

## CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
February 23, 2009

The City Commission met in a formal session Monday, February 23, 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  
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

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### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Gabbat Jerry Kass, Living Waters Ministry, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

### **3. ADMINISTRATIVE ITEMS**

#### **3.A/ Modification of Agenda**

Commissioner Jones suggested presenting the Point of Light award to David Nolan following item 3.B. considering many residents were in attendance for the presentation.

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 March 9, 2009 meeting. He explained that they had a potential agreement with another property owner; however, they would not withdraw the appeal until the agreement was fully executed.

#### **MOTION**

**Commissioner Crichlow MOVED to table item 4.A. regarding the appeal for the cell tower at 20 Louise Street to the March 9, 2009 meeting. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

### **3.B/ Approval of Minutes**

#### **MOTION**

**Commissioner Crichlow MOVED to approve the minutes of the regular meeting of February 9, 2009. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

#### **Non-Agenda Item - Government Point of Light Award**

Mayor Boles presented David Nolan with the Point of Light awarded by Governor Charlie Crist.<sup>1</sup>

David Nolan thanked the 40<sup>th</sup> Accord, Citizens for the Preservation of St. Augustine, Fort Mose Historical Society and the Foot Soldiers Committee for their efforts to preserve historic documents and buildings.

### **3.C.1/ Proclamations**

(None)

### **3.C.2/ Recognitions**

(None)

## **4. Appeals and other Public Hearings**

**4.A/ Tabled - Appeal of a Planning and Zoning Board decision regarding property located at 20 Louise Street.**

Appeal re-scheduled to March 9, 2009.

## **5. Ordinances and Resolutions - Public Hearing Required**

### **5.A/ Ordinances – First Reading**

**5.A.1/ Public Hearing - Ordinance 2009-05, concerning a Petition to Vacate a**

### **Portion of East Street, lying east of Henry Street.**

Mark Knight, Director, Planning and Building, explained that Ordinance 2009-05 vacated a portion of East Street in relation to the Sue Hale and Nathan Patrick annexation, land use and zoning ordinances. He said that Dr. Hale wanted to annex the property and in conjunction with the annexation, requested vacating the last portion of East Street. He said the only way to access the property was to walk across Dr. Hale's property; therefore, it served no function to the public and only had value to Dr. Hale.

Mayor Boles opened the public hearing.

B.J. Kalaidi, referred to the following:

- Owner wanted to annex the property to avoid the impact fees
- Opposed to the annexation

Mayor Boles stated that the city would collect taxes on the property if it was annexed into the city. He questioned whether there were impact fees on the property.

Mr. Knight replied that the owner did not plan to develop the property; however, he was required to pay taxes on the property when it was annexed.

Mayor Boles closed the public hearing.

#### **MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2009-05 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Jones.**

Mr. Brown read the title as follows:

ORDINANCE NO. 2009-05

<sup>1</sup> Attached to original minutes

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF EAST STREET LOCATED WITHIN THE CITY LIMITS OF ST. AUGUSTINE, FLORIDA AND MORE PARTICULARLY DESCRIBED HEREIN; 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, Jones, Freeman,  
Sikes-Kline, Boles

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**5.B/. Ordinances - Second Reading**

**5.B.1/ Public Hearing - Ordinance 2008-14, concerning a Petition for Voluntary Annexation of property located east of the intersection of State Road 16 and Lewis Speedway.**

Ron Brown, City Attorney, explained that Ordinances 2008-14 and 2008-15 were inter-related and part of a mutual consideration arrangement; therefore, the Commission could combine the public hearing. He pointed out that there must be a separate motion for each ordinance.

John Regan, Chief Operations Officer, explained that the annexation was related to the substation property that extended the city limits and provided opportunities for relocation of a city sign. He said the annexation would increase city revenue by \$3,000 per year in tax revenue. He introduced the representative from Florida Power and Light and Bruce Humphreys of Burchfield and Humphreys who had served as counsel to the city during the negotiations. He reported that two public outreach meetings had been held since the prior Commission meeting.

