

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
January 12, 2009

The City Commission met in a formal session Monday, January 12, 2009 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
Errol Jones, Vice Mayor/City Commissioner
Donald Crichlow, City Commissioner
Leanna S. A. Freeman, City Commissioner
Nancy Sikes-Kline, 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 Knight, Director, Planning and Building
Mark Litzinger, Comptroller
Dr. William Adams, Director, Heritage Tourism
Jim Piggott, General Services Director
Martha Campbell, Director, Public Works
Paul K. Williamson, Director, Public Affairs
Loran Lueders, Police Chief
Mike Arnold, Fire Chief
Carlos E. Mendoza, Assistant City Attorney
Susan Goins, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Byron Hodges, St. Mary's Missionary Baptist, 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 December 8, 2008 and the special meeting of December 16, 2008. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Crichlow, Sikes-Kline, Freeman, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

3.C.1/ Proclamations

- 2009-01 - First Coast Opera Week

Mayor Boles read and presented the proclamation.

4. Appeals and other Public Hearings

(None)

5./ Ordinances and Resolutions - Public Hearing Required

5.A/ Ordinances – First Reading

(None)

5.B/. Ordinances - Second Reading

5.B.1/ Public Hearing – Second Hearing - Ordinance 2008-27, modifying the Investment Policies within the City Employees Retirement System.

Timothy A. Burchfield, Chief Administrative Officer, explained that Ordinances 2008-27, 2008-28 and 2008-29 could be discussed at the same time; however, separate motions would be required. He stated that staff had worked with the boards to update the ordinance language to effectively invest in planned assets and to clarify the boards' fiduciary responsibility. He added that the modified language restricted the type of investments to upper grade securities.

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

MOTION

Commissioner Crichlow MOVED to place Ordinance 2008-27 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. 2008-27

AN ORDINANCE OF THE CITY OF ST AUGUSTINE, FLORIDA, AMENDING THE CITY EMPLOYEES RETIREMENT SYSTEM; AMENDING CHAPTER 20, ARTICLE IV; AMENDING SECTION 20-106, REVISING PROVISIONS RELATING TO REINSTATEMENT OF CREDITED SERVICE; AMENDING SECTION 20-124, REVISING PROVISIONS RELATING TO INVESTMENT OF RETIREMENT SYSTEM ASSETS; PROVIDING FOR CODIFICATION; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A VALIDITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Jones, Sikes-Kline, Freeman, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.2/ Public Hearing - Second Hearing - Ordinance 2008-28, modifying the Investment Policies within the Police Officers' Retirement System.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2008-28 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. 2008-28

AN ORDINANCE OF THE CITY OF ST AUGUSTINE, FLORIDA, AMENDING THE POLICE OFFICERS RETIREMENT SYSTEM; AMENDING PART I, ARTICLE X, SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE, REVISING PROVISIONS RELATING TO INVESTMENT OF RETIREMENT SYSTEM ASSETS; PROVIDING FOR CODIFICATION; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A VALIDITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Crichlow, Jones, Freeman,
Sikes-Kline, Boles**

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.3/ Public Hearing - Second Hearing - Ordinance 2008-29, modifying the Investment Policies within the Firefighters' Pension Trust Fund.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2008-29 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.

Mr. Brown read the title as follows:

ORDINANCE NO. 2008-29

AN ORDINANCE OF THE CITY OF ST AUGUSTINE, FLORIDA, AMENDING INVESTMENT PROVISIONS OF THE FIREFIGHTERS PENSION TRUST FUND; AMENDING CHAPTER 20, ARTICLE V, SECTION 20-194, OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE, REVISING PROVISIONS RELATING TO INVESTMENT OF TRUST FUND ASSETS; PROVIDING FOR CODIFICATION; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A VALIDITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Crichlow, Sikes-Kline, Jones,
Freeman, Boles**

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.4/ Public Hearing - Second Hearing - Ordinance 2008-30, modifying the St. Johns County Council on Aging, Inc. (COA) Planned Unit Development (PUD).

Ron Brown, City Attorney, explained that during the prior meeting, Mayor Boles had recused himself from the item because he was Chairman of the Board for the Council on Aging; however, Florida law required that if the Commissioner was present they must vote unless there was reason to recuse themselves. He said the Ethics Code from Chapter 112 of the Florida Statute indicated that unless there was a conflict of interest, usually defined by specific or pecuniary interest there was no basis for recusal.

Mark Knight, Director, Planning and Building, explained that the Council on Aging Planned Unit Development (PUD) had been pursuant to Ordinance 2001-01. He said on November 4, 2008 the Planning and Zoning Board (PZB) had reviewed a request to modify the PUD ordinance to include the River House for a day facility. He displayed a diagram of the property.¹ He said the PUD would allow banquets and weddings after hours and weekends. He said a Farmer's Market had been considered; however, they decided not to move forward with it.

