

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
February 22, 2010

The City Commission met in a formal session Monday, February 22, 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
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

Father David Alert, Christ the King Anglican Church, delivered the invocation, and Commissioner Jones led the pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Karen Rogers, City Clerk, stated that proclamations 2010-03 and 2010-04 would

be presented during the March 8, 2010 Commission meeting.

3.B/ Approval of Minutes

Commissioner Sikes-Kline stated that the discussion on page seven, paragraphs three and four should have referred to the Zoning Code and not the Comprehensive Plan.

MOTION

Commissioner Crichlow **MOVED** to approve the minutes of the regular meeting of February 8, 2010 as amended. The motion was **SECONDED** by Commissioner Sikes-Kline and approved by **UNANIMOUS VOICE VOTE**.

3.C.1/ Proclamations

2010-05 Support the U.S. Census Full and Accurate Count
2010-06 Black History Month

Mayor Boles read and presented the proclamations.

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 2010-08, temporarily amending Section 4-3 of the City Code regulating the sale, service and consumption of alcoholic beverages.

Ron Brown, City Attorney, stated that Ordinance 2010-08 would allow the sales and service of alcoholic beverages to begin at 6:00 A.M. everyday with the exception of liquor sales on Sunday, which would begin at 1:00 P.M.

Public hearing opened.

B. J. Kalaidi spoke against the extended hours of alcoholic beverage sales.

Public hearing closed.

MOTION

Commissioner Jones **MOVED** to have Ordinance 2010-08 placed on first reading, read by title only and passed. The motion was **SECONDED** by Commissioner Crichlow.

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, MALT BEVERAGES, 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.

VOTE ON MOTION

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

B. J. Kalaidi expressed displeasure that she had not received parcel numbers for the adult entertainment districts. She requested a list of trips made by Bill Leary that had been paid for by the City. She felt that city funds should not be used for the City's 450th Commemoration Celebration. She questioned the funding used to fill two abandoned artesian wells located in the Toques parking lot. She stated that the backup material for the Commission meeting agenda and water boil notices should be posted on the City's website. She questioned the balance of the reserve funds, as well as the purchase of bottled water by City departments. She requested that the intersection of Malaga and King Streets be repaired.

Jay Bliss expressed appreciation for the City's efforts to notify the public regarding the Harbor Management timeline. He expressed concern regarding the remaining ground tackle, and he felt that it should also be removed for the following reasons:

- Created difficulties navigating through the water
- Possible damage to outboard motors during low tide
- Created difficulties for fishermen
- Obstacles to dredging

Mr. Bliss requested that the City notices include information regarding where

ground tackle could be recovered when removed by the City.

Bill Leary expressed appreciation for City staff while he served on the Planning and Zoning Board, and Mayor Boles thanked him for his service.

Commissioner Jones felt that the public had been misinformed regarding the recent removal of private mooring balls. He pointed out that according to information he had received from other state agencies, unpermitted private moorings were illegal. He stated that the cost for removal of private moorings and ground tackle should be paid by the people that installed them.

6.B/ Presentations (15 minutes per presentation)

(None)

7. Resolutions and Ordinances- No Public Hearing Required

7.A/ Ordinances – First Reading

7.A.1/ Introduction and consideration of Ordinance 2010-09, amending Section 28-31 of the Code of the City of St. Augustine to require amendments to applications relevant to public hearings by submitted at least ten (10) days prior to hearing.

Mark Knight, Director, Planning and Building, stated that the proposed Ordinance extended the timeframe related to amended applications for the Planning and Zoning Board, Historical Architectural Review Board and occasionally Code Enforcement Adjustments and Appeals Board. He explained that periodically modifications were made to an application, and currently the amended application must be submitted at least five days prior to the hearing, which did not allow sufficient time to evaluate amendments.

MOTION

Commissioner Crichlow **MOVED** to have Ordinance 2010-09 placed on first reading, read by title only and passed. The motion was **SECONDED** by Commissioner Sikes-Kline.

