

CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
February 10, 2003

The City Commission met in a formal session Monday, February 10, 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  
Timothy A. Burchfield, Director, General Services  
Mark Knight, Director, Planning and Building Department  
Paul Williamson, Director, Public Affairs  
Dr. William Adams, Director, Heritage Tourism  
William H. Harding, Director, Public Works  
John Regan, Director, Utilities  
David Shoar, Chief of Police  
James Owens, Fire Chief  
Karen Rogers, Recording Secretary

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Chris Washington, A Level Christian Community Church, 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**

Commissioner Lennon stated that in the minutes of January 21, 2003, page eight,

first column, second paragraph, *putting something on sale property could discourage developers*, should