

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
January 13, 2003

The City Commission met in a formal session Monday, January 13, 2003, at 5:00 p.m. in The Alcazar Room at City Hall. The meeting was called to order by Mayor George Gardner, and the following were present:

1. Roll Call:

George Gardner, Mayor/City Commissioner
Susan Burk, City Commissioner
William Lennon, City Commissioner
Errol D. Jones, City Commissioner
Donald A. Crichlow, City Commissioner

William B. Harriss, City Manager
Jack E. Cubbedge, Assistant City Manager
James P. Wilson, City Attorney
Martha V. (Nell) Porter, City Clerk
James Whitehouse, Staff Attorney
Timothy A. Burchfield, Director, General Services
Mark Knight, Director, Planning and Building Department
Mark Litzinger, Director, Financial Services
Paul Williamson, Director, Public Affairs
Dr. William Adams, Director, Heritage Tourism
William H. Harding, Director, Public Works
John Regan, Director, Utilities
David B. Shoar, Chief of Police
James Owens, Fire Chief
Orfeo Paolini, Sound Technician
Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Elizabeth Claire, Center for Positive Living, presented the invocation, and Commissioner Lennon led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

(None)

3.B/ Approval of minutes

The minutes of the Regular City Commission meetings of December 9, 2002 were approved as presented.

4. General Public Presentation and Comments (3 minutes per presentation)

Dan Holiday, 11 Aviles Street, suggested that the old Fire Station be rented or leased, for a nominal fee, to the St. Francis House for a specified period of time. He said the situation would allow the managers of St. Francis House to renovate their current facility for resale, whereupon they could purchase property

to construct a new facility. He added that the old Fire Station could provide an ideal temporary facility because it had sleeping quarters, kitchen facilities, and bathrooms.

Mayor Gardner said that was one of the suggestions for use of the old Fire Station. He said that it had also been suggested that the building be used as a youth or civic center or tearing the building down and reconfiguring the parking lot to increase parking. He noted that the St. Francis House was the only shelter for the homeless in St. Johns County.

Mr. Holiday stated that the facility was completely overwhelmed with the number of homeless and the current facility was totally inadequate. He noted that use of the Fire Station for a year could enable them to construct a more appropriate facility.

Commissioner Crichlow said a temporary use was a possibility; however, he suggested that together the Fire Station and the existing facility could not meet the need. He suggested that everyone keep the St. Francis House situation in mind.

Commissioner Lennon pointed out that the Fire Station could prove to be a great facility as one gender could utilize the upper floor and the other gender could utilize the ground floor.

Commissioner Jones noted that there were pros and cons to the suggestion; moreover, the matter could not be resolved during the current meeting. He suggested that the Commissioners consider the recommendation for a future workshop. ¹

¹ Commissioner Jones' presentation was conducted at 5:16 p.m. in front of City Hall and

Leslie Garcia, 5 ½ Pine Street, suggested a quid pro quo relationship with Flagler College and other institutions in the community in regards to parking. He added that the institutions could also make money charging for parking while alleviating the parking problem in the City.

Mr. Garcia suggested that one of the ordinances that turned St. George Street into a prohibited public area created unfair competition, because some of the stores owned by the City had a lower overhead than the stores the City rented to merchants.

Ralph Hayes, 1505 SR 207, spoke on behalf of the street musicians reporting that the musicians had been talking with the merchants in effort to resolve their differences. He announced that Jane Cole had suffered a heart attack. He concluded that he would continue to report the musician's progress to the Commission.

Mayor Gardner pointed out that he was one of five Commissioners; however, he was attempting to develop a plan that would be workable for the community. He added that he was not interested in forming a committee or conducting public hearings or workshops until a workable plan had been formulated.

Robert Hall, 42 Spanish Street, informed the Commission and the public that the living history group, the Men of Menendez had the opportunity to perform in Aviles, Spain as a cultural exchange in April of 2003. He revealed that although the City of Aviles had offered some financial assistance and a small grant from the state had been obtained, the group was still in need of

the meeting was reconvened in the Commission Chamber at 5:31 p.m.

financial assistance. He encouraged the public to support the exchange.

Paul Williamson announced that Friday, January 17th, at noon a tree would be planted in the Plaza for Arbor Day.

Mr. Williamson stated that the Visitors and Convention Bureau would be the local liaison with the Jacksonville Super Bowl Post Committee. He said there was ample opportunity for public involvement. He added that the event would be an opportunity to introduce St. Johns County to corporations for potential conventions and site locations.

Mayor Gardner announced that there would be a tree planted by the DAR at the new Fire Station on Saturday in honor of the emergency personnel involved in the 9-11 disaster.

5. PRESENTATIONS AND STAFF REPORTS.

Commissioner Jones announced that he had a special presentation, and he asked the Commission to recess briefly and reconvene in front of City Hall by the Menendez Statue for the presentation.

The Commissioners, staff, and public recessed to the front of City Hall, whereupon Chief Shoar explained the situation by which the new City police power boat was to be christened "The Chase" in honor of Leo Chase who had given his life for his country while serving in Vietnam.