David Cobb, External Affairs Managers, Florida Power & Light, provided the key points of the franchise agreement as follows:

- City agreed not to start an electric distribution company for the term of the franchise
- FP&L would pay the city a percentage of revenue for the 30 year term
- The franchise would not limit the city's ability to use renewable resources
- Other electric companies could provide electric service to the city during the 30 year term
- Property taxes were not part of the franchise fee payment
- Franchise would improve cash flow for the city

Mr. Regan stated that the Commission had several options and referred to the following:

- City could start an electric business; however, the associated costs would create a large debt load; furthermore the city could not provide competitive rates
- Sign the franchise agreement
- Not sign the agreement; considering a franchise agreement was not necessary to operate
- Choosing another operator such as Jacksonville Electric Association
- FP&L rates had decreased, and they were currently the lowest rate provider in the state
- Franchise fee was based on electric usage
- Tax exempt properties in the community such as Flagler College, Deaf and Blind School and National Guard would pay the same franchise fee paid by all power users
- It was questionable whether to remove a revenue stream that collected from tax exempt properties and spread the burden

- 30 year agreement provided a revenue stream from tax exempt properties

Mayor Boles opened the public hearing.

Dwight Hines referred to the following:

- Opposed the franchise agreement
- The city should privatize
- Possible conflict of interest because FP&L representatives bought lunch for Mr. Regan

Commissioner Freeman questioned why he believed that FP&L representatives spent money on city staff.

Mr. Hines replied that an FP&L representative had indicated that he bought lunch for Mr. Regan.

Commissioner Freeman stated that she investigated that matter; however, she was unable to verify that money had been spent on city staff.

Ed Slavin referred to the following:

- City should further investigate the matter
- The city should have a municipally owned system
- Heard that there was a territorial agreement between FP&L and Jacksonville which was against the Sherman Anti-Trust Act
- The city should consider a shorter term for the franchise agreement; possibly five or 10 years
- The city should not have a power plant

Melinda Rakoncay referred to the following:

- Spoke on behalf of the neighborhood association
- The agreement should be shortened to five years; 30 years was too long

- Although the city would get money from property tax exempt properties, her millage rate would go up

B.J. Kalaidi referred to the following:

- The city should operate without a franchise agreement
- 30 year agreement was too long
- City expenses had not been cut for over 30 years
- Commission took trips to Spain using tax money
- Books had been shipped from Spain to a Commissioner using tax money
- The city was irresponsible with tax money

Mayor Boles closed the public hearing.

Commissioner Freeman questioned whether a shorter term had been discussed.

Mr. Regan replied affirmatively and added that the term was non-negotiable.

Mr. Regan referred to a comment made during the public hearing and stated that FP&L had not bought him lunch. He pointed out that all negotiations had been in the city conference room, and he had provided water and soda to FP&L employees.

Mr. Cobb replied to a series of questions by the Commission as follows:

- Florida legislature gave power to the Public Service Commission to regulate territorial boundaries and agreements; moreover, territorial agreements had existed for many years
- After the boundary was agreed upon the Public Service Commission went through a six to nine month process to approve the agreement
- FP&L had one twenty year franchise agreement; however, the municipalities received a lower rate

- FP&L would not negotiate a twenty year contract
- Tree trimming personnel worked under the supervision of a certified utility Arborist and trimmed trees to prevent them from growing into utility lines

Commissioner Freeman stated that staff had performed a thorough job and explored all alternatives.

Commissioner Jones stated that Jacksonville Electric Association had no interest in replacing FP&L, because they indicated that the city was too small.

Commissioner Crichlow stated that staff had performed a great job. He reported that he had spoken to a former FP&L employee that currently worked as the director of a private utility company, and he advised him not to start a private utility company because the city could not compete against a larger public company. He said that the 30 year agreement made sense for the city and he wanted to keep utility costs as low as possible; therefore, he recommended renewing the franchise.

Commissioner Sikes-Kline stated that the city should not start a utility company. She said that having worked as a planner, thirty years was considered a short period of time. She pointed out that people signed 30 year mortgages; for instance the city wanted a 99 year lease for the state properties.

#### **MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2008-14 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. 2008-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ANNEXING PROPERTY NOW LOCATED IN ST. JOHNS COUNTY, FLORIDA AND DESCRIBED AS ALL OF BLOCK 31, SANTA ROSA SUBDIVISION, MAP BOOK 3, PAGE 149 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, EXCEPT A PORTION TAKEN FOR RIGHT-OF-WAY BY ORDER OF TAKING AS RECORDED IN ST. JOHNS COUNTY CIRCUIT COURT MINUTE BOOK 5, PAGE 424 AND EXCEPT A PORTION CONVEYED TO STATE ROAD DEPARTMENT BY INSTRUMENT OF CONVEYANCE RECORDED AT OFFICIAL RECORDS BOOK 94, PAGE 432 OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA, PARCEL IDENTIFICATION NUMBER 093220 0000; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA AND WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; 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 - Ordinance 2008-15, authorizing the renewal of the Florida Power & Light Company Franchise Agreement.**

#### **MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2008-15 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. 2008-15**

AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF ST. AUGUSTINE, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Boles commended Mr. Regan for his efforts with the agreement.

