

# CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
March 22, 2010

The City Commission met in a formal session Monday, March 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  
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 450<sup>th</sup> 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

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

Father Ed Booth, Cathedral Parish, delivered the invocation, and Commissioner Jones led the pledge of Allegiance.

## **3. ADMINISTRATIVE ITEMS**

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

William B. Harriss proposed update presentations regarding the Bridge of Lions and the 450<sup>th</sup> Commemoration Celebration as agenda items 8.A. and 8.B.

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

#### **MOTION**

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

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

2010-08 - Fill the Blood Banks and Food Banks Partnership

2010-10 - Doctors' Day

Mayor Boles read and presented the proclamations.

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

Award Presentation by the Department of Defense – Carl Burchfield presenting

Carl Burchfield presented The National Committee for Employer Support of the Guard and Reserve award to Mike Arnold, Chief, St. Augustine Fire Department.

### **4. Appeals**

(None)

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

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

**5.A.1/ Public Hearing – Ordinance 2010-12, amending Section 28-209 of the Code of the City of St. Augustine to provide for limitations on commercial, recreational and entertainment facilities as permissible uses by exception in the commercial medium-two (CM-2) zoning category.**

Mark Knight, Director, Planning and Building, explained that there had been an application submitted for a tethered balloon ride that was ultimately denied, and during the review, issues and questions were raised regarding other similar types of activities, as well as the definition of structures. He added that a request had been made to review the section of the Code that applied to carnival type facilities, which were currently a use by exception in the CM-2 zoning category. He stated that after consideration and review by the Planning and Zoning Board (PZB), staff proposed Ordinance 2010-12 to amend the City Code by adding a 30 day limitation per calendar year for any temporary structure or facility exceeding 35 feet in height.

Commissioner Jones questioned whether the 30 day limitation applied to individual facilities or properties.

Mr. Knight replied that the 30 day limitation applied to each individual property; however, it was not stated in the Ordinance.

Mayor Boles questioned the hearing and fee requirements for a use by exception permit and whether an applicant could continuously reapply to use different locations in the CM-2 corridor.

Mr. Knight replied that each individual location required a use by exception permit application to be submitted 30 days prior to a hearing before the PZB, which cost \$125.00 and required one hearing.

Commissioner Crichlow stated that there were occasions when the City added additional language to ordinances to strengthen them when issues occurred, which was always an ongoing process.

Mayor Boles questioned whether there were established guidelines and criteria regarding the effect on the City's scenic vista for a use by exception permit in the CM-2 corridor.

Mr. Knight replied that the criteria defined a use by exception and included language indicating that the exception should benefit public safety, health and welfare, and the PZB could evaluate the effect regarding proximity to historic districts and traffic concerns.

Public hearing was opened.

B. J. Kalaidi requested the parcel numbers for properties located within the CM-2 corridor.

Public hearing was closed.

## MOTION

**Commissioner Sikes-Kline MOVED to have Ordinance 2010-12 placed on first reading, read by title only and passed. The motion was SECONDED by Commissioner Crichlow.**

Ron Brown, City Attorney, read Ordinance 2010-12 as follows:

### ORDINANCE NO. 2010-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-209 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR LIMITATIONS ON COMMERCIAL, RECREATIONAL AND ENTERTAINMENT FACILITIES AS PERMISSIBLE USES BY EXCEPTION IN THE COMMERCIAL MEDIUM-TWO (CM-2) ZONING CATEGORY; 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: Sikes-Kline, Crichlow, Jones  
Freeman, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

### 5.B/ Ordinances - Second Reading

(None)

### 5.C/ Resolutions

(None)

## 6. General Public Comments and Presentations

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

Patricia Lowe de Parets spoke against Resolution 2010-10. She stated her reasons as follows:

- Low risk for environmental damage
- Should not be a threat to tourism
- Reduce dependence on foreign oil
- Compromise to National Security by supporting overseas oil companies
- Reduce financial support of foreign entities

Commissioner Freeman quoted a report by Senator Bill Nelson stating that over 7.4 million gallons of oil were spilled into the Gulf of Mexico during hurricane Katrina.<sup>1</sup>

Paul Linser reported that the Gamble Rogers Folk Festival would be held in downtown St. Augustine, and the response from the local business community had been positive. He felt that the West Plaza (Loring Park) should be available for festival uses, and requested approval by the Commission to use that area or the promenade at the Visitors Information Center.