Commissioner Jones noted that the idea had originated with Chief Shoar, and he requested that the Chase family gather at the podium to receive a plaque and observe the unveiling and dedication of "The Chase".

6. ITEMS BY CITY ATTORNEY

(None Scheduled)

7. BY CITY CLERK

7.A/ Consideration of one appointment to the Planning and Zoning Board.

Commissioner Burk stated that it was wonderful that so many people had applied for the position, and she spoke in support of nominating her business partner Leanna Freeman.

Mayor Gardner encouraged the public to continue to apply to serve on boards.

Commissioner Lennon pointed out that the public should not apply for boards that had not been established by the Commission.

Commissioner Crichlow pointed out that the board had passed a motion that required applicants to be residents of the City. He noted that Mr. Wells was not a resident of the City.

Commissioner Lennon pointed out that Mr. Wells owned a business within City limits and paid large taxes for that business.

Commissioner Crichlow noted that the motion did not include business or property owners; therefore appointees had to live in the City.

Mayor Gardner noted that if a Commissioner believed that the best qualified applicant lived outside of City limits he/she could vote for that person.

Commissioner Burk suggested that the agenda indicate whether the applicants were residents of the City.

Commissioner Crichlow stated that applicants not living in the City should be deleted from the list of applicants.

Commissioner Burk stated that the applicant should not be deleted just identified as a non-resident.

Mr. Harriss asked for clarity as to whether an applicant should be deleted if he/she did not live within City limits.

Commissioner Crichlow clarified that all applicants should be listed but identified as to whether they lived within City limits. He further clarified that the Commission had the authority to appoint a non-resident to a position when the City had a problem filling the position. He spoke in support of the applicant Todd Grant, because he was an Environmental Consultant.

The applicants for the appointment were as follows:

1. David G. Chatterton
2. Howard Davis
3. Richard J. Davis
4. Douglas A. Ferrell
5. Leanna Freeman
6. Todd J. Grant
7. Janet Ponton Lewis
8. Gary G. McMahon
9. James P. Nault
10. Charles Frank Riggle
11. Steven M. Schuyler
12. Jimmy D. Wells

The Commission voted by written ballot and Leanna Freeman was appointed.

7.B/ Consideration of three appointments to the Historic Preservation Advisory Committee.

The applicants for the three appointments were as follows:

1. John P. Bozzone

2. Lynn E. Gilchrist
3. Robert Miller Hall
4. Karen G. Harvey
5. Walter O'Kon
6. Diane Jones Owens
7. Sandra Parks
8. Theresa Segal
9. Joseph G. Shannon
10. Christine R. Smith
11. Daniel F. Sullivan
12. Pierre D. Thompson
13. Henry Whetstone
14. Carla Wright

Commission Crichlow noted that Walter O'Kon and Christine Smith were not residents of the City. He questioned counsel as to whether it was appropriate for two Commissioners to have voted for Mr. Wells considering he was not a resident of the City.

Mr. Wilson replied that he was not certain whether the motion controlled the way a Commissioners could vote. He noted that without a strict prohibition concerning non City residents serving on boards the Commissioners had the right to vote for whom they believed most qualified to serve. ²

The Commission voted by written ballot and Karen Harvey and Robert Hall were appointed on the second ballot and Carla Wright was reappointed.

Mayor Gardner extended gratitude to all the applicants.

**8. ITEMS BY CITY MANAGER
(Includes Consent Agenda)**

8.A. Preview of upcoming Commission meetings.

² Items 8.A. through 8.E. were addressed while the ballots were being tallied

8.B. Consideration of approval to expend reserved monies in the Heritage Tourism Fund.

8.C. Consideration of Release of Lien on Unit Connection Fee Mortgage.

8.D. Consideration of Flag Protocol.

Mayor Gardner expressed appreciation to Jess Childre for the donation of \$7,500 to the Heritage Tourism Fund. He noted that should the Commission approve item 8.D. the flag would be lowered for former Commissioners, Mayors, and recipients of the de Aviles Award and the La Florida Award or any other situations deemed appropriate by the Mayor.

MOTION

Commissioner Burk MOVED to approve items 8.A. through 8.D. on the Consent Agenda. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

8.E. Consideration of the 2003 City Commission meeting schedule.

After a brief discussion the schedule was accepted with the understanding that the Commission could always call a special meeting should the need arise.

MOTION

Commissioner Jones MOVED to accept the calendar schedule of meetings that would not be conducted on Monday, May 26th, November 10th, November 24th, and December 22nd of 2003. The motion was SECONDED by Commissioner Lennon and approved by UNANIMOUS VOICE VOTE.

9. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Jones – Workshop

Commissioner Jones requested that a workshop be scheduled to enable the Commission to list and prioritize concerns to be addressed in the future.

Commissioner Burk suggested that the Commissioners make a prioritized list of concerns to exchange with fellow Commissioners during the parking workshop on January 21st; therefore they would have the opportunity to realize what the other Commissioners were thinking about.

The consensus of the Commission was to schedule a priority workshop early in February.

