

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
May 10, 2010

The City Commission met in a formal session Monday, May 10, 2010 at 5:08 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

John Regan, Chief Operations Officer
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 450th Commemoration
Celebration/Director, Heritage Tourism
Carlos E. Mendoza, Assistant City Attorney
Loran Lueders, Police Chief
Mike Arnold, Fire Chief
Martha Graham, Director, Public Works
Darlene Kirkland, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Ron Rawls, St. Paul AME Church, delivered the invocation, and Commissioner Jones led the pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

(None)

3.B/ Approval of Minutes

Commissioner Sikes-Kline noted that on page 5, column 2, paragraph 5 of the Workshop meeting of April 21, 2010, the Commissioner's name should be spelled *Ken Bryan*.

MOTION

Commissioner Crichlow MOVED to approve the minutes of the regular meeting of April 26, 2010 and Workshop meeting of April 21, 2010 as amended. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

3.C.1/ Proclamations

2010-18 – National Preservation Month
2010-19 – Older American Month

Mayor Boles read and presented the proclamations.

3.C.2/ Recognitions

Solid Waste Employee Awards:

Martha Graham, Director, Public Works, recognized the following City employees for their recent performance at the annual ROD-E-O competition:

- Bill Budnick
- Bob Reardon
- Steve Wright

John Regan, Chief Operations Officer, recognized Rick Stevens for his efforts in making the event successful.

4. Appeals

(None)

5. Ordinances and Resolutions - Public Hearing Required

5.A/ Ordinances – First Reading

5.A.1/ Public Hearing – Ordinance 2010-10, relevant to amending HP Policy 1.4 of the Comprehensive Plan of the City of St. Augustine defining the architectural development guidelines and the standard for review.

Mark Knight, Director, Planning and Building, explained that previously there was a proposed building project located at 180 St. George Street where the architectural design was challenged, because the Comprehensive Plan allowed only Spanish Colonial design. He stated that there was a consensus by the Commission to allow alternative architectural styles in the HP-1; therefore, ordinances were drafted to amend the

Comprehensive Plan, and to consider alternative architectural styles. He explained that the ordinances were sent to the Planning and Zoning Board (PZB) for review; however, PZB requested input from the Historic Architectural Review Board (HARB). He noted that HARB recommended approval of Ordinance 2010-10 amending the Comprehensive Plan. He stated that currently the Comprehensive Plan identified the Architectural Guidelines for Historic Preservation (AGHP) by specific reference, which stated that “only HP-1, HP-2 and HP-3 for new construction may you have Colonial architecture”, and did not allow for other design styles. He advised that by taking the AGHP out of the Comprehensive Plan they would be able to adopt the guidelines by reference in the City Code. He added that if the Ordinance was approved, it would be sent to Tallahassee for review and submitted to the appropriate agencies for comments and recommendations.

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

Commissioner Sikes-Kline questioned the status of the Evaluation Appraisal Report (EAR) base amendment status.

Mr. Knight replied that currently staff had an extension to complete the amendments, which could be ready in January.

Commissioner Sikes-Kline stated that there was a suggestion to remove AGHP from the Comprehensive Plan, and she questioned where the suggestion came from, because it was not a part of the EAR based amendment. She added that the amendment recommendation was to continue the use of the AGHP as included by reference.

Mr. Knight replied that a previous resolution adopted by the Commission allowed alternative architectural styles for new construction in HP-1, HP-2 and HP-3. He explained that because of the questions

raised during discussions for the 180 St. George Street project, the resolution was repealed, which then only permitted Spanish Colonial design for new construction in the three HP districts.

Commissioner Sikes-Kline clarified that proposed Ordinance 2010-10 was not related to architectural style, but the process to amend the Comprehensive Plan. She stated that the current AGHP was a third addition, and she questioned whether it had been sent to Tallahassee for review.

Mr. Knight replied that the AGHP had not been sent to Tallahassee, but it had been adopted by reference in policy. He stated that the Commission consensus had been to change the architectural styles in HP-1, which required a Comprehensive Plan amendment. He explained that the proposal was to remove the direct reference to the AGHP in the Comprehensive Plan, and create an indirect reference to general architectural guidelines adopted by City Code.

Commissioner Sikes-Kline expressed her objections to removing the AGHP from the Comprehensive Plan. She felt that the Comprehensive Plan including the AGHP was important, and served as a guide for land use decisions. She added that it allowed a structured decision making process as a community, ensured accountability for elected and appointed officials, and provided legal justification for zoning laws with the highest level of public participation. She cited the Hometown Democracy Movement ballot initiative that included more citizen involvement with the decision making processes. She felt that if the AGHP was changed, it should follow the correct process.

Mayor Boles expressed concern that if the Commission approved Ordinance 2010-10, future Commissions could change the architectural guidelines for HP-2 and HP-3 without the Comprehensive Plan process.

