

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
April 28, 2008

The City Commission met in a formal session Monday, April 28, 2008 at 5:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Boles, and the following were present:

Roll Call:

Joe Boles, Mayor/City Commissioner
Donald A. Crichlow, Vice Mayor/City Commissioner
Susan Burk, City Commissioner
George Gardner, City Commissioner
Errol D. Jones, City Commissioner

Ron Brown, City Attorney
Karen Rogers, City Clerk
Timothy A. Burchfield, Chief Administrative Officer
John Regan, Chief Operations Officer
Mark Knight, Director, Planning and Building
Dr. William Adams, Director, Heritage Tourism
Sam Lansdale, Deputy Director Public Works
Paul K. Williamson, Director, Public Affairs
Loran Lueders, Police Chief
Mike Arnold, Fire Chief
Robin Upchurch, Assistant City Attorney
Susan Goins, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Dr. David Rice, Ancient City Baptist Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

(None)

3.A/ Modification of Agenda

Commissioner Gardner requested moving item 6.B.2. regarding the St. Augustine Foot Soldiers Committee to the front of the agenda following item 3.C.2.

3.B/ Approval of Minutes

The minutes of the regular City Commission Meeting of April 14, 2008 were approved as presented.

3.C.1/ Proclamations

- 2008-16 - Letter Carriers Food Drive
- 2008-17 - International Midwives Day

Mayor Boles read and presented each proclamation.

3.C.2/ Recognitions

(None)

4. Appeals and Public Hearings (NOT PERTAINING TO ORDINANCES & RESOLUTIONS)

(None)

**5./ Ordinances – Public Hearing Required
- First Reading**

5.A/. Ordinances - First Reading

(None)

**5.B/. Ordinances - Second Reading –
Public Hearing**

5.B./1 Public Hearing - Ordinance 2008-09 repealing Ordinance 2006-22 vacating, discontinuing and abandoning that certain portion of West Avenue and Lewis Boulevard lying east of U.S. Highway 1.

Mark Knight, Director, Planning and Building, explained that the River's Edge PUD had been approved after a land use plan amendment along with a road vacation; however, they had not taken action on the PUD within the legal timeframe. He stated that there were multiple property owners and they never closed on the property, and the property owners had needed a roadway to access their property.

Mayor Boles opened the public hearing; however, there was no response.

MOTION

Commissioner Gardner MOVED to place Ordinance 2008-09 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. 2008-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REPEALING ORDINANCE NO. 2006-22 VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF WEST AVENUE AND LEWIS BOULEVARD LYING EAST OF U.S. HIGHWAY 1; PROVIDING FOR

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

VOTE ON MOTION

AYES: Gardner, Crichlow, Burk, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

5.B.2/ Public Hearing - Ordinance 2008-10, regarding lighting on docks.

Ron Brown, City Attorney, explained that Ordinance 2008-10 had been proposed by Commissioner Crichlow regarding the governance of lighting on residential docks located within the boundaries of the city. He stated that the ordinance would provide a system whereby all lighting on residential docks would have fixtures that directed the light down.

Commissioner Crichlow stated that his concern was the lights glaring into neighboring homes. He explained that the city would allow the property owner 180 days to comply with the law. He said if someone was not in compliance their neighbor could notify the city. He said if the city had not received a complaint.

Commissioner Jones stated if the city had an ordinance it should be enforced rather than waiting for complaints from neighbors. He pointed out that some people would report neighbors because they did not liked them.

Mr. Brown replied that most code enforcement was complaint driven.

Commissioner Jones asked why commercial docks had not been included.

Commissioner Crichlow replied that he had not received complaints about lighting on public docks; however, they could expand the area in the future. He added that the goal was to ensure that the lights were

shielded and met requirements of the Dark Skies Association.

Mayor Boles opened the public hearing.

Ed Slavin referred to the following:

- In favor of the ordinance; however, commercial docks should be included
- Excessive night lights hampered frogs ability to reproduce

Mayor Boles closed the public hearing.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2008-10 on second reading, read by title only and passed. The motion was seconded by Commissioner Burk.

Mr. Brown read the title as follows:

ORDINANCE NO. 2008-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 7-3 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO BE KNOWN AS THE CITY OF ST. AUGUSTINE DOCK LIGHTING ORDINANCE; RESTRICTING THE USE OF CERTAIN LIGHTS ON RESIDENTIAL DOCKS WITHIN THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Burk, Jones, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

B.J. Kalaidi referred to the following:

- The plans to house the homeless had been kept secret
- Parcel numbers for adult entertainment district
- Historic tax exemption
- Cut salaries of employees receiving free water

Ed Slavin referred to the following:

- Illegal dumping
- Public meeting on May 8, 2008 should be held at St. Paul's church because it was larger

Bob Harper referred to the following:

- The proposed children's museum wanted the city to contribute financially; however, the Lightner Museum was in desperate need of repairs
- Suggested that the children's museum partner with the school board¹

6.B/ Presentations (15 minutes per presentation)

6.B.1/ Presentation by the First Coast Metropolitan Planning Organization (MPO).

