

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday January 9, 2012

The City Commission met in formal session Monday, January 9, 2012 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Joe Boles, and the following were present:

1. Roll Call:

Joe Boles, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Errol Jones, City Commissioner
Nancy Sikes-Kline, City Commissioner
Bill Leary, City Commissioner

John Regan, City Manager
Timothy A. Burchfield, Assistant City Manager
Ron Brown, City Attorney
Alison Ratkovic, City Clerk
Mark Knight, Director, Planning and Building
Jim Piggott, General Services Director
Mark Litzinger, Comptroller
Dana Ste. Claire, Development Director, 450th Commemoration
Loran Lueders, Police Chief
Mike Arnold, Fire Chief
Martha Graham, Director, Public Works
Darlene Kirkland, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Gardner Gordon, Coquina Community 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 requested that the vote for Item 8.A from the regular

meeting of December 12, 2011 reflect her dissenting vote, because she was against the possibility of allowing the building to be demolished.

MOTION

Commissioner Leary MOVED to approve the minutes for the 450th Commemoration meeting of November 14, 2011, the regular meeting of November 14, 2011 and the regular meeting of December 12, 2011. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

3.C.1/ Proclamations

Mayor Boles read and presented the proclamation.

2012-02 – First Coast Opera Week
(January 16-22, 2012)

3.C.2/ Recognitions

(None)

4. 450th Commemoration.

4.A/ Progress report relevant to programming and fundraising for 2012 Commemoration events.

Allison Defoor, representative, Fiorentino Group, stated that it was an honor to assist with the 200th Commemoration of the Spanish Constitution Monument project. He said that the original agreement was to assist the City with creating Monument replicas, develop a symposium and hold a ball honoring the Hispanic culture. He stated that in the beginning, the issue was how to move forward with creating the replicas, in which laser mapping was determined to be the most effective method. He noted that the laser mapping would be done pro-bono. He stated that the symposium was the easiest task in terms of development and fundraising. He added that legal history expert, Dr. Matthew Mirow, had drafted the week long symposium, which would begin in Miami and end in St. Augustine. He said that Florida Coastal Law School had indicated an interest in assisting with funding for the symposium. He stated that the aspect of fundraising to create Monument replicas for a foreign country had been challenging; however, they were working with City staff and top officials in Miami to move forward with the project. He said that the idea of creating a Monument replica in Miami to hold in trust for Havana, Cuba until Havana was freed was met with significant support. He indicated that there would be a number of meetings arranged with a number of Hispanic groups and organizations to increase interest in the project. He concluded that former President Bill Clinton

would be arriving on the anniversary of the Spanish Constitution and it was requested that remarks regarding the anniversary be included in his speech.

Mr. Defoor felt that it would not be necessary to continue the contractual agreement with the City.

Commissioner Leary advised that Dr. Mirow had written an article regarding the celebrations and activities of the events that occurred in the City during October 1812. He felt that the article could assist with the event planning for October 2012.

Mayor Boles stated that most Hispanic citizens were unaware of the historical connection to St. Augustine, and the Monument project could provide a way to increase awareness.

5. Appeals.

5.A/ Second appeal of a Planning and Zoning Board decision to deny a permit for an Auto Repair business located at 1409 N. Ponce de Leon Boulevard.

Mark Knight, Director, Planning and Building, explained that the request to table was so the applicant could obtain additional information from the Department of Environmental Protection (DEP).

Commissioner Jones pointed out that this was the second request to table the appeal.

Mr. Knight stated that the applicant indicated that it had been difficult to obtain information from DEP because of the recent holidays.

Mayor Boles asked whether there would be a disadvantage to tabling the item for a second time, and the response was negative.