Commissioner Freeman clarified that modifications should be made in the AGHP to allow alternative architectural styles in HP-1; however, she agreed the guidelines should not be removed from the Comprehensive Plan.

Mr. Knight pointed out that the AGHP would have to be removed from the Comprehensive Plan and modified to include all applicable architectural style guidelines allowed in HP-1, after which it could be adopted by local Code. He stated that the alternative would be to hire a consultant to create a new AGHP and have it adopted by reference.

Mayor Boles questioned whether the AGHP could be modified for HP-1 and then amend the Comprehensive Plan to include the revision.

Mr. Knight replied that the document adopted by reference would have to be published.

Ron Brown, City Attorney, explained that 12-13 different architectural styles had been identified in HP-1, but currently the AGHP allowed only Spanish Colonial architecture; therefore, separate regulations and specifications would have to be created for each identified style. He stated that the issue was whether to include the styles in the Comprehensive Plan or have them addressed by ordinance.

Commissioner Crichlow questioned the timeframe to re-write the AGHP, send it to Tallahassee and then re-adopt it as a new element to the Comprehensive Plan.

Mr. Knight described the process as follows:

- Six months to determine specifications and regulations for architectural styles for HP-1
- One month to complete the publishing process for the

document to be adopted by reference

- Six months for Comprehensive Plan approval

Commissioner Crichlow stated that proposed Ordinance 2010-10 would allow future Commissions the opportunity for a different vision for the City. He felt that the City's existing history should be nurtured, and it was an unrealistic vision to allow only Spanish Colonial architecture. He expressed concern regarding pending new construction projects in HP-1 that were currently required to be Spanish Colonial. He noted an example of a pending project to construct a garage, in which the home was a bungalow, but under the current AGHP the garage would have to be Spanish Colonial.

Commissioner Sikes-Kline questioned the additional styles referred to in the AGHP.

Mr. Knight replied that the AGHP made reference to other styles, but did not provide specific site design details and guidelines.

Commissioner Jones pointed out that proposed Ordinance 2010-10 was on first reading, which allowed time to gather additional information and public opinion before a final decision was made.

Commissioner Freeman stated that the issue was important, and she felt that there were advantages and disadvantages to passing Ordinance 2010-10. She questioned whether it was possible to modify the process for only HP-1.

Mr. Knight replied that the guidelines were included in the Comprehensive Plan, because the AGHP was a known document adopted by reference, and any modifications required a new published document adopted by reference or included directly into the Comprehensive Plan.

Commissioner Sikes-Kline pointed out that property values had been maintained because of the strong protection provided by the AGHP. She stated that removing it from the Comprehensive Plan would allow future Commissions to change the architectural structures for all HP districts within two Commission meeting; thereby, possibly compromising historical neighborhoods.

Commissioner Jones pointed out that by not passing Ordinance 2010-10, Comprehensive Plan amendments would have to be sent to Tallahassee for approval instead of being approved locally.

MOTION

Commissioner Crichlow MOVED to have Ordinance 2010-10 placed on first reading, read by title only and passed. The motion FAILED FOR LACK OF A SECOND.

MOTION

Commissioner Jones MOVED to table Ordinance 2010-10 until the May 24, 2010 Commission meeting. The motion was SECONDED by Commissioner Freeman.

Mayor Boles disagreed with tabling the ordinance. He felt that the ordinance should be modified including a six month process for modifications of the AGHP.

Commissioner Freeman stated that additional time would enable additional information and public input.

VOTE ON MOTION

AYES: Jones, Freeman, Crichlow

NAYES: Sikes-Kline, Boles

MOTION CARRIED 3/2

Mayor Boles questioned whether an additional ordinance could be drafted that would identify the process to modify the AGHP and Comprehensive Plan, and the response was affirmative.

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)

Gina Burrell requested reconsideration of Resolution 2010-10 supporting the ban on offshore oil drilling along the Florida coast. She stated that the City of St. Augustine Beach had passed a similar ordinance.¹ She suggested including the following:

- Supports further development of non-fossil fuel energy sources such as solar and wind energy

Commissioner Sikes-Kline stated that she had received numerous messages in support of the Resolution. She proposed passing Resolution 2010-10, considering the recent Deepwater Horizon oil disaster. She suggested forwarding it to the Mineral Management Service of the Department of Interior. She recognized Commissioner Freeman for her efforts regarding the Resolution.

Commissioner Freeman recommended amending the Resolution to include the language promoting the use of non-fossil fuel energy sources.

MOTION

Commissioner Freeman MOVED to pass Resolution 2010-10 as amended. The motion was SECONDED by Commissioner Sikes-Kline.

