

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
February 9, 2009

The City Commission met in a formal session Monday, February 9, 2009 at 5:10 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
Jim Piggott, General Services Director
Mark Knight, Director, Planning and Building
Mark Litzinger, Comptroller
Dr. William Adams, Director, Heritage Tourism
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

Father Brian Smith, Trinity Episcopal Parish, 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 the appellant for item 4.A. regarding the appeal for a cell tower located at 20 Louise Street had requested postponing until the February 23, 2009 meeting. He added that

the appellant was negotiating an alternative site and might not continue the appeal.

MOTION

Commissioner Crichlow MOVED to reschedule item 4.A. regarding the appeal for the cell tower at 20 Louise Street to the February 23, 2009 meeting. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

3.B/ Approval of Minutes

MOTION

Commissioner Crichlow MOVED to approve the minutes of the regular meeting of January 26, 2009. The motion was SECONDED by Commissioner Sikes-Kline and approved by UNANIMOUS VOICE VOTE.

3.C.1/ Proclamations

(None)

3.C.2/ Recognitions

(None)

4. Appeals and other Public Hearings

Appeal re-scheduled to February 23, 2009.

5. Ordinances and Resolutions - Public Hearing Required

5.A/ Ordinances – First Reading

(None)

5.B/. Ordinances - Second Reading

5.B.1/ Public Hearing - Ordinance 2009-02, establishing the Hilton Bayfront Planned Unit Development (PUD).

Mark Knight, Director, Planning and Building, explained that Ordinance 2009-02 established the Hilton Bayfront Planned Unit Development (PUD) at 32 Avenida Menendez. He said the establishment of the PUD was needed to allow a 392 square foot addition to the existing dining area at the Hilton Bayfront Hotel.

George McClure, McClure Bloodworth P.L., 81 King Street, referred to the following:

- Original idea for the site was the Hilton Garden that typically catered to businessmen; serving breakfast only

- To qualify for a flag Hilton Hotel a full service restaurant must be available
- Provided a display of the property¹
- Wanted the structure to continue resembling a series of connected colonial houses
- Under the PUD text they would be limited to the allowable uses for a hotel

Mayor Boles opened the public hearing.

BJ Kalaidi, referred to the following:

- Against Ordinance 2009-02
- Density in the area should not be increased
- The guidelines in the historic district should be respected
- A small plaque to preserve the civil rights movement should be moved to the outside wall where the menu was encased in glass
- The history of the city should be preserved

Mayor Boles closed the public hearing.

Mr. McClure stated that the location of the Civil Rights plaque had been selected in consultation with the Lincolnville community.

Commissioner Sikes-Kline stated that there were two plaques (one in the pool area and one on the steps).

Commissioner Jones pointed out that there were actually three plaques.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2009-02 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. 2009-02

¹ Attached to original minutes

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, Jones, Sikes-Kline, Freeman, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.C/ Resolutions

(None)

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

Reverend Helen Toby, referred to the following:

- Congratulated the Commissioners on winning the election
- Originally from Virginia and proud of its history
- Assistance with the 450th Birthday Celebration
- Lack of diversity on the 450th Working Group Committee

Irene Arriola, referred to the following:

- In support of a downtown reunion party
- The reunion would be beneficial for the city's economy
- The event would encourage local residents to go downtown

Mayor Boles stated that the reunion party was a great idea, and the Historical Society had stated that they would assist planning the event.

BJ Kalaidi, referred to the following:

- Encouraged residents to contact the Board of County Commissioners before February 17, 2009, because \$20,000 should not be spent for a consultant for the 450th Birthday Celebration
- Documents explaining the distribution of funds for the 450th Birthday Celebration should be provided to the Board of County Commissioners
- Requested that the Mayor provide the City Clerk with a record of all phone calls and emails
- University of Florida scheduled a meeting on Thursday, February 26, 2009, 1:00 P.M. at the St. Augustine Art Association regarding a new 17,000 square foot interpretive center for the NPS
- The meeting was scheduled during a time when most tax-payers were working and parking was not available at the location
- City politicians and staff had used tax-payer money for wish list items such as trips to Spain and the renovation of the Visitors Information Center during the last five years; however, historic buildings had not been restored

Commissioner Sikes-Kline stated that parking was available for the University of Florida strategic plan meeting next to the FEC building across the street from Georgies Diner.