Mr. Regan thanked the consultant Bruce Humphreys for his assistance during negotiations.

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Commissioner Jones stated that Commissioner Burk did not receive private books shipped to her. He explained that the cities of Aviles and Malaga, Spain presented books as a gift to city schools, and they had been shipped to a single address.

**5.B.3/ Public Hearing - Ordinance 2009-06, establishing a Ten (10) Year Historic Property Tax Exemption Period.**

Mr. Knight explained that Ordinance 2009-06 extended the tax exemption period for restoring historic properties from five to ten years. He pointed out that the exemption of ad valorem taxes was only for the improved value of the property.

Mayor Boles opened the public hearing.

B.J. Kalaidi referred to the following:

- Revenue was down; however, the city wanted to give people a 10 year historical property tax exemption
- Against Ordinance 2009-06
- Increasing the tax exemption period would not increase city revenue

Mayor Boles explained that the goal of the ordinance was to encourage people to restore properties to historic conditions and improve the area.

Commissioner Sikes-Kline stated that increasing the tax exemption period was a good idea, and the city and county were the last in the state to establish a ten year period.

Mayor Boles closed the public hearing.

**MOTION**

**Commissioner Sikes-Kline MOVED to place Ordinance 2009-06 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Crichlow.**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**5.C/ Resolutions**

(None)

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

Mayor Boles stated that he had received comments from residents that the public comment period was negative; therefore, residents that spoke during the public comment would receive a ParkNow card worth ten hours of free parking. He added that if they wanted to say something positive about the city, they would receive an additional 30 seconds to speak.

Helen Toby referred to the following:

- Recently moved to the city
- Born and raised in Virginia
- Against the Mayor of Jamestown taking money as a public official to officiate during the Jamestown celebration
- Volunteered her services to provide information about Jamestown

Dwight Hines referred to the following:

- Filed complaint with the Public Service Commission
- Volunteered to plan the 450<sup>th</sup> birthday celebration
- Grumman supported the 40<sup>th</sup> Accord by providing books and contributed to the community in positive ways
- There were good projects in the science fair that had a chance of winning prizes

BJ Kalaidi referred to the following:

- \$20,000 consulting fee should not be approved for Mayor Zeidler
- Ad Valorem taxes were used to pay water bills of city employees
- 49 city employees receive \$720 for an employee residential incentive
- Appreciated the opportunity as a citizen of the United States to speak in a public venue about issues that effected everyone
- Public comments provided by citizens were not just complaints; it was peoples' lives
- Residents and visitors of the city came for the uniqueness of the Spanish history that the city represented

Mayor Boles stated that the funds for the consultant who was the Mayor of Williamsburg and the Executive Director of Jamestown's 400<sup>th</sup> celebration came from the Tourist Development Council and bed tax money; the money would not come from property taxes.

Ed Slavin referred to the following:

- Mayor Zeidler said if she were the Mayor of St. Augustine, she would support a St. Augustine National Park, National Seashore, and National Scenic Coastal Highway
- City residents were not respected by city staff
- Environmental racism

Commissioner Jones stated that he had been bashed and called names by people referring to his civil rights.<sup>2</sup>

**6.B/ Presentations (15 minutes per presentation)**

(None)

**7. Resolutions and Ordinances- No Public Hearing Required**

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<sup>2</sup> Brief recess 6:38 P.M. to 7:03 P.M.

**7.A/ Ordinances – First Reading**

**7.A.1/ Introduction and Consideration of Ordinance 2009-07, amending the Police Officers' Retirement System regarding the Cost of Living Adjustment.**

Mr. Harriss explained that Ordinance 2009-07 provided the cost of living increase during the Deferred Retirement Option Plan period. He pointed out that it was consistent with the state of Florida's retirement system.

