

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
May 24, 2010

The City Commission met in a formal session Monday, May 24, 2010 at 5:04 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
Martha Graham, Director, Public Works
Darlene Kirkland, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Dr. Dudley Weaver, Memorial Presbyterian Church, delivered the invocation, and Commissioner Jones led the pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Ron Brown, City Attorney, requested reversing the order of recognitions, and adding a discussion regarding a Florida Power and Light easement to the Attorney's comments.

3.B/ Approval of Minutes

MOTION

Commissioner Crichlow MOVED to approve the minutes of the regular meeting of May 10, 2010. The motion was SECONDED by Commissioner Sikes-Kline and approved by UNANIMOUS VOICE VOTE.

3.C.1/ Proclamations

(None)

3.C.2/ Recognitions

Paul Williams, Director, Public Affairs, presented the Citizenship Awards.

City Commission Citizenship Awards –
Graduating High School Seniors:

- Jefferson Deken – Allen D. Nease
- Kati Schumm – Bartram Trails
- Kelly Dueker – Creekside
- Hannah Elizabeth McArdle – Florida School for the Deaf and Blind, Blind Department
- Ian Griffith – Florida School for the Deaf and Blind, Deaf Department
- William J. Lee Owen – Pedro Menendez
- Ansley Vanover – Ponte Vedra
- Yannick Trapman O'Brien – St. Augustine
- Jeanette Jones – St. Johns Technical
- Daniel Timothy Donofrio – St. Joseph Academy

St. Johns County Tourism Employee of the
Year – 2010

- Caroline Craig – Visitor Information Center Employee

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 the 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 during the previous meeting, there was consensus by the Commission to allow alternative architectural styles in HP-1; therefore, an amendment to the Comprehensive Plan would be required to prevent challenges. He stated that currently, guidelines

required only Spanish Colonial architecture for all new construction within the Historic Preservation districts. He advised that proposed Ordinance 2010-10 would amend the Comprehensive Plan by removing the specific reference to the Architectural Guidelines for Historic Preservation (AGHP), and add a general reference to historic guidelines requiring them to be adopted in the City Code.

Commissioner Jones questioned whether the review process would be simplified if the Ordinance was passed.

Mr. Knight replied that the process would be similar with the exception that architectural guidelines would be adopted into the City Code instead of specifically adopted into the Comprehensive Plan. He added that if the guidelines were amended, the Historical Architectural Review Board (HARB) would review projects for consistency with the guidelines and approve or deny.

Commissioner Jones questioned whether HARB members were considered experts in the field of historic preservation, and the response was affirmative. He asked who would conduct the review of Comprehensive Plan amendments when they were sent to Tallahassee.

Mr. Knight explained that the Department of Community Affairs (DCA) would conduct a review of the amendment, and then forward it to all applicable state agencies for comments and feedback. He stated that once the review was completed, the final Objections, Recommendations and Comments Report would be sent back to the City.

Commissioner Jones questioned whether the departments in Tallahassee had knowledge regarding St. Augustine's history.

Mr. Knight replied that the Historic Preservation Departments that provided feedback would have knowledge of the

City's history; however, the DCA had little knowledge.

Mayor Boles questioned whether the HARB review process was utilized for all construction projects in the HP districts regardless of whether it required a review through Tallahassee, and the response was affirmative. He felt that the process should be difficult to modify Historic Preservation guidelines for all HP districts.

Commissioner Freeman questioned whether the City had ever requested a Comprehensive Plan modification that was not approved by Tallahassee.

Mr. Knight explained that every seven years the Comprehensive Plan required an Evaluation Appraisal Report modifying the goals, objectives and policies according to changes in state laws. He stated that a report had been completed in 1998, in addition to an amendment assigning a land use to the newly annexed Fish Island property, which was found to be non-compliant and sent for administrative hearing. He noted that in the aforementioned instance, the Comprehensive Plan amendments were not related to Historic Preservation.

Commissioner Freeman questioned whether he felt that Tallahassee's comments and objections were warranted.

Mr. Knight replied that the issues were related to legislative changes.

Commissioner Sikes-Kline stated that the Historic Preservation elements of the Comprehensive Plan were optional, and the DCA regulation requirements regarding Historic Properties indicated that Historic Districts had to be delineated on future land use maps. She added that the City's Comprehensive Plan was consistent with the State.