Commissioner Burk – Street Entertainers

Commissioner Burk suggested amending the entertainer ordinance allowing entertainers to perform on St. George Street after 5:00 p.m. and before 11:00 a.m. She said that the 24-hour ban was over broad, which had not been requested by the merchants. She suggested that they make that amendment to provide feedback about the situation when they did address the ordinance.

Mayor Gardner questioned whether there would be any problem with the Commissioner's suggestion.

Mr. Wilson replied that with the proper research and a public hearing it could probably be achieved. He said that he did not recall time being discussed on the topic.

Commissioner Burk stated that she had discussed time with the merchants and not one of them had found a problem with the entertainers being on the street after 5:00 p.m., as businesses generally

closed in the evening. She recommended an uncomplicated amendment to the ordinance.

Commissioner Crichlow questioned whether the first entertainer ordinance had been found to be constitutional. Mr. Wilson replied that it had been.

Commissioner Burk rebutted stating that because of the injunction the case was never heard on its merits.

Mr. Wilson explained that there had been an injunction against the enforcement of the first ordinance, which had allowed artists to paint on the street, but not market their wares. He said that a second ordinance was drafted addressing the item referenced by the judges order on the injunction, which prohibited artists from working on the street. He said that both ordinances had been challenged and the 11th Circuit Court of Appeals had dissolved the injunction and entered an opinion that he believed found both ordinances constitutional. He noted that in his opinion the 11th Circuit Court did not find a problem with the ordinances.

Commissioner Burk totally disagreed stating that the ordinance had not been found constitutional on merit. She said the hearing had not been held as the attorney had withdrawn, therefore the case had not been heard.

Commissioner Crichlow said that if the first ordinance could be used the City could open the street to artists without concern.

Mr. Wilson said that the initial ordinance could be reinstated with a timeframe that allowed the artists to work on the St. George Street after 5:00 p.m. and before 11:00 a.m. or allow them to operate anytime.

Commissioner Crichlow suggested that it was an opportunity to take a small step.

Mr. Wilson stated that he could prepare an ordinances for the Commissioners to select from that reinstated the artists on St. George Street with a timeframe, another ordinance changing the timeframe of the existing ordinance, and a third ordinance pertaining to only the artists.

Mayor Gardner clarified that the Commission was not currently taking action, but they would eventually go through the legal process with a public hearing.

MOTION

Commissioner Crichlow MOVED to direct counsel to proceed with preparing the aforementioned ordinances. Mayor Gardner SECONDED the motion.

Commissioner Jones stated that he would prefer additional input, but given they were taking small steps he would be willing to move forward.

Commissioner Lennon stated that he wanted to see the ordinances before making any decisions.

Mayor Gardner admitted that he was uncomfortable that even small steps could create big problems. He said that he would like to attempt to resolve the issue by allowing the attorney to prepare the ordinances for review.

Mr. Harriss stated that any Commissioner could direct staff to prepare the ordinances.

Mr. Wilson stated that he would prepare the ordinances and put them on the agenda.

MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.

Commissioner Lennon – Eagle Scouts

Commissioner Lennon recognized John and Maryann Murrow as fine parents who had three sons all of whom were spunky, had been Alter Boys, and Eagle Scouts.

Nights of Lights

Commissioner Lennon requested that the holiday lights be turned off at the end of January but not removed to allow the City to be lit for the Menendez Birthday Celebration in February, as the City had done the previous year.

After a brief discussion it was determined that the request would be honored.

MOTION

Commissioner Lennon MOVED to approve the aforementioned. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

Insurance Board

Commissioner Lennon stated that he wanted to apply for a position on the Florida Municipal Insurance Trust, and he requested the Commissioners recommendation, which would allow him to submit his application.

MOTION

Commissioner Burk recommended naming Commissioner Lennon as an

applicant to the Insurance Board of the State of Florida. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

Annexations

Commissioner Lennon distributed information from the Florida City and County Manager's Association which he said would have far reaching and detrimental consequences for many cities regarding annexation. He said the bill regarded the halt of city annexations throughout the state. He suggested the City send a letter disagreeing with the proposed bill.

Mayor Gardner – Utility Deposits

Mayor Gardner stated that current City policy was not to return utility deposits. He said it was a Commission decision to return utility deposits, plus research would be necessary for a procedure to return the deposit. He said that he would prefer that a resident volunteer to conduct the research.

Commissioner Jones recommended that staff conduct the research for time affectivity.

Mr. Harriss pointed out that the City had a lot of the information, but they needed help crafting a policy and a citizen volunteering before it went to the Commission would be ideal.

Commissioner Jones said that volunteer citizen input was a good idea, but he did not think a volunteer should be information gathering.

Mayor Gardner recommended tabling the issue for two weeks allowing citizens the time to volunteer.

Mr. Harriss stated that anyone interest should call Mark Litzinger in the Financial Services Department.

Parking Committee

Mayor Gardner noted that the parking committee members had clarified that they wanted to continue to serve. He said that the Committee had been initiated in April of 2000. He named the members that were appointed by the Commission at that time, and he said that currently there were nine members on the committee. He noted that the Parking Committee would be meeting on January 16th at 8:30 a.m., and the Commission would meet on January 21st at 3:30 p.m. regarding parking and traffic. He stated that the Commission could wait until the subsequent meeting or take action at that time.