Cathy Brown, Executive Director, Council On Aging, stated that the changes were in response to changing needs. She said that the current population for Alzheimer's and other forms of dementia was approximately 3,500 in St. Johns County, which necessitated a more dedicate service. She said the plan was to expand the Alzheimer's and day treatment services in the current building and construct a senior community center as they wanted to include the entire community. She pointed out that the dock would be a lookout/fishing platform.

Commissioner Crichlow requested clarification in the PUD regarding the type of dock. He said an observation or fishing dock would be nice. He said he wanted the language defined to avoid misinterpretation in the future. He suggested specifying the type and length of the dock.

¹ Attached to original minutes

Mayor Boles opened the public hearing.

Several residents spoke in favor of Ordinance 2008-30 and referred to the following:

- Sunshine center was a therapeutic center for people with Alzheimer's
- The center was a safe place to spend the day and socialize
- The center provided many activities including bingo
- New center would allow the opportunity for expansion
- Senior centers were critical for the community
- Good centers for Alzheimer's were hard to find
- Center would benefit the community

Mayor Boles closed the public hearing.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2008-30 on second reading, read by title only and passed as amended that any proposed future dock would be limited in length to 110 feet without boat dockage. The motion was SECONDED by Commissioner Freeman.

Mr. Brown read the title as follows:

ORDINANCE NO. 2008-30

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA MODIFYING THE ST. JOHNS COUNTY COUNCIL ON AGING, INC. PLANNED UNIT DEVELOPMENT (PUD), ESTABLISHED PURSUANT TO ORDINANCE NO. 2001-06; PROVIDING FOR AMENDED 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: Crichlow, Freeman, Sikes-Kline, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.C. Resolutions

(None)

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

Dee Lovell, 771 Beach Boulevard, presented a list of requests for the proposed Inauguration Day event in the Plaza:²

- Proposed proclamation for the event
- Requested waiving the \$150 fee for the event
- Announcement of event on the city website
- Free parking on one side of Cathedral Place
- Free parking in the city parking garage
- Blocking off street from the bridge to St. George Street and blocking portion of St. George Street
- Requested the city find free parking in private bank parking lots or community businesses

Sandra Parks 71 Valencia Street, referred to the following:

- Many groups were involved with the Inauguration Day celebration including the 20th Accord and the Foot Soldiers
- Entertainment by Elizabeth Roth and the Out of Sight Ensemble from the Florida School for the Deaf and Blind
- The celebration was a day for the entire community to enjoy

Barbara B. Allen, 13 Rollins Avenue, referred to the following:

² Attached to original minutes

- Historic event and the city was a historical town
- Community would meet in the Plaza to watch the inauguration

Following a brief discussion there was Commission consensus for the following:

- Mayor Boles would pay the \$150 fee
- Event would be posted on the city website
- No free parking on Cathedral Place or the city parking garage, because the city had not given other groups free parking
- Blocking certain streets would disrupt the flow of traffic

Mr. Harriss stated that if the organizers found an available parking lot the trailer trolleys could transport people throughout the day.

Commissioner Jones suggested parking in the events field.

Mr. Harriss replied that it was possible as long as the organizers were willing to manage the parking and had a train or trolley willing to donate their services. He said the city could block off St. George as a safe zone for drop off with 5 spaces.

Commissioner Jones thanked the Commission for providing support for the event. He said people differed on issues, but they were all Americans.

Ken Bryan, 126 Oyster Catcher Circle, stated that the county was diverse and inauguration day was a great opportunity to get together for a non-partisan event.

Commissioner Crichlow stated that the city government was non-partisan and he questioned whether the proclamation language was non-partisan.

Mr. Brown replied that the proclamation was acceptable as the celebration of the

inauguration of a President without reference to a political party.

Commissioner Crichlow questioned whether law enforcement would be provided at the city's cost.

Mr. Harris replied that the cost was included with the \$150 permit fee.

Robert Hall, 42 Spanish Street, referred to the following:

- Historic Preservation (HP) Code
- The same HP Code was not the best for HP zones
- Lived in HP-3 for 45 years and had a sense of what should be in the area
- When the Code was changed in 2003 it removed some of the restrictions and protections to HP-3 district³

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

- Thanked the Commission for approving the Inauguration Day event
- St. Augustine National Historical Park, National Seashore, and National Scenic Coastal Highway would stimulate the economy
- It would take money off the city tax rolls and place it under the federal government
- Would help the city entertain the visitors during the 450th celebration

Commissioner Jones stated that the seawall project was not related to the stimulus funds that the President proposed. He added that the city would not want to be part of the federal government; moreover, the federal government was looking to cut government projects.