Commissioner Crichlow questioned whether there were other cities in Florida

that had the AGHP adopted in their Comprehensive Plan.

Mr. Knight replied that there had been a review, and there were cities that had adopted the AGHP by reference; however, they had not applied it as adopted, but applied the AGHP as if it were adopted at a local level. He stated that the opinion received from the Department of Historic Resources indicated that, because history changed over time, it would be beneficial to maintain a level of local flexibility for preservation guideline adoption.

Commissioner Sikes-Kline stated that she had requested a modification to the Ordinance to include the language "*AGHP as amended from time to time*"; thereby, giving the City the ability to amend the Comprehensive Plan at the local level. She added that changing the language would allow the AGHP to remain in the Comprehensive Plan, which would continue to provide legal protection. She provided copies of a proposed substitute ordinance for consideration.¹

Commissioner Crichlow questioned which body would be allowed to amend.

Mr. Brown replied that the Commission could recommend a procedure for amending the Comprehensive Plan for Historic Preservation and adopt the procedure by ordinance.

Commissioner Sikes-Kline proposed dispensing of Ordinance 2010-10, and forwarding the suggested ordinance to Tallahassee for review. She suggested a Comprehensive Plan amendment process as follows:

- HARB and Planning and Zoning Board (PZB) review
- Three legally noticed Commission public input hearings
- No less than 30 days between public hearings

¹ Attached to original minutes

Public hearing was opened.

Robert Hall stated that each HP district had different characteristics, residential, business and historic interpretations. He pointed out that currently Spanish Colonial architecture applied to new construction in HP-1. He noted that Artillery Lane to San Salvador Street contained no Spanish Colonial structures. He added that there were five Spanish Colonial structures in HP-3, five in HP-2 and twelve in HP-1.

Public hearing was closed.

Commissioner Crichlow stated that an ordinance related to HP-1 would not eliminate the possibility of constructing Spanish Colonial structures; however, there were areas that could create an issue if Spanish Colonial were constructed. He referred to an email received by the Commission, and expressed concern with issues related to the potential loss of local control. He felt that local decisions should be made by the citizen elected bodies, and not those without a personal interest.

Commissioner Freeman questioned the current Comprehensive Plan modification procedure.

Mr. Knight replied that the modification process required approval by PZB and two City Commission public hearings; however, an ordinance at the Code adoption level required one public hearing before the Commission as well as PZB and HARB approval.

Commissioner Crichlow pointed out that St. Augustine was a diverse architectural city. He felt that HARB would ensure that the character of each district would be maintained.

Mayor Boles stated that the Commission agreed that the architectural guidelines for HP-1 should be modified; however, he expressed concern regarding the current process. He felt that the process should remain at the local level while providing

protection against modifications being made without complete consideration.

MOTION

Commissioner Jones MOVED to reject Ordinance 2010-10. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Freeman noted that in cases where Comprehensive Plan requirements for new construction in HP-1 created issues, property owners could file an environmental land use dispute for Commission review.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

After a brief conversation it was determined that staff would prepare a presentation on a Comprehensive Plan amendment process for review during the subsequent Commission meeting, and Commissioner Sikes-Kline's draft ordinance would be reviewed by HARB.

5.B/ Ordinances - Second Reading

5.B.1/ Public Hearing - Ordinance 2010-14, relevant to the Whispering Creek Town Center Planned Unit Development.

Mr. Knight stated that Ordinance 2010-14 amended an existing Planned Unit Development (PUD), which was originally established to construct condominiums with commercial frontage. He explained that the development portion of the property had been cleared and some of the land improvements had been completed; however, the project had ceased. He stated that a new project had been proposed for a 132 bed assisted living facility with 30 independent living apartments. He advised that the proposed area of development and preservation

would be the same as established in the original PUD.

David Portwood, Charlan, Brock & Associates, Architect, stated that the land use, site and conservation overlay area had been maintained.

Commissioner Freeman questioned whether the landscaping and tree preservation had been modified from the original PUD.

Mr. Portwood replied that there were trees located in the upland area that might require relocation.

Commissioner Crichlow questioned the distance from the living facility to the parking area.

