

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday February 8, 2010

The City Commission met in a formal session Monday, February 8, 2010 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Joe Boles, and the following were present:

1. 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
Martha Graham, Director, Public Works
Jim Piggott, General Services Director
Mark Litzinger, Comptroller
Paul K. Williamson, Director, Public Affairs
Dana Ste. Claire, Executive Director of the 450th Commemoration
Celebration/Director, Heritage Tourism
Carlos E. Mendoza, Assistant City Attorney
Loran Lueders, Police Chief
Mike Arnold, Fire Chief
Martha Graham, Director, Public Works
Darlene Kirkland, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Walter West, Anastasia Baptist Church, 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 Sikes-Kline MOVED to approve the minutes of the regular meeting of January 25, 2010. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

3.C.1/ Proclamations

(None)

3.C.2/ Recognitions

(None)

4. Appeals

(None)

5. Ordinances and Resolutions - Public Hearing Required

5.A/ Ordinances – First Reading

(None)

5.B/. Ordinances - Second Reading

5.B.1/ Public Hearing – Ordinance 2010-06, prohibiting the parking of certain types of vehicles on public streets and rights-of-way within residential districts in residential districts in the City.

Carlos Mendoza, Assistant City Attorney, stated that the proposed Ordinance 2010-06 would prohibit parking vehicles weighing over 12,000 pounds on public rights-of-way within residential districts. He explained that the limit of 12,000 pounds was implemented because most vehicles exceeding that limit were generally for commercial use, plus the limit was commonly used in other municipalities. He pointed out that typically, large SUV's or trucks that exceeded the limit were not used by families.

Public hearing was opened; however, there was no response.

Commissioner Sikes-Kline questioned how residents would know whether the Ordinance would apply to their area.

Mr. Mendoza replied that if residents had questions regarding commercial vehicles in their area, they could contact the Planning and Building Department to determine if their area was residential, or contact City Police.

Commissioner Crichlow stated that the proposed Ordinance would address the issue of vehicles simply being moved to different location on the street to avoid violating City Code.

Commissioner Jones questioned the procedure in the event there was a vehicle in violation of the Ordinance.

Mr. Mendoza replied that in the event a resident had a complaint, they should notify law enforcement. He explained that there were specific guidelines for law enforcement to follow that allowed the vehicle owner to comply with City Code, or they would receive a violation and possibly be fined.

MOTION

Commissioner Jones MOVED to have Ordinance 2010-06 placed on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.

Mr. Brown read Ordinance 2010-06 as follows:

ORDINANCE NO. 2010-06

AN ORDINANCE OF THE CITY OF ST AUGUSTINE, FLORIDA REPEALING SECTION 24-47 OF THE CODE OF THE CITY OF ST AUGUSTINE AND CREATING SECTION 24-47 TO PROHIBIT THE PARKING OF CERTAIN TYPES OF VEHICLES ON PUBLIC STREETS AND ON PUBLIC RIGHTS-OF-WAY WITHIN RESIDENTIAL DISTRICTS IN THE CITY; EXEMPTING CERTAIN VEHICLES; PROVIDING FOR PENALTIES; 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, Sikes-Kline, Freeman
Crichlow, Boles**

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.C/ Resolutions

(None)

6. General Public Comments and Presentations

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

Rick Cain, Deputy Director, Lighthouse Museum, spoke in support of the Gullah-Geechee Heritage Corridor initiative.

Tom Morton reported that the mooring ball in front of his home had been removed along with many others in Salt Run. He stated that prior notice had not been given; therefore, the owners had no opportunity to remove them. He said that the mooring balls and ground tackle were expensive and public notice should have been given.

Jay Bliss expressed concern regarding the removal and disposal of expensive privately owned mooring balls. He pointed out that Ordinance 2009-38 stated that the City would attempt to give reasonable notice to the owners prior to removal to allow for removal by the owner. He questioned whether the City would remove the ground tackle and debris left by the mooring ball removal.

Patricia Lowe-Parets expressed concern regarding the spending priorities of the City, as related to the restoration of the sea wall.

