

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
August 27, 2007

The City Commission met in a formal session Monday, August 27, 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
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
Kevin Stark, Police Department
Susan Goins, Recording Secretary

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

Following a brief discussion it was determined that item 11.D.1. regarding the adult entertainment ordinance would be heard after item 3.C.2.

3.B/ Approval of Minutes

The minutes of the City Commission regular meeting of August 13, 2007 were approved as presented.

3.C/ Proclamation

- St. Augustine Fire Fighter Appreciation Week - Muscular Dystrophy Association

Mayor Boles read and presented the proclamation.

3.C.2/ Recognitions

(None)

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

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

- Indian Village should be preserved
- City needed a stronger archeological protection ordinance

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

- City should not pay water of bills of city employees
- Adult entertainment business location - Ordinance 2007-11

5. Staff Reports and Presentations

(None)

6. ITEMS BY CITY ATTORNEY

(None)

7. ITEMS BY CITY CLERK

7.A./ Notification of Proclamations

(None)

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A/ Consent Agenda

8.A.1/ Preview of upcoming Commission Meetings

8.A.2/ Approval of Final Subdivision Plat for Madeira Phase.

8.A.3/ Release of Lien on Unit Connection Fee Mortgage.

8.A.4/ Approval of Dept. of State/Div. of Historical Resources Grant-in-Aid for the 2007-08 operation Colonial Spanish Quarter Museum.

8.A.5/ Approval of the Proposed License Agreement for the 2008 St. Augustine Boat Show.

8.A.6/ Approval of a Contract for Auditing Services.

8.A.7/ Approval of a Contract with Northeast Florida Regional Council for the Evaluation and Appraisal Report (EAR).

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

Commissioner Burk requested that item 8.A.5. be voted on separately.

Commissioner Gardner requested that item 8.A.2. be voted on separately.

MOTION

Commissioner Burk MOVED to approve consent agenda items 8.A.1., 8.A.3., 8.A.4., 8.A.6. and 8.A.7. The motion was SECONDED by Commissioner Jones.

Commissioner Crichlow noted a correction for item 8.A.7., page 204, item six and stated that the city did not have Commission Districts.

Mr. Harriss noted the correction.

VOTE ON MOTION

AYES: Burk, Jones, Crichlow, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

¹ Heard after item 11.D.1.

Commissioner Gardner referred to item 8.A.2. regarding the Final Subdivision Plat for Madeira Phase and asked how many units were involved.

Mark Knight, Director, Planning and Building, replied approximately 200-units.

Commissioner Gardner questioned whether the Commission could modify the plat and the response was no.

Following a brief discussion, Mr. Knight clarified that the money must be available in the event that the developer walked away from project; therefore, they could use the bond to complete the job.

Commissioner Gardner stated that he had previously voted against the matter and he would continue to do so.

MOTION

Commissioner Jones MOVED to approve consent agenda item 8.A.2. The motion was SECONDED by Commissioner Crichlow. The motion was CARRIED 4/1 with Commissioner Gardner voting NAYE.

Commissioner Burk referred to item 8.A.5. and stated that she would vote against the boat show.

Commissioner Gardner asked for clarification regarding the terms of the agreement.

Timothy A. Burchfield, Chief Administrative Officer, replied that the city would work immediately on the infrastructure if the agreement was passed. He added that installation and removal of the docks and the boat show would take approximately three weeks.

Commissioner Gardner questioned whether the city was committing to the event for more than one year.

Mr. Burchfield replied that the contract was for five years; however, the city could terminate the contract without cause after the first year.

Commissioner Burk questioned whether they had a bond for the work, and the response was affirmative.

Commissioner Gardner questioned whether the matter would go before the Commission next year or whether the agreement would be automatically renewed.

Mr. Burchfield replied that they could discuss the matter after the show and determine whether to continue.

Mayor Boles stated that he would vote in favor of the contract, because the city had made a commitment, and he thought they should try it.

MOTION

Commissioner Crichlow MOVED to approve consent agenda item 8.A.5. The motion was SECONDED by Commissioner Jones. The motion was CARRIED 4/1 with Commissioner Burk voting NAYE.

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Crichlow – Poster

Commissioner Crichlow stated that he had observed a poster from the TDC detailing the city's birthday celebration events.

Commissioner Gardner – Birthday Celebration

Commissioner Gardner stated that Quebec City had an \$83 million plan for their birthday celebration, plus \$153 million in infrastructure to ensure that people could navigate around the city. He suggested that the city contact the Florida Department of Transportation and request moving the

city's (S.R. 312 bypass) project to the front of the list due to the potential number of visitors attending the event.

Commissioner Jones suggested making S.R. 214 an exit off the interstate.

Commissioner Burk – Sister Cities

Commissioner Burk reported that as the city representative to Sister Cities Association she would accompany a small group to sister city Cartagena, Columbia. She said they would meet with the Mayor, provide a small gift, and she would provide a report during the following meeting.

Commissioner Jones – Correction in "Letters to Editor"

Commissioner Jones stated that he was misquoted in the "Letters to the Editor", and his comments were taken out of context. He said the paper misquoted him saying tourists could leave their money and get out of town. He explained that tourists did not stay long; they visited, spent money and returned home. He added that if they stayed in the city, they would be residents.