Mr. Brown read Ordinance 2010-09 as follows:

ORDINANCE NO. 2010-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-31 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO REQUIRE AMENDMENTS TO APPLICATIONS FOR PUBLIC HEARING TO BE SUBMITTED AT LEAST TEN (10) DAYS PRIOR TO THE HEARING FOR CONSIDERATION; 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 FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.B/ Resolutions

(None)

8. Staff Reports and Presentations

(None)

9. ITEMS BY CITY ATTORNEY

(None)

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.A.3/ Well Plugging Agreement between St. Johns River Water Management and the City of St. Augustine.

11.A.4/ Notification of one term vacancy on the Code Enforcement, Adjustments and Appeals Board due to the resignation of Gary McMahon.

11.A.5/ Notification of one term vacancy on the Planning and Zoning Board due to the resignation of William (Bill) Leary.

Commissioner Sikes-Kline referred to item 11.A.3., and questioned the language in the \$5,000 cost share agreement.

Mr. Harriss replied that the St. Johns River Water Management provided an estimate based on the size of a well, and the City's share would be \$5,000 per well. He explained that the agreement referred to two abandoned wells located in the Toques parking lot, which the City had never used. He stated that in the event of no future use, the entire well required plugging to avoid possible contamination to the aquifer, which was mandated by law. He noted that the total cost to plug a well could be in excess of \$10,000.

MOTION

Commissioner Crichlow **MOVED** to approve the Consent Agenda. The motion was **SECONDED** by Commissioner Jones and **APPROVED BY UNANIMOUS VOICE VOTE.**

11.B/ Discussion Items.

Mr. Harriss stated that there were up coming meetings with outside delegates where more than one Commissioner could attend; however, for all Commissioners to participate in the discussions, a public meeting would be required. He noted that a public meeting would not be required if only one Commission representative participated in the discussions.

Mr. Brown explained that according to Florida law, if two or more commissioners attended a meeting, public notice would be necessary, and if all Commissioners participate in the discussions, a public meeting would be required. He pointed out that a minimum of three Commissioners would be required to have a quorum.

Mr. Harriss stated that the options would be either to call a meeting and all the Commissioners could participate in the discussions or give notice that two or more Commissioners would attend, and agree that only one Commissioner would speak.

After a brief discussion there was a consensus to notify the public that two or more Commissioners might attend the upcoming meetings, but future meetings would be discussed further.

12. Items by Mayor and Commissioners

Commissioner Jones suggested recognizing a student from the Florida School of the Deaf Blind that had been an interpreter during the Super Bowl.

Commissioner Crichlow suggested paying residents to remove the remaining ground tackle from the private mooring balls as a cost saving measure for the City.

Mr. Harriss noted that the City's cost to remove each mooring was \$500.00.

Mayor Boles stated that the number of remaining moorings and ground tackle

should be reviewed after the owners had a chance to remove them.

Mr. Harriss stated that moorings with a boat attached could have a lien placed on the boat to recover the cost to remove the mooring and ground tackle.

Mayor Boles suggested that the City provide information on contractors that could remove the moorings.

Commissioner Freeman questioned whether the removal of ground tackle would be more efficient with the mooring ball attached, and the response was affirmative.

Commissioner Jones expressed concern regarding the enforcement of mandatory removal of private moorings, and whether the City would be able to verify that the ground tackle had been removed.

Mr. Harriss stated that the City would make every effort to remove the ground tackle; however, in certain cases, because of the weight and material, the ground tackle might not be removable.

Commissioner Sikes-Kline questioned the ownership of ground tackle from mooring balls that had been removed.

Mr. Harriss replied that it would be considered abandoned property, and would belong to the City. He pointed out that fishing and anchoring would not be permitted within the mooring fields; therefore, abandoned ground tackle should not create issues for boaters.

Commissioner Jones questioned how the determination was made that a mooring ball had been abandoned.

Mr. Harriss said that boats that were currently moored had been identified and would be provided with sufficient notification.

Mayor Boles thanked Dana Ste. Claire, Executive Director of the 450th Commemoration Celebration/Director, Heritage Tourism, for giving an update on the 450th Commemoration Celebration during the Tourist Development Council meeting.

13. Adjournment

There being no further business, the meeting was adjourned at 6:08 P.M.¹

MAYOR

CITY CLERK, CMC

¹ Transcribed by Darlene Kirkland