Thomas Hancock, referred to the following:

- Resident at 99 Martin Luther King Jr. Avenue had five pit bulls that barked continually
- Contacted Animal Control and the city regarding the matter
- Read section 5-49 of the City Code regarding barking dogs
- The police should have given a citation when the dogs barked; however, nothing had been done

Following a brief discussion Mr. Harriss stated that he would contact Animal Control regarding the matter.

David Nolan, referred to the following:

- February was Black History Month
- Dr. Carter G. Woodson started Black History Month in 1926, and he was the first historian to take interest in Fort Mose
- Dr. Woodson had visited St. Augustine and performed a survey about the life of the black community in the city, Elkton, Hastings and Armstrong
- The history link on city website did not include black history
- Provided suggestions for including black history on the city website²

Dwight Hines, referred to the following:

- Open records
- City should not charge when citizens requested records
- Filed a complaint regarding the City Attorney
- Geological professions were considering investigating a geological complaint

6.B/ Presentations (15 minutes per presentation)

6.B.1/ Presentation by Checker Cab of St. Augustine regarding rates.

Mr. Litzinger explained that the city had received a request from Checker Cabs of St. Augustine to change the fee structure from a flat rate to metered rates and for the city to provide additional parking spaces for taxis within the city. He said there were five companies operating with the current zone rate structure. He said the national average for premium gas was \$2.11 and Resolution 2005-09 allowed an additional 50¢ assessment to the rates when the national premium gas average was \$2. He added

that if the price went above \$2.50 they could charge an additional \$1.

Mayor Boles questioned whether the city tried to keep taxi fares affordable.

Mr. Litzinger replied that historically the city tried to implement a rate structure with affordable rates while allowing businesses to operate. He added that the rate using meters would more than double for some longer rides.

Commissioner Jones emphasized that there should be one fare system for all cabs to avoid confusion for customers.

Michael Pomar, Associate Manager, Checker Cabs of St. Augustine, referred to the following:

- Requested changing from flat rates to metered rates
- Flat rates caused economic hardship for taxi drivers
- they needed to raise rates In order to maintain the standard for their business
- Customers preferred metered rates to ensure that they were charged fairly
- Resolution 2005-09 allowed charging fees based on the national gas average
- Discouraged cab sharing to personalize the riders experience
- Flat rate services stacked several customers in the same taxi
- Requested additional downtown parking spaces for walkup customers

Mayor Boles questioned the price increase considering gas prices had decreased.

Mr. Pomar replied that in some instances the fare had increased and in others the fare had decreased.

Commissioner Jones stated that there were advantages and disadvantages of the

² Attached to original minutes

metered system; however, the matter was worthy of further discussion. He added that he preferred that all cab companies were in agreement of the change.

Mr. Harriss questioned whether other companies had meters, and the response was negative.

Mayor Boles suggested inviting the other companies to discuss the matter.

Following a brief discussion it was determined that staff would prepare a resolution and invite the other cab companies to discuss changing the fare structure.

Commissioner Jones questioned the price of purchasing and installing a meter in each cab.

Mr. Pomar replied that the cost would be approximately \$100.

Commissioner Crichlow suggested a discussion at the subsequent meeting regarding taxi drivers violation of traffic laws.

Mr. Pomar stated that he had been dealing with complaints regarding reckless driving among taxi drivers.

Commissioner Jones asked how many parking spaces were reserved for taxi cabs, and the response was three.

Mr. Pomar stated that they wanted two additional parking spaces around the Plaza.

Commissioner Jones stated that he had observed that spaces reserved for taxis were empty or the drivers were talking with each other creating a nuisance for businesses. He said that he would not want that in the downtown area; furthermore, parking was already limited. He suggested that staff investigate the matter.