Commissioner Lennon questioned what action the Mayor was referring to, as the Commission had voted to retain the current Parking Committee.

Mayor Gardner questioned whether the Commission actually voted to retain the committee or just to get the committee's consensus as to whether they wanted to continue to serve.

Commissioner Crichlow interjected that the Commission had not voted to retain the current committee; they had voted to meet with the committee. He recommended that they defer any action until after or during the Parking Workshop. He suggested that the Parking Committee attend the workshop to voice their concerns.

Neighborhood Council Office

Mayor Gardner said that he became aware of a Neighborhood Council Office in Charleston, South Carolina as their

office had been in affect for 25-years. He said that he had also found out that there was an excellent office in Jacksonville, and the idea was spread throughout the country. He referred to the information distributed to the Commissioners regarding forming a neighborhood council for St. Augustine, outlining the organization with a budget of \$100,000, which included the citizen newsletter. He said the plan included a convenient ground floor office with a full time City Hall receptionist and a Neighborhood Council Coordinator. He said the situation would provide a reception area for all City business and one-stop contact to handle concerns from individuals, neighborhood, businesses, and visitors. He suggested that the cost was minimal considering Charleston's program had a budget of \$768,000 with a staff of thirteen, and Jacksonville had a staff of eleven. He noted that the City Manager was comfortable with the budget. He thanked the people who were involved with forming the plan. He noted that the Commission had to decide whether to move forward with the plan and authorize the City Manager to advertise for the new positions.

Commissioner Lennon questioned the \$1,752 mileage cost included in the budget.

Mr. Williamson replied that it represented reimbursement as a neighborhood coordinator would be doing a good bit of driving.

Commissioner Lennon admitted to being confused as he thought the office would be for local people to visit.

Mr. Williamson agreed but added that the position would still entail a good bit of driving. He added that the idea had

been to construct a budget with whatever might possibly be included.

Commissioner Lennon questioned whether the plan was for a roving office.

Mr. Williamson said no, but the coordinator could drive as much as 20-30 miles a day visiting different neighborhood associations etc.

Commissioner Lennon stated that it had been his understanding that the coordinator would sit in an office and the public would go to her/him, whereupon the coordinator would bring the information to the Commission.³

Mr. Williamson replied that based on the existing models; once a neighborhood was organized there was a matter of maintenance, such as meeting with boards, walking neighborhoods and attending neighborhood meetings. Therefore the coordinator would be in the field as well.

Commissioner Lennon questioned whether Mr. Williamson thought all the neighborhoods were going to form groups that the proposed coordinator would visit rather than a representative from those groups going to the City.

Mr. Williamson said both, but based on the models from other cities a coordinator would want to attend the neighborhood meetings and bring the information to the Commission.

Commissioner Lennon stated that \$100,000 was great deal of money, and he would prefer researching whether the neighborhoods were interested in forming groups before spending money for the position.

³ End audio tape one

Commissioner Crichlow stated that anything worth having did not come cheaply. He noted that the Mayor had compiled a comprehensive outline for the council office. He added that he had researched the Charleston council office through their web-page.

Commissioner Lennon questioned the population of Charleston, South Carolina.

Mayor Gardner replied that it was approximately 780,000.

Commissioner Crichlow agreed that it was much bigger than St. Augustine. He suggested that the Commission review the draft and address the issue at a subsequent meeting.

Mayor Gardner stated that the next logical step would be advertising for the two positions. He said the proposed office was on the ground floor.

Commissioner Lennon stated that the rent for the proposed office should be included as part of the budget.

Mr. Harriss stated that the proposed space for the officer was not well located; therefore it would not generate much revenue through rent.

Commissioner Lennon stated that if the cost was \$100,000 and all costs were being put down on paper the value of the room should be included in the budget.

Mr. Harriss said that the Mayor had not chosen to consider that as part of the budget.

Commissioner Lennon pointed out that the taxpayers were going to pay that \$100,000 bill through the budget; therefore he would like to open the matter up to the public for input.

Commissioner Burk questioned the budget amount for the newsletter.

Mayor Gardner replied \$13,000.

Commissioner Burk questioned whether the neighborhood council was in lieu of the newsletter.

Mayor Gardner said no, the newsletter was included in the budget of \$100,000.

Commissioner Burk stated that she thought it was an excellent idea; however, she suggested that they hire only the coordinator who would be in the office 9:00 a.m. until noon and in the field from 1:00-5:00 p.m., and observe the public response.

Commissioner Lennon stated that was why he thought the City should be certain the neighborhoods were going to form committees before creating the position.

Mr. Crichlow questioned whether the proposed coordinator would organize the neighborhood council network.

Mayor Gardner stated that there was a rigorous application process for neighborhood council; therefore the coordinator would start with educating citizens. He said that he/she would probably bring the Neighborhood Crime Watch Associations in for discussion and proceed to other neighborhoods.

Commissioner Crichlow questioned the qualifications of the position.

