

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
January 28, 2008

The City Commission met in a formal session Monday, January 28, 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
George Gardner, City Commissioner
Errol D. Jones, City Commissioner

Absent: Susan Burk, City Commissioner (Excused)

William B. Harriss, City Manager
Ron Brown, City Attorney
Karen Rogers, City Clerk
Timothy A. Burchfield, Chief Administrative 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
Loran Lueders, Police Chief
Mike Arnold, Fire Chief
Susan Goins, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Donavan Tinsley, Destiny Church International, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

William B. Harriss, City Manager, stated that item 5.B.3. regarding the renaming of Saratoga Boulevard to Fort Mose Trail would be tabled and heard during Black History Month at the February 11, 2008 City Commission meeting.

MOTION

Commissioner Gardner MOVED to table item 5.B.3 regarding the renaming of Saratoga Boulevard to Fort Mose Trail until the February 11, 2008 City Commission meeting. The motion was SECONDED by Commissioner Jones and APPROVED by UNANIMOUS VOICE VOTE.

3.B/ Approval of Minutes

The minutes of the regular City Commission Meeting of January 14, 2008 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 Scheduled)

5./ Ordinances – Public Hearing Required - First Reading

5.A. Ordinances - First Reading

5.A.1/ Public Hearing – First Reading - Ordinance 2008-06, adopting the School Concurrency Element of the Comprehensive Plan.

Mark Knight, Director, Planning and Building, explained that Ordinance 2008-06 established a Public School Facilities Element as part of the Comprehensive Plan for the city. He stated that the ordinance established a school concurrency system indicating that if there was not capacity in the school system, the developer would have to pay a proportionate fair share of the cost of supplying the schools, or they could not proceed.

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

MOTION

Commissioner Crichlow MOVED to place Ordinance 2008-06 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Gardner.

Mr. Brown read the title as follows:

ORDINANCE NO. 2008- 06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE ST. AUGUSTINE COMPREHENSIVE PLAN TO INCORPORATE SCHOOL CONCURRENCY AS REQUIRED BY STATE LAW; PROVIDING FOR A PUBLIC SCHOOL FACILITIES ELEMENT; PROVIDING FOR AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AMENDMENT TO THE INTERGOVERNMENTAL COORDINATION ELEMENT; PROVIDING FOR PROOF OF PUBLICATION; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE BY REFERENCE ONLY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.1/ Public Hearing – Second Reading - Public Hearing - Ordinance 2008-03, renaming Avenida Del Otero to Big Joe Lane.

Mr. Knight explained that the entrance to Pomar Park had been nicknamed “Big Joe Lane”. He said the entry road was located in a platted right-of-way known as Avenida Del Otero and for emergency response service; the name of the street should be formalized.

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

MOTION

Commissioner Crichlow MOVED to place Ordinance 2008-03 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. 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: Crichlow, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.2/ Public Hearing - Ordinance 2008-04, amending the City Charter relating to Dates for Qualifying Candidates for the Offices of City Commissioner and Mayor.

Ron Brown, City Attorney, explained that Ordinance 2008-04 amended the charter to conform with the qualifying date requirements for public office established by the new Florida Statues.

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

MOTION

Commissioner Gardner MOVED to place Ordinance 2008-04 on second reading, read by title only and approved. The motion was SECONDED by Commissioner Crichlow.

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: Gardner, Crichlow, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.3/ Public Hearing - Second Reading - Ordinance 2008-05, renaming Saratoga Boulevard to Fort Mose Trail.¹

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

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

- Street performances in the Plaza should be regulated
- Cancellation of the Easter Parade²

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

- Consent order concerning dumping
- St. Johns Cultural Council

¹ Tabled until February 11, 2008 City Commission Meeting

² Attached to original minutes

Merrill Roland, 6281 Old Dixie Drive,
referred to the following:

- He was handicapped and had been denied access to the parking facility while on a motor scooter

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

- Illegal dumping
- City Manager should receive a performance appraisal

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

- City should not pay water bills of employees
- Water bills should be printed in black and white to save money for the city

6.B/ Presentations (15 minutes per presentation)

6.B.1/ Presentation by the St. Johns Cultural Council.³

7. Ordinances and Resolutions - No Public Hearing

7.A.Ordinances – First Reading

(None)

7.B./ Resolutions

(None)

8. Staff Reports and Presentations

(None)

9. ITEMS BY CITY ATTORNEY

Mr. Brown referred to the horse drawn carriage suit and stated that at the conclusion of the plaintiffs case, Judge Corrigan had ruled that the defendants were

entitled to a judgment in their favor, and the judge dismissed the case. He added that he was uncertain whether there would be an appeal; however, there was a thirty day deadline to appeal.

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations

- 2008-03 - Proclaiming Friday, January 18, 2008 as USS Klakring Day

10.B/ Consideration of four appointments to the Historic Preservation Advisory Committee

Karen Rogers, City Clerk, stated that four appointments were requested for the Historic Preservation Advisory Committee to fill the term expirations of Miriam E. Pujals, Michelle Reyna, Rosalie Russo and Alison Simpson; all of the aforementioned were eligible for reappointment. She said that applications had been received from the following:

- Jewel Grutman, 3960 A1A South
- Miriam E. Pujals, 72 Sanford Street
- Michelle Reyna, 184 Marsh Island
- Rosalie Russo, 348 Charlotte Street
- Alison Simpson, 1306 San Jose Rd.

MOTION

Commissioner Gardner MOVED to reappoint the current members to the Historic Preservation Advisory Committee for a second term. The motion was SECONDED by Commissioner Crichlow.

Commissioner Jones suggested that to be fair to the citizens the Commission should vote on the candidates.

The motion was withdrawn.

³ Item not heard

Following a vote, Michelle Reyna, Miriam E. Pujals, Rosalie Russo, and Alison Simpson received a majority vote.

11. ITEMS BY CITY MANAGER (Includes Consent Agenda)

11.A/ Consent Agenda

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

11.A.2/ Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 256 Riberia Street.

11.A.3/ Consideration of Utility Agreement with Flagler Development Company, LLC.

Mr. Harriss read the consent agenda items.

Following a discussion regarding item 11.A.2., Mr. Brown clarified that the legal sufficiency ensured that the application had been completed within the required time and the fees had been paid. He pointed out that the Commission was not ruling on the merits of the appeal.

MOTION

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

VOTE ON MOTION

AYES: Crichlow, Jones, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.B. Discussion Items

(None)

12/ ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Crichlow – Arbor Day

Commissioner Crichlow stated that the Arbor Day Celebration had been well attended, and he thanked staff and the Street Tree Committee for their hard work and dedication. He added that it was the 25th year that the city was recognized as Tree City USA.

Commissioner Gardner – Fullerwood Park

Commissioner Gardner thanked the Commission for attending the Ribbon cutting ceremony for Fullerwood Park.

Letter of Commendation

Commissioner Gardner stated that a resident had written a letter to the City Manager commending the Director of Planning and Building for outstanding work.

13. Adjournment

There being no further business, the meeting was adjourned at 6:10 p.m.⁴

MAYOR

CITY CLERK, CMC

⁴ Transcribed by Susan Goins