

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
December 10, 2007

The City Commission met in a formal session Monday, December 10, 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
Mark Litzinger, City Comptroller
Dr. William Adams, Director, Heritage Tourism
Sam Lansdale, Deputy Director Public Works
Paul K. Williamson, Director, Public Affairs
Robin Upchurch, Assistant City Attorney
Loran Lueders, Police Chief
Mike Arnold, Fire 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

The minutes of the City Commission the Regular Meeting of October 22, 2007 and

Special Meeting of November 13, 2007, were approved as presented.

3.C.1/ Proclamations

(None)

3.C.2/ Recognitions

(None)

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

(None)

5./ Ordinances – Public Hearing Required

5.A. Ordinances - First Reading

(None Scheduled)

5.B.1/ Second Reading Public Hearing - Ordinance 2007-20, amending the Future Land Use Map from Residential Low Density to Residential Low Density/Mixed Use relative to property located at 39 North Whitney Street and 104 Chapin Street.

Mark Knight, Director, Planning and Building, summarized that Ordinances 2007-20 and 2007-21 were a request to change the land use and zoning on property Northeast of the intersection on North Whitney and Chapin Streets. He explained that the property was currently recognized as two single family lots; however, they wanted to change the land use to three multi-family use units. He said the request was to redesignate the future land use from Residential single family to Residential Low Density/Mixed Use and rezone the property from single family two to residential low one. He added that the matter went before the Planning and Zoning Board on July 3, 2007, and they had recommended denial of the rezoning request.

Following a brief discussion regarding the number of structure/units, Commissioner Crichlow clarified that the minutes had indicated that the construction would be three town homes; three two-story units, 1,200 square feet each.

Commissioner Gardner questioned whether the PZB concern was multi-family zoning in a single family zone, and the response was affirmative.

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

Commissioner Burk stated that she was against building multi-family structures in single family zoning, because it was not fair to residents.

MOTION

Commissioner Burk MOVED to deny Ordinance 2007-20. The motion was SECONDED by Commissioner Crichlow.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO RECLASSIFY A PARCEL OF LAND CONTAINING APPROXIMATELY 0.38 ACRES LOCATED NORTHEAST OF THE INTERSECTION OF NORTH WHITNEY STREET AND CHAPIN STREET IN THE CITY OF ST. AUGUSTINE AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM RESIDENTIAL LOW DENSITY TO RESIDENTIAL LOW DENSITY/MIXED USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Jones stated that the builder had built affordable apartments in the area and maintained them well; however, two-story units would not be beneficial to the neighborhood.

Commissioner Crichlow stated that generally, single family homeowners were more responsible and concerned about their property than multi-unit renters; therefore, the area should remain single family residential.

VOTE ON MOTION

AYES: Burk, Crichlow, Jones, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.2/ Second Reading - Public Hearing - Ordinance 2007-21, rezoning property located at 39 North Whitney Street and 104 Chapin Street from Residential

Single Family-Two (RS-2) to Residential Low-One (RL-1).

Ron Brown, City Attorney, explained that denying Ordinance 2007-20 rendered Ordinance 2007-21 moot, considering the property could not be rezoned without the Comprehensive Plan Amendment.

5.B.3/ Second Reading - Public Hearing - Ordinance 2007-22, increasing the Minimum Liability Insurance Requirements for Motor Vehicles Registered as Taxicabs.

Mr. Brown explained that Ordinance 2007-22 increased the minimum liability insurance coverage requirements in the City Code to match requirements under state law.

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

MOTION

Commissioner Burk MOVED to place Ordinance 2007-22 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. 2007-22

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTIONS 27-71(a) AND (b) OF THE CODE OF THE CITY OF ST. AUGUSTINE TO INCREASE THE MINIMUM LIABILITY INSURANCE REQUIREMENTS FOR MOTOR VEHICLES REGISTERED AS TAXICABS TO THE REQUIREMENTS OF FLORIDA'S MOTOR VEHICLE NO-FAULT LAW; 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, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. Ordinances and Resolutions - No Public Hearing

6.A. Ordinances – First Reading

6.A.1/ Consideration of Petition for Voluntary Annexation of Property located on West King Street east of the intersection with the Right of Way of Florida East Coast Railway.

First Reading - Ordinance 2007-24 Introduction and consideration of Ordinance 2007-24, Annexing Property located on West King Street east of the intersection with the Right of Way of Florida East Coast Railway.