Mr. Harriss replied that the job description had not been developed.

Mr. Jones suggested that the item be included in the February workshop for prioritizing, thereby allowing the

Commissioners time to read through the plan and develop recommendations. He stated that they should start small with one employee and allow that employee to demonstrate the need for the position. He suggested moving the current meeting along.

Commissioner Burk suggested getting consensus as to whether all the Commissioners thought the neighborhood council office was a good idea.

Commissioner Crichlow spoke in support of the idea.

Mayor Gardner stated that he thought some people were waiting to see what the Commission would do. He said that he had fought hard for the idea for the council office to open communication between the people and the government. He said that the expense of the position paled against other expenses incurred in the past. ⁴

Commissioner Crichlow – Water Main Break

Commissioner Crichlow commended John Regan, Director of Utilities, and his staff for their efficiency in repairing the water main break.

10. APPEALS AND PUBLIC HEARINGS (Not pertaining to ordinances and resolutions)

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11. A/ Resolutions

⁴ A brief recess from 7:05 p.m. until 7:15 p.m.

11.A.1/ Consideration of Resolution 2003-01, establishing an Architectural Guideline for Historic Preservation.

Commissioner Crichlow noted that he was responsible for resolution 2003-01. He said the object of the resolution was to address new construction in HP-1, as all new construction had to be colonial. He stated that he did not believe it was right to build colonial buildings where there had never been colonial buildings. He said that HARB should have flexibility to maintain a consistent architectural theme in neighborhoods. He said that HP-1 was primarily vernacular; however, there were vacant lots and if developed, the architecture would have to be colonial. He said that when the resolution went to HARB they had included HP-2 and HP-3; however, that was not his intent, as it could cause potential problems; therefore if the Commission voted on the resolution he would like it amended to eliminate HP-2 and HP-3.

Mr. Knight stated that the resolution allowed the alternative of continuing a prevalent style in HP-1.

Commissioner Crichlow continued that if the resolution included HP-2 and HP-3 there was the danger of matching a 1950's style architecture, which they did not want. He said that he would like the resolution amended to read, *newly constructed buildings in HP-1 zoning district can be designed in the same predominant style as the buildings located in the immediate vicinity as determined by HARB.* He said vicinity would mean *properties located along the same street, or for a corner lot, only properties located along the street that comprised the intersection.* He added that the idea of the resolution was to eliminate the inflexibility of HARB regarding HP-1.

Commissioner Lennon stated that the President of HP-1 had left him a voice mail stating that she was violently ill, and she requested that the board table the resolution until HP-1 could go before the commission. He stated that he would like to have an Architectural Review Board for the entire City. He said the property value was incredible and people were building whatever they wanted up to 35-feet tall.

Commissioner Crichlow agreed that some form of review should extend beyond the HP districts to maintain the character of the neighborhoods. He suggested addressing the item at the workshop.

Commissioner Burk stated that it was a great resolution.

Commissioner Jones agreed about striking HP-2 and HP-3 from the resolution. He said that he was comfortable with tabling the matter to allow HP-1 to address the Commission.

Charles Tingley, 18 Carrera Street, representing St. Augustine Historical Society, stated that the proposed change in the guidelines would represent a wholesale change in how new construction was presented in St. Augustine. He continued to speak passionately regarding historic preservation. He said there was some language in the resolution that he disagreed with. He asked how they would define "compatibility" or "along the street". He said the resolution also did not recognize the modern building styles that existed in the historic districts that were consider non contributory by the National Register status. He requested that the Commission remand the resolution to the HARB for a workshop.

Robert Hall, 42 Spanish Street, stated that it would be a great mistake to include HP-2 and HP-3 in the resolution. He noted that the resolution was an opening of regulations and ordinances, when he believed they should be restricting new construction. He spoke in support of maintaining the uniqueness of the City. He agreed that building colonial where there had never been colonial buildings was wrong. He suggested looking at the City history and archeology to determine the first objective. He concluded that the proposal required workshops.

Commissioner Lennon suggested that the Commission hear the public's input before writing a resolution.

A brief discussion resulted, and it was determined that a resolution would be drafted, but any suggestions from the public would be welcomed.

MOTION

Commissioner Lennon MOVED that Resolution 2003-01 be tabled until the subsequent meeting. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

Mayor Gardner quoted the Comprehensive Plan regarding architectural controls that were instituted to retain the character of the City's historic architecture and its settings. He said that the introduction of inharmonious elements could destroy the City's integrity and appeal. He said the Code outlined eleven points that were a part of the Rochester NY Code. He suggested that the HARB guidelines address compatibility. He stated that the City was under assault from developers that would build as high, wide, and massive as they could. He said the

entrance corridor guidelines had been developed to avoid that assault. He said that he would like to discuss developing an ordinance of that nature for presentation in two weeks along with the resolution they had just tabled.

Commissioner Crichlow said that he was in favor of expanding a review process with specific guidelines. He stated that entrance corridor guidelines were a step in the right direction, but they required refinement before they could be enforceable. He said that he would facilitate, but the project would require a committee. He added that the guidelines would have to be restrictive without being over restrictive. He said that for the sake of the whole of St. Augustine and not just the historic district it had to be done.