6.B/ Presentations (15 minutes per presentation)

³ Attached to original minutes

(None)

7. Resolutions and Ordinances- No Public Hearing Required

7.A/ Ordinances – First Reading

7.A.1/ Introduction and Consideration of Ordinance 2009-02 establishing the Hilton Bayfront Planned Unit Development (PUD).

Mr. Knight stated that Ordinance 2009-02 established the Hilton Bayfront Planned Unit Development. He said the PUD had been reviewed by the Planning and Zoning Board on December 2, 2009 and they recommended approval. He explained that the establishment of the PUD was needed to allow a 392 square foot addition to the existing dining area at the Hilton Bayfront Inn.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2009-02 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.

Mr. Brown read the title as follows:

ORDINANCE NO. 2009-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE HILTON BAYFRONT INN 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: Crichlow, Sikes-Kline, Freeman, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.B/ Resolutions

7.B.1/ Consideration of Resolution 2009-01, authorizing an Increase in Rates for the Old Town Trolley Tours.

Mr. Litzinger stated that Resolution 2009-01 authorized an increase in rates for the Old Town Trolley Tours. He said the increase would change the maximum fair from \$21 to \$24 for adults and from \$8 to \$11 for children. He added that the Commission could approve an increase in the franchise fee from 2.5% to 3%.

Commissioner Crichlow suggested that some of the money from the franchise increase should be designated to historic preservation.

Mayor Boles stated that they should discuss the matter with staff and look at and review all franchise fees.

Mr. Harriss recommended that the Commission focus on whether they would approve a rate increase.

Following a brief discussion it was determined that the Commission would further discuss the matter during Mayor and Commissioners comments.

MOTION

Commissioner Jones MOVED to pass Resolution 2009-01. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Jones, Sikes-Kline, Crichlow, Freeman, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

8. Staff Reports and Presentations

(None)

9. ITEMS BY CITY ATTORNEY

9.A. Discussion regarding Criteria for Public Art

Mr. Brown stated that the proposed resolution concerned public art donated to the city. He explained the proposed resolution and he noted that the methodology had been developed by other cities.⁴

Mayor Boles stated that the city required guidelines and the resolution outlined what the city could accept or reject in art. He added that if the city accepted a donation the city would have no responsibility to the donor.

Following a brief discussion it was determined that the resolution would be on the agenda for the subsequent meeting.

Mr. Brown introduced Carlos Mendoza, the new Assistant City Attorney.

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations

- **2008-38 - Homeless and Housing Awareness Week**
- **2009-02 - Arbor Day**

10.B/ Notification of Recent Board Elections

Karen Rogers stated that Robin Doucette had been elected to the Firefighters Pension board; Diane Ham and Michael Hines had been re-elected to the Civil Service board and Scott Graham had been elected to the General Employees Retirement Board, as he was the only nominee.

⁴ Attached to original minutes

Mayor Boles stated that the Arbor Day celebration would be at 12:00 P.M. at the corner of Rainey and East Park Avenues and Bayview Drive.

11. ITEMS BY CITY MANAGER (Includes Consent Agenda)

11.A/ Consent Agenda

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

11.A.2/ Consideration of Release of Lien on Unit Connection Fee Mortgage.

11.A.3/ Determination of legal sufficiency and acceptance of an application to appeal a decision made by the Planning and Zoning Board relative to property located at 20 Louise Street.

11.A.4/ Authorization of Expenditure of Unreserved Funds for the Fuel Storage Tank Mandatory Upgrade.

Mr. Harriss read the consent agenda items.

Commissioner Jones asked for further clarification regarding item 11.A.4.

Mr. Harriss stated that many years ago the federal government had issued a requirement to stop using single wall fuel tanks. He said the single wall tanks leaked and caused pollution. He said the total cost would be \$400,000 - \$450,000. He pointed out that the upgrade was a federal mandate.

MOTION

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

VOTE ON MOTION

AYES: Crichlow, Jones, Sikes-Kline, Freeman, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.B/ Discussion Items

Mr. Harriss reported that the Arbor Day event was scheduled for January 16, 2009 at 12:00 P.M. and the January meeting for the Northeast Florida League of Cities would be Thursday, January 15, 2009 at 6:00 P.M. at the Rod and Gun Club.

Mr. Harriss stated that the Commission had to name the skate park.

Following a brief discussion it was determined that city would solicit names in The St. Augustine Record for suggestions to name the park, and the Commission would pick a name at the subsequent meeting.

11.B.1/ Review and Consideration of the Status of Terminated Boards and Committees.

Mr. Harriss stated that several committees had been sunset; however, the committees had been advisory to the Commission and some should be reinstated. He noted that three of the committees had merit and referred to the following:

- Parking and Traffic Committee
- Historic Preservation Advisory Committee
- Entry Corridor Review Committee

Commissioner Crichlow recommended reinstating the three aforementioned committees, and he suggested that each member of the Commission should appoint a member to the Parking and Traffic Committee plus two at large members; one from Flagler College and one from the Chambers of Commerce. He said the Historic Preservation Advisory Committee and Entry Corridor Review Committee should have five members appointed by the Commission. He suggested considering current or former members of PZB and HARB for the Entry Corridor Committee, due to their vast knowledge.

