Bradley Davis, 34 Bay View Drive, referred to the following:

- Presented petition regarding neighborhood overlay for the Fullerwood area

Leslee Keys, 37 Bay View Drive, referred to the following:

- Presented map of area from the aforementioned petition
- The petition had been signed by ninety property owners in the Fullerwood area<sup>1</sup>

Mayor Boles stated that the Commission had not pursued neighborhood overlay zoning for Fullerwood. He said a resident in the Fullerwood area wanted overlay zoning considered and that started the discussion.

Barry Barnett, P.O. Box 353699, Palm Coast, referred to the following:

- Displayed a picture of a flag supporting the armed forces in Palm Coast<sup>2</sup>
- Requested that the city fly flags until all troops were home

Marcy Silkebaken, 1145 Welk Road, Ponte Vedra Beach, referred to the following:

- Served on the committee for the proposed St. Johns County Charter
- They enlisted the assistance of residents in St. Augustine and north west St. Johns County
- Consulted with a University of Florida professor of constitutional law for guidance and review as they went through the draft process

- Worked with the City Attorney to ensure that city power and ordinances would not be affected
- A foundation charter had been created that would specifically affect the County Commission

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

- The city misused property taxes
- City should not pay water of bills of city employees

Don Heine, 21 Fullerwood Drive, referred to the following:

- Opposed to proposed overlay zoning

Mayor Boles explained that some Fullerwood residents had met to discuss protecting the character of the neighborhood with overlay zoning. He said that the confusion could have been generated because Commissioner Gardner lived in the Fullerwood neighborhood.

**5. Staff Reports and Presentations**

(None)

**6. ITEMS BY CITY ATTORNEY**

Ron Brown, City Attorney, stated that the city had received notification from the representatives of Fish Island Development LLC that they would appeal the decision of the Commission to uphold the Planning and Zoning Board decision. He said they had indicated that they would file an appeal in circuit court under Chapter 70.5 of the Florida Statutes that required pre-suit mediation and a special magistrate proceeding. He said the city was required to participate with Commissioner representation during the mediation process.

Following a brief discussion, Commissioner Crichlow was appointed to represent the city.

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

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

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

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

- **2007-26 Greek Landing Days**

#### Non-Agenda Item

Karen Rogers, City Clerk, stated that sixty people were scheduled to attend the Citizen's Advisory Board Training. She added that the Leadership St. Johns Program held a charity ball and \$4,500 was raised for the St. Johns County Housing Partnership.

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

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

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

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

#### **8.A.2/ Designation of a Commissioner to serve as the Voting Delegate at the Florida League of Cities Conference.**

Commissioner Gardner was designated as the voting delegate for the Florida League of Cities Conference.

## **9.A/ ITEMS BY THE MAYOR AND COMMISSIONERS**

### Commissioner Crichlow – Proclamation

Commissioner Crichlow stated that he had enjoyed reading the proclamation for the Greek Landing Day proclamation at the St. Photios Greek Orthodox National Shrine.

### Mayor Boles – Mooring Fields

Mayor Boles asked for clarification regarding the steps for establishing mooring fields.

Mr. Harriss replied that, with Commission consensus, he would contact the Port and Waterway Authority for additional financial assistance for required studies as determined by Taylor Engineering. He said they had determined that additional issues should be investigated before they could apply for a permit. He said they could file for the permit by October 2007 and the Army Corps and Department of Environmental Protection would take approximately six to nine months to complete the project.

### Panhandling

Mayor Boles stated that he had received complaints about panhandling at the Cordova and King Street intersection and Castillo Drive and San Marco Avenue intersection. He added that he had received calls from residents on San Marco Avenue about people fighting on the street. He added that several violators appeared to be inebriated.

Mr. Brown replied that if the violators were disorderly and guilty of public intoxication the residents should call the police.

Commissioner Crichlow stated that if panhandlers were not making money they would leave the area. He said the "no panhandling" area might need to be expanded.

Mayor Boles questioned whether panhandlers outside of the no panhandling zone were in violation if they stepped onto the street to collect money.

Mr. Brown replied that they could be breaking state laws, because they would be endangering themselves and impeding the flow of vehicles.