Mayor Boles requested additional information, because he was unsure

whether there was enough walkup traffic in the Plaza before 5:00 P.M. to merit additional spaces. He added that the city would lose parking revenue by decreasing spaces.

7. Resolutions and Ordinances- No Public Hearing Required

7.A/ Ordinances – First Reading

7.A.1/ Introduction and Consideration of Ordinance 2009-06 establishing a Ten (10) Year Historic Property Tax Exemption Period.

Mr. Knight explained that the city had an ad valorem tax exemption for restoring historic properties. He said Commissioner Sikes-Kline had recommended extending the tax exemption period to ten years. He said the Planning and Zoning Board had recommended approval of the proposed ordinance on January 6, 2009, and the Historic Architectural Review Board recommended approval on January 22, 2009. He added that HARB had also recommended that the County Commission also consider a ten year exemption for historic properties.

Commissioner Crichlow questioned whether the ordinance included commercial properties, and the response was affirmative.

Commissioner Sikes-Kline thanked staff, HARB and PZB for expediting the ordinance. She stated that the increase was a positive approach for historic preservation, increased property value and would keep local tradesmen employed. She added that she hoped the county would mirror the city's ordinance.

MOTION

Commissioner Jones MOVED to place Ordinance 2009-06 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. 2009-06

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 2-385 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A TEN (10) YEAR EXEMPTION PERIOD FOR AD VALOREM TAX EXEMPTIONS FOR HISTORIC PROPERTIES; 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, Crichlow, Freeman, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY³

Mayor Boles stated that he would re-open the public hearing regarding changing the fare structure for taxis, because he had missed two comment cards.

Brian Jeffo, referred to the following:

- Meters cost \$1.50 per mile for up to four people
- Zone fares were per person
- Jacksonville metered rates cost \$1.85 per mile and Tampa cost \$2.35 per mile
- St. Augustine rates were lower than most cities in the country
- Drivers paid \$74 dollars a day to lease their taxi
- Customers could not know the correct charge for their trip if meters were not used

Robert Hunter, referred to the following:

- Operated a taxi in the city

- Fare from Lewis Speedway to the Lighthouse would cost \$6.25; however, the cost did not consider time lost at stop lights or when the bridge opened
- Switching to metered rates was fair for taxi drivers and customers

7.B/ Resolutions

7.B.1/ Consideration of Resolution 2009-04, increasing the Franchise Fee paid by the Sightseeing Motor Vehicular Tours operated by the St. Augustine Trains, Inc. and St. Augustine Historical Tours, Inc.

Mr. Litzinger explained that during the January 12, 2009 Commission meeting, there had been a discussion regarding increasing the franchise fees for the St. Augustine Historical Tours and the St. Augustine Trains from the 2.5% to 3% of gross sales as stated in the franchise agreements. He said on the third year of the effective date of the franchise agreement and every third year there after, the city could increase the percentage of gross revenue paid to the city by one half of 1% up to a maximum of 5% over the life of the franchise. He said the proposed increase would amount to \$33,000 in additional revenue.

MOTION

Commissioner Crichlow MOVED to pass Resolution 2009-04. The motion was SECONDED by Commissioner Sikes-Kline.

Mayor Boles stated that the city should be entrepreneurial and look for funding sources that would not require increasing property taxes. He added that there were many creative ways to obtain revenue.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

³ Brief recess 6:34 P.M. to 6:44 P.M.

7.B.2/ Consideration of Resolution 2009-05, authorizing a Grant Application from the Florida Inland Navigation District for Dredging of the Salt Run Channel.

Consideration of Interlocal Agreement with the St. Augustine Port, Waterway & Beach District regarding the Dredging of the Salt Run Channel.

Jim Piggott, General Services Director, stated that Resolution 2009-05 was for a dredging project sponsored by the St. Augustine Beach, Port and Waterway District. He explained that the dredging project was for a portion of the Salt Run Channel north of the Conch House with a total project cost of \$600,000. He reported that the city was eligible for a \$450,000 FIND Grant considering that the city owned the bottomlands. He said the Interlocal Agreement between the city and Port District would pay the city \$150,000 upon completion of the dredging project.