MOTION

Commissioner Sikes-Kline **MOVED** to table Item 5.A until March 12, 2012 for the final time. The motion was **SECONDED** by Commissioner Leary.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. Ordinances and Resolutions – Public Hearing Required

6.A/ Ordinances – First Reading

(None)

6.B/ Ordinances – Second Reading

(None)

6.C/ Resolutions

(None)

7. General Public Comments and Presentations.

(None)

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

The following individuals expressed appreciation to the City for their continued efforts regarding the West Augustine Utility project:¹

- Greg White
- Reverend Trudye Thompson
- Annie Mae Tucker
- Dwalla Willis
- Willie L. Cooper
- Moses “Coach” Floyd
- Robert Nimmons

¹ Petitions supporting the West Augustine Utility project attached to original minutes

Mr. Regan advised that the State Revolving Fund loan documents for the preliminary work on the West Augustine Utility project were reviewed and had been executed.

Henry Bates stated that January 2, 2012 the Florida Public Archaeology Network (FPA) was contacted by a casting producer regarding assistance with arranging digs on the private property of local residents to film a treasure hunting television series; however, FPA declined, and provided scientific reasons as to why the series would be inappropriate for the City. He said that archaeology in the City was conducted in a systematic and meticulous manner, and random digs could damage future archaeology work. He urged the public to decline from participating in the series.

Commissioner Ken Bryan, St. Johns County, stated during the first City/County joint meeting during 2009, it was determined that West Augustine was a top priority, and the progress being made was encouraging. He said that improvements were made as communities continued to grow.

B. J. Kalaidi felt that letters sent to residents of West Augustine contained incorrect information such as mandatory connections and interest rates. She expressed concern regarding wasteful governmental spending.

Chris Fulmer felt that the City should have regulations for transient vendors as other similar cities do.

Ralph Hayes stated that he had met with City staff and officials requesting that street entertainers and artists be permitted to perform on St. George Street. He suggested developing a permit process. He felt that it could be an asset for the City during the 450th Commemoration.

Ed Slavin suggested supporting the artists and street musicians, in addition to

supporting a National Historical Park and National Seashore. He expressed appreciation for the Nights of Lights, and the recent National Geographic article naming the City as one of the top ten holiday destinations. He felt that there had been positive progress in the City. He recommended passing a resolution to deny the proposed treasure hunter television show.

Judith Seraphin thanked the City for supporting the West Augustine project. She announced that Lift Up Lincolnville would be holding a Mardi Gras to kick off being able to accept food stamps at the Lincolnville Farmers Market, which would be held at the Willie Galimore Center on February 4, 2012 at 7pm. She requested assistance from local businesses to help fund the effort.

Nancy Christianson stated that the First Amendment Right Freedom of Speech covered the art forms of painting, printing, photography and sculpture; therefore, should not be included in the category of street vending. She felt that "creation of visual wares" should be struck from the proposed ordinance. She stated that the City should define the alternative areas for vending. She recommended developing a standard set of values for artists and entertainers to uphold and possibly provide recognition to those that positively added to the City's ambiance.

Charles Dickenson provided a recent Fort Lauderdale court ruling regarding visual artist.² He stated that visual art was a First Amendment protected activity and was separate from general merchandise vending.³

7.B/ Presentations (15 minutes per presentation)

(None)

² Attached to original minutes

³ Brief recess from 6:16 P.M. until 6:29 P.M.

8. Resolutions and Ordinances- No Public Hearing Required

8.A/ Ordinances – First Reading

(None)

8.B/ Resolutions

(None)

9. Staff Reports and Presentations

9.A/ Update relevant to Public Works Projects (infrastructure capital program).

Martha Graham, Director, Public Works, stated that 2011 was a busy year, and thirteen projects were completed.⁴ She said that the Riberia Phase I project was nearing completion, and was under budget. She outlined other completed or nearly completed projects as follows:

- Riberia Landfill Cap and Shoreline Hardening - Inspection reports would be provided to the Department of Environmental Protection for the next 30 years
- Wastewater Treatment Plant aeration system upgrade
- Sidewalk improvements on San Marco Avenue, Marine Street and Martin Luther King Avenue
- Water main replacement in numerous areas
- San Sebastian River Force Main completed under budget
- Baffle Boxes and Stormwater improvements
- LED lighting upgrades in Downtown Historic Parking Facility
- Sewer and Lift Station rehabilitation and repair

Ms. Graham stated that Valencia Street had undergone an extensive review of the integrity of the utility systems, and repairs had begun. She said that the sidewalks

⁴ Power Point presentation attached to original minutes

were in poor condition, and brick-banding repairs would be completed. She noted that brick-banding was approved by the Historical Architectural Review Board. She explained that brick-banding was chosen for certain areas because of cost, maintenance and limited quantities of brick.