Mayor Boles stated that all requests to use City property should be made through Paul Williamson, Director, Public Affairs.

Ned Shuler spoke in favor of Resolution 2010-10, as it would be proactive and beneficial to St. Augustine. He pointed out that there had been numerous incidents involving oil spills around the coast of the United States. He stated that there were a large number of Florida communities that had passed similar resolutions. He felt that St. Augustine should protect its eco-habitats.

Gina Burrell spoke in favor of Resolution 2010-10, as she felt Florida did not have sufficient oil supply to justify local drilling.

B. J. Kalaidi addressed the following:

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<sup>1</sup> Report attached to original minutes

- City funds should not be used to pay for City official or staff trips
- Concern regarding the enforcement of Code violations
- Discontinue funding the St. Augustine Report newsletter
- Gerald Dixon application to the Planning and Zoning Board

Helen Toby expressed her appreciation of City staff and City police for their service during public events.

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

(None)

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

**7.A/ Ordinances – First Reading**

(None)

**7.B/ Resolutions**

**7.B.1/ Introduction and consideration of Resolution 2010-10, relevant to offshore drilling off the coast of Florida.**

Commissioner Freeman explained that during a visit by Senator Nelson, he had discussed offshore oil drilling and the impact it could have on the coast of Florida. She cited cities that had passed similar resolutions.<sup>2</sup> She felt that offshore drilling was a local issue that could impact the City's environment and tourism industry.

Mayor Boles questioned whether Resolution 2010-10 fell under the provision that prohibited cities from spending public funds to advocate an issue.

Mr. Brown replied that the provision prohibited cities from spending public funds to advocate or support issues that would go before the public for a vote; however, it

was not clear whether offshore drilling would be an issue that the public would vote on.

Commissioner Sikes-Kline felt that the City should support the issue; however, she was concerned regarding the effectiveness of Resolution 2010-10. She stated that she was the City's representative to the Florida League of Cities, and the League also supported the ban on offshore drilling. She quoted the Florida League of Cities energy policy stating, "The League would not support legislation that authorized oil and gas exploration within Florida's territorial waters until an unbiased study commission comprised of scientist, local governments, business interest and other experts and interested parties had analyzed the economic and environmental impact."

Commissioner Freeman pointed out that all the cities that had passed similar resolutions were also members of the Florida League of Cities.

Commissioner Crichlow stated that offshore drilling was a polarizing issue; therefore, he felt that there was not a viable reason for the City to pass Resolution 2010-10. He recommended against voting on the Resolution, and stated that he would make that motion after discussion.

Commissioner Freeman pointed out that the City had previously passed Resolutions regarding other polarizing issues.

Commissioner Jones stated that offshore drilling was not an immediate danger to the City. He felt that there were many important political issues effecting citizens; however, the City would have no impact on those issues by passing Resolutions. He pointed out that historically the City had not taken a position on political issues that would not directly affect the City. He felt that while the issue was critical to the State of Florida and the nation, the City should

<sup>2</sup> List attached to original minutes

not take a position by passing the Resolution.

Mayor Boles expressed concern regarding the Commission taking a position regarding political issues when there were many residents that had varying opinions.

## **MOTION**

**Commissioner Freeman MOVED to pass Resolution 2010-10. MOTION FAILED FOR LACK OF A SECOND.**

Mayor Boles questioned whether there were guidelines related to the establishment of Resolutions regarding similar types of issues, and whether criteria should be established.

Ron Brown, City Attorney, replied that the policy of the Commission traditionally was to establish Resolutions that were related to municipal goals and functions of the City; however, he was not aware of any guidelines or criteria.

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

### Update regarding the Bridge of Lions

Laurie Sanderson, Public Information Officer for the Bridge of Lions rehabilitation, expressed appreciation regarding the opening ceremony for the Bridge of Lions. She reported that a replacement part would be delivered to resolve the malfunction of the locking mechanism for the opening spans. She stated that opening the Bridge of Lions to water traffic took longer than the temporary bridge; however, the timeframe was within the American Association of State Highway and Transportation Official Standards. She noted that the spans could not take more than 72 seconds to open, but that time frame did not include the gates. She reported that currently, the bridge took 4 ½ minutes to open, and approximately 3 ½ minutes to close. She stated that the ornamental pedestrian gates installed on the bridge closed separately, which could

take up to two minutes, but the contractor was making an effort to reduce that time by having the gates open simultaneously or have them remain open.