B. J. Kalaidi stated that she would finally be provided with the property parcel numbers related to the adult entertainment districts. She expressed concern regarding the violation and the enforcement of laws. She detailed an

incident at a social fundraiser involving City employees, and she expressed her disapproval regarding the incident.

6.B/ Presentations (15 minutes per presentation)

6.B.1/ Presentation relative to the Boys and Girls Club.

Derek Hankerson expressed appreciation for the Commission's support for construction of the new 15,000 square foot state-of-the-art Boys and Girls Club facility located in Chase Park.

Mr. Harriss reported that the facility construction had been progressing at a rapid pace.

6.B.2/ Presentation relative to the Gullah-Geechee Cultural Heritage Corridor.

Derek Hankerson stated that the Gullah-Geechee Cultural Heritage Corridor could be an economic engine for the 450th commemoration, and they had partnered with the Lighthouse Museum to expand multicultural education and economic development. He announced that the National Park Service (NPS) had decided to hold their first public meeting in St. Augustine on February 19, 2010 beginning at 9:00 A.M., and it would be held at the St. Paul AME Church. He stated that with partnership with the NPS, St. Augustine will be included in all maps that depicted the Gullah-Geechee Heritage Corridor and the Underground Railroad Network to Freedom program.

James Bullock felt that there were educational and awareness opportunities involved with the Gullah-Geechee Heritage Corridor program. He stated that by educating the public, it could showcase the role St. Augustine played in the development of the United States, and the history of key figures. He pointed out that a multicultural history program could be

developed through the partnership with the National Park Service.

Commissioner Sikes-Kline questioned whether the meeting would be opened to the public, and the response was affirmative.

Mr. Bullock noted that delegates from across the country would be attending the meeting, and would be touring St. Augustine.

7. Resolutions and Ordinances- No Public Hearing Required

7.A/ Ordinances – First Reading

7.A.1/ Introduction and consideration of Ordinance 2010-08, temporarily amending City Code Section 4.3, regulating the sale, service and consumption of alcoholic beverages.

Ron Brown, City Attorney, stated that during previous discussions regarding extending the hours for alcoholic beverage sales, service and consumption, there were questions regarding the service and sales for morning hours and on Sundays. He stated that proposed Ordinance 2010-08 would change the hours from 7:00 A.M. to 6:00 A.M. Monday through Saturday, which would be consistent with St. Johns County and the City of St. Augustine Beach. He requested direction from the Commission as to whether the sales and service hours of liquor should be modified on Sundays, which currently began at 1:00 P.M.

Commissioner Freeman felt that the City's regulations should be consistent with St. Johns County whenever possible. She stated that church services were held during different times during the week and on Sundays; therefore, the City's regulation of alcohol should be consistent.

Commissioner Jones stated that, unlike St. Augustine Beach, there were many churches located within the City limits, and

he felt that the sales and service of liquor on Sundays should remain at 1:00 P.M.

Commissioner Crichlow felt that Sunday should be treated differently than the rest of the week, because Sunday was traditionally a day of worship.

Commissioner Sikes-Kline questioned whether the Ordinance could be modified to allow earlier sales and service of liquor for restaurants only.

Mayor Boles replied that they could not separate restaurants from bars and liquor package stores because of state laws.

After a brief discussion, it was determined that the Commission approved to include the service, sales and consumption of beer and wine to begin at 6:00 A.M.; however, further consideration would be given to determine the hours for the sale of liquor on Sunday after the public hearing at the subsequent meeting.

MOTION

Commissioner Crichlow MOVED to have Ordinance 2010-08 allowing the sales, service and consumption of beer and wine begin at 6:00 A.M., placed on first reading, read by title only and passed. The motion was SECONDED by Commissioner Jones.