**MOTION**

**Commissioner Jones MOVED to place Ordinance 2009-07 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Crichlow.**

Mr. Brown read the title as follows:

**ORDINANCE NO. 2009-07**

AN ORDINANCE OF THE CITY OF ST AUGUSTINE, FLORIDA, AMENDING THE POLICE OFFICERS RETIREMENT SYSTEM; AMENDING PART I, ARTICLE X, SECTION 10.12 OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE, CLARIFYING APPLICATION OF THE COST OF LIVING ADJUSTMENT; PROVIDING FOR CODIFICATION; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A VALIDITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**7.A.2/ Introduction and Consideration of Ordinance 2009-08, authorizing the Regulation of Wireless Telecommunication Facilities.**

Mr. Knight stated that Ordinance 2009-08 outlined locations for wireless telecommunications facilities. He said the Planning and Zoning Board supported adoption of the ordinance by the Commission. He said a representative from Verizon had been hired to review the ordinance and provide input. He noted that there were a few minor issues. He said that the ordinance worked on a tiered approach and referred to the following:

- Tier one concerned an existing tower
- Collocation of a second antenna required a building permit
- Tier two required a public hearing by the PZB for administrative approval
- PZB would hear comments and determine whether it met minimum criteria to permit the tower
- Tier three was more subjective and specific for larger towers

Mr. Knight noted that the most typical tower would be 150-feet.

Ron Brown explained the legal issues regarding cell towers and referred to the following:

- The Telecommunications Act at the federal level indicated that the city could not disprove cell towers in the city and could not discriminate among providers
- There was a federal court case indicating that the city could not use evidence of electromagnetic health issues as a reason to deny a cell tower
- Under state law it was difficult to remove existing cell towers
- State Statute had a preference for existing over new facilities
- Tier one review would be performed by staff
- Pinellas County had eleven cell towers on school properties

- There were two towers on city properties that were used as income producers
- The goal was to comply intertwining Statues and regulate existing and new cell towers and impose limits without violating the law
- There was a twenty day period for the city to review the application and determine whether it was in compliance

Commissioner Crichlow questioned whether there were priority locations.

Mr. Knight replied that the priority was for two tier towers of 150 feet or less, based on the three zoning districts.

Commissioner Crichlow stated that he had pushed for a cell tower ordinance. He said the city had tried to approve them based on building requirements. He added that the ordinance could be adjusted in the future; however, he was glad that they were moving forward.

#### **MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2009-08 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. 2009-08**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING THE WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE FOR THE CITY OF ST. AUGUSTINE; MAKING FINDINGS AS TO LEGISLATIVE INTENT; PROVIDING DEFINITIONS; IMPLEMENTING PROCEDURES REGARDING APPLICATION FOR AND GRANTING OF SPECIAL USE PERMITS FOR WIRELESS TELECOMMUNICATIONS FACILITIES; IMPLEMENTING REGULATIONS GOV-

ERNING THE LOCATION OF WIRELESS TELECOMMUNICATIONS FACILITIES, THE SHARED USE OF WIRELESS TELECOMMUNICATIONS FACILITIES AND THE HEIGHT OF TELECOMMUNICATIONS TOWERS; 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, Sikes-Kline, Jones, Freeman, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

#### **7.B/ Resolutions**

**7.B.1/ Consideration of Resolution 2009-06, authorizing the Locally Funded Agreement with the Florida Department of Transportation relative to the Bridge of Lions Under-lighting Program.**

**Consideration of Locally Funded Agreement with the Florida Department of Transportation for Design of Accent Lighting and Installation of Conduit on the Bridge of Lions.**

Mr. Regan explained that Resolution 2009-06 and the agreement with the Florida Department of Transportation allocated funds for the installation of conduit and allowed for design services for under lighting the Bridge of Lions.

#### **MOTION**

**Commissioner Freeman MOVED to pass Resolution 2009-06. The motion was SECONDED by Commissioner Crichlow.**

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

## MOTION

**Commissioner Crichlow MOVED to pass the locally funded agreement. The motion was SECONDED by Commissioner Jones.**

### VOTE ON MOTION

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

### **7.B.2/ Consideration of Resolution 2009-07, establishing metered rates for transportation in motor driven passenger vehicles for hire.**

Mr. Litzinger stated that the city had received a request from Mike Pomar, Checker Cabs to switch from zoned rates to metered rates and additional parking spaces around the Plaza. He said Resolution 2009-07 allowed the company to choose the method of fare; metered or zoned. He pointed out that the fare method must be clearly displayed on the exterior and interior of the cabs. He said zoned fares would remain the same. He stated that staff had walked around the Plaza from 8:00 p.m. - 5:00 p.m., Monday through, Friday and there was 50% occupancy of the two spaces provided for existing taxis.