Mr. Knight explained that Ordinance 2007-24 annexed property located on the north side of West King Street from the current city limits to the Florida East Coast Railway, as well as property owned by the city that was the proposed location for the Boys & Girls Club. He said that Ordinance 2007-25 designated the property commercial medium intensity on the future land use map and Ordinance 2007-27 proposed designating the property Commercial Medium-Two (CM-2) on the official zoning map. He stated that the proposed amendment to the comprehensive plan and rezonings were scheduled for consideration and recommendation by the PZB at the January 2, 2008. He displayed a diagram of the site plan and surrounding streets.¹

Following a discussion regarding the property being available to the public, Commissioner Jones clarified that the intent was that the property remain available for public use; unless there was a special occasion.

¹ Attached to original minutes

MOTION

Commissioner Jones **MOVED** to accept the petition for voluntary annexation of property located on West King Street east of the intersection with the right-of-way of Florida East Coast Railroad. The motion was **SECONDED** by Commissioner Gardner and **APPROVED** by **UNANIMOUS VOICE VOTE**.

MOTION

Commissioner Jones **MOVED** to place Ordinance 2007-24 on first reading, read by title only and passed. The motion was **SECONDED** by Commissioner Burk.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-24

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ANNEXING APPROXIMATELY 3.9 ACRES OF PROPERTY NOW LOCATED IN ST. JOHNS COUNTY, FLORIDA LYING ON WEST KING STREET EAST OF THE INTERSECTION WITH THE RIGHT OF WAY OF FLORIDA EAST COAST RAILWAY AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA AND WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Jones, Burk, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.A.2/ First Reading - Ordinance 2007-25
Introduction and consideration of Ordinance 2007-25, amending the Future Land Use Map designating property located on West King Street east of the intersection with the Right of Way of Florida East Coast Railway as Commercial Medium Intensity.

MOTION

Commissioner Crichlow **MOVED** to place Ordinance 2007-25 amending the future land use map in conjunction with Ordinance 2007-24 annexation, 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. 2007-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO INCORPORATE AND DESIGNATE APPROXIMATELY 3.9 ACRES OF PROPERTY, LYING ON WEST KING STREET EAST OF THE INTERSECTION WITH THE RIGHT OF WAY OF FLORIDA EAST COAST RAILWAY, AS COMMERCIAL MEDIUM INTENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Jones, Burk, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.A.3/ First Reading - Ordinance 2007-26
Introduction and consideration of Ordinance 2007-26, establishing the Boys & Girls Club of St. Augustine Planned Unit Development (PUD) relative to property located on West King Street east of the intersection with the Right of Way of Florida East Coast Railway

MOTION

Commissioner Burk **MOVED** to place Ordinance 2007-26 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. 2007-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE BOYS & GIRLS CLUB OF ST. AUGUSTINE 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: Burk, Jones, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.A.4/ First Reading - Ordinance 2007-27
Introduction and consideration of Ordinance 2007-27, establishing zoning classification of Commercial Medium-Two (CM-2) relative to approximately 0.8 acres of property located on West King Street east of the intersection with the Right of Way of Florida East Coast Railway.

MOTION

Commissioner Gardner **MOVED** to place Ordinance 2007-27 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. 2007-27

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 0.8 ACRES LYING ON WEST KING STREET EAST OF THE INTERSECTION WITH THE RIGHT OF WAY OF FLORIDA EAST COAST RAILWAY, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO THE CLASSIFICATION OF COMMERCIAL MEDIUM-TWO (CM-2); PROVIDING FOR MODIFICATION OF THE CITY'S ZONING ATLAS; 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, Burk, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.B. Resolutions

6.B.1/ Consideration of Resolution 2007-27, authorizing a Holiday Bonus for City employees.

William B. Harriss, City Manager, explained that Resolution 2007-27 authorized a holiday bonus for city officers and employees. He stated that the bonus was based on the years of service.

MOTION

Mayor Boles MOVED to pass Resolution 2007-27. The motion was SECONDED by Commissioner Burk and APPROVED by UNANIMOUS VOICE VOTE.

7.A/ General Public Comments (3 minutes per individual).

Dwight Hines, 150 Nesmith Avenue, referred to the following:

- Audit petition
- Mediation Agreement
- Leaflets stapled to telephone poles announcing a meeting had been removed by the city

Mr. Harriss stated that Public Works had questioned whether they should remove graffiti (leaflets) on the telephone poles, and he informed them that if it concerned a meeting they could remain; however, typically it was considered graffiti.

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

- Misuse of property taxes
- City should not pay water bills of employees
- Adult entertainment ordinance

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

- Artists should be allowed in the Plaza
- Illegal dumping
- Scheduled meeting Thursday, December 13, 2007 at St. Paul's AME regarding the consent order

Following a discussion regarding the consent order Mr. Regan clarified that the consent order had been reviewed by the state and negotiated for more than 18 months. He explained that the state believed that it would benefit the environment to return the material and cap the site. He stated that a public meeting would be held Thursday, December 13, 2007 to discuss the matter with the

neighborhood, city and the state. He added that public participation was ongoing, and there was an administrative appeal process.