Commissioner Sikes-Kline stated that a number of residents expressed concern regarding the loss of historical integrity by brick-banding of the sidewalks.

Ms. Graham advised that only certain sidewalks would be brick-banded; however, brick streets would be replaced brick with brick.

Ms. Graham noted the projects that would begin during 2012 as follows:

- Seawall Preservation and Construction
- Riberia Phase II
- Water main replacements: Florida Avenue, Louise Street, Aviles Drive and Lincolnville areas
- Sewer Refurbishments: Sewer lining in North Davis Shores
- Pump Station replacements: Lift Stations 50 and 51
- King Street Utility adjustments (Department of Transportation project)

Ms. Graham stated that traffic issues would be a concern during the construction projects.

Mayor Boles recommended notifying the tourist population and tourism agencies of the areas that would be under construction.

Ms. Graham concluded that 13 projects were completed during 2011 totaling \$6,640,000, 8 were under construction at \$1,445,000 and 12 were planned for 2012 totaling \$13,995,000.

Commissioner Sikes-Kline expressed appreciation for the infrastructure projects update.

Commissioner Leary felt that the Public Works Department was very responsive to issues and concerns of the residents. He requested a break down of the projects that were funded by the bond, utility funds and the Department of Transportation.

Commissioner Jones felt that the presentation was positive because it provided citizens with important information regarding how funds were spent, cost savings and potential traffic issues.

Mr. Regan stated that the infrastructure improvements were facilitated through a number of City departments, and was a team effort. He noted that there were other infrastructure projects that were not included in the presentation, such as the marina dredging and the breakwater project.

9.B/ Update relevant to the Series 2011 B Bond closing.

Mark Litzinger, City Comptroller, stated that December 28, 2011 the City closed on the Capital Improvement Revenue Bonds. He said that the City went to market at the most optimal opportunity. He stated that present value savings was approximately \$575,000 over the life of the bond. He said that the bonds run through 2030 and the average coupon was about 3.7%

10. ITEMS BY CITY ATTORNEY

10.A/ Discussion relevant to transient vendor regulation.

Ron Brown, City Attorney, stated that extensive discussions would be held during scheduled workshops regarding street performers on St. George Street and vending regulations.

Mayor Boles felt that the initial workshop should be for the Commission to ask questions, provide suggestions and recommendations and address concerns, with public comment being allowed during a subsequent workshop.

Commissioner Freeman requested that a step-by-step approach should be taken during the discussions that address specific issues. She felt that the discussion should include visual artists.

Mr. Brown advised that all proposed Commemoration events that could be held would be affected by any policies and regulations established. He provided examples of ordinances from Gainesville and Key West regarding transient and mobile vending.⁵ He explained that alternative venues had to be provided. He stated that there had not been a significant objection to regulating street musicians; however, the objection was the types of musicians and performances.

Commissioner Sikes-Kline suggested identifying large public spaces and areas that could be used as alternative venues. She urged the Commissioners to review the current activities that were occurring on St. George Street during the evening hours.

Commissioner Freeman felt that a vision should be established prior to establishing a policy.

Commissioner Leary agreed that a vision should be established; however, it should view the City as a whole and be developed with consideration of public safety, beautification and traffic flow.

After a brief discussion it was determined that workshops would be scheduled on February 8, 2012 from 8:30 A.M. until 12:00 p.m. and February 23, 2012 at 3:30 P.M.

10.B/ Update relevant to Florida School for the Deaf and the Blind.