¹ Attached to original minutes

VOTE ON MOTION

AYES: Freeman, Sikes-Kline, Jones, Boles

NAYES: Crichlow

MOTION CARRIED 4/1

Commissioner Sikes-Kline suggested sending copies of the Resolution to the Governor of Florida and State Representatives.

Ned Shuler expressed appreciation for passing Resolution 2010-10.

B.J. Kalaidi commented on the following:

- Against authorizing purchase of a street sweeper
- Should not fill City Operations Officer position
- Against funding the Castillo Drive Trolley/Train Stop
- Opposed to funding the purchase of a new fire truck
- Encouraged citizens to run for Commission in upcoming elections

Maureen Ortagus questioned the process to determine the preferred Amtrak station locations.

Mayor Boles suggested Ms. Ortagus attend the Amtrak public workshop that would be held May 11, 2010.

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

(None)

8. Staff Reports and Presentations

8.A/ Presentation regarding grant assistance to purchase new aerial fire truck.

Mike Arnold, Fire Chief, stated that the City had previously applied for an AFG grant to purchase a new aerial truck; however, they were unsuccessful. He explained that the current 1981 E-1 truck with equipment was purchased new for \$288,000; however, currently a new truck would cost approximately \$525,000. He stated that the aerial truck responded to all commercial fires and alarms and large structure fires. He noted that they had an interlocal agreement with St. Johns County for its use. He added that the City had an ISO rating of three, of which the aerial truck accounted for 5%. He stated that the ISO rating determined the insurance savings for property owners. He explained that the federal grant funding budget had been cut, and the criteria such as population and call volume were used to determine eligibility. He advised that when applying for grant funding for the current year, the City would include population information from the areas they covered for St. Johns County. He explained that the federal grant was 95% with a 5% share cost by the City. He requested \$100,000 that would be a 20% share cost.

Commissioner Sikes-Kline stated that contributions by a community demonstrated commitment.

Mr. Arnold explained that the current truck had been well maintained; however, because of its age, certain parts were unavailable for repairs. He advised that the delivery time for a new aerial truck would take approximately eight months. He stated that he would continue to seek grant funding, but he felt that replacing the truck was necessary.

Tim Burchfield, Chief Administrative Officer, stated that in the event grant funding was unsuccessful, the financing would be \$200,000 over a three year period.

Commissioner Jones questioned the annual repair cost for the current aerial truck.

Mr. Arnold replied \$30,000, but he stated that the unavailability of major components for the truck was the concern.

Mr. Regan advised that if the grant was successful, the matching funds would be taken from reserves and would not have to be included in the annual budget.

Commissioner Sikes-Kline questioned whether a used truck could be purchased, and how long the grant process would take.

Mr. Arnold replied that purchasing a used truck would not be beneficial, because the standard life expectancy of a fire truck was 15 years. He stated that the City would be notified of the grant status within 12 months.

MOTION

Commissioner Sikes-Kline MOVED to approve matching funds of up to \$100,000. The motion was SECONDED by Commissioner Crichlow and APPROVED BY UNANIMOUS VOICE VOTE.

9. ITEMS BY CITY ATTORNEY

Mr. Brown announced that he had received notice from legal counsel representing Donna Wendler, seeking relief under Bert Harris Property Relief Act for the failure to grant demolition permits for seven structures located on King and Oviedo Streets. He stated that the notice indicated that she was seeking relief under Florida Statute Chapter 70.51, which required appointment of a special magistrate for recommendations after attempted mediation. He noted that the applicant also filed an appraisal claiming damages for the failure to grant demolition. He explained that the appraisal claim was a typical procedure for filing suit under the

Bert Harris Act, which was a requirement of Florida Statute Chapter 70.001. He stated that there was a provision under Florida Statute Chapter 70.51, in which the applicant was not entitled to a magistrate proceeding if judicial proceedings had been initiated. He explained that Ms. Wendler had previously filed a Writ of Certiorari against the City that was dismissed; therefore, she did not qualify for special magistrate proceedings. He felt that the notification intent was to sue the City. He stated that the appraisal claimed damages of \$3.8 million; however, there were issues with the appraisal that could diminish the claim. He noted that a special magistrate proceeding timeframe was within 45 days, and a proceeding under the Bert Harris Act required a resolution determination within 180 days. He pointed out that the related Ordinance had been ruled valid, and the current legal issue was to determine whether the City should be financially obligated to pay for damages. He stated that if there was a special magistrate proceeding the Commission would have to appoint a person to represent the City. He added that in the event a lawsuit was filed, an appraisal of the property would be required not to exceed \$5,000. He recommended Lewis, Longman and Walker if the City required outside counsel.

After a brief discussion, there was consensus for Commissioner Sikes-Kline to represent the City during the special magistrate proceeding.