Commissioner Jones asked for clarification regarding the alternative to locating the materials on Holmes Boulevard.

Mr. Regan replied that the alternative was to bring the material to a class 1 landfill; however, it would cost approximately \$1.5 to \$2 million dollars.

David Thundershield Queen, P.O. Box 270, referred to the following:

- Environmental racism
- Landfill should be taken to a class one disposal site

8. Staff Reports and Presentations

8.A./ Discussion regarding lease agreements for use of City Bottom Lands.

Mr. Knight stated that the Commission had set a policy on submerged land leases to follow state guidelines increasing fees from 14¢ per square foot or 6% of annual income. He said they had established a slip transfer fee of \$1,000 and to ensure that the fee would not drop below market value in 10 or 20 years and added a clause to research the market value every five years. He pointed out that transfers would be reported by the marina owner, and the city could ask for additional information if necessary.

Irene Arriola, 81 Magnolia Avenue, stated that lending institutions were unwilling to lend when the lease period was capped at 25 years. She requested that the Commission approve one automatic 25-year renewal.

Joseph Hatin, St. Augustine Appraisal Group, further clarified the situation and added that the assets must be constructed and maintained in a way that protected the overall value of the property.

MOTION

Commissioner Crichlow MOVED to approve one automatic 25-year renewal passed on all conditions existing in the lease to apply to the second 25-year lease. The motion was SECONDED by Commissioner Gardner and APPROVED by UNANIMOUS VOICE VOTE.

Mayor Boles stated that he wanted the record to include that land outside of the city was involved.

VOTE ON MOTION

AYES: Crichlow, Gardner, Burk, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY²

9. ITEMS BY CITY ATTORNEY

Mr. Brown stated that there would be a hearing in Judge Traynor's chambers Monday, December 17, 2007, 1:45 P.M. regarding the writ of certiorari hearing for the Fish Island Development. He explained that Judge Traynor would assess whether the city followed the requirements of law in the Planning and Zoning denial of the conservation zone overlay permit for the dock on the property and the City Commission's approval of the decision. He added that the judge would probably issue a decision in the beginning of 2008.

Mr. Brown stated that the Commission had previously voted against investigating the dispute regarding the title of lands off of Fish Island; however, he had located several individuals and attorneys well versed in the subject. He said that if the Commission wanted to entertain the action staff could contact people to review the matter.

Mr. Harriss said some persons had suggested that the City Attorney could be influenced due to his association with the former owners of the Fish Island lands. He stated that the city could hire independent

counsel to provide an opinion whether Judge Watson's final judgment was applicable to the city. It was the consensus of the Commission to hire outside counsel to investigate the situation.

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations

- 2007-41 - Kimberly Denmark Walk Across the United States
- 2007-43 - Cathedral Parish School - Blue Ribbon Day
- 2007-44 - World Diabetes Day
- 2007-45 - Certificate of Recognition for Robert P. Harry, Jr.
- 2007-46 - World Aids Week

10.B/ Consideration of one appointment to the Civil Service Board.

Karen Rogers, City Clerk, stated that one appointment was requested for the Civil Service Board to fill the expiring term of John T. Giannontta. She said that Mr. Giannontta was eligible for reappointment, and he was the only applicant.

MOTION

Commissioner Gardner MOVED to approve the appointment of John Giannotta to the Civil Service Board. The motion was SECONDED by Commissioner Burk and APPROVED by UNANIMOUS VOICE VOTE.

10.C/ Consideration of two appointments to the Firefighters' Retirement System Board of Trustees.

Ms. Rogers stated that two board appointments were needed to fill positions held by Dennis Mooney and Jim. Zimmerman on the Firefighters' Retirement Board. She explained that they were eligible for reappointment, and they were the only applicants.

² Brief recess 6:45 p.m. to 6:55 p.m.

MOTION

Commissioner Gardner MOVED to approve the appointment of Jim Zimmerman and Dennis Mooney to the Firefighter's Retirement Board. The motion was SECONDED by Commissioner Crichlow and APPROVED by UNANIMOUS VOICE VOTE.

10.D/ Consideration of four appointments to the Code Enforcement, Adjustments & Appeal Board.

