

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
January 14, 2008

The City Commission met in a formal session Monday, January 14, 2008 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

Reverend Doug Clewis, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Commissioner Gardner stated that a citizen requested to make a presentation at the beginning of the meeting.

Commissioner Jones stated that he wanted to discuss and make a proposal regarding the consent order.

Non-Agenda Item

Bill Dudley, Northeast Florida President, Navy League, invited the Commission to the U.S. Coast Guard Band and concert, January 27, 2008, at 3:00 p.m. He stated that the event was free and the public was invited.

3.B/ Approval of Minutes

The minutes of the regular City Commission Meeting of December 10, 2007 were approved as presented.

3.C.1/ Proclamations

(None)

3.C.2/ Recognitions

(None)

Non-Agenda Item

Commissioner Jones stated that the community had expressed concern regarding the consent order from the Department of Environmental Protection, and he wanted to make a proposal to the Commission regarding the matter.

John Regan, Chief Operations Officer, stated that the consent order required engaging the public. He said the Lincolnville community was opposed to placing the material on Riberia Street; however, staff believed that the plan was technically sound and the lowest cost. He said that following the meeting the city had re-opened renegotiations with the state for four alternatives. He said that initially the state had ruled out other options; however, following community input they reconsidered.

Commissioner Jones stated that he did not want the material returned to Lincolnville and suggested that staff investigate alternative sites.

Following a discussion there was Commission consensus for staff to explore alternatives to place the landfill other than Lincolnville.

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

4.A. Appeal and public hearing of a Planning and Zoning Board decision relative to property located at 36 May Street.

Mark Knight, Director, Planning and Building, explained that on September 4, 2007 and October 2, 2007 the Planning and Zoning Board reviewed an application for conservation zone development to construct a multi-family dock with three boat slip facilities and three low profile boat lifts at 36 May Street. He said the PZB denied the application and an application to appeal had been filed. He said the Commission should find whether an error had been made by the PZB and affirm, reverse or modify the action appealed.

Jim Wilson, Attorney, 19 Old Mission Avenue, explained that property had been the subject of a prior lawsuit and a mediated settlement agreement between the owner and the city. He pointed out that Commissioner Crichlow had negotiated the matter on behalf of the Commission, and it was approved by the Commission. He said the PUD stated that the applicant would install a private boat dock with three slips subject to approval from the city and provided it met city regulations. He said that the PUD had been denied for reasons that were not normally considered. He pointed out that the PZB was required to apply the code and provide substantial evidence for the record to support the decision. He said the record showed that the dock met the criteria. He said the PZB had expressed concern regarding the size of boats; however, the boats would be low profile. He requested that the Commission determine that the PZB had erred in denying the request and grant the appeal with additional conditions to ensure that the boats would not be oversized.

Commissioner Crichlow expressed concern about the location and the effect on public use. He added that there had not been enough evidence to overturn the decision of the PZB.

MOTION

Commissioner Crichlow MOVED to deny the appeal. The motion was SECONDED by Commissioner Burk.

Commissioner Gardner stated that he would not support the motion because the position of the dock along the bridge nullified vista concerns and the navigation of canoes kayaks or fishing in the area would not be substantially impeded.

Mr. Wilson stated that tributary concerns were not an issue considered in the City Code. He added that the record had not included testimony from board members regarding the impact on the tributary.

Commissioner Crichlow reiterated that he was concerned about the tributary. He said the channel was in the center of the tributary, and the dock could hinder using the channel and fishing.

Commissioner Jones pointed out that concerns regarding the tributary had not been discussed by the PZB; therefore, the Commission could not use that objection to deny the appeal.

Commissioner Burk stated that Mr. Misterly had stated that he would not support the obstruction of the tidal flat; therefore, the tributary had been considered by the PZB. She expressed concern regarding accessing the tidal flat.

Commissioner Jones stated that there were no grounds to deny the appeal.

VOTE ON MOTION

AYES: Crichlow, Burk, Boles

NAYES: Gardner, Jones

MOTION CARRIED 3/2

5./ Ordinances – Public Hearing Required - First Reading

5.A. Ordinances - First Reading

(None Scheduled)

5.B.1/ Public Hearing – Second Reading - Ordinance 2007-24, Annexing Property located on West King Street east of the intersection with the Right of Way of Florida East Coast Railway.

Ron Brown, City Attorney, clarified that Ordinances 2007-24, 2007-25, 2007-26, and 2007-27 were related to the same project and the public hearing could be combined; however, the motions must be separate.