Mr. Portwood replied that the independent living wing was adjacent to the parking lot.

Beau Charney, Hallmark Heritage & Senior Care, explained that traditionally there was less than 20% vehicle usage by assisted living residents, and parking was primarily used by visitors.

Commissioner Sikes-Kline questioned whether the sidewalk could be extended to provide continuous connectivity, and the response was affirmative.

Commissioner Crichlow questioned whether PZB had approved the project.

Mr. Knight replied that that the project was unanimously approved.

Commissioner Sikes-Kline questioned the commercial structures.

Mr. Knight replied that the commercial center was under separate ownership, and the owner would be continuing the construction as approved in the original PUD. He stated that there were two owners under the same PUD, which was being amended to change the residential portion from affordable housing to an

assisted living facility. He noted the following:

- Reduced lot coverage due to a reduction in the number of necessary parking spaces
- Height requirements were the same
- Similar setbacks
- Similar structure location
- Preservation area would remain consistent

Commissioner Sikes-Kline pointed out that the PUD required a professional landscape plan and a tree survey to be approved with the construction plans.

Public hearing was opened.

Diane Mills spoke against the PUD, and expressed concern regarding the following:

- Increased flooding
- Tree removal
- Increased traffic
- Project inconsistent with the St. Johns County Comprehensive Plan
- Building height

Ed Slavin expressed concern regarding the property being a possible ancient Native American village site.

B. J. Kalaidi expressed concern with increased traffic and proposed structure height. She felt that the property owners should attend all meetings.

Public hearing was closed.

Commissioner Crichlow questioned whether any trees were removed within the conservation area, and the response was negative.

Mr. Knight stated that the archeological area was within the conservation and preservation area. He noted that an archeology study of the area had been conducted, and there was no evidence of human burial grounds. He added that if human remains were found, it was required

by law to be reported to the state archeologist.

Commissioner Jones questioned whether an inventory of trees was completed for the property, and whether the existing trees within the project area would be removed.

Mr. Knight replied that a general tree evaluation was completed with the original project, and the mitigation was to include the preservation area, which was maintained for the current project. He stated that the trees located in the project area would likely be removed; however, the tree removal credits were satisfied with the preservation area.

Commissioner Jones questioned the facility lighting, and whether flood lighting would be installed.

Mr. Portwood stated that the driving range was not critical to the design and could be eliminated; thereby, not requiring flood lighting. He added that the project could be modified to include directional lighting.

Commissioner Jones questioned the City's benefit for approving the PUD, and whether there was concern regarding additional flooding on adjacent properties.

Mr. Knight replied that the City would receive \$50,000 and a portion of the passive recreation area to develop a walking park. He advised that there were three onsite retention ponds, drainage ditches had been cut, and road improvements had been made. He stated that there was a Federal Emergency Management Agency dedicated floodway alongside the property, which would not be impacted by the project.

Commissioner Sikes-Kline asked whether the property was under the City or St. Johns County Land Development Code requirements.

Mr. Knight explained that the property was under the County's Comprehensive Plan

and future land use; however, upon annexation, the City's Code had equal consideration. He stated that the project proposals were consistent with the County's Comprehensive Plan.

Mr. Charney stated that they were a non-profit organization, and had been in business over 25 years. He noted that a feasibility study indicated that St. Augustine had a severe shortage of assisted living facilities.

Commissioner Sikes-Kline affirmed that the applicant had agreed to the following:

- Eliminate the driving range
- Provide directional lighting
- Increase the sidewalk circulation
- Provide area for a public walking park
- \$50,000 for park improvements

Mr. Knight stated that the original agreement directed that the parking lot would be coquina if constructed by the City, and it would be maintained by the City.

Commissioner Freeman pointed out that the original PUD for affordable housing had been approved, and she felt that an assisted living facility would be beneficial to the community.

MOTION

Commissioner Freeman MOVED to have Ordinance 2010-14 placed 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. 2010-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE WHISPERING CREEK TOWN CENTER PLANNED UNIT DEVELOPMENT (PUD) ESTABLISHED PURSUANT TO

ORDINANCE NO. 2005-38 AND AMENDED BY ORDINANCE NO. 2009-12; ALLOWING FOR AFFORDABLE MULTIFAMILY HOUSING AND MODIFIED SITE DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY²

5.B.2/ Public Hearing - Ordinance 2010-15, relevant to amending the Comprehensive Plan, Future Land Use Map to reclassify a parcel of land containing approximately 0.5 acres located on the east side of U.S. Highway 1, north of Lewis Boulevard in the City of St. Augustine.