Ms. Rogers stated that there were four appointments to the Code Enforcement, Adjustments & Appeal Board for consideration. She explained that two of the positions were full three year terms, one position filled two years of a vacated term and the other position filled one year of a vacated term. She said she had received five applications as follows:

- Jon Benoit, 66 Almeria Street, BEHST Builder, Inc.
- Cathy Brown, 20 Sevilla Street, Executive Director, COA
- Rhett Davis, 219 Zoratoa Avenue, Construction Project Manager
- Gary McMahan, 25 Vedder Street, Former CEAAB Member
- Sheldon Smith, 123 M. L. King Avenue, Construction Apprentice

The first ballot for the two full term seats indicated that Cathy Brown received a majority of five votes, and there was a tie vote between Jon Benoit and Gary McMahan.

Following the second ballot for the second full term seat Gary McMahan received a majority vote 4/1.

The first ballot to fill two years of the vacant seat indicated a tie between Rhett Davis and Sheldon Smith.

The second ballot to fill two years of the vacant seat indicated that Sheldon Smith received a majority vote of 3/2.

The first ballot to fill one year of the full term seat indicated that Rhett Davis received a majority vote of 4/1.

11. ITEMS BY CITY MANAGER (Includes Consent Agenda)

11.A/ Consent Agenda

11.A.1/ Preview of upcoming Commission Meetings.

11.A.2/ Release of Liens on Unit Connection Fee Mortgages.

11.A.3/ Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 36 May Street.

11.A.4/ Authorization to appropriate funds for prior year expenditures.

11.A.5/ Extension of Interlocal Agreement with St. Johns County for the Davis Shores Neighborhood Park Project.

11.A.6/ Consideration of Interlocal Agreement with the St. Augustine Port, Waterway and Beach District regarding the purchase of a fire boat.

11.A.7/ Consideration of Bad Debt Write-Off.

11.A.8/ Consideration of the City Commission meeting schedule for Calendar Year 2008.

11.A.9/ Notification of one vacancy on the Historic Architectural Review Board.

11.A.10/ Approval of color scheme on structure located at 206 San Marco Avenue.

11.A.11/ Approval of exception to allow the color red on signs located at 166 San Marco Avenue.

11.A.12/ Approval of final plat for Madeira at St. Augustine, Phase 1B.

Mr. Harriss read the consent agenda items.

MOTION

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

Mr. Harriss referred to item 11.A.11. and stated that the exception to allow red signs located at 166 San Marco Avenue were for the Red Trains; not the Ramada Inn as he had previously stated.

11.B. Discussion Items

(None)

12/. ITEMS BY THE MAYOR AND COMMISSIONERS

12.A/ Discussion regarding a St. Augustine Arts Council Committee - Mayor Boles.

Mayor Boles suggested that the city develop an arts advisory committee. He stated that the committee could focus on issues such as painting telephone poles, art sales around the VIC, etc. He stated that the Cultural Council had appointed Les Thomas as a liaison from their council to the city, and to serve on the committee.

Commissioner Gardner suggested that the committee investigate the treatment of artists and other activities in the Plaza.

Following a brief discussion regarding the role of the committee Mr. Harriss said that the committee would serve as an advisory committee and provide recommendations to the Commission.

Mayor Boles stated that the Cultural Council would provide sample ordinances used in other communities.

Commissioner Gardner questioned whether an ordinance was needed to create the committee.

Mr. Brown replied that the Commission could appoint a committee by resolution; however, if they wanted a formal level of advisory to the Commission an ordinance should be created.

Mayor Boles stated that the council could provide a presentation regarding evaluation results from other communities to the Commission during the second meeting in January 2008.

12.B/ Presentation regarding the mission of the "450th Corps" - Commissioner Gardner.

Commissioner Gardner stated that the 450 Corps had been formed to assist with the preparation and planning of the city's 450th anniversary. He explained that the goal would be to identify resources to contribute to the commemoration, provide ideas for programs, projects and timelines for significant dates and events.

Advertising in Public Parking Facilities

Commissioner Gardner stated that he had been sent information regarding advertising in public parking facilities. He presented information from Lincoln, Nebraska outlining prices, etc.³ He suggested that staff investigate the matter.

Commissioner Jones – Parking Signage

Commissioner Jones suggested implementing the signage project immediately to direct tourists to the parking facility.

Florida State License Plates

Commissioner Jones suggested license plates to commemorate the 450th anniversary. He said that the city should start immediately considering the time it

³ Attached to original minutes

would take to implement and including the state's requirements.

Commissioner Gardner replied that the 450 Corps could plan a brand logo for the 450th anniversary to be added to the license plate.

13. Adjournment

There being no further business, the meeting was adjourned at 7:48 p.m.⁴

MAYOR

CITY CLERK, CMC

⁴ Transcribed by Susan Goins