## **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 2007-12, regarding Submerged Land Lease Agreements.**

Timothy A. Burchfield, Chief Administrative Officer summarized that Resolution 2007-12 ratified the current rates for submerged land leases. He said they had charged 2.5¢ per square foot plus \$375, and the state's fees were billed three different ways; the higher was \$423.89, 14.1¢ or 6% gross revenue for the property. He said the Commission must decide whether they wanted to ratify the current rates or discuss changing the rates.

Commissioner Burk suggested rates consistent with the state.

Mr. Burchfield pointed out that it would not apply to current leases; only new leases or expired leases.

Commissioner Burk stated that the city had been providing long term leases, but the terms should be adjusted yearly to match the state.

#### **MOTION**

**Commissioner Jones MOVED to approve Resolution 2007-12 amended to reflect following the state's rates. The motion was SECONDED by Commissioner Burk.**

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Mayor Boles questioned whether a homestead resident with a dock and paid property taxes was charged for submerged land lease.

Mr. Burchfield replied no.

Following a brief discussion about submerged land lease fees for other municipalities, Mr. Harriss stated that he would investigate the matter and provide a report to the Commission.

Commissioner Crichlow stated that he was concerned about the fees considering the Sebastian Harbor project. He questioned whether fees could be increased based on the value of the project. He pointed out that he was referring to multi-million dollar developments, because it would help generate revenue.

Mr. Harriss stated that they could charge for the time that staff spent on the development; however, the city could not make money on the deal. He said they were undercharging for the amount of time that staff spent processing work for the development, but they could perform a study to determine how much time was spent on larger developments. He stated that staff would perform a study in conjunction with the budget process and provide recommendations for other fees in effort to balance the budget.

### **11.B/ Ordinances – First Reading**

#### **11.B.1/ Introduction and consideration of Ordinance 2007-13, providing for the Creation of a Fire Self-Inspection Program.**

Michael Arnold, Fire Chief, stated that the proposed ordinance established a voluntary fire inspection for businesses determined to be a low risk by the Fire Department. He said that considering staff was limited for inspections, it would provide time for bigger projects. He stated that the inspection would be voluntary. He explained that a business could decline, in which case the Fire Department would perform the annual inspection. However, he said that if a business volunteered to self-inspect a form would be filled out and submitted to the Fire Department. He said they would investigate whether businesses had smoke alarms and fire extinguishers. He said they were

performing inspections on low risk businesses such as restaurants, bed and breakfast establishments and hotels. He said the goal was to inspect every business once per year; however, it was currently impossible.

Commissioner Crichlow questioned whether it would cause additional financial hardship to a property owner.

Mr. Arnold replied that there would be no fees, as it was voluntary.

Mayor Boles said people would not want to buy new fire extinguishers.

#### **MOTION**

**Commissioner Burk MOVED to place Ordinance 2007-13 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. 2007-13**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 12, CREATING SECTION 12-2, OF THE CODE OF THE CITY OF ST. AUGUSTINE ENTITLED "FIRE SELF-INSPECTION PROGRAM" TO ESTABLISH A VOLUNTARY FIRE SELF-INSPECTION PROGRAM FOR LOW RISK FACILITIES; PROVIDING FOR PENALTY; 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 AN EFFECTIVE DATE.

#### **VOTE ON MOTION**

**AYES: Burk, Crichlow, Jones**

**NAYES: Boles**

**MOTION CARRIED 3/1**

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

#### **11.C.1/ Public Hearing - First Reading - Ordinance 2007-10, creating a new section relating to Adult Entertainment Code.**

Michael Kahn, Melbourne, Florida, stated that adult entertainment was protected by the constitution and could not be banned; however, it could be regulated. He said three ordinances were created; regulatory ordinance, public nudity ordinance and a location ordinance. He explained that bookstores were core speech and had more first amendment protection than adult dancing establishments; however, they could be regulated. He said the regulatory ordinance regulated behavior inside the establishments, licensed them and could revoke the license. He said the public nudity ordinance regulated the extent of public nudity within the adult entertainment establishments, as well as throughout the city. He said the location ordinance indicated the area that adult entertainment could exist. He provided a CD consisting of studies, case laws, and other ordinances and testimony in support of the passage of the proposed ordinances.

Mayor Boles stated that the city preferred no adult entertainment establishments; however, that was not possible.