Ron Brown advised that a lengthy mediation was held January 6, 2012. He stated that outlines of ideas were being developed regarding the future use of

Alfred/Genopoly area properties, the current use of Collins House and consideration of public safety and access issues. He said that a recommendation or an offer of settlement would be provided during the regular meeting on January 23, 2012 for consideration.

Commissioner Freeman advised that House Bill (HB) 1037 was quickly progressing through Tallahassee, and would reach the committee level within the next couple of weeks. She stated that the City should pass a resolution in opposition of HB 1037, while continuing to negotiate in good faith with the Florida School for the Deaf and the Blind (FSDB). She felt that the only effective method of communicating the City's concerns regarding the bill was to pass a resolution.

Commissioner Sikes-Kline stated that Senate Bill 1348 was the matching bill.

Commissioner Jones expressed concern regarding the ability to continue good faith negotiations with FSDB while passing a resolution of opposition. He suggested requesting that any decisions regarding the bills be delayed until mediations were completed.

Mr. Brown stated that one aspect of the bills was that any current structures would be vested, overriding the City's land use and Comprehensive Plan, as of July 1, 2012 if the bills were passed, thereby rendering any litigation pointless. He said that FSDB's senior staff had consistently urged the continuation of the mediation process toward a positive resolution.

Mr. Regan pointed out that the legislation and mediation were independent situations and were not linked.

Commissioner Jones felt that the situations would become linked if a resolution was passed during the mediation process.

Mayor Boles felt that the City should continue mediation in good faith without

⁵ Attached to original minutes

attempting to affect the outcome of the legislation. He stated that a majority of educational institutions already had the power of eminent domain. He questioned whether any settlement agreement would be negated by the legislation being passed, and the response was affirmative.

Commissioner Leary stated that he discussed the City's concern regarding eminent domain provision of HB 1037 with Dr. William Proctor. He said that Dr. Proctor indicated strong support for the provision. He felt that the legislation would be passed, and the City's only option was to work with FSDB to ensure that the power of eminent domain was not exercised unnecessarily or exercised in a reasonable manner. He agreed that the City should not pass a resolution while there were ongoing negotiations.

Commissioner Freeman felt that FSDB should request that the bill be withdrawn as a part of their good faith effort.

Mr. Brown stated that there had been no indication by senior member of the FSDB administrative staff or its trustees of either support or opposition of the legislation.

Mayor Boles suggested discussing the possibility of drafting a resolution after mediations were completed.

Commissioner Sikes-Kline stated that the City should act in the best interest of the community.

MOTION

Commissioner Freeman MOVED to pass a Resolution in opposition of House Bill 1037 and Senate Bill 1348 in their entirety. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Leary recommended referencing the ongoing mediation negotiations, and request that the legislature not take action until mediations were completed.

Commissioner Freeman amended her motion to include Commissioner Leary's recommendation. Commissioner Sikes-Kline SECONDED the amendment.

Commissioner Freeman withdrew her motions. Commissioner Sikes-Kline withdrew her second.

MOTION

Commissioner Freeman MOVED to draft and pass a Resolution in opposition of House Bill 1037 and Senate Bill 1348 and that the content of the Resolution include a recognition of the efforts of both the City and FSDB making a good faith effort to mediate some if not all the issues in the bills. Commissioner Leary SECONDED the motion.

Mayor Boles stated that he would support a resolution requesting that the legislature withhold a decision until mediations were completed.

Commissioner Freeman stated that she was opposed to the bills regardless of the mediation outcome, and the lawmakers should be aware of the City's position before they made a decision.

Commissioner Leary suggested that the resolution indicate that the City opposes the legislation as it was written, and was currently in negotiations with FSDB to resolve issues that were included in the legislation; therefore, requested the opportunity to continue mediation before decisions on the bills were made.

Mayor Boles stated that passing a resolution related to legislation that could affect the outcome of mediation was not a policy decision, but a political statement.

Commissioner Leary pointed out that the results of the mediation could impact the opposition of the bills; therefore, it would be reasonable to wait until the negotiations

were completed before passing a resolution of opposition.