Mr. Brown stated that Ordinance 2010-15 and Ordinance 2010-16 were related and could be considered concurrently; however, separate motions were required.

Mr. Knight explained that the property had previously been incorporated as part of the Rivers Edge PUD; however, that project failed. He stated that the applicant had requested the property be reverted back to its previous Commercial Medium-Two (CM-2) zoning classification, which required a Comprehensive Plan amendment.

Commissioner Crichlow questioned the purpose of a Comprehensive Plan amendment.

Mr. Knight explained that the original PUD proposal was for Commercial Medium Intensity Land Use designation; however, PZB requested increasing structure height in exchange for less lot coverage. He

stated that their recommendation was to change the land usage to Residential Medium Use Density category, which was inconsistent with CM-2 zoning. He noted that the applicant could request the Residential General Office Zoning, which allowed structures up to 50 feet.

Commissioner Crichlow clarified that because the request was for a future land use modification, which required a Comprehensive Plan amendment, a review in Tallahassee was necessary.

Mr. Knight agreed; however, he explained that the Comprehensive Plan amendment was considered a small scale land use change, and the City would not receive a report from Tallahassee.

Public hearing opened

B. J. Kalaidi expressed concern regarding the property being rezoned to CM-2, because it could allow adult entertainment. She suggested that the property owners participate in meetings.

Public hearing closed.

Commissioner Freeman pointed out that essentially the properties located within the original PUD were not currently zoned, because the project had failed.

MOTION

Commissioner Crichlow MOVED to have Ordinance 2010-15 placed on second reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

Mr. Brown read the title as follows:

ORDINANCE NO. 2010-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP TO RECLASSIFY A PARCEL OF

² Brief recess from 7:02 P.M. to 7:34 P.M.

LAND CONTAINING APPROXIMATELY 0.5 ACRES LOCATED ON THE EAST SIDE OF U.S. HIGHWAY NO. 1 NORTH OF THE INTERSECTION WITH LEWIS BOULEVARD IN THE CITY OF ST. AUGUSTINE AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM RESIDENTIAL MEDIUM DENSITY/MIXED USE TO COMMERCIAL MEDIUM INTENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.3/ Public Hearing - Ordinance 2010-16, relevant to rezoning approximately 0.5 acres located on the east side of U.S. Highway 1, north of Lewis Boulevard in the City of St. Augustine from its current classification of Residential and General Office (RGO) to Commercial Medium-Two (CM-2).

MOTION

Commissioner Crichlow MOVED to have Ordinance 2010-16 placed on second reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

Mr. Brown read the title as follows:

ORDINANCE NO. 2010-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 0.5 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF U.S. HIGHWAY NO. 1 NORTH OF THE INTERSECTION WITH LEWIS BOULEVARD IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY

DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF RESIDENTIAL AND GENERAL OFFICE (RGO) TO THE CLASSIFICATION OF COMMERCIAL MEDIUM-TWO (CM-2); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

Consuela Lippi expressed concern regarding the lease renewal and terms for the state owned preservation properties. She requested an update on the agreement between the University of Florida and the City.

B. J. Kalaidi commented on the following:

- John Regan's participation in the General Employees' Retirement Fund
- Post employment benefits
- Salary and benefit reduction for the City Managers position
- City Attorney intern

John Regan, Chief Operations Officer, noted that the intern position was unpaid.

Mayor Boles welcomed Victoria Hines, City Attorney intern.

Merrill Rowland expressed concern regarding rickshaws being unlicensed,

uninsured and violating City Code. He stated that he had witnessed rickshaw drivers committing traffic violations.

Mr. Regan stated that the City would follow up with the St. Augustine Police Department regarding the rickshaws.

Commissioner Crichlow stated that there were no permit requirements for rickshaws; however, they were required to follow traffic laws and operate under a business license.