Mr. Knight stated that the city could not prohibit adult entertainment businesses in the city; therefore, an area must be provided. He referred to the zoning map and explained how the city determined the appointed location.<sup>3</sup> He explained that they had eliminated the areas they would not want adult entertainment as follows; residential districts, historic districts, entry corridors, and low intensity commercial, which left medium intensity commercial, industrial properties, open land and Planned Unit Developments. He said they removed PUD's, because they had specific uses, designs and parameters of development, and they eliminated open land which was wetlands and undevelopable, which left commercial medium intensity. He said they

<sup>3</sup> Attached to original minutes

looked at commercial areas on the backside of residential districts, commercial areas that were in close proximity to residential districts that would impact neighborhoods and they narrowed it to the most minimal areas as possible, which was the Werninck Lumber, not far from Fusion Point on the west side of U.S-1.

Mayor Boles questioned whether the area was the only location for an adult entertainment establishment and whether a proposed business would have to replace or take over one of the current businesses, and the response was affirmative.

Mr. Kahn stated that an ordinance that allowed governmental discretion for allowance of adult entertainment would probably be unconstitutional. He pointed out that all cities were required to have sufficient sites for adult entertainment.

Bruce McLaughlin, 900 Golf Boulevard Suite 303, Indian Rocks Beach Florida, Certified Zoning Inspector, stated that he was a nation wide expert in planning for adult entertainment. He stated that he had worked with Mr. Kahn and city staff to determine a suitable location for generic commercial use that was part of a relevant real estate market. He said they also investigated whether the area provided adequate sites for adult entertainment establishments and how it related to typical disqualifying land uses. He said they investigated several locations in the city and the proposed site was part of the relevant real estate market, and the closest typical qualifying use was 120% farther away than the usual segregation requirements of 500-feet.<sup>4</sup>

Mr. Kahn asked for an explanation regarding the process to determine the sufficiency of the site.

Mr. McLaughlin replied that they had looked at population ratios and sites per capita. He added that he had physically examined the areas.

Commissioner Crichlow stated that he had heard of an incident in which there was a population percentage determined; however, the population grew.

Mr. McLaughlin replied that if the city population grew a certain percentage the ordinance would need to be revisited. He said although the area was narrowly tailored, it was open for some expansion. He explained that typically there was one adult use site per 6,700 residents and the proposed ordinance allowed for four sites.

Mayor Boles opened the public hearing.

1. Ken Kinnecom, 1105 Sand Pine Court
2. Paul Shavatt, 807 East Red House Branch Road
3. David Woods, 3200 Kings Road
4. Donna Williams, 111 Porpoise Point Drive
5. Delores Pettingale, 203 Porpoise Point Drive
6. John Ringo, 743 East Red House Branch Road
7. Mitchell Rowland, 527 Creek Lane
8. Ronald L. Galy, 148 Pine Arbor Circle
9. Natalie Lucas, 30 Cordova Street
10. Tommy Lucas, 30 Cordova Street
11. B.J. Kalaidi, 8 Newcomb Street

The aforementioned residents spoke against the adult entertainment ordinances and referred to the following:

- Schools and parks were located within a half mile of the location
- The proposed location was a gateway into the city
- Adult businesses should not be located near children
- Adult entertainment establishments would set a negative image for the city
- The city should consult with the county commission regarding the matter
- The proposed ordinance should be complimentary to the St. John's County adult entertainment ordinance

<sup>4</sup> End of Tape 1

- Concerned about signage
- Adult entertainment businesses should not be welcomed into the city
- Adult entertainment businesses should not be located in West Augustine
- Questioned whether other sites had been considered before deciding on the proposed location

Mayor Boles closed the public hearing.

Mr. Kahn stated that proposed ordinance drastically decreased the city's vulnerability to adult entertainment establishments. He pointed out that currently adult businesses could open anywhere in the city including the proposed location. He added that the city had to provide a location under the constitution currently the entire city was available. He said the regulatory ordinance provided limitations and restrictions that had been deemed constitutional to regulate adult entertainment. He said if a person wanted to open a particular establishment, there were issues they had to conform to including background checks and licensing which could be revoked if violated. He added that the distance from schools matched the proximity in the State Statute.

Mayor Boles questioned whether he was familiar with the county ordinance.

Mr. Kahn replied that the county's public nudity ordinance was declared constitutional, and the city's ordinance was patterned to it.