Mayor Boles stated that he did not want to the city to lose downtown parking spaces.

Commissioner Crichlow stated that since the parking spaces were 50% occupied, there was not a large need for additional downtown spaces for the cab companies.

Mr. Harriss explained that the resolution allowed Checker Cabs to use meters and the other cabs companies to use the system that they wanted. He said customers would decide which method they wanted to use.

Commissioner Crichlow stated that different rates could be confusing and the city could be blamed for allowing the confusion.

Mr. Harriss stated that New York City used two different fare systems and customers knew the difference. He said as long as the fare method was displayed on the car customers would know the difference.

Commissioner Sikes-Kline stated that she liked the idea of providing choices, and she questioned how the city would ensure that cabs were clearly marked with the fare method.

Mr. Harriss replied that the cabs were inspected at the Fleet Maintenance Facility and that would be part of the inspection.

Commissioner Jones stated that he had received comments from the public and he was inclined to allow Checker Cabs to use meters and allow other companies to continue under the zone rates. He said the market would dictate which was more successful.

Commissioner Freeman expressed concern that the city might be encouraging companies to increase their prices; however, companies should be allowed to operate as they chose, and going out of business could be a consequence.

Mayor Boles invited employees of various cab companies to provide comments.

Gregg, St. Augustine Taxi, referred to the following:

- Their customers preferred flat rates
- Customers would choose which fare method they preferred

Michael Deakins, Yellow Cab, Ace Taxi, Ancient City, referred to the following:

- Customers preferred zone rates
- Their company would continue to use zone rates

Richard Davis, Yellow Cab, Ace Taxi, Ancient City:

- Thanked the Commission for allowing cab companies to continue using zone rates
- 95% of customers were locals and preferred the zone rates

Commissioner Sikes-Kline requested public comments; however, Mayor Boles stated that the resolution did not have a public hearing.

Mr. Brown noted that page two, Section 1.C., the word minute should be changed to mile; therefore, it would read *\$0.35 per minute idling charge in addition to the base drop rate and the per mile rate*. He added that the resolution went into effect April 1, 2009.

#### **MOTION**

**Commissioner Jones MOVED to pass Resolution 2009-07. The motion was SECONDED by Commissioner Crichlow.**

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

#### **7.B.3/ Consideration of Resolution 2009-08, approving the terms of an Employee One-Time Voluntary Separation Incentive Program.**

Mr. Harriss stated that the city tried to find ways to cut costs for the subsequent budget year. He explained that the incentive program allowed employees in the retirement range that had not left or entered the DROP to separate from the city, and in exchange the city would pay their health premium for three years. He said 27 employees were eligible for the program; however, he did not expect all of them to accept the offer. He said the city would be able to eliminate certain positions, downgrade others and fill others with entry level people.

#### **MOTION**

**Commissioner Freeman MOVED to pass Resolution 2009-08. The motion was SECONDED by Commissioner Jones.**

#### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

#### **8. Staff Reports and Presentations**

(None)

#### **9. ITEMS BY CITY ATTORNEY**

##### Lease Agreement for 650 Riberia Street

Mr. Brown stated that there was a meeting on February 11, 2009 regarding the lease for 650 Riberia Street. He said they surveyed the property and found deficiencies in the condition of the site including debris and broken equipment; furthermore, the two larger concrete buildings on the site had construction deficiencies. He said there were a number of circumstances that might justify a breach of the lease and termination. He requested Commission consensus to terminate the lease, if they found a breach of the lease.

Commissioner Crichlow stated that he wanted to prevent the city leasing property to one entity that subleased the property for more money. He said it was not city business to provide property for others to make money off of.

Commissioner Jones stated that the city should be able to take the property under their control and determine the next step.

##### Fitch Ratings

Mr. Brown stated that Fitch ratings had given the city an "A" rating for the water and sewer revenue bonds at \$32.1 million

dollars.<sup>3</sup> He said it reflected the system's sound debt service coverage and adequate legal provisions. He added that water and sewer system accounts had increased at 4.4% over the past five years with most of the growth occurring outside the city.

Commissioner Jones stated that he had received a letter that the city was under investigation by the Securities and Exchange Commission (SEC) for failing to disclose specific facts related to their bonds, and he questioned whether the city was under investigation.