Wanda Forest, First Coast Metropolitan Planning Organization delivered a presentation²

Commissioner Gardner questioned whether the S.R. A1A pedestrian parking crossing at the Castillo de San Marco had been designed.

Mr. Knight replied that an engineer had been hired for the design.

¹ Brief recess 5:55 P.M. to 6:04 P.M.

² Attached to the original minutes

Mayor Boles questioned whether the city would have final approval of the design, and the response was affirmative.

6.B.2/ Presentation by the St. Augustine Foot Soldiers Committee.

Barbara Vickers, President St. Augustine Foot Soldiers Remembrance Project referred to the following:

- Nina Vreeland contributed \$20,000 for the first phase of the project
- The monument had been designed by Brian Owens, Deltona, Florida

Mr. Owens referred to the following:

- Second generation professional artist
- Displayed an architectural model of the monument
- Monument would be installed on King Street towards the east end of the Plaza
- Material would be fabricated from cast bronze and set on of a concrete pedestal
- Text would explain the significance of the sculpture
- Weighed approximately 650 pounds
- Nine months to complete
- Cost would be \$60,000-\$70,000

Following a brief discussion regarding city contributions, Timothy A. Burchfield, Chief Administrative Officer, clarified that the city would contribute the base structure and footers that would need to be poured.

Commissioner Jones stated that he would contribute \$5,000 for the monument.

Mayor Boles encouraged the community to donate to the fund.

Following a brief discussion regarding community donations, Mr. Burchfield stated that brochures regarding the project would be available at Customer Service and the City Manager's office.

7. Ordinances and Resolutions - No Public Hearing

7.A./Ordinances – First Reading

(None)

7.B./ Resolutions

(None)

8. Staff Reports and Presentations

8.A/. Staff presentation regarding the Children's Museum and the North City Waterworks Building.

Susan Connor, Treasurer/Founding Member, Children's Museum, delivered a presentation³

Kathy Weed, President, Children's Museum President, stated that the children's museum would be a vital cultural destination and would strengthen the fabric of the community for the future of the children. She added that the partnership with the city would be beneficial and inspiring to the community.

Commissioner Gardner stated that he could not support \$1 annual rent for 50 years. He suggested that they contact St. Johns County for fundraising.

Mayor Boles suggested that they provide the presentation to the City Manager; however, without Commission consensus he was not ready to consider use for the Waterworks Building other than for city use and control.

Commissioner Burk agreed with Mayor Boles, and she added that the city was not at the point that they needed a partnership for the building.

John Regan, Chief Operations Officer, stated that there were various ways to fund the project such as grants and partnerships. He said that staff would ensured that the

³ Attached to original minutes

City Manager would receive the presentation.

Commissioner Jones stated that children were the future, and he wanted to support them. He said that unless the city had other ways of obtaining funds to fix the building they should look at other alternatives, because an empty building was not beneficial to anyone. He added that the city did not have the money; however, if the children's museum could raise the money and obtain grants he would be interested in a proposal.

8.B. Update on the progress of the Holmes Boulevard Meditation.

Mr. Regan referred to the Holmes Boulevard mediation and stated the following:

- The city had negotiated with the Department of Environmental Protection to use the material in the internal operation of a class one landfill
- Partnership with Nassau County
- Re-worded the Consent Order to reflect the change
- There would be a public meeting on May 8, 2008 at 6:00 p.m. at City Hall to discuss the new consent order
- Two major parts of the Consent Order was that the city use a class one landfill and an aggressive nine month construction schedule
- Consideration of the Consent Order with the state and the Interlocal Agreement with the Nassau County would go before the City Commission on May 12, 2008
- The Interlocal agreement was scheduled before the Nassau County board on May 14, 2008
- Filed a permit for application with the DEP for ground water monitoring for site environmental assessment of Riberia Street
- Cap area with clean top soil vegetation and grass; therefore, being accessible to the public

- Holmes Boulevard project would be completed in nine months
- No solid wastes and materials would be returned to Lincolville

9. ITEMS BY CITY ATTORNEY

9.A. Report concerning Fish Island and the bottom lands.

Mr. Brown stated that the city had engaged Douglas Manson, Attorney, Carey, O'Malley, Whitaker & Manson, P.A., Tampa, Florida to research and provide a legal report regarding ownership of the Fish Island property. He pointed out that the city had hired counsel without direct knowledge of the situation. He added that Mr. Manson was well regarded in the areas of land and water use.

Mr. Manson referred to the following:

- Looked at original surveyor instructions
- Deciding factor was whether or not the traverse or meander line was the boundary, and the meander line was the boundary in the case in question
- Meander line was the boundary or separation
- No separate piece of land owned by the city between the mean high water line and the southeast submerged land

Commissioner Jones clarified that the attorney had been asked to research the land and determine whether it was owned by the city, and he had determined that the city had no claim or ownership.

Mr. Manson replied affirmatively, and he added that the city owned up to the mean high water line.

Commissioner Burk questioned whether the ruling stopped the city from going forward, and the response was negative.

Mr. Manson added that the city had a valid claim; although, they did not own the land.

Mr. Brown stated that on April 29, 2008, 5:30 P.M. the County Commission would discuss straw ballot referendum issues and there was an effort for the public to consider a referendum to incorporate all the independent governmental districts into the county. He added that there had been discussion regarding who would run the airport if the airport authority were de-chartered. He pointed out that it had previously been run by the city; however, he did not believe they would send it back to the city.

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations

- 2008-14 - Therapy Dog Awareness Day
- 2008-15 - Flagler College Society for Advancement of Management

11. ITEMS BY CITY MANAGER (Includes Consent Agenda)

11.A/ Consent Agenda

11.A.1/ Preview of upcoming Commission Meetings.

Mr. Burchfield read the consent agenda items.

MOTION

Commissioner Gardner MOVED to approve the consent agenda. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

11.B. Discussion Items

(None)

12. ITEMS BY THE MAYOR AND COMMISSIONERS

Mayor Boles – Homeless

Mayor Boles stated that the United States Interagency on Homelessness had worked with the chronic homeless and started a program called Home First. He explained that the program placed the homeless in homes first, which appeared to motivate them to adjust into society. He said part of the program was a Mayor's Commission with 222 Mayors signed up, and they developed a community champions board or commission made up of private business owners, people in the community and hospital administrators. He stated that he and Mr. Regan had met with a representative and Mr. Williamson went to a related two day seminar, and they were compiling a list of community champions.

Jamestown Economic Impact Statement

Mayor Boles stated that he had received the Jamestown economic impact statement along with a PowerPoint presentation that detailed their entire celebration. He added that they were compiling a two volume set explaining how to plan a 450th celebration.

University of Florida

Mayor Boles stated that he had a meeting with a University of Florida representative regarding their plans and becoming academic partners for the historic properties. He said the Colonial St. Augustine Federation was interested and could have a long term lease arrangement for the historic properties with the University of Florida as the academic partner with the Colonial St. Augustine Foundation performing the role of the Williamsburg Foundation.

Suggestions for the 450th Celebration Commission

Mayor Boles stated that he had compiled a list of suggestions for the 450th celebration commission. He questioned whether there were any special requirements for starting a 450th celebration commission.

Mr. Brown replied that generally if a city or county appointed a commission to organize events it was usually done by ordinance. He explained that the ordinance defined the membership requirements and duties required of the organization.

Commissioner Gardner stated that he had been working with the County Commission Chairman, and they had discussed the idea of getting one cent of bed tax dedicated for a five year period to renovate Government House to become the St. Augustine Center for History and Culture. He explained that the County Attorney had performed a study on the properties to determine which would qualify for the bed tax funding under the museum section of the TDC statute, and they came up with eleven properties with \$10 million in repairs. He said he would rather the city focus on Government House. He said the Aviles delegation believed that Government House was one of the jewels of the Spanish presence; therefore, he would rather focus on the one building.

Mayor Boles stated that the properties were built with money from the city, and they needed to take control. He added that they required a long term lease, as they did not want to own the property because of insurance and property taxes.

Following a discussion it was determined that the City Attorney would investigate the matter.

450th Committee

Mayor Boles asked for Commission input regarding 450th committee.

Commissioner Burk provided a listing of the people and organizations that should be involved.

Following a discussion it was determined that the Mr. Williamson would compile a database master list of the names and provide it to the Commission.

Mayor Boles stated that Dr. Adams would serve as the pre-event Chair/Executive Director until someone was hired.

Mr. Brown pointed out that if the committee was appointed by the city, it would be a public records organization and they would be under the same restrictions as other public appointed bodies.

Commissioner Jones - Public Works Department

Commissioner Jones commended the Public Works Department for fixing the water main break in front of government house. He said that within three hours everything was repaired and under control.

Public Safety During Commission Meetings

Commissioner Jones referred to the shooting during a Commission meeting in Kirkwood, Montana and expressed concern about public safety during meetings. He suggested that the officer attending the meetings sit in front of the room.

13. Adjournment

There being no further business, the meeting was adjourned at 7:54 p.m.⁴

MAYOR

CITY CLERK, CMC

⁴ Transcribed by Susan Goins