Mr. Harriss stated that the Commission should select names and provide them to the City Clerk.

MOTION

Commissioner Crichlow MOVED that each Commissioner appoint one appointee to the Parking and Traffic Committee and have one at large voting member from Flagler College and one from the Historical Area Council of the Chamber of Commerce. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

MOTION

Commissioner Crichlow MOVED that each Commissioner appoint one appointee to the Historic Preservation Advisory Committee. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

MOTION

Commissioner Crichlow MOVED to reinstate the Entry Corridor Review Committee with five members appointed by the Commissioners. The motion was SECONDED by Commissioner Sikes-Kline and approved by UNANIMOUS VOICE VOTE.

Mr. Harriss stated that the Entry Corridor Review Committee had been used for appellant review of staff's decisions and was only an advisory committee for the Commission. He said that a few Commissioners had suggested increasing the committees' role. He added that the county had discussed expanding their overlay district for U.S.1. He suggested that the group meet with the Commission and the county. He said they could also investigate pedestrian enhancements for the south end of San Marco.

Commissioner Freeman suggested that the committee consider ways to improve the

treescape on first two blocks of San Marco, including how it would be paid for.

Following a brief discussion, Mr. Harriss reported that the Commissioners could assign the committees special projects that they want investigated.

12. Items by Mayor and Commissioners

Commissioner Crichlow – Variance for HP District

Commissioner Crichlow questioned whether the city should consider using variances instead of Planned Unit Developments for HP districts.

Mr. Harriss replied that he believed PUD's were used due to the significance of the area.

Commissioner Crichlow stated that the city could specify no variances for a particular HP district. He said he wanted it considered because PUD's were more cumbersome than variances.

Cell Tower Ordinance

Commissioner Crichlow stated that the zoning code should have specific references for cell towers.

Mr. Brown stated that a draft of the cell tower ordinance was going before the Planning and Zoning board on January 21, 2009.

Downtown Vandalism

Commissioner Crichlow stated that he had received complaints about vandalism downtown, which scared tourists and disrupted businesses.

Commissioner Freeman stated that she was aware of the vandalism, and she suggested installing video cameras.

Commissioner Crichlow noted that the vandalism was becoming more frequent. He suggested that the police address the matter at a future Commission meeting.

Franchise Fee

Commissioner Crichlow stated that the Commission should discuss whether franchise fees should go toward historic preservation. He suggested redirecting the money to reduce costs for services related to tourism.

Mayor Boles questioned how much the .5% increase would generate.

Mr. Litzinger replied \$25,000 per year.

Following a discussion it was determined that the Commission would discuss the matter at the February 9, 2009 Commission meeting and receive comments from the trolley businesses.

Commissioner Sikes-Kline – Community Events

Commissioner Sikes-Kline reported that she had attended the North Florida Transportation Planning Organization workshop. She added that she planned to attend the Scenic A1A Byway workshop on January 15th and January 16th.

Mayor Boles – Contract for Mayor Zeidler

Mayor Boles stated that the contract for Mayor Zeidler needed to be approved by the county.

Mr. Brown reported that a St. Johns County meeting had been scheduled for January 15, 2009 to discuss the contract.

Mayor Boles stated that until the contract was approved they would not receive money; therefore, the 450th working group would not meet until that time.

Modify Vote for 450th Working Group

Mayor Boles stated that at the prior meeting, the Commission had appointed the St. Augustine Beach Mayor to the 450th Working Group; however, he was no longer the Mayor. He suggested modifying the motion to the Mayor or a designee.

MOTION

Mayor Boles MOVED to modify the 450th Working Group to the Chairman of the County Commission, the Mayor of St. Augustine and the Mayor of Augustine Beach or their designee. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Homeless Commission

Mayor Boles stated that the first meeting for the Homeless Commission was scheduled for February 10, 2009. He said they would assess the community's cost for each chronically homeless person.

Parks and Land Build

Mayor Boles stated that their had been discussions regarding the Parks and Land Bill going through Congress, and legislation had passed through the Senate on the National Commission for the 450th Celebration for a \$500,000 annual allocation. He said the matter had to go through the House; however, he was hopeful that the city would receive the allocation.

Martin Luther King Jr. Breakfast

Mayor Boles requested that the Commissioners inform the Director of Public Affairs how many tickets they would need for the Martin Luther King Jr. breakfast.

13. Adjournment

There being no further business, the meeting was adjourned at 7:40 P.M.⁵

MAYOR

CITY CLERK, CMC

⁵ Transcribed by Susan Goins