

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
July 23, 2007

The City Commission met in a formal session Monday, July 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

Timothy A. Burchfield, Chief Administrative Officer (Acting City Manager)
Ron Brown, City Attorney
Karen Rogers, City Clerk
John Regan, Chief Operations Officer
Mark Litzinger, City Comptroller
Jim Piggott, General Services Director
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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Lois Turner, 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 July 9, 2007 as presented. The motion was SECONDED by Commissioner Burk.

VOTE ON MOTION

AYES: Crichlow, Burk, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

3.C/ Proclamation

(None)

3.C.2/ Recognitions

- **Sister Cities Foreign Exchange Students**

Mayor Boles introduced Len Weeks, St. Augustine Ambassador to Aviles, Spain.

Mr. Weeks discussed the Student Exchange program that included students from Aviles, Spain and the City of St. Augustine. He introduced the chaperones, and presented each student with a certificate of recognition.

4. General Public Presentations and Comments (3 minutes per presentation with maximum total time limit of 20 minutes)¹

Barry Barnett, Palm Coast, Florida, referred to the following:

- Clarified that he had not meant to offend or question the honor of the Commission regarding the Yellow Flag discussion during the prior Commission meeting

5. Staff Reports and Presentations

(None)

6. ITEMS BY CITY ATTORNEY

(None)

7. ITEMS BY CITY CLERK

7.A./ Notification of Proclamations

- **2007-30 Chick fil-A Kyle Petty Charity Ride Across America**

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 Lien on Unit Connection Fee Mortgage.

8.A.3/ Notification of three upcoming term expirations on the Planning and Zoning Board.

8.A.4/ Approval of Chapin Street Replat.

8.A.5/ Authorization for Contract Negotiations for Design of Renovations of the North City Waterworks Building.

8.A.6/ Award of Contact for Street Milling and Resurfacing.

8.A.7/ Consideration of Vacating Easements relative to the Antigua Subdivision.

8.A.8/ Consideration of Interlocal Agreement with St. Augustine Port Waterway and Beach District for Removal of Derelict Vessels.

8.A.9/ Consideration of Settlement Agreement with Access Now, Inc.

Timothy A. Burchfield, Chief Administrative Officer, read the consent agenda items.

Ron Brown, City Attorney, stated that item 8.A.9. was a settlement agreement regarding the resolution of a lawsuit between the city, Access Now, Inc. and individually named defendants concerning the alleged lack of compliance with the American Disabilities Act. He said the city had taken the position that they had continued to address the issue. He said to resolve the issue the city had agreed to spend \$650,000 over the next seven years to address ADA issues under the discretion of the city.

¹ Heard after item 11.D.3.

Mayor Boles pointed out that spending \$650,000 over next seven years represented less money than the city had averaged yearly.

Following a discussion regarding the term expirations for the Planning and Zoning Board, members of the Commission encouraged eligible city residents to apply at the City Clerk's office.

MOTION

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

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Crichlow – Proclamation

Commissioner Crichlow stated that he had enjoyed reading the proclamation for the Chick fil-A Kyle Petty Charity Ride Across America.

Commissioner Gardner – Guana Tolomato Matanzas National Estuarine Research Reserve

Commissioner Gardner stated that on Monday, July, 30, 2007 the Guana Tolomato Matanzas National Estuarine Research Reserve would have a half day seminar regarding clean water and environmental policy. He stated that the Director of the Reserve requested Commission attendance.

Mayor Boles – 450th Celebration

Mayor Boles stated that he went to Williamsburg, Virginia with the City Manager to discuss the city's 450th celebration. He stated that the Mayor of Williamsburg was the Chairman of Williamsburg's 400th celebration committee, and they had outlined the years building up to the

celebration and celebration activities. He said that he would provide a written report in the future.

9.A/ Discussion regarding the display of the Yellow Flag.

Mayor Boles stated that Barry Barnett had requested that the city fly Yellow Flag's in support of the armed forces in Iraq and Afghanistan.

Mr. Brown explained that there were policies concerning the display of flags. He said the American Flag, State of Florida flag, and the city flag were displayed and the MIA POW flag was subject to federal statutes allowing for display. He said the court had ruled if the forum was opened to various forms of expression, it could not be limited by the city. He concluded that the city risked opening flag poles as a public forum if they displayed the flag.

Commissioner Crichlow stated that the issue was not a political statement. He pointed out that in the past, the Commission had gone to court and found out that they could not display one type of flag and not another. He said the city could not allow this type of expression on city flag poles unless they were willing to open the forum to other forms of expression; therefore, he was against flying the flag.

Commissioner Burk stated that she had received input thanking her for not rushing into the matter including e-mails and comments on Talk of the Town and other editorials. She said it was not appropriate for the city to fly the flag.