Mayor Boles questioned the purpose of the pedestrian gates.

Ms. Sanderson replied that the pedestrian gates were historic and not part of the safety standards.

Commissioner Crichlow questioned the opening schedule.

Ms. Sanderson replied as follows:

- 7:00 A.M. to 6:00 P.M. the bridge opened on every hour and half hour except 8:00 A.M., Noon or 5:00 P.M.
- Opened on demand after 6:00 P.M.
- Opened on demand for Coast Guard vessels and barges

Ms. Sanderson stated that the scheduled contract completion date was October, and landscaping by the Florida Department of Transportation would begin immediately after, which could take up to 60 days to complete. She reported that currently, there were two westbound traffic lanes leaving the bridge, one marked for straight travel and right turns, and the other marked for straight travel and left turns. She requested direction from the Commission regarding dedicating one of the lanes for right turns.

After a brief discussion it was determined that a review would be conducted to allow for a dedicated right hand turning lane in addition to the two existing lanes.<sup>3</sup>

### Update regarding the 450<sup>th</sup> Commemoration Celebration

Dana Ste. Claire, Executive Director, 450<sup>th</sup> Commemoration Celebration and Director, Heritage Tourism, stated that the current

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<sup>3</sup> Brief recess from 6:31 P.M. to 6:44 P.M.

focus was communicating the message of the 450<sup>th</sup> Commemoration by creating structure and building infrastructure for the event. He reported that he along with Mayor Boles, John Regan, Chief Operations Officer and Bill Leary had visited Washington DC and met with the Secretary of Interior, Ken Salazar. He stated that they had presented the 450<sup>th</sup> Commemoration Plan and discussed the composition of the Federal Commission, which should be announced within the next few months. He stated that a Spanish delegation had visited St. Augustine for a City to City meeting to discuss the 450<sup>th</sup> Commemoration event logistics, Aviles, Spain's involvement and the anniversary of the Spanish Constitution. He reported that the Noche de Gala, sponsored by the 450<sup>th</sup> commemoration and the Casa Monica, had been successful. He mentioned that a delegation, lead by Commissioner Jones, held a meeting with Stetson University professor Dr. Patrick Coggins to discuss his involvement in the First America series and the African American Advisory taskforce. He stated that a teacher's task force, in cooperation with the St. Johns County school district, was being organized to engage students, which would be expanded nationally. He announced that a Regional Steering Committee meeting would be held to name a chairperson for each subcommittee. He noted that the official 450<sup>th</sup> Commemoration web site could be launched at the end of April. He stated that the Discover First America series had produced successful programs, and they were currently working on future programs. He concluded that there would be interpretive programs developed, such as building a replica of the Menendez ship in the Spanish Quarter, and community outreach would continue.

Mr. Ste. Claire stated that the approved Heritage Tourism business plan was being implemented, which included organizing and enhancing the visitor experience to generate revenue. He explained that a site plan was being developed for infrastructure

improvements, and to comply with American Disabilities Act requirements. He noted other projects as follows:

- Creation of Colonial vegetable, herb and flower gardens
- Construction on the Colonial craft store, which could open mid April
- Tavern re-development had begun
- Staff workshops
- Signage identifying parking, shopping and historic districts for better visitor direction
- Upgraded advertising for the Spanish Quarter through private donations

Mr. Ste. Claire stated that a grant application was pending for LED lighting conversion in the parking garage. He expressed appreciation to community partners for their assistance with the various projects.

Commissioner Sikes-Kline expressed appreciation for the work by staff, and she felt that the momentum should be continued.

After a brief discussion, it was determined that a Commission workshop would be scheduled regarding the 450<sup>th</sup> Commemoration development plan.

Mayor Boles requested information regarding the Jamestown Celebration plan structure. He stated that an invitation had been extended to Secretary of Interior, Ken Salazar to announce the Federal Steering Committee in St. Augustine.

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

(None)

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

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

(None)

**10.B./ Board and Committee Appointments.**

**10.B.1/ Consideration of one (1) appointment to the Code Enforcement and Appeals Board due to the resignation of Gary McMahon.**

Karen Rogers, City Clerk, announced the following applicants:

- Dave Chatterton
- Christopher R. Crowson
- Christina Joy Opsahl

Following the first ballot, Ms. Rogers stated that the Commission had elected Mr. Chatterton in a 3/2 vote.