Following a series of questions from Commissioner Jones regarding why various locations in the city had not been chosen, Mr. Knight clarified that the chosen location was adjacent to commercial or industrial businesses; therefore, the proximity to residential areas was minimal.

Mr. Kahn pointed out that an effective way of regulating adult entertainment was to separate it from liquor sales; therefore, the ordinance included a 500-foot segregation

requirement between adult entertainment businesses and liquor sales.

Commissioner Boles asked for clarification regarding signage restrictions.

Mr. Brown replied that the signage was governed by the regulation ordinance including wording, shape and size.

Commissioner Jones asked for clarification regarding Ordinance 2007-10 and 2007-12 and what they regulated.

Mr. Kahn replied that the ordinances had general and specific regulations for each type of adult entertainment. He said that currently there were no regulations for adult entertainment, and the three proposed ordinances remedied the problem.

Commissioner Crichlow stated that the city was trying to cover every loophole. He said if they picked a location that did not have opportunities, an adult business owner could decide upon any area and sue the city to open a business somewhere that allowed the specifications.

Mayor Boles pointed out that although the city did not have restrictions or zoning there had not been requests to build adult entertainment centers. He added that the restrictions of the ordinance would not encourage businesses to come into the city.

## MOTION

**Commissioner Crichlow MOVED to place Ordinance 2007-10 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. 2007-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY REPEALING SEC-

TIONS 4-4 AND 28-209(3)(k), AND SUBSTITUTING IN THEIR PLACE AND STEAD A NEW SECTION TITLED "ADULT ENTERTAINMENT CODE"; MAKING FINDINGS; STATING THE INTENT OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FOR CLASSIFICATIONS OF ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES; REQUIRING THE LICENSING OF ADULT BOOKSTORES AND ADULT VIDEO STORES, ADULT PERFORMANCE ESTABLISHMENTS, ADULT MOTELS, ADULT THEATERS, COMMERCIAL BODILY CONTACT ESTABLISHMENTS AND ESCORT SERVICES, AS DEFINED; PROVIDING REQUIREMENTS AND PROCEDURES FOR LICENSE APPLICATION, ISSUANCE, RENEWAL, SUSPENSION AND REVOCATION; PROVIDING FOR A LICENSE APPLICATION FEE; IMPOSING SPECIAL ADVERTISING RESTRICTIONS; PROVIDING FOR ANNUAL LICENSE FEES; REGULATING THE TRANSFER OF LICENSES AND CHANGE IN NAME OF A LICENSED ESTABLISHMENT; PROVIDING HEARING PROCEDURES FOR SUSPENSION AND REVOCATION OF LICENSES; PROVIDING FOR PROMPT JUDICIAL REVIEW OF SUSPENSION AND REVOCATION DECISIONS; PROVIDING GENERAL REGULATIONS FOR ALL ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES; PROVIDING SPECIFIC REGULATIONS FOR SEXUALLY-ORIENTED BUSINESSES, ADULT THEATERS, ADULT PERFORMANCE ESTABLISHMENTS, COMMERCIAL BODILY CONTACT ESTABLISHMENTS, AND ESCORT SERVICES; PROHIBITING CUSTOMERS OF ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES FROM ENGAGING IN CERTAIN ACTS; PROHIBITING WORKERS AND OPERATORS OF ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES FROM ENGAGING IN CERTAIN ACTS; PROHIBITING ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES

FROM OPERATING WITHOUT A LICENSE OR OPERATING CONTRARY TO THE APPLICABLE REGULATIONS; PROVIDING FOR AN EXCEPTION FROM REGULATIONS FOR BONA FIDE USE OF REST ROOMS; PROHIBITING OPERATORS OF ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES FROM ALLOWING MINORS TO ENTER, REMAIN, OR WORK AT ANY SUCH ESTABLISHMENT OR BUSINESS DURING HOURS OF OPERATION; PROHIBITING OPERATORS OF SUCH ESTABLISHMENTS AND BUSINESSES FROM OPERATING WITHOUT COMPLYING WITH THE REQUIREMENTS FOR MAINTAINING RECORDS, POSTING LICENSES AND OTHER INFORMATION OR THE REQUIREMENTS CONCERNING HOURS OF OPERATION; PROVIDING SPECIAL PROHIBITIONS RELATING TO ESCORTS AND ESCORT SERVICES AND COMMERCIAL BODILY CONTACT ESTABLISHMENTS; PROVIDING A SAVINGS PROVISION; PROVIDING THAT BUSINESS TAXES BE LEVIED IN ACCORDANCE WITH THIS ORDINANCE AND THAT ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES SHALL NOT BE APPROVED AS HOME OCCUPATIONS; PROHIBITING SEXUAL ENCOUNTER BUSINESSES; PROVIDING FOR IMMUNITY FROM PROSECUTION FOR TRESPASS WHILE ENFORCING THIS ORDINANCE; PROVIDING PENALTIES FOR VIOLATIONS OF THIS CODE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF ST. AUGUSTINE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