Ed Slavin expressed appreciation for the First America Series. He felt that it could promote a National Seashore, National Park and National Scenic Coastal Parkway. He expressed appreciation of passing Resolution 2010-10. He suggested developing a marine preserve. He stated that the relocation of the Post Office should be carefully considered.

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 2010-17, relevant to the Flagler College Welcome Center Planned Unit Development.

Mr. Knight stated that the proposed PUD, located at 63 Cordova Street, was for a Flagler College welcome center. He explained that the Comprehensive Plan allowed up to 70% lot coverage; however, the City Code required the coverage be within the 2,500 square feet footprints. He stated that the building was designed to maximize the 70% lot coverage, but with a single structure; therefore, it was designed to have the appearance of multiple buildings. He noted that the design was approved by HARB and PZB.

Commissioner Sikes-Kline stated that Spanish Colonial architecture required a gate for security purposes, which the design did not include. She expressed concern regarding security issues with the court yard.

Commissioner Crichlow felt that precedence had been established because of a previous PUD denial that exceeded the Code footprint requirements in Historic Preservation-Two (HP-2) district. He stated that the Commission should be consistent with their decisions.

Mr. Knight stated that there were other considerations for the PUD denial; however, he agreed that one reason was the previously proposed structure exceeded the footprint requirements.

Commissioner Freeman questioned the total square footage of the proposed structure, and the total for each portion.

Mr. Knight replied that the lot coverage was 69%, and the total square footage for the main floor was 4,730. He explained that the rear portion was less than 1,500 square feet, and the front portion was approximately 2,500 to 3,000 square feet.

Commissioner Sikes-Kline questioned how the building design was created to look separate.

Mr. Knight replied that the rear portion was recessed, and the façade and roof were different materials. He noted that there were extensive discussions during the HARB review to ensure the two portions were distinguishable.

Commissioner Jones questioned the proposed uses for the structure, other than a welcome center.

Mr. Knight replied that it would primarily be used for office space with a conference room.

Commissioner Jones expressed concern with the structure being an office complex, while being called a welcome center. He questioned the purpose for the PUD and how the City would benefit.

Mr. Knight replied that the PUD was to allow more square footage for a single structure. He pointed out that many construction proposals required a PUD within a historic district. He explained that Flagler College had a previous request for a PUD in a different location; however, adjacent property owners had objected. He stated that as an alternative Flagler College chose the Cordova Street location.

Commissioner Sikes-Kline stated that the 2,500 square feet footprint was reflective of the Spanish Colonial development pattern of the City; therefore, she expressed concern with the rear portion did not appear separate.

Commissioner Crichlow questioned whether HARB had considered the previous PUD denial that exceeded the footprint when making their decision.

Mr. Knight replied that the PUD that had been denied by the Commission, but was approved by HARB; therefore, it was not included in the discussions.

MOTION

Commissioner Freeman MOVED to have Ordinance 2010-17 placed 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. 2010-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE FLAGLER COLLEGE WELCOME CENTER PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR DEVELOPMENT STANDARDS FOR THE

PUD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: Crichlow

MOTION CARRIED 4/1

8. Staff Reports and Presentations

8.A/ Progress Report on relocation of downtown Post Office.

Mr. Regan reported that a meeting had taken place with Senator John Mica, United States Post Office officials and the owner of the Ponce de Leon Mall, which Mayor Boles and he attended. He explained that there had been previous discussions regarding the relocation of the Post Office. He stated that moving the main office and processing centers could be a financial savings for the Post Office. He pointed out that the advantage for the City would be a reduction in traffic, and Flagler College's interest was to purchase the current Post Office property for their Communications Department. He stated that while it would be beneficial to the City to reduce traffic, it was important to the community to have a downtown postal location.

Mayor Boles stated that the current location was inefficient; however, the City would advocate maintaining a downtown location.

Commissioner Freeman requested that the City insist the satellite location be a federally owned branch of the United States Postal Service.

Commissioner Jones suggested that the City draft a Resolution supporting a Certified Postal Unit.

Commissioner Sikes-Kline suggested identifying preferred locations of City owned properties.

8.B/ Presentation relevant to the Tree Grant Award.