Mayor Gardner said that developers and opportunist did not work by committee. He suggested that the City Attorney begin working on the enforceability. He pointed out that the elements of the code from Rochester NY had withstood the test.

Mayor Gardner said that in the mid 1960's Vermont had been inundated with ski area developers without regulation. He said the legislature put into affect Act 250 that made it necessary to get the approval of 18 different state agencies, which in turn discouraged development. He concluded that the City needed protection without delay.

Commissioner Lennon stated that he wanted to be sure the proposed ordinance did not alter the zoning.

Commissioner Crichlow said they would not be addressing the zoning.

Mayor Gardner said they were trying to reflect the Comprehensive Plan for time affectivity. He recommended that the City Attorney research the proposal and report to the Commission in two weeks to allow the Commission to proceed.

Mr. Wilson said he was not certain the proposal could be completed in two weeks. He said the guidelines had not been adopted because the creation was aspiration not mandatory, as they were not enforceable. He said that mandatory standards could be added to the guidelines. He said that there were things that had to be controlled from a development stand point and there were elements that existed that the Commission might want to eliminate as part of the guidelines by making them obsolete. He said that the entrance corridor guidelines were meant to eliminate the stuff that did not belong, keep the stuff that was good, and create new guidelines to be certain of compatibility. He continued that the guidelines were made to be adapted and to be mandatory for enforceability. He said that it took more work to create a law that could beat a challenge.

Commissioner Crichlow stated that he appreciated the Mayor's urgency; however, he agreed that the law should be enforceable and withstand challenge; therefore they needed to put thought into enacting an ordinance.

Mr. Wilson stated that a lot of time and work had gone into the entrance corridor guidelines; therefore he thought they could serve as a blue print. He said they needed some people with the architectural expertise to handle the technical elements and be certain it worked legally. He said that the process would not take a year, but it would take more than two weeks. He added that the PZB would have to review any changes.

Mayor Gardner said that he had looked into a building moratorium, but that measure would be a last resort.

Howard Davis, 252 St. George Street, stated that he had worked on the entrance corridor guidelines which tried to identify the compatible and inherent architecture. He suggested that the Commission put the guidelines in place for developers to contemplate as a first step. He said that he thought it was wonderful that the Commission was considering the matter. ⁵

Mayor Gardner agreed with Mr. Davis stating that the guidelines could be refined as they went along.

Commissioner Crichlow stated that the guidelines had to be strengthened. He questioned the procedure to put them in place.

Mr. Wilson said that it would probably have to be done in ordinance form.

MOTION

Commissioner Crichlow MOVED to bring the corridor guidelines to the Commission, providing a reasonable time for the City Attorney to put them together, for a vote to implement with the understanding that it would be an ongoing effort to continue to refine them to be more enforceable. MOTION FAILED FOR A LACK OF A SECOND.

Commissioner Crichlow said that if they wanted to extend the rules into neighborhoods they would have to have another set of guidelines.

MOTION

⁵ End of audio tape two

Commissioner Crichlow MOVED to bring the entrance corridor guidelines to the Commission in the form of an ordinance. Commissioner Burk SECONDED the motion

VOTE ON MOTION

AYES: Crichlow, Burk, Jones, Lennon, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.A.2/ Consideration of Resolution 2003-02 authorizing the City Manager to execute the State Highway System Lighting, Maintenance and Compensation Agreement.

Mr. Harriss explained that the Florida Department of Transportation had developed a program that would reimburse the City for cost incurred on maintenance of the state highway lighting system.

MOTION

Commissioner Lennon MOVED to approve Resolution 2003-02. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

11.B. Ordinances - First Reading

11.B.1/ Introduction and consideration of Ordinance 2003-01, designating property on the south side of Old Mission Avenue as Commercial Low Intensity.

Mr. Knight reported that the ordinance was to designate property on the south side of Old Mission Avenue as Commercial Low Intensity. He said that the appraisers had noticed that the property zoning did not line up with the land use designation. He said that historically the south side of Old Mission Avenue was commercial for permitting,

and it was zoned commercial. He said that the ordinance would establish a consistent land use designation.

Mayor Gardner spoke briefly about the invasion of commercial into the residential neighborhoods.

MOTION

Commissioner Lennon MOVED that Ordinance 2003-01 be placed on first reading, read by title only and approved. Commission Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2003-01

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 LAND LOCATED ON THE SOUTH SIDE OF OLD MISSION AVENUE, GARNETT ADDITION SUBDIVISION, LOTS 2A-16, BLOCK 12, CONTAINING APPROXIMATELY 2.58 ACRES IN THE CITY OF ST. AUGUSTINE, FROM RESIDENTIAL LOW DENSITY AND PUBLIC/SEMI-PUBLIC TO COMMERCIAL LOW INTENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Lennon, Jones, Crichlow, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.2.a/ Consideration of a Petition for Voluntary Annexation of property located south of State Road 312 and west of the Matanzas River.