Mr. Brown read Ordinance 2010-08 as follows:

ORDINANCE NO. 2010-08

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA TEMPORARILY AMENDING SECTION 4-3 OF THE CODE OF THE CITY OF ST. AUGUSTINE REGULATING THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, WINES AND LIQUOR BY PERSONS AND ENTITIES HOLDING A STATE

BEVERAGE LICENSE; MAKING FINDINGS OF FACT; PROVIDING FOR THE TEMPORARY EXTENSION OF HOURS OF SALES, SERVICE OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR EFFECTIVE DATES FOR TEMPORARY EXTENSION OF HOURS; PROVIDING FOR CONTINUED EFFECTIVENESS OF UNAMENDED PROVISIONS OF CODE SECTION 4-3; PROVIDING FOR SUNSET OF THIS ORDINANCE; PROVIDING FOR EFFECT OF SUNSET OF THIS ORDINANCE; PROVIDING FOR THE REESTABLISHMENT OF CODE SECTION 4-3; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Brown noted that in the event the Ordinance was passed on second reading, it would go into effect at 6:00 A.M. on March 5, 2010 and would sunset on July 12, 2010.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.B/ Resolutions

(None)

8. Staff Reports and Presentations

Jim Piggott, Director, General Services, reported the current status of the City's Harbor Management Plan. He explained that during the approval process of the Harbor Management Plan, it had been clearly stated that privately owned moorings within the mooring fields would be prohibited. He added that discussions

had taken place regarding the removal of existing private moorings, and they had categorized the type of moorings as follows:

- Moorings that had no boat attached
- Moorings that currently had boats anchored
- Moorings anchored within projected mooring field areas

Mr. Piggott explained that the mooring balls without boats attached, registration numbers, permits or identifying markings left no way to determine the mooring ball owners. He stated that notification to remove the mooring ball would be difficult without owner information. He said that a Frequently Asked Question guide and a notice to owner would be posted on all boats anchored in the City's harbor, and a letter would be mailed to the home addresses on file.¹

Commissioner Jones questioned whether moorings had been removed when a boat was attached, and the response was negative. He questioned the procedure of removal of unattended moorings and the associated costs.

Mr. Harriss replied that outreach meetings had been held to notify as many owners as possible. He stated that the mooring balls that had been removed were being stored for a period of time in order for the owners to retrieve them. He explained that the cost to remove the ground tackle would be difficult to determine and would depend on the method of removal; however, the City had no plans to remove the ground tackle.

Commissioner Crichlow expressed concern regarding the debris from the remaining ground tackle.

Mr. Harriss explained that in some cases, environmental issues and possible damage to the bottom lands could occur if they removed the ground tackle.

¹ Attached to original minutes

Mayor Boles requested that the Port and Waterway Authority be notified in addition to the boat owner notification.

Commissioner Freeman suggested including the information in the City's newsletter and the website.

Mr. Piggott stated that mooring reservations would begin June 1, 2010, and information along with a timeline for dingy and occupied private mooring removal would be posted on the City's website.

Commissioner Sikes-Kline suggested utilizing the neighborhood association's email list to provide notification to affected citizens.

Jay Bliss pointed out that the City's Harbor Management Ordinance provided for reasonable notification prior to private mooring removal to allow for voluntary removal by the owner, and he felt that advanced notice should have been placed in the newspaper. He requested that a minimum of five days notice be advertised prior to the removal of additional moorings.

In response to a brief discussion, Commissioner Jones stated that it would not be fair for City taxpayers to bear the cost of removing privately owned mooring ground tackle.

Commissioner Sikes-Kline questioned the number of mooring balls that had been removed to date.

Mr. Piggott replied that approximately 15 to 20 vacant mooring balls had been removed, and there were nearly 60 to 70 occupied moorings still in the Salt Run area.

After a brief discussion, it was determined that a notice would be placed in the newspaper prior to the removal of the existing private mooring balls.

Mr. Piggott reported that the mooring field installation would be open for bids at the beginning of April, after which a presentation of cost would be given to the Commission. He stated that the pump-out boat had been ordered and should be delivered in May.

Commissioner Crichlow questioned the length of time it would take to complete the installation of the mooring fields, and where boaters would be allowed to anchor during construction.

Mr. Piggott replied that the installation would take approximately six to eight weeks, and construction should start in the beginning of July. He noted that all boats would have to be removed from all mooring field areas prior to July 1, 2010 and would not be permitted to anchor within the mooring field area during installation. He stated that boaters would be allowed to temporarily anchor in completed mooring fields while the other fields were being installed.