**10.B.2/ Consideration of two (2) term expiration appointments on the Historical Architectural Review Board.**

Ms. Rogers announced the following applicants:

- Fred Halback
- Robert Hall
- Len Weeks

Following the first ballot, Ms. Rogers stated that the Commission had elected Mr. Halback in a 4/1 vote and Mr. Weeks unanimously.

**10.B.3/ Consideration of one (1) appointment to the Planning and Zoning Board due to the resignation of William Leary.**

Mr. Brown stated that Walter O'Kon was not eligible for appointment, because he was not a resident of the City. He noted that Mr. O'Kon was aware he was not eligible; however, he requested to have his application submitted.

Ms. Rogers announced the following applicants:

- Ryan A. Carter
- Gerald Dixon

- Andrew Morgan

Following the first ballot, Ms. Rogers stated that the Commission had elected Gerald Dixon in a 3/2 vote.

**10.B.4/ Consideration of one (1) term appointment to the Citizens Advisory Committee for the North Florida Transportation Planning Organization.**

Ms. Rogers announced that Joseph M. Rubino was the only applicant.

**MOTION**

**Commissioner Sikes-Kline MOVED to appoint Mr. Rubino to the Citizens Advisory Committee for the North Florida Transportation Planning Organization. The motion was SECONDED by Commissioner Jones 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 Release of Lien on a Unit Connection Fee Mortgage for 1295 Woodlawn Road.**

**11.A.3/ Request to refund remainder of overpayment of solid waste pick-up service to S. Richardson relevant to business closure in September, 2003.**

**MOTION**

**Commissioner Jones MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Sikes-Kline and CARRIED BY UNANIMOUS VOICE VOTE.**

**11.B/ Discussion Items.**

## 12. Items by Mayor and Commissioners

Commissioner Crichlow stated that he had been questioned regarding recycling, and why recycling receptacles were not provided throughout the City.

Mr. Harriss replied that the City had previously provided recycling containers; however, a public recycling program would be a cost to the City and funding was limited. He pointed out that currently there was a residential recycling program that was paid through solid waste billing.

Commissioner Jones questioned the percentage of residents that participated in the recycling.

Martha Graham, Director, Public Works, replied that approximately 11% of City residents participated in recycling, and that percentage was based on the tonnage of recycling brought to the recycling facility. She stated that the cost for recycling was just over \$2 per residential unit, and the contract with Advanced Disposal would be up for renewal in May.

Commissioner Crichlow suggested researching whether the business community would be willing to fund public recycling containers.

Commissioner Freeman questioned whether recycling participation was mandatory for residents. She felt that cost participation should be mandatory for businesses.

Mr. Harriss replied that it was not mandatory to participate; however, residents paid for recycling regardless of whether they recycled or not. He noted that there were some businesses that produced considerably more recycling material than others; therefore, mandatory cost participation rates would vary.

Mayor Boles stated that there were many communities that had recycling programs; however, they were not voluntary. He

requested information and an ordinance proposal for review regarding mandatory recycling.

Commissioner Crichlow questioned the status on the Visitors Information Center bathroom repairs.

Mr. Harriss replied that they had met with the engineer earlier that day, and preliminary designs should soon be received. He noted that the remediation and clean up had been completed, and the construction would begin once the designs were received. He stated that the construction could take approximately 60 to 90 day to complete.

Commissioner Sikes-Kline announced that she would be in Tallahassee for the Florida League of Cities Legislative Day to discuss the Bert Harris Act and other legislation that could affect the City.

Commissioner Crichlow requested information regarding the Florida League of Cities status regarding Amendment 4, and their plan to address the issue.

Mayor Boles stated that during the recent trip to Washington DC they had also met with Senator Bill Nelson, Congressman John Mica and staff to discuss the appropriations requests. He said that there had been a positive response to the requests and an update would be provided regarding the progress.

Mayor Boles announced that the United States Interagency Council on Homelessness had been meeting and Mike Davis had agreed to chair the initiative to assist the fundraising effort to construct a 66 bed transitional housing facility. He stated that the facility's goal was to move residents from shelter to permanent housing. He noted that the coalition had met with public service agencies that interacted with the homeless population to determine what the cost would be per person. He suggested that Mr. Davis provide an update to the Commission

regarding the Homeless Initiative efforts. He concluded that the City had received an invitation to visit Aviles Spain during the Easter holiday; however, because of recent events the City would not be attending.

### **13. Adjournment**

There being no further business, the meeting was adjourned at 7:45 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 Darlene Kirkland