Commissioner Jones stated that he had received e-mails from the community mostly against flying the flag. He said one of the e-mails stated that the American Flag supported the troops and flying another flag implied that the American Flag did not adequately support the troops. He suggested flying one of the five flags of the armed forces to represent all of the armed

forces at City Hall on the first weekend of every month, starting with the Army.

Commissioner Gardner stated that he had received several e-mails for and against the matter, and he said the American flag showed support for the troops.

Mayor Boles stated that Commission consensus was against flying flags of any entity considering it would turn city flag poles into a public forum, and they would lose control of flags that were displayed.

Following a brief discussion regarding flying the various flags of the armed forces, it was determined that the Commission would discuss the matter at another time.

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

(None)

11. Resolutions and Ordinances (To include public hearings)

11.A/ Resolutions - Consideration of Resolution 2007-14 concerning the Proposed Millage Rate for Fiscal Year 2007-08.

Mark Litzinger, City Comptroller, stated that Resolution 2007-14 set the city's proposed millage to the rolled back millage rate of 6.3864 for the 2007/2008 budget year. He said the rate would be finalized during the August budget workshops.

MOTION

Commissioner Burk MOVED to adopt Resolution 2007-14. The motion was SECONDED by Commissioner Jones.

VOTE ON MOTION

AYES: Burk, Jones, Crichlow Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.B.1/ Ordinances – First Reading- Introduction and consideration of Ordinance 2007-15 amending the Future Land Use from Residential Low Density to Residential Low Density/Mixed Use for property located at 35 Smith Street.

Mark Knight, Director, Planning and Building, stated that the Commission should consider Ordinance 2007-15 with Ordinance 2007-16. He summarized that Ordinance 2007-15 changed the land use of the property from Residential Low Density to Residential Low Density/Mixed Use in order to accommodate a Planned Unit Development, which was part of Ordinance 2007-16. He explained that the PUD was for the provision of affordable housing for homeless families currently in emergency services and the Homeless Coalition transitional housing facilities. He said the property was approximately 1.04 acres south of the intersection of Smith Street and Nesbit Avenue. He said the application had been considered by the PZB on July 3, 2007 and they recommended against proceeding; however, Commissioner Gardner requested that they bring the matter before the Commission. He stated that the applicant was present and an alternative plan had been submitted to the Planning and Building Department.

Mayor Boles pointed out that procedurally the PZB recommended plans to the Commission for approval; however, as a courtesy to each other, Commissioners could suggest that an Ordinance go to first reading.

Commissioner Gardner questioned whether the alternative plan would impact the Ordinance.

Mr. Knight replied that they had submitted the alternative plan for review and consideration that included seven single family units; however, the PUD had been proposed as eight double-quadrplex units. He said the primary reason the PZB denied

the request was because of the multi-family quadraplex units.

Mayor Boles stated that affordable housing in the city was a priority. He added that it was important to get input from the neighbors in the area.

Mr. Knight stated that they had submitted an alternative plan that was probably based on the comments during the PZB meeting. He pointed out that they had not received an official request to change the Ordinance or submit the application to the PZB.

Commissioner Burk questioned whether the applicant wanted to table the Ordinance until the alternative plan had been reviewed.

Elaine Dilbeck, Program Coordinator Homeless Coalition, 62 Chapin Street, stated that the alternative plan had been submitted by the architect.

Mayor Boles questioned whether she wanted the Ordinance tabled until she was sure of the proposal.

Ms. Dilbeck replied affirmatively.

Mayor Boles stated that he wanted to support the PZB; therefore, if the application was different the board should review it.

Following a brief discussion regarding the alternative proposal, there was Commission consensus to remand the alternative proposal to the PZB.

MOTION

Commissioner Gardner MOVED to table Ordinance 2007-15. The motion was SECONDED by Commissioner Burk.

Mr. Brown questioned whether the Commission wanted to wait until the applicant had submitted a new application before the first reading of the Ordinance.

VOTE ON MOTION

AYES: Gardner, Burk, Jones, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.B.1/ Introduction and consideration of Ordinance 2007-16 rezoning property located at 35 Smith Street from Residential Single Family Two (RS-2) to Planned Unit Development (PUD).

MOTION

Commissioner Gardner MOVED to table Ordinance 2007-16. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Gardner, Crichlow, Burk, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.C. Ordinances – First Reading – Public Hearing

(None)

11.D.1/ Public Hearing - Second Reading – Ordinance

(None)

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

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

- Requested evening Commission workshops so the community could attend considering most residents worked during the day
- Tapes and e-mails from the meeting to plan the 450th Celebration in Williamsburg should be available to the public

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

(None)

13. Adjournment

There being no further business, the meeting was adjourned at 6:05 p.m.²

MAYOR

CITY CLERK, CMC

² Transcribed by Susan Goins