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

11. Resolutions and Ordinances (To include public hearings)

11.A.1/ Resolution 2007-18, naming the Roseate Spoonbill as the official City Bird.

Paul K. Williamson, Director, Public Affairs, displayed a picture of the Roseate Spoonbill and referred to the following:

- The birds were found in estuaries in St. Augustine
- The birds were found within a mile of city waterways
- A city bird would show enthusiasm and support during the bird festival

Commissioner Gardner questioned whether the bird was exclusive to St. Augustine, and the response was negative.

Mr. Williamson stated that the Roseate Spoonbill was the city bird of a city in Texas and it was used for marketing purposes.

Mayor Boles stated that he supported having a city bird and promoting it on souvenirs.

MOTION

Commissioner Crichlow MOVED to adopt the Roseate Spoonbill as the city bird. The motion was SECONDED by Commissioner Burk.

VOTE ON MOTION

AYES: Crichlow, Burk, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.B.1/ Ordinances – First Reading

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

Mr. Knight suggested that the Commission consider Ordinance 2007-15 with Ordinance 2007-16. He explained that the Homeless Coalition planned to re-zone the property through a Planned Unit Development for construction of two quadraplexes. He displayed a map of the property and said the project had been heard by the PZB and they had not recommended approval of the PUD or Comprehensive Plan Amendment for re-zoning.

Mayor Boles asked why the PZB was against the matter.

Mr. Knight replied that the project was proposed in a residential area and although

there was multi-family was in the vicinity, single-family residential was being used for multi-family purposes.

Commissioner Gardner stated that he had discussed the matter with the Homeless Coalition, and the matter was worthy of passing on first reading to have a public hearing on second reading. He added that the Commission was reluctant to overturn a PZB decision. He concluded that the design was for a two story structure and provided open space with a play area for children.

MOTION

Commissioner Gardner MOVED to place Ordinance 2007-15 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. 2007-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO REDESIGNATE APPROXIMATELY 1.064 ACRES OF PROPERTY, LYING SOUTHWEST OF THE INTERSECTION OF SMITH STREET AND NESBIT AVENUE, AS RESIDENTIAL LOW DENSITY/MIXED USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Gardner, Jones, Crichlow, Boles
NAYES: Burk
MOTION CARRIED 4/1**

11.B.2/ 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 place Ordinance 2007-16 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. 2007-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE EMERGENCY SERVICES HOMELESS COALITION PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Gardner, Jones, Crichlow, Boles
NAYES: Burk
MOTION CARRIED 4/1**

Non-Agenda Item

Mayor Boles stated that he would be absent for the City Commission meeting on September 10, 2007.

11.C. Ordinances – First Reading – Public Hearing

(None)

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

11.D.1/ Public Hearing - Ordinance 2007-11, as amended, relating to location requirements for Adult Entertainment Establishments.

Mayor Boles summarized that the city had hired an attorney to create ordinances to regulate and control the location of adult businesses to avoid the problems that other cities had experienced with adult entertainment businesses. He explained that a total ban of adult businesses was considered unconstitutional, and without a location ordinance a business could open in any commercial retail district. He referred to various maps of the city including a map of commercial areas, the formally proposed area and the current proposed area. He said residents complained that clustered adult entertainment businesses would gain synergy from each other, but the disbursal method left too many parcels exposed. He requested tabling the decision and continue working to restrict the locations further with increased buffers.

MOTION

Commissioner Burk MOVED to table Ordinance 2007-11 to restrict it as far as they could with larger buffers and bring it back to the meeting on September 24, 2007. The motion was SECONDED by Commissioner Gardner.

VOTE ON MOTION

AYES: Burk, Gardner, Crichlow, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

Robin E. Nadeau, 26 Mickler Boulevard, referred to the following:

- Questioned whether the wetlands on Lewis Speedway north of the High School were protected

- The wetlands area had been filled in such a way that the trees would die
- Questioned whether the tree ordinance protected the trees

Mayor Boles suggested contacting the staff to discuss the matter.

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

12.B.1/ Sierra Club Global Warming Power Point Presentation, sponsored by Commissioner Susan Burk.

Tom Larson, 887 Marshside Court, Jacksonville Beach, Sierra Club Northeast Florida Group, provided a presentation on the effects of global warming and referred to the following:²

- The Sierra Club was an environmental organization that explored ways to protect the planet
- Global warming was the result of fossil fuel use, burning forests and grass lands, rotting tundra and uncovered earth releasing CO2 and emissions of other green house gases
- Global warming heated up the environment across the earth, raised sea levels, changed oceanic circulation patterns, changed precipitation patterns, impacted ecosystems, affected agriculture and promoted the spread of disease
- The Cool Cities campaign brought global warming issues to the forefront of communities and empowered city residents and local leaders to implement smart energy solutions to save money and build a cleaner, safer future

Mr. Larson explained the steps to become a member of the Cool Cities Campaign and referred to the following:

² Attached to original minutes

- Signature of the Mayor on the U.S. Mayors' Climate Protection Agreement
- Establish a citizen task force to develop the proposed climate action plan
- Identify the city's major CO2 sources
- Provide solutions such as green vehicle fleets, energy efficient buildings and renewable energy

The Commission determined that they required more information.

13. Adjournment

There being no further business, the meeting was adjourned at 6:25 p.m.³

MAYOR

CITY CLERK, CMC

³ Transcribed by Susan Goins