Commissioner Sikes-Kline questioned where the spoil would go.

Mr. Piggott replied that if mechanically dredged, the spoil would be taken to the Vilano Boat Ramp then to a spoil site approved by the Department of Environmental Protection.

MOTION

Commissioner Freeman MOVED to pass Resolution 2009-05. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

MOTION

Commissioner Sikes-Kline MOVED to pass the Interlocal Agreement. The motion was SECONDED by Commissioner Jones.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

8. Staff Reports and Presentations

8.A/ Presentation regarding the Tour of City Facilities.

John Regan, Chief Operations Officer, explained that staff had scheduled a tour for the Commission through the various operational centers in the city on March 11, 2009 at 8:30 A.M. He said the tour included the parking garage, water supply, water treatment, police, fire, wastewater treatment and support services including the new Fleet Maintenance Facility and marina operations. He added that the vehicle that had been chartered for the event was large enough for each Commissioner to invite up to four guests.

9. ITEMS BY CITY ATTORNEY

Ron Brown, City Attorney, stated that at the prior Commission meeting there was a discussion regarding the rental of city property at 650 Riberia Street. He said that a meeting had been scheduled for Wednesday, February 11, 2009, at 9:30 A.M. to discuss the matter.

Mr. Brown stated that during the public comments period, a statement had been made concerning a complaint filed against him by a resident concerning the performance of his duties. He said the Florida Bar had issued a letter indicating no probable cause, and they closed the file on the issue. He said that once the matter was settled it would become public record.

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 Mutual Aid Agreement with the St. Augustine Police Department, St. Augustine Beach Police Department and the St. Johns County Sheriff's Office.

11.A.3/ Consideration of a Grant Award from the Florida Department of Law Enforcement.

Mr. Harriss read the consent agenda.

MOTION

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

11.B/ Discussion Items

(None)

12. Items by Mayor and Commissioners

Mayor Boles

Mayor Boles encouraged the Commission to read the executive summary for the University of Florida's report on February 26, 2009. He said the cost would be \$40 million including a \$10 million interpretive center, which they would seek through the federal and state governments. He said until that time, the city remained stewards of the property under a five year lease;

however, he was hopeful that the lease would be extended for 99 years.

City Bond Rating

Mayor Boles stated that the Fitch Ratings affirmed that the city had \$11.3 million in public service tax revenue bonds rated 'A+', \$21.6 million in capital improvement bonds (non ad-valorem) rated 'A' and an implied general obligation rated 'A+'. He added that the ratings outlook was stable, and he thanked the City Manager, Comptroller and finance staff for their hard work.

Mr. Brown pointed out that the 'A+' outlook rating was based on the city's strong financial operations. He said it was the result of conservative spending, good planning and reserves.

Commissioner Jones – Frederick Douglass Marker

Commissioner Jones stated that the city had erected a marker on St. George Street noting the visit by Frederick Douglass. He said there would be an announcement regarding the official unveiling of the marker and possibly a re-enactment.

Commissioner Sikes-Kline – Tourist Activities

Commissioner Sikes-Kline stated she had participated in several tourist activities over the weekend, and staff had been friendly and helpful.

The Woman's Exchange

Commissioner Sikes-Kline thanked The Woman's Exchange for the women's costume mannequin, and she also thanked Phil Genovar for the horse drawn carriage that he had loaned the city.

Downtown Reunion Party

Commissioner Sikes-Kline stated that the suggested Reunion Party would be

beneficial for the city and downtown businesses.

Commissioner Crichlow – Homeless Support

Commissioner Crichlow stated that Daytona Beach had established a program in which they offered the homeless food and shelter in exchange for work. He pointed out that many of the rewards were donated by local businesses, and he suggested that staff look into the matter.

Mayor Boles stated that Daytona Beach Commissioner Richard Shiver had researched the program and informed him of the programs' success. He added that the program could benefit the city.

13. Adjournment

There being no further business, the meeting was adjourned at 7:18 P.M.⁴

MAYOR

CITY CLERK, CMC

⁴ Transcribed by Susan Goins