

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
May 12, 2008

The City Commission met in a formal session Monday, May 12, 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

William B. Harriss, City Manager
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
Mark Litzinger, City Comptroller
Jim Piggott, General Services Director
Dr. William Adams, Director, Heritage Tourism
Martha Campbell, 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

Reverend Byron Hodges, St. Mary's Missionary Baptist, 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

MOTION

Commissioner Burk MOVED to approve the minutes of the regular City Commission of April 28, 2008. The motion was SECONDED by Commissioner Gardner.

VOTE ON MOTION

AYES: Burk, Gardner, Crichlow, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

3.C.1/ Proclamations

- 2008-09 - National Public Works Week
- 2008-13 - National Drug Court Month
- 2008-18 - Mental Health Month
- 2008-20 - Older Americans Month

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 2008-08 rezoning property located at 100 St. George Street from Historic Preservation-two (HP-2) to Planned Unit Development (PUD).

Commissioner Crichlow and Mayor Boles recused themselves from the item.

Mark Knight, Director, Planning and Building, stated that Ordinance 2008-08 rezoned property located at 100 St. George Street from Historic Preservation-two (HP-2) to Planned Unit Development (PUD). He said they wanted to add a walk-in cooler, elevator and a lift. He explained that the three items contributed to lot coverage, and the PUD redefined lot coverage to exclude the aforementioned items as increased lot coverage.

Following a brief discussion it was determined that Commissioner Jones would be presiding officer for the item.

Commissioner Jones opened the public hearing.

Ed Slavin referred to the following:

- PUD should not be in the HP zone
- No PUD's had been granted in HP districts

Commissioner Jones closed the public hearing.

Richard Johnson thanked the Commission for working with them. He added that he was excited about opening the restaurant in St. Augustine.

Commissioner Gardner questioned whether other PUD's had been granted in HP districts, and the response was affirmative. He said he did not see language specifying the business hours or outside amplification, and he questioned the recourse to regulate those elements once the ordinance was passed.

Ron Brown, City Attorney, replied that there were general ordinances concerning hours of operation, noise and conduct. He pointed out that the Planning and Zoning Board had found particular concerns about the restaurant compared with others and required that special rules be included in the PUD. He said the problems concerned garbage pickup on Spanish Street and how long garbage would be kept on the site.

MOTION

Commissioner Burk MOVED to place Ordinance 2008-08 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Gardner.

Mr. Brown read the title as follows:

ORDINANCE NO. 2008-08

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE 100 ST. GEORGE STREET PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Gardner, Jones

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

Mr. Brown suggested that residents providing comments about the consent order do so during the public comment period.

John Johnson referred to the following:

- Supported increase in bed tax; however, the money should be used to promote and market the region
- St. Johns County moving forward to develop a tourism master plan

Jack Martin referred to the following:

- St. Augustine Historic Inns Association was opposed to Resolution 2008-03
- Additional tax would have a detrimental impact on the business

B.J. Kalaidi referred to the following:

- Soliciting business for Casa Monica Hotel
- Street performers had solicited tips in the Plaza
- Resolution 2008-03

Ed Slavin referred to the following:

- The city should have a National Historical Park, National Seashore and National Scenic Coastal Highway
- Illegal dumping
- Consent order should be rejected

Judith Seraffin referred to the following:

- Bed tax money should go towards advertising
- Consent order
- Citizens should follow the results of the environmental monitoring at the site

Faye Armitage referred to the following:

- Requested representing the city in Congress

Mayor Boles noted that political speeches were not normally heard at the podium.

6.B/ Presentations (15 minutes per presentation)

(None)

7. Ordinances and Resolutions - No Public Hearing

7.A/ Ordinances – First Reading

(None)

7.B/ Resolutions

7.B.1/ Consideration of Resolution 2008-03 concerning One-Cent Tourist Development Tax.

Commissioner Gardner stated that County Chairman Tom Manuel had assessed the 34 state owned properties to determine whether they qualified for bed tax revenue under the bed tax statute concerning museums. He said it was determined that 11 properties with an estimated repair cost of \$10 million would qualify. He suggested

focusing on Government House, which estimated renovation was \$14 million. He said that Mr. Manual informed him that the County Commission could raise the bed tax from 3 to 5 cents without a referendum. He explained that the resolution proposed a 1 cent bed tax for 5 years to provide collateral for bonding and allow immediate renovations of Government House. He said passage by the Commission would indicate support of the commitment.

Commissioner Crichlow stated that the additional 1 cent tax would not take current money away from its current use; it was in addition to and would not divert funds.

Commissioner Burk stated that the resolution would put the entire burden on one small segment of the taxing businesses. She said she could not pass the resolution without further discussion. She said if the taxes were increased it should benefit the community as a whole.

Commissioner Jones stated that tourists visit the city because of the historic structures. He said maintaining the structures costs money, and the city had to determine ways to find the money for restoration.