Commissioner Sikes-Kline stated that each Commissioner and citizen could contact the Legislative Committee and express their opinions and concerns individually.

Commissioner Leary withdrew his second on the motion.

The motion failed for lack of a second.

MOTION

Mayor Boles MOVED to send a request to the House and Senate Committees requesting that they defer consideration of the legislation until after mediations were completed on January 23, 2012. Commissioner Jones SECONDED the motion.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY CLERK

11.A/ Notification of Proclamations and Certificate of Recognitions.

11.A.1/ Proclamations:

2012-01 – Arbor Day

11.A.2/ Certificate of Recognitions:

2011-14 – Maude B. Jackson

2012-02 – Henry “Hank” Thomas

11.A.3/ Notice of Proposed Proclamations, Certificate of Appreciation/Recognition.

(None)

11.B/ Citizen Board Vacancies.

11.B.1/ One (1) appointment to the Code Enforcement, Adjustment and Appeals Board (CEAAB).

Alison Ratkovic, City Clerk, stated that one position was available and there were three applicants, which were as follows:

- Judi Schuyler
- Charlee (CeCe) Reigle
- Steve Cottrell

Following the vote it was determined that Judi Schuyler was appointed by 3/2.

11.B.2/ One (1) appointment to the Civil Service Board.

There was a consensus of the Commission to appoint Steve Cottrell to the Civil Service Board.

11.B.3/ Notification of election of Fire and Police Representatives to serve a one (1) year elected term on the Civil Service Board.

Ms. Ratkovic announced that Firefighter Michael Betts and Officer Mark Samson were recently elected to serve one term each.

11.B.4/ Notification of one (1) Term Expiration on the Historic Architectural Review Board (HARB).

Ms. Ratkovic stated that Robert Boerema indicated that he would not renew his term; therefore, applications to fill his position would be accepted.

11.B.5/ PENDING: One (1) Term vacancy exists on the St. Augustine Firefighters' Retirement Board. This position is Commission appointed.

Ms. Ratkovic advised that to date, no applications to fill the vacancy had been received.

11.B.6/ Consideration and approval of Commission Meeting schedule for November 2012.

Ms. Ratkovic explained that the only time-slot available during the month of November to broadcast a meeting live was November 14, 2012.

There was a consensus of the Commission to schedule a regular meeting on November 14, 2012 at 5:00 P.M.

12. ITEMS BY CITY MANAGER (Includes Consent Agenda

12.A/ Consent Agenda

12.A.1/ Preview of upcoming Commission meetings.

12.A.2/ Consideration of Release of Lien on a Unit Connection Fee Mortgages.

- a) 1 Holly Lane, 32080
- b) 1328 Truman Drive, 32084

12.A.3/ Consideration and approval of refund of archaeology fees paid for development of property located at 1370 U. S. Highway 1 South, 32086.

12.A.4/ Correction of deeds relevant to Heritage Park lift stations transferring ownership from developer to the City of St. Augustine.

MOTION

Commissioner Leary MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Jones and APPROVED BY UNANIMOUS VOICE VOTE.

12.B/ Discussion Items.

(None)

13. Items by Mayor and Commissioners

Commissioner Jones requested an update on the Galimore Center operations, the former Water Works building and the Spanish Quarter.

Commissioner Sikes-Kline requested an annual report from the City's Archaeology Department. She noted that the City would be marking the 25th Anniversary of the Archaeology Ordinance. She proposed drafting a resolution in opposition of "treasure hunting." She asked that citizens contact the City if they were approached by the producer of the proposed television show to determine whether their property would be considered archaeologically sensitive.

Commissioner Sikes-Kline advised that she recently attended a meeting regarding the proposed passenger railway along the Florida East Coast, in which each city involved could share initiatives and station development plans.

14. Adjournment

There being no further business, the meeting was adjourned at 8:34 P.M.⁶

Joseph Boles, MAYOR

Alison Ratkovic, CITY CLERK

⁶ Transcribed by Darlene Kirkland