Mr. Brown replied that a citizen had filed a letter with the SEC indicating that the city failed to disclose certain matters dealing with an unspecified environmental circumstance. He said the city responded to the SEC and explained the situation and the SEC responded and put the information in their files. He said he was not aware of an active investigation, other than the SEC reading the letters and needing more information.

Commissioner Jones questioned whether the SEC would have informed the city if they were being investigated, and the response was affirmative.

## **10. ITEMS BY CITY CLERK**

### **10.A/ Notification of Proclamations**

(None)

### **10.B/ Confirmation of re-appointment to the St. Augustine Firefighter's Pension Board of Trustees.**

Karen Rogers, City Clerk, requested Commission approval for confirmation of re-appointment of the fifth member (Douglass Wiles) to the Firefighter's Retirement board.

### **MOTION**

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<sup>3</sup> Attached to original minutes

**Commissioner Crichlow MOVED to approve Doug Wiles as the fifth member of the St. Augustine Firefighter's Pension Board of Trustees. The motion was SECONDED by Commissioner Sikes-Kline and approved by UNANIMOUS VOICE VOTE.**

## **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 a 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 46 Masters Drive.**

**11.A.4/ Consideration of Sub-leases on State-Owned Properties.**

**11.A.5/ Consideration of Amendment to the Continuing Contract for Professional Consulting Services with Jeanne Zeidler.**

**11.A.6/ Consideration of Grant Award from the Department of Homeland Security Assistance to Firefighters Grant Program.**

Mr. Harriss read the consent agenda items.

### **MOTION**

**Commissioner Crichlow MOVED to approve the consent agenda. The motion was SECONDED by Commissioner Sikes-Kline and approved by UNANIMOUS VOICE VOTE.**

### **11.B/ Discussion Items**

(None)

## 12. Items by Mayor and Commissioners

### Commissioner Sikes-Kline – Fountain Restoration

Commissioner Sikes-Kline thanked Mr. John Valdes for on his work on restoring the fountain behind the Government House.

Commissioner Crichlow questioned whether there were plans to make further changes to the fountain.

Mr. Regan replied that the plan was to restore the fountain to the Flagler era. He said they would add a brass spray head to create a fanning and mushroom spray and they might order a higher volume pump to provide a better spray. He said he might also install an architecturally compatible center piece.

Commissioner Crichlow thanked Mr. Valdes for his assistance.

### University of Florida - Symposium

Commissioner Sikes-Kline stated that the University of Florida had planned a symposium called "Strategy to Reality" on Thursday, February 26, 2009 at the Art Association on Marine Street. She explained that the symposium implemented the St. Augustine Strategic Plan and it was a culmination of the Visioning Task Force of the University of Florida and their final report to the community. She added that a shuttle would be provided at the Visitors Information Center parking facility from 12:30 P.M. to 1:30 P.M. and 4:30 P.M. to 5:30 P.M.

### Historic Preservation Planner

Commissioner Sikes-Kline stated that Thomas Scofield, Historic Preservation Planner, had resigned from the city, and she hoped the Commission would retain the position and keep it funded.

### Public Hearings

Commissioner Sikes-Kline questioned the policy for public hearings during resolutions.

Mr. Brown replied that resolutions did not require public hearings with the exception of the millage rate. He said the city allowed public comments during ordinances on second reading and first reading for an annexation. He added that the Mayor always had the option to receive public comments.

### Commissioner Freeman - Life Magazine in America

Commissioner Freeman stated that St. Augustine was featured in *Life Magazine in America* as a hidden gem of America.

### ParkNow Cards

Commissioner Freeman stated that effective March 1, 2009 the city was providing free ParkNow cards worth 10 hours of parking for customers paying their utility bills. She said it was a marketing effort, and the cards could be used at meters or the parking garage.

Mr. Harriss stated that staff encouraged residents to pick up the card, because staff could show them how the card worked.

Commissioner Sikes-Kline asked for an explanation regarding the parking rates.

Mr. Litzinger explained that parking was \$0.50 an hour with the card and during major events the entry fee for the garage would be \$3.50.

### Commissioner Jones – Police Department

Commissioner Jones commended the Police Department for finding his mother after she wandered from home. He said they performed a thorough search and spent several hours looking for her.

Mayor Boles – City Newsletter

Mayor Boles noted that former Commissioner, George Gardner would write the city newsletter.

**13. Adjournment**

There being no further business, the meeting was adjourned at 8:21 P.M.<sup>4</sup>

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MAYOR

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CITY CLERK, CMC

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<sup>4</sup> Transcribed by Susan Goins