Martha Graham, Director, Public Works, announced that the City received an American Recovery and Reinvestment Act (ARRA) Grant in the amount of \$19,000 from the Department of Agriculture and Consumer Services for tree canopy pruning and root amelioration. She added that the grant was 100% requiring no contribution from the City. She stated that the locations were identified in Resolution 2010-03, and she described the locations as follows:

- 50 Bridge Street – Live Oak to receive corrective pruning and branch end weight reduction
- Government House and West Plaza – Five Live Oaks to receive corrective pruning, branch end weight reduction and root crown excavation and aeration
- Plaza – Four Live Oaks to receive corrective pruning, branch end weight reduction and root crown excavation and aeration, and possible removal of three to four Cedars due to trunk decay
- Magnolia Avenue – All Live Oaks to receive corrective pruning, five to receive branch end weight reduction and eight to fifteen to receive root crown excavation and aeration

Ms. Graham stated that the review process was conducted in partnership with the Street Tree Committee. She noted that the ARRA grants were designed to stimulate the economy and create jobs; therefore, all the work would be completed by a contracted pruning company.

Commissioner Freeman questioned whether an arborist would be on site, and the reply was affirmative. She suggested providing the public with information

regarding the pruning process and its benefits.

Commissioner Jones questioned whether the Cedars would be replaced if they were removed.

Ms. Graham replied that the City required replacement as part of the tree removal permit process; however, the grant would not cover the replacement costs. She added that the Cedars would be evaluated and only removed if necessary.

9. ITEMS BY CITY ATTORNEY

Mr. Brown provided a Florida Power and Light Easement agreement for approval, and stated that the easement was for underground utilities located at Spanish Street and Tolomato Lane.³ He explained the property owner requested that the power utilities remain underground, and the City felt that the Easement could further encourage the policy of underground utilities.

MOTION

Commissioner Sikes-Kline MOVED to accept the Florida Power and Light Easement as presented. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

9.A/ Discussion of Employment Agreement relevant to incoming City Manager.

Mr. Brown advised that a copy of the contract had been provided with the agenda and made available to the public. He detailed the agreement terms as follows:

- Five year initial term and renewed automatically unless 12 month advance written notice was provided by the City or Mr. Regan

³ Easement attached to original minutes

- Duties and authorities would be as specified in City Charter and the Code
- \$131,000 annual salary

Mayor Boles noted that the salary was comparable to similar cities throughout the state.⁴

- Salary increase or decrease would be commiserate with City policy
- Benefits were the same as provided to all City employees
- Accrued vacation and sick leave according to City policy
- Provided an additional weeks vacation
- City provided vehicle
- Retirement benefits in accordance to City policy

Termination

- Minimum of three Commissioners vote to terminate
- City Charter amended to change the form of government
- Reduction of base salary or other financial benefits not in accordance to City policy
- Offer of resignation by the Commission
- Breach of employment agreement

Severance

- Minimum of 10 months salary
- 10 months paid insurance benefits
- City would not be obligated to pay benefits if convicted of a felony

Mr. Brown stated that the agreement included an annual performance evaluation conducted by the Commission. He explained that it required a written evaluation process and jointly defined annual goals and performance objectives. He noted that if an evaluation was not conducted, it would not be considered a breach of agreement. He added that the

agreement provided an indemnification provision, in which the City provided representation in the event Mr. Regan was sued, and if the claim was within the scope of his duties, and he exercised proper judgments and discretion. He concluded that the Agreement would be effective July 1, 2010.

Commissioner Sikes-Kline questioned the evaluation process.

Mr. Brown replied that evaluations were based on whether an employee had maintained the goals and objectives established the previous year, and were generally completed during budget considerations. He added that a written evaluation could be provided 30 days following the performance evaluation meeting for Mr. Regan. He stated that the Commission could determine the evaluation process for the City Manager.

Mr. Regan noted that all City employees were evaluated during the same period.

Commissioner Freeman expressed concern regarding the City Manager's evaluation being conducted during the same period as all City employees.

Mr. Regan suggested conducting the evaluation in October.

Commissioner Freeman questioned the purpose of excluding arbitration or attorney's fees clauses within the agreement.

Mr. Brown replied that arbitration as a government was not legal in the State of Florida. He stated that cities had venue privilege and could only be sued within the residing county. He advised that in the absence of the attorney's fee provision, Florida law required a contract, a statute or a fund be provided; therefore, attorney's fees were non-recoverable by the City or the City Manager.