MOTION

Commissioner Crichlow MOVED to approve an appropriation not to exceed \$5,000 for an appraisal. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Commissioner Freeman questioned whether there was a secondary recommendation of outside counsel.

Mr. Brown replied that he would prepare recommendations for consideration during a subsequent meeting.

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 for 358 St. George Street.

11.A.3/ Consideration of License for Use for the northwest bay of the Historic Downtown Parking Facility by Greyhound Lines, Inc.

11.A.4/ Consideration of an additional budget appropriation for street sweeper purchase.

11.A.5/ Consideration of an additional budget appropriation to construct the pull-off area for the Castillo Drive Trolley/Train relevant to the Spanish Quarter improvements.

Commissioner Jones questioned the timeframe for the construction of the Trolley/Train area.

Mr. Regan replied that the permits had been obtained, and the project could be completed within 30 to 45 days.

Commissioner Jones questioned whether there was a lease agreement with Greyhound Lines, Inc.

Mr. Regan replied that currently there was a temporary operating agreement while the license for use was finalized. He noted

that the use fee structure was \$1,000 per month.

Mr. Burchfield stated that the lease agreement was \$2,500 for five years, with a five year extension at a rate of \$2,750.

Commissioner Jones questioned whether the agreement included ticket sales.

Mr. Regan replied that further discussions would be necessary to determine if a ticket plan would be feasible.

Commissioner Jones questioned the street sweeper purchase cost.

Mr. Regan replied that there was \$110,000 in carry-over funds to replace a Pelican street sweeper. He explained that the Public Works Department requested to upgrade to a vacuum model sweeper, which required an additional \$70,000 appropriations. He stated that the appropriations would be taken from surplus Solid Waste Division funds.

Commissioner Jones questioned the number of street sweepers the City currently owned and their condition.

Martha Graham, Director, Public Works, stated that City had two broom model sweepers. She added that the 2003 model would be traded in.

Commissioner Sikes-Kline questioned whether there would be a difference in noise between the vacuum and broom models.

Ms. Graham replied that there would be an minor increase with the vacuum model due to the use of hydraulics.

MOTION

Commissioner Jones MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.B/ Discussion Items.

11.B.1/ Briefing relevant to meeting with National Park Service.

Mr. Regan reported that there was a meeting held with the National Park Service (NPS) and the University of Florida (UF) regarding the Visitor Information Orientation Center. He explained that land-swap agreement could not take place until the partnership negotiations were finalized. He stated that staff would be meeting would take place with Ed Popple, UF, Vice President of Business Affairs, to determine the main partnership agreement, which would be based on an academic interest. He advised that once that agreement was completed, the partnership with the NPS could be determined.

Mr. Regan referred to an editorial in the St. Augustine Record regarding the West Augustine Master Plan, and he clarified that the total cost was \$23.5 million.

Mr. Burchfield announced that notification had been received from the Fitch Rating Agency that the City's bond ratings had increased based on the City's financial condition. He stated that the Water and Sewer Bonds increased two steps from an A rating to AA- rating, and the General Obligation Bonds increased from an A+ rating to AA- rating.

12. Items by Mayor and Commissioners

Mayor Boles announced that there would be a visiting Spanish ship in Mayport on June 7, 2010, and City representatives would be attending a reception.

Commissioner Sikes-Kline presented *Hispanic Reflections of the American Landscape* to Mayor Boles. She stated

that there was a Sister City lobby effort related to the Amtrak Station, she requested the Commission designate a representative for the City.

There was consensus to appoint Commissioner Sikes-Kline as representative.

Commissioner Jones expressed condolences to the family of Diane Lovell, former St. Johns County School Board member. He questioned the progress on the following:

- Visitors Information Center restroom repair
- Motorcycle parking in the VIC parking facility
- Mooring Fields

Jim Piggott, Director, General Services, replied that the scheduled completion date for the restroom repairs was May 28, 2010; however, the air conditioning system installation could be delayed, due to delivery schedules. He noted that portable air conditioning units would be used until installation was completed.

Mr. Regan advised that there had been no complaints received regarding issues with motorcycle parking in the garage.

Mr. Piggott reported that the mooring field bid was \$475,000; however, the initial estimate was \$460,000. He stated that there was a \$5,000 savings from the purchase of the operations boat, and 13 moorings had been eliminated to avoid impact on shell fishing in the Salt Run field, at a \$16,000 to \$20,000 savings. He pointed out that because of the savings the project should be within the approved budget. He concluded that the project would begin in early July 2010.

Commissioner Jones stated that he had met with the West Augustine Business Association. He stated that parking was a major concern; however, resolutions were being negotiated.

13. Adjournment

There being no further business, the meeting was adjourned at 7:15 P.M.²

MAYOR

CITY CLERK, CMC

² Transcribed by Darlene Kirkland