9. ITEMS BY CITY ATTORNEY

Mr. Brown reported that successful negotiations had taken place for the purchase of the property located on the corner of US1 and King Street, and that the sale price was approximately \$226,000. He stated that the preliminary title work had been completed, and the tentative closing date was scheduled for February 26, 2010. He noted that an environmental review of the property had been conducted by City staff, and the fuel tanks had been removed in 1988 according to Environmental Protection Agency requirements; therefore, the City would not anticipate issues regarding contamination.

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations.

(None)

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 a Unit Connection Fee Mortgage.

(None)

11.B/ Discussion Items.

12. Items by Mayor and Commissioners

12.A/ Discussion regarding design guidelines for Historic Preservation districts HP-1, HP-2 and HP-3.

Mr. Brown stated that there had been previous discussions regarding design guidelines within the Historic Preservation Districts; however, there had not been a determination as to the architectural guidelines within each district. He explained that the general agreement was that HP-3 north of Hypolita Street would remain predominately Spanish Colonial. He stated that HP-1 had a variety of architectural styles; however, the Comprehensive Plan and City Code mandated new construction be in the Spanish Colonial style. He noted that discussions had taken place to identify the various architectural styles, which would thereby allow new construction to comply with one of the identified styles. He added that most concerns regarded the architectural guidelines for HP-2, and debates had occurred related to whether to require Spanish Colonial or allow the reconstruction of architectural styles that had previously existed. He explained that the Comprehensive Plan adopted the Architectural Guidelines for Historic Preservation. He stated that the City Code provided for the architectural guidelines to be regulated and approved by the Historical Architectural Review Board (HARB) or the City Commission; however,

the Code had originally required approval by resolution. He advised that the Commission determine the following:

- Establish required architectural design guidelines within each district
- Determine whether to amend the Comprehensive Plan regarding the architectural guidelines for each district
- Determine how architectural guidelines would be established

Mayor Boles felt the Commission had previously determined that architectural design styles in HP-1 should be consistent with the existing styles within the district.

Commissioner Crichlow pointed out that there were no guidelines provided in the Comprehensive Plan [Zoning Code] for design styles other than Spanish Colonial, which had caused confusion during HARB reviews.

Mr. Harriss felt that the current Comprehensive Plan [Zoning Code] should use the Architectural Guidelines for Historic Preservation for all historic districts; however, changes could be made through an ordinance, which would provide a public hearing and review for approval by HARB or the Commission. He recommended a discussion for each district.

Commissioner Crichlow stated that the Architectural Guidelines for Historic Preservation addressed style; however, it only provided specific architectural details for Spanish Colonial.

Commissioner Sikes-Kline stated that specific architectural criteria would have to be included in the Zoning Code.

Commissioner Jones suggested reviewing each district independently to determine architectural specification guidelines.

After a brief discussion it was determined that the Commission would review each district individually beginning with HP-1.

Commissioner Crichlow announced that February 22, 2010 at 3:00 P.M. there would be a public hearing held at World Golf Village regarding the St. Johns River Crossing bridge options. He stated that a constitutional amendment (Florida Hometown Democracy Amendment 4) would appear on the November election ballot, which could impact the City. He pointed out that while funding could not be used to advocate the City's position; the Commission could divulge their individual position.

Commissioner Sikes-Kline stated that she had been working on the proposed Florida Amtrak Corridor. She reported that a coalition would be forming, and she would report the progress of the project.

Commissioner Jones expressed concern regarding the ability of the Commission to advocate political issues, and he suggested holding an educational workshop to provide information to the public.

Mr. Brown stated that in the event proposed legislative issues that could have an impact on City were brought before the Commission individual opinions could be expressed; however, a public discussion was required to determine a position for the Commission.

13. Adjournment

There being no further business, the meeting was adjourned at 7:13 P.M.²

MAYOR

CITY CLERK, CMC

² Transcribed by Darlene Kirkland