MOTION

⁴ Examples attached to original minutes

Commissioner Sikes-Kline **MOVED** to accept the Employment Agreement as presented. The motion was **SECONDED** by Commissioner Jones

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

Commissioner Sikes-Kline suggested developing a similar agreement for the City Attorney and the City Clerk positions.

Mr. Brown stated that he agreed with Mr. Regan's concept of professionalism provided by the agreement regarding evaluations, goals and objectives.

Commissioner Jones suggested discussing the process individually with the City Attorney and City Clerk.

Commissioner Freeman suggested waiting for a period of time prior to developing agreements.

10. ITEMS BY CITY CLERK

The City Clerk agreed with the Commissioner's suggestion regarding an employment agreement, and added that she welcomed the opportunity to speak with each of them concerning the matter.

10.A/ Notification of Proclamations.

- 2010-21 – Greek Landing Days
- 2010-22 – Elder Abuse Awareness Day
- 2010-23 - Florida Water Professionals Week

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/ Request for use of funds from the Marina reserves for the removal of illegal, private and unpermitted moorings still located within the City of St. Augustine boundaries.

Commissioner Jones requested removing item 11.A.3. from the consent agenda for separate discussion and consideration.

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda items 11.A.1. and 11.A.2. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

Jim Piggott, Director, General Services, reported that the mooring field clearing process began in February 2010. He noted that the original estimate to remove the remaining moorings had been approximately \$38,000; however, the selected contractor's bid documents included the removal and disposal fee of \$275 each, which would amount to approximately \$13,000-\$14,000.

Commissioner Jones questioned whether the mooring removal included the ground tackle.

Mr. Piggott replied that the estimate included the ground tackle unless the removal was not possible. He reported that the project was currently on schedule, and the contract was within budget. He stated that the mooring field installation would commence in August beginning with the Menendez field to avoid displacement of boaters, and the project should be completed in approximately 90 days. He noted that reservations would open to waterfront residents on June 1, 2010, City and County residents on June 14, 2010,

and open registration would begin on June 28, 2010. He concluded that advertising efforts had attracted positive feedback and participation in the mooring field program.

Commissioner Crichlow questioned whether a citizen that owned a local business could reserve a mooring using their business address.

Mr. Piggott replied that the Harbor Management Plan defined residents in accordance with City Ordinance; therefore, business addresses would not qualify.

Commissioner Crichlow felt that the funding request was reasonable, and the debris removal could improve the quality of the City's harbor.

MOTION

Commissioner Crichlow MOVED to approve the use of the Marina reserve funds to remove the moorings. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Mayor Boles questioned the number of privately owned moorings that had been removed voluntarily.

Mr. Piggott replied that notifications to remove the moorings had been distributed; however, analysis of the remaining moorings would not be completed until August.

11.B/ Discussion Items.

11.B.1/ Status report on discussions with the University of Florida relevant to the implementation of Resolution 2010-12 regarding the maintenance and management of the historic state-owned properties.

Mr. Regan reported that City staff had met with University of Florida representatives to discuss Resolution-2010-12, the

University's position regarding the Heritage Tourism Department funding program and the State owned historic properties. He explained that the University of Florida felt they had no option but to follow legislation and remain the lease holders of the properties. He stated that the City presented a detailed financial plan and a business plan to the University of Florida; however, the University did not have funding to participate in the historic properties maintenance and management funding program; however, they announced that they had obtained \$650,000 in Public Education Capital Outlay (PECO) funding during the previous legislative session. He explained that the City used funding from ticket sales, leases and other forms of revenue including cash transfers to fund the budget the historic properties program; considering the University could not provide the budget or match the funding. He stated that in order for the University of Florida and the City to enter into a partnership agreement, the City would be required to continue providing approximately \$300,000 to \$400,000 in annual funding. He advised that during the meeting with the University representatives, City staff had outlined the purpose of Resolution 2010-12, as well as the City's desire to maintain its relationship regarding the historic properties, and to create a self sustaining revenue system for the Spanish Quarter. He said that he had met with Representative Proctor, and explained the proposed agreements. He stated that Dr. Proctor suggested that if the University of Florida and the City could create a partnership agreement, he would sponsor legislation that could modify the current situation. He explained that currently the goal was to improve the Spanish Quarter program, enhance marketing and increase revenue. He outlined the progress as follows:

- Restructured staff to reduce expenses
- Tavern renovation had increased gross sales 100% compared to prior year

- Record monthly sales for the Spanish Quarter gift shop
- 10% increase in visitation
- Improved attitude and morale of staff

Non-Agenda Item

Mr. Regan reported that the Department of Transportation permit had been received to construct the Trolley/Train drop-off, and preliminary evaluations were in progress, in addition to the ticket sales modifications. He noted that the trolley/train ticket agreements were being updated to increase sales. He explained that a plan to re-design the interior of the Visitors Information Center to create an orientation system was in development. He said the second priority was to improve the academic partnerships, as well as systems to increase revenue and marketability for private investment opportunities. He noted that he was reviewing a preliminary draft agreement with the National Park Service to develop the Visitor Orientation Center; however, the agreement could not move forward until the agreement with the University of Florida was attained. He concluded that a critical component to the partnership was academic collaboration, which would be beneficial to the City, the University of Florida, Flagler College and the National Park Service.

Non-agenda Item

Mr. Knight stated that the National Council for Preservation of Education provided a guide for Historic Preservation programs, and a review of existing graduate and undergraduate programs had been conducted.⁵ He pointed out that there were no programs on the east coast of the United States comparable to the City's archeological program or the historic Spanish Colonial structures. He explained that the concept was to develop a Center for Applied Historic Preservation that would allow students to work along side City's

staff for a hands on work related experience. He recited a portion of the mission statement as follows:

- To develop a higher education facility that made practical use of the archaeologist and colonial resources of the City of St. Augustine in a way that promoted stewardship of our historic and cultural resources

Mr. Knight suggested Government House as a possible location for a Center for Applied Historic Preservation He explained that Melissa Denzendorf, the Historic Preservation Special Projects Planner, had recently graduated from a similar program and provided input for the proposal. He described possible fields of study as follows:

- Building and Materials Conservation
- Infrastructure of Built Environment
- Museum Studies
- Library Science (Archives)
- Historic Preservation Law
- Historic Preservation Planning
- Archaeology
- Heritage Tourism
- Historical Interpretation
- Geographical Information Systems (GIS)

Mr. Knight pointed out that the City had departments that covered most of the proposed fields of study. He concluded that the concept included an academic partnership with a college or university to facilitate the program.

Mr. Regan noted that the proposed education program concept was key to the strategic master plan for the University of Florida. He requested authorization by the Commission for staff to continue development.

Commissioner Jones questioned the lease agreement terms for the current tenants in the historic properties.

⁵ Presentation attached to original minutes

Mr. Regan replied that lease term agreements could not be offered until negotiations were finalized with University of Florida; therefore, leases would continue on an annual basis.

Commissioner Freeman pointed out that tenants would be willing to invest in the properties if they knew they would be there long term.

Mr. Brown stated that the City had received notice from the Department of State requesting an inventory and survey of all existing leases. He advised that the Department of State intended to begin enforcing a provision in the master lease requiring that all leases between the City and sub-tenants be countersigned by the Department of State and the Trustees of the Internal Improvement Trust Fund.

Commissioner Sikes-Kline pointed out that an academic program could facilitate a working relationship between the City and the University of Florida.

After a brief discussion there was Commission consensus to authorize staff to continue the academic program development.

12. Items by Mayor and Commissioners

12.A/ Discussion concerning Amtrak in Sun Rail Legislation.

Commissioner Sikes-Kline requested approval by the Commission to meet with Senator John Thrasher to discuss legislation and encourage Amtrak and Department of Transportation to work together.

After a brief discussion consensus of the Commission was to approve Commissioner Sikes-Kline meeting with Senator Thrasher.

Commissioner Sikes-Kline announced that on June 3, 2010 at 6:00 P.M. there would

be a Lighthouse Traffic Calming Study public meeting. She also reported that she would meet with consultants hired by the North Florida Transportation and Planning Organization to conduct a bicycle mobility study for the City.

13. Adjournment

There being no further business, the meeting was adjourned at 9:57 P.M.⁶

MAYOR

CITY CLERK, CMC

⁶ Transcribed by Darlene Kirkland