Mr. Knight said that on December 2, 2002 the PZB reviewed the request and recommended the designation. He said

that the University of St. Augustine owned the property and they intended to build a medical office on the site. He said that currently there were 17-year old pine trees on the property.

MOTION

Commissioner Lennon MOVED to accept the petition for voluntary annexation. Commissioner Jones SECONDED the motion.

VOTE ON MOTION

AYES: Lennon, Jones, Crichlow, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.2.b/ Introduction and Consideration of Ordinance 2003-02, concerning the voluntary annexation of property located south of State Road 312 and west of the Mantanzas River.

MOTION

Commissioner Crichlow MOVED that Ordinance 2003-02, be placed on first reading, read by title only and approved. Commission Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2003-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ANNEXING APPROXIMATELY 1.97 ACRES OF PROPERTY IN ST. JOHNS COUNTY, FLORIDA, LYING SOUTH OF S.R. 312 AND WEST OF THE MATANZAS RIVER, AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING

FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Jones, Burk, Lennon, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.3/ Introduction and consideration of Ordinance 2003-03, establishing a land use designation of Commercial Medium Intensity relative to property located south of State Road 312 and west of the Mantanzas River.

MOTION

Commissioner Lennon MOVED that Ordinance 2003-03 be placed on first reading, read by title only and approved. Commission Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2003-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO INCORPORATE AND DESIGNATE APPROXIMATELY 1.97 ACRES OF PROPERTY, LYING SOUTH OF S.R. 312 AND WEST OF THE MATANZAS RIVER, AS COMMERCIAL MEDIUM INTENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Lennon, Jones, Crichlow,
Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.4/ Introduction and consideration of Ordinance 2003-04, establishing a zoning classification of Commercial Medium-two (CM-2) relative to property located south of State Road 312 and west of the Matanzas River.

MOTION

Commissioner Crichlow MOVED that Ordinance 2003-04 be placed on first reading, read by title only and approved. Commission Lennon SECONDED the motion.

Mr. Wilson read the title as follows:
ORDINANCE NO. 2003-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 1.97 ACRES LYING SOUTH OF S.R. 312 AND WEST OF THE MATANZAS RIVER, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO THE CLASSIFICATION OF COMMERCIAL MEDIUM-TWO (CM-2); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Lennon, Jones,
Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.5/ Introduction and consideration of Ordinance 2002-30, concerning voluntary annexation of property located west of N. Whitney Street and north of the Florida East

Coast Railway C/L main track to Palatka.

Mr. Knight said the property was located to the West and South of Maxwell Manor with a portion of the property in the City and a portion outside the City. He said the intent was to build low income housing.

Harry Maxwell, 3333 Cedar Glen Way, was sworn and stated that he intended on entering phase two which would be 35-units. He said that he had purchased the property from Barnett Bank, and it was distressed property they had cleaned up. He said there were two buildings existing on the property and the area was crime ridden, but currently they paid approximately \$8,000 in taxes annually.

Commissioner Lennon gave Mr. Maxwell credit for developing the property.

MOTION

Commissioner Burk MOVED that Ordinance 2002-30 be placed on first reading, read by title only and approved. Commission Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2002-30

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ANNEXING APPROXIMATELY 2.85 ACRES OF PROPERTY IN ST. JOHNS COUNTY, FLORIDA, LYING WEST OF WHITNEY STREET AND NORTH OF THE FLORIDA EAST COAST RAILWAY C/L MAIN TRACK TO PALATKA, AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS

OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Jones, Crichlow, Lennon, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.C/ Ordinances - First Reading - Public Hearing Required

11.C.1/ Public Hearing - Ordinance 2002-31, establishing a land use designation of Residential Medium Density relative to property located west of N. Whitney Street and north of the Florida East Coast Railway C/L main track to Palatka.

Mayor Gardner opened the public hearing, but there was no response.

Mr. Wilson said that when the ordinance was advertised for public hearing there was a small piece of the property that was included in the annexation. He stated that they needed a motion to amend the ordinance by changing the area to be annexed from 2.85 acres to 2.37 acres.

MOTION

Commissioner Jones MOVED to adopt the motion to amend. Commissioner Lennon SECONDED the motion.

Mr. Maxwell stated that the amendment did not affect his project.

VOTE ON MOTION

AYES: Jones, Lennon, Crichlow, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

MOTION

Commissioner Crichlow MOVED that Ordinance 2002-31, as amended, be placed on first reading, read by title only and approved. Commission Lennon SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2002-31

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO INCORPORATE AND DESIGNATE APPROXIMATELY 2.85 ACRES OF PROPERTY, LYING WEST OF WHITNEY STREET AND NORTH OF THE FLORIDA EAST COAST RAILWAY C/L MAIN TRACK TO PALATKA, AS RESIDENTIAL MEDIUM DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Lennon, Jones, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.C.2/ Introduction and consideration of Ordinance 2002-32, establishing a zoning classification of Residential General One (RG-1) relative to property located west of N. Whitney Street and north of the Florida East Coast Railway C/L main track to Palatka.