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

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY<sup>5</sup>**

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<sup>5</sup> Brief recess 7:35 p.m. – 7:45 p.m.

**11.C.2/ Public Hearing - First Reading - Ordinance 2007-11, relating to location requirements for Adult Entertainment Establishments.**

**MOTION**

**Commissioner Jones MOVED to place Ordinance 2007-11 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. 2007-11**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA PROVIDING FOR LOCATIONAL REQUIREMENTS FOR ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY-ORIENTED BUSINESSES; MAKING FINDINGS; SETTING FORTH LOCATIONAL AND DISTANCE REQUIREMENTS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

**VOTE ON MOTION**

**AYES: Jones, Crichlow, Burk, Boles  
NAYES: None  
MOTION APPROVED UNANIMOUSLY**

**11.C.3/ Public Hearing – First Reading - Ordinance 2007-12, relating to Public Nudity.**

**MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2007-12 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. 2007-12**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, ST. JOHNS, FLORIDA, TO BE KNOWN AS THE "CITY OF ST. AUGUSTINE PUBLIC NUDITY ORDINANCE"; STATING THE INTENT OF THE ORDINANCE; PROVIDING FOR THE DEFINITION OF NUDITY AS PROHIBITED BY THIS ORDINANCE AND PROVIDING FOR OTHER DEFINITIONS; PROVIDING FOR LEGISLATIVE FINDINGS; PROHIBITING NUDITY AND SEXUAL CONDUCT OR THE SIMULATION THEREOF; PROHIBITING NUDITY IN PUBLIC PLACES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR EFFECTIVENESS IN THE ENTIRETY OF THE CITY LIMITS OF CITY OF ST. AUGUSTINE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE VIII, SECTION 2, CONSTITUTION OF THE STATE OF FLORIDA; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF ST. AUGUSTINE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES: Crichlow, Jones, Burk, Boles  
NAYES: None  
MOTION APPROVED UNANIMOUSLY**

**11.D. Ordinances – Second Reading – Public Hearing Required - Ordinance 2007-09, relating to Parking Violation Penalties.**

Mr. Burchfield summarized that Ordinance 2007-09 was regarding parking fines and providing that anyone with three or more outstanding parking violations would be submitted to Tallahassee for a hold on driver's license and registration renewal.

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

**MOTION**

**Commissioner Burk MOVED to place Ordinance 2007-09 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Jones.**

Mr. Brown read the title as follows:

**ORDINANCE NO. 2007-09**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 24-31 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR COMPLIANCE WITH THE REQUIREMENTS OF SECTION 316.1967(6), FLORIDA STATUTES, FOR PROVIDING TO THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES A LIST OF PERSONS WHO HAVE THREE (3) OR MORE OUTSTANDING PARKING TICKETS AND/OR PERSONS WHO HAVE VIOLATIONS OF SECTION 316.1955, FLORIDA STATUTES, OR SIMILAR CITY ORDINANCES REGULATING PARKING IN SPACES DESIGNATED FOR USE BY DISABLED PERSONS; 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 AN EFFECTIVE DATE.

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

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

(None)

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

(None)

Following a brief discussion regarding displaying flags in support of the troops, there was Commission consensus for city staff to investigate the matter and provide a report at the subsequent meeting.

**13. Adjournment**

There being no further business, the meeting was adjourned at 7:50 p.m.<sup>6</sup>

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MAYOR

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CITY CLERK, CMC

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<sup>6</sup> Transcribed by Susan Goins