Mr. Knight referred to the map and surrounding areas.¹ He explained that Ordinance 2007-24 annexed property located on the north side of West King Street, for the proposed location of the Boys & Girls Club. He said Ordinance 2007-25 designated the property Commercial Medium Intensity on the Future Land Use Map, Ordinance 2007-26 designated the property proposed for development as a PUD, and Ordinance 2007-27 designated the remaining property CM-2 on the official zoning map.

Mayor Boles opened the public hearing.

Debbie Burgess, President Boys & Girls Club, 41 Bay Harbor Ponte Vedra Beach, referred to the following:

- Boys & Girls Club looked forward to the opportunity to serve the community

Mayor Boles closed the public hearing.

MOTION

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

¹ Attached to original minutes

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, Gardner, Crichlow, Burk, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.2/ Public Hearing – Second Reading - 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 Jones MOVED to place Ordinance 2007-25 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Burk.

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: Jones, Burk, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.3/ Public Hearing – Second Reading - 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 Jones MOVED to place Ordinance 2007-26 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Gardner.

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: Jones, Gardner, Burk, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.4/ Public Hearing – Second Reading - 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 Jones MOVED to place Ordinance 2007-27 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Gardner.

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: Jones, Gardner, Crichlow, Burk, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. Ordinances and Resolutions - No Public Hearing

6.A. Ordinances – First Reading

6.A.1/. First Reading - Ordinance 2008-01 Introduction and consideration of Ordinance 2008-01, amending the Future Land Use from Commercial Medium Intensity to Residential Low Density/Mixed Use relative to property located at 311 and 333 South Ponce de Leon Boulevard.

Mr. Knight referred to a map of the property and surrounding areas.² He explained that Ordinance 2008-01 amended the Future Land Use from Commercial Medium Intensity to Residential Low Density/Mixed Use and Ordinance 2008-02 rezoned the property from Commercial Medium Two to a PUD. He said details of the colors and materials of the hotel had been provided by the applicant.³

Commissioner Crichlow expressed concern that the buildings were on the front property line. He said there would be a buffer if the buildings were setback. He added that the project was not the best design.

² Attached to original minutes

³ Attached to original minutes

Commissioner Gardner stated that placing the buildings forward and parking in back of the building prevented a visual sea of parked cars.

Commissioner Jones stated that he favored moving the buildings back; the height would create a shadow over the street.

MOTION

Commissioner Gardner MOVED to place Ordinance 2008-01 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. 2008-01

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 2.25 ACRES LOCATED ON THE EAST SIDE OF SOUTH PONCE DE LEON BOULEVARD APPROXIMATELY 800 FEET SOUTH OF ITS INTERSECTION WITH KING STREET IN THE CITY OF ST. AUGUSTINE AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM COMMERCIAL MEDIUM INTENSITY TO RESIDENTIAL LOW DENSITY/MIXED USE; 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: Gardner, Jones, Boles

NAYES: Crichlow, Burk

MOTION CARRIED 3/2

6.A.2/ First Reading - Ordinance 2008-02- Introduction and consideration of Ordinance 2008-02, establishing the Rivers View Hotel Planned Unit Development (PUD).

MOTION

Commissioner Gardner MOVED to place Ordinance 2008-02 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. 2008-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE RIVERS VIEW HOTEL 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, Boles

NAYES: Burk, Crichlow

MOTION CARRIED 3/2

6.A.3/ First Reading - Ordinance 2008-03 Introduction and consideration of Ordinance 2008-03, renaming Avenida Del Otero to Big Joe Lane.

Mr. Knight explained that Ordinance 2008-03 would change Avenida Del Otero to "Big Joe Lane". He said the entrance had been nicknamed Big Joe Lane when Pomar Park was being developed and it was listed by the Property Appraiser's office as Big Joe Lane.

MOTION

Commissioner Burk **MOVED** to place Ordinance 2008-03 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. 2008-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-164 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF AVENIDA DEL OTERO AS "BIG JOE LANE;" 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, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.A.4/ First Reading - Ordinance 2008-04
Introduction and consideration of Ordinance 2008-04, amending the City Charter relating to Dates for Qualifying Candidates for the Offices of City Commissioner and Mayor.

Mr. Brown explained that Ordinance 2008-04 amended the charter in order to conform the qualifying dates for public office established by new Florida Statutes.