Mayor Boles explained that the TDC requested a proposal for a company to develop a Destination Master Plan to gather information about whether to seek an increase in bed tax and to determine where the money would be allocated. He said once the entities were identified and hired they would develop the master plan. He said he was in favor of increasing the bed tax; however, there would be discussions how to spend the money, such as for roof repairs at the Lighter Museum, endangered houses/structures or state owned properties. He added that he was not ready to debate where to spend the money.

Glenn Hastings, Executive Director, St. Johns County Tourist Development Council, referred to the following:

- Regarding the Destination Master Plan they had asked consultants to address the Destination Master Plan as one of the issues in anticipation of the upcoming celebrations
- There were restrictions on four and five cent bed taxes in the State Statutes
- They must prioritize the use of bed tax money
- Thought must be given to the legacy for the 500th birthday

Commissioner Gardner stated that he had anticipated that one cent of bed tax would raise close to \$2 million based on the past year's figure; 5 years of a \$2 million commitment would be \$10 million. He said renovations of Government House cost approximately \$14 million. He said if the resolution made it to the County Commission it would allow bonding based on income of \$2 million a year over the next five years, and the bonding would allow the funding to begin. He said he did not see any other way to get the work completed.

Mayor Boles reiterated that there were several ways to use the bed tax money to help the city defray some of the immense visitation, but he did not want to dedicate it to a specific fund.

Commissioner Jones stated that he was in favor of a more generic approach.

MOTION

Commissioner Gardner MOVED to adopt Resolution 2008-03. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Gardner, Crichlow

NAYES: Burk, Jones, Boles

MOTION FAILED 3/2

7.B.2/ Consideration of Resolution 2008-04 supporting the Development of an Artificial Reef Program.

William B. Harriss, City Manager, stated that the Port and Waterway Authority had asked the city to support using the temporary bridge as an artificial reef for the area outside of the inlet. He said the contractor had indicated that if the cost was the same as their typical disposal they would be in favor of providing the debris. He added that the resolution showed support without cost to the city.

MOTION

Commissioner Burk MOVED to adopt Resolution 2008-04. The motion was SECONDED by Commissioner Jones and APPROVED by UNANIMOUS VOICE VOTE.

Commissioner Crichlow stated that the resolution commended members of the St. Augustine Port, Waterway and Beach District for their vision and commitment to developing the idea. He noted that Carl Blow was part of the Port and Waterway Authority and was a leading visionary, and he commended him for his work.

Carl Blow, Commissioner, St. Augustine Port, Waterway and Beach District, stated that many people were involved and had been working with the county, which was the lead agency. He added that they were negotiating with Skanska.

8. Staff Reports and Presentations

8.A/ Staff Report on the Collective Stakeholders for the 450th Celebration.

Mr. Williamson stated that staff had compiled a list of names submitted by the Commission for the planning stages of the 450th anniversary celebration. He said staff added seventy organizations to the list for participation. He explained that the list was divided into six different groups, and the Commission could continue to add to it.

Dr. William Adams, Director, Heritage Tourism, stated that there was a lack of state funding.

Mayor Boles stated that the city had to raise money for themselves for the 400th celebration and would probably have to do so again.

9. ITEMS BY CITY ATTORNEY

Mr. Brown referred to the litigation regarding the horse and carriages and stated that after the conclusion of the plaintiffs evidence (Avalon Carriage Company), the summary judgment was appropriate for the defendants, which was the Gamsey interests. He said the Avalon interest had appealed to the 11th Circuit Court of Appeals in Atlanta and the 11th Circuit Court had an appellant mediation process, and they ordered mediation, which would occur on June 3rd or June 5th. He said a Commission representative would need to attend.

Following a brief discussion it was determined that Mayor Boles would attend the mediation.

Mr. Brown stated that the PZB would meet Friday, May 16, 2008 at 1:00 P.M. to continue the discussion with the developer regarding recommendations to the Commission for response on the Burt Harris claim filed by Fish Island Developers LLC. He said that after the discussion and public comments, the board moved to recommend to the Commission that the land owner make alternative suggestions concerning development of the property. He added that the matter would be heard before the Commission in June. He pointed out that there must be a response by July 14, 2008.

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations

- 2008-19 - Recognizing Reverend C. T. Vivian

11. ITEMS BY CITY MANAGER (Includes Consent Agenda

11.A/ Consent Agenda

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

11.A.2/ Approval of Budget Modification for the Heritage Tourism Department.

11.A.3/ Consideration of an Agreement with Flagler College regarding utility construction.

Mr. Harriss read the consent agenda items.

Mr. Brown stated that there was a change in item 11.A.3. He stated that Flagler College would replace the water main under King Street, hire the contractor and the city would provide the materials and Flagler College would pay a quarter of the labor. He said the change was in paragraph six regarding third party beneficiary status of the city.

Commissioner Gardner requested further discussion on item 11.A.2.

MOTION

Commissioner Burk MOVED to approve consent agenda items 11.A.1. and 11.A.3. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

11.A.2/ Approval of Budget Modification for the Heritage Tourism Department.

Commissioner Gardner asked for clarification regarding the deficit for the Heritage Tourism Department with the revised budget.

Mr. Burchfield replied that it was approximately \$240,000 annually.