MOTION

Commissioner Jones MOVED that Ordinance 2002-32 be placed on first reading, read by title only and approved. Commissioner Crichlow SECONDED the motion

Mr. Wilson read the title as follows:

ORDINANCE NO. 2002-32

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 2.85 ACRES LYING WEST OF WHITNEY STREET AND NORTH OF THE FLORIDA EAST COAST RAILWAY C/L MAIN TRACK TO PALATKA, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO THE CLASSIFICATION OF RESIDENTIAL GENERAL-ONE (RG-1); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Jones, Crichlow, Lennon, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY
MOTION

11.D/ Ordinances – Second Reading – Public Hearing

11.D.1/ Public Hearing – Ordinance 2002-26, correcting a scrivener’s error in Ordinance 2002-20.

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

MOTION

Commissioner Lennon MOVED that Ordinance 2002-26 be placed on second reading, read by title only and approved. Commissioner Burk SECONDED the motion

Mr. Wilson read the title as follows:

ORDINANCE NO. 2002-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CORRECTING A SCRIVENER’S ERROR IN ORDINANCE NO. 2002-20; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Lennon, Burk, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.2/ Public Hearing – Ordinance 2002-27, concerning the voluntary annexation of property located at Cervantes Avenue east of Masters Drive.

Mayor Gardner opened the public hearing for Ordinances 2002-27, 2002-28, and 2002-29, but there was no response.

MOTION

Commissioner Lennon MOVED that Ordinance 2002-27 be placed on second reading, read by title only and approved. Commissioner Burk SECONDED the motion

Mr. Wilson read the title as follows:

ORDINANCE NO. 2002-27

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ANNEXING APPROXIMATELY 3.27 ACRES OF PROPERTY IN ST. JOHNS COUNTY, FLORIDA, LYING SOUTH OF CERVANTES AVENUE AND EAST OF MASTERS DRIVE, AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Lennon, Burk, Jones, Crichlow, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.3/ Public Reading - Ordinance 2002-28, establishing a land use designation of Residential Low Density relative to property located at Cervantes Avenue east of Masters Drive.

MOTION

Commissioner Crichlow MOVED that Ordinance 2002-28 be placed on second reading, read by title only and approved. Commissioner Lennon SECONDED the motion

Mr. Wilson read the title as follows:

ORDINANCE NO. 2002-28

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO INCORPORATE AND DESIGNATE APPROXIMATELY 3.27 ACRES OF PROPERTY, LYING SOUTH OF CERVANTES AVENUE AND EAST OF MASTERS DRIVE, AS RESIDENTIAL LOW DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Lennon, Jones, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.4/ Public Hearing - Ordinance 2002-29, establishing a zoning classification of Residential Low-One (RL-1) relative to property located at Cervantes Avenue east of Masters Drive.

MOTION

Commissioner Crichlow MOVED that Ordinance 2002-29 be placed on second reading, read by title only and approved. Commissioner Lennon SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2002-29

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 3.27 ACRES LYING SOUTH OF CERVANTES AVENUE AND EAST OF MASTERS DRIVE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO THE CLASSIFICATION OF RESIDENTIAL LOW-ONE (RL-1); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Crichlow, Lennon, Burk,
Jones, Gardner**

NAYES: None

MOTION CARRIED UNANIMOUSLY

12. GENERAL PUBLIC PRESENTATIONS AND COMMENTS (15 minutes per presentations)

Leslie Garcia, 5 ½ Pine Street, suggested that the City draft a pamphlet to educate the citizens on how they could approach the City government and get things done. He reiterated the situation as it had been for the street performers and artists during the time that the two ordinances were drafted prohibiting them from performing on St. George Street. He said that he had been appointed as spokesperson for the street entertainers. He questioned when denying the performers their constitution rights would stop. He claimed that certain individuals and organizations were allowed to use the street and violate the ordinances. He noted that many thousands of dollars had been spent to prohibit the entertainers from performing on St. George Street. He emphasized his opinion that the courts had not approved the ordinances. He stated that performing or practicing his craft in the Plaza did not work as the tourists did not go there, and he complained that he had to pay \$25 for a permit to bead hair in the Plaza. He suggested that the ordinances were unfair and illegal, and the entertainers were treated like a lesser class of people. He added that the people wanted the entertainers back on St. George Street. He recommended that the Commission take immediate action to reinstate the entertainers on St. George Street. He questioned when the Commission would take action.

Commissioner Crichlow stated that he believed that the Commission was

currently taking action to address the matter.

Commissioner Jones agreed that the Commission was addressing the matter, but he could not give a timeframe.

Commissioner Lennon questioned who had appointed Mr. Garcia as the spokesperson.

Mayor Gardner stated that Mr. Garcia had not been appointed. He said he had asked Mr. Garcia and other citizens to put together plans of how it might work for the benefit of all. He suggested a civics class to inform the public how the City Government functioned. He noted that the City web site outlined much of the government's procedures. He suggested that to address the matter they had to stop rehashing the past.

13. Adjournment

There being no further business, the meeting was adjourned at 8:57 p.m. ⁶

MAYOR

CITY CLERK

⁶Transcribed by Karen Rogers, Recording Secretary