MOTION

Commissioner Burk **MOVED** to place Ordinance 2008-04 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. 2008-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CONFORMING THE REQUIREMENTS OF SECTION 6.21 OF THE CITY CHARTER TO THE REQUIREMENTS OF SECTION 99.061, FLORIDA STATUTES, WITH REFERENCE TO THE DATES FOR QUALIFYING CANDIDATES FOR THE OFFICES OF CITY COMMISSIONER AND MAYOR; ESTABLISHING THE PERIOD FOR QUALIFYING FOR THE OFFICES OF CITY COMMISSIONER AND MAYOR TO THE PERIOD OF TIME BEGINNING AT NOON OF THE 71ST DAY PRIOR TO THE FIRST PRIMARY ELECTION AND ENDING AT NOON OF THE 67TH DAY PRIOR TO THE FIRST PRIMARY ELECTION; MAKING FINDINGS; PROVIDING FOR INCLUSION IN THE CHARTER LAWS OF THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Jones, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.A.5/ First Reading - Ordinance 2008-05
Introduction and consideration of Ordinance 2008-05, renaming Saratoga Boulevard to Fort Mose Trail.

Commissioner Jones requested renaming Saratoga Boulevard to Fort Mose Trail to make the entry to Fort Mose easy to identify.

MOTION

Commissioner Jones **MOVED** to place Ordinance 2008-05 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. 2008-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-165 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF SARATOGA BOULEVARD AS "FORT MOSE TRAIL;" 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: Jones, Burk, Crichlow, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.B./ Resolutions

(None)

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

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

- Street performers

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

- Public comments should be at the beginning of the meeting
- The city's 450th anniversary celebration

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

- Trespassing and security at the Evelyn Hamblen playground
- City should not pay water bills of employees

Phil McDaniel, 51 Water Street, referred to the following:

- Performing arts in the city

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

- Provided an eleven page chronology illustrating problems in the city⁴
- Illegal dumping⁵

8. Staff Reports and Presentations

(None)

9. ITEMS BY CITY ATTORNEY

(None)

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations

- 2008-01 - Arbor Day 2008
- 2008-02 - Honoring Sergeant Bryan Joseph Tutton 2007-44 - World Diabetes Day

10.B/ Consideration of one appointment to the Historic Architectural Review Board.

Karen Rogers, City Clerk, stated that one appointment was requested for the Historic Architectural Review Board and she had received applications from Robert M. Hall and Claude "Len" Weeks.

Len Weeks received majority vote of 3/2.

11. ITEMS BY CITY MANAGER (Includes Consent Agenda)

11.A/ Consent Agenda

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

⁴ Attached to original minutes

⁵ Brief recess 7:20 p.m. to 7:35 p.m.

11.A.2/ Consideration of Interlocal Agreement with the St. Augustine Port, Waterway & Beach District for the Dredging of the San Sebastian River.

11.A.3/ Determination of legal sufficiency and acceptance of an application to appeal a Historic Architectural Review Board decision to relative to properties located at 130, 132, 134 and 136 King Street and 129, 131, 133 and 135 Oviedo Street.

11.A.4/ Consideration of a minor modification to the Planned Unit Development (PUD) established by Ordinance 88-31 concerning property located on Indian Mound Drive.

11.A.5/ Approval of final plat for Madeira at St. Augustine, Phase 3A-1.

11.A.6/. Notification of two upcoming term expirations on the Historic Architectural Review Board.

11.A.7/ Consideration of an Agreement with San Sebastian Harbor Project, LLC, for the Exchange of Utility Sites.

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

Following a brief discussion regarding item 11.A.3., Mr. Brown clarified that the legal sufficiency ensured that the appeal documents were in place and the application was complete. He added that the appeal would be presented in conjunction with the second reading of the ordinance establishing a PUD for the hotel on the property.

MOTION

Commissioner Burk MOVED to approve the consent agenda. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Burk, Crichlow, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.B. Discussion Items

(None)

12/. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Gardner - Public Comment Period

Commissioner Gardner suggested moving the public comment period to the beginning of the meeting. He pointed out that large crowds during scheduled public hearings were the exception. He said that if a large crowd came for a scheduled public hearing, the matter should be moved forward on the agenda. He added that the chairperson had the authority to sort through the cards and select residents that would be heard to avoid repetitive comments by certain residents.

Following a brief discussion it was determined that the unscheduled public comments would be moved immediately following second reading of ordinances and appeals. There was a voice vote of 4/1 with Commissioner Gardner voting naye.

Commissioner Crichlow – Minorcan Heritage Plaque

Commissioner Crichlow thanked staff for the dedication of the Minorcan heritage plaque.

Mayor Boles – Cultural Council

Mayor Boles stated that the Cultural Council would make a presentation regarding an Art and Cultural committee during the City Commission meeting on January 28, 2008.

Harbor Management Meeting

Mayor Boles stated that there would be a Harbor Management meeting Wednesday, January 16, 2008, at 5:00 p.m.

13. Adjournment

There being no further business, the meeting was adjourned at 8:02 p.m.⁶

MAYOR

CITY CLERK, CMC

⁶ Transcribed by Susan Goins