Commissioner Gardner expressed concern that the Commission and management treated the city heritage as an inconvenience. He said for 5 years he had tried to raise the political leadership's respect for Heritage Tourism and improve the Spanish Quarter. He said he had

requested hiring a grant writer; however, that had not happened. He said the Commission directed the City Manager to begin a capital improvement program for the Spanish Quarter and nothing was done because the Heritage Tourism Department had not agreed with the Commission. He said one problem was they did not have a museum manager. He said the Commission had approved an evening program in the Spanish Quarter; however, the Heritage Tourism Department was not interested. He said that he arraigned for a private company; however, they backed out because they sensed a negative attitude by the Heritage Tourism Department. He said the measures were designed to raise interest in the Spanish Quarter Museum and increase revenue. He added that he would not support item 11.A.2 and he might suggest tabling the item until they got a report from the Heritage Tourism Department on revenue producing and cost cutting opportunities.

MOTION

Commissioner Gardner MOVED not to approve consent agenda item 11.A.2. Motion FAILED for lack of second.

Commissioner Jones stated that the city short funded the prior year, because they had anticipated the University of Florida taking over. He said the University of Florida had not taken over the properties; therefore, there was a three month short fall that would not carry through a full year operation.

Mr. Harriss stated that everything in the department worked well except the Spanish Quarter show. He said that if it was important for the citizens of St. Augustine to show the timeframe they were trying to replicate, the program needed to be subsidized. He added that he was not aware of any living history museums in the country making money. He said he agreed with some of Commissioner Gardner's comments; however, not others therefore, he would provide a response to them at the

subsequent meeting. He said if the Commission would not pass the item, they would shut down the show on June 30, 2008 for the balance of the year. He said if the Commission wanted to subsidize it for the balance of the summer it would cost \$32,000 or approximately \$10,000 a month.

Commissioner Crichlow stated that there had been discussion regarding why the museum presentation had not drawn crowds. He said children enjoyed the show; however, that type of entertainment was hard to sell. He said they should continue to work on it, and make it a productive profit making endeavor.

MOTION

Commissioner Crichlow MOVED to approve consent agenda item 11.A.2. The motion was SECONDED by Commissioner Burk and approved by 4/1 with Commissioner Gardner voting Naye.

11.B/ Discussion Items

11.B.1/ Discussion regarding the Holmes Boulevard Remediation Consent Order.

John Regan, Chief Operations Officer, referred to the following:

- All material at Holmes Boulevard was considered solid waste
- Screening waste allowed it to be used as internal cover
- Allowed it to go to class one landfill and avoid a large tipping fee
- Nassau County would work with the city, as they had a class one landfill and they were purchasing top soil for initial cover
- Material would not be returned to Lincolville
- The material would be pulled out the ground, sifted and the sifted material in solid waste would go to class one landfill, soil that falls through would be used as initial cover in the class one landfill (Nassau County)

11.B.2/ Discussion regarding the Interlocal Agreement with Nassau County.

Mr. Regan referred to the following:

- Material would be brought to Nassau County
- The city would assist them with environmental permit modification
- Pay modest tipping fee of one dollar per ton

Commissioner Crichlow asked for clarification regarding the time period for moving the material.

Mr. Regan replied that the deadline in the Consent Order was February 2009. He added that, after the advertisement process for the Consent Order, they would initiate construction in July 2008.

MOTION

Commissioner Crichlow MOVED to approve the Consent Order proposed for the Holmes Boulevard remediation. The motion was SECONDED by Commissioner Jones.

VOTE ON MOTION

AYES: Crichlow, Jones, Burk, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

MOTION

Commissioner Jones MOVED to enter into an interlocal agreement with Nassau County as it pertained to moving landfill from Holmes Boulevard. The motion was SECONDED by Commissioner Burk.

VOTE ON MOTION

AYES: Jones, Burk, Crichlow, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY¹

¹ Brief recess 7:25 to 7:32 - Susan Burk left

12. ITEMS BY THE MAYOR AND COMMISSIONERS

12.A. Report on the Economic Study for Jamestown 2007 and template for the 450th Celebration – Mayor Boles.

Mayor Boles referred to the economic analysis of Jamestown's 400th celebration (executive summary) and stated that more than three million people had participated. He said the celebration had a \$1.2 billion impact, generated 20,000 jobs, \$22 million in tax revenue and \$6.4 million in tax revenue for the local government.

Dana Ste. Claire provided a presentation.²

Mayor Boles stated that the federal legislation had been referred out of subcommittee, nothing happened on the senate side; however, when that happened, he expected to receive at least as much consideration as the Jamestown celebration which was funded from the year 2000 at \$400,000 per year.

Commissioner Gardner – Aviles Delegation

Commissioner Gardner stated that a citizen had suggested that the delegation visit to Aviles Spain take place during the Columbus Day period in October considering it was a major festival period. Mayor Boles replied that the city had not yet been invited, and they would wait to receive an invitation.

13. Adjournment

There being no further business, the meeting was adjourned at 7:52 p.m.³

MAYOR

CITY CLERK, CMC

² Attached to original minutes

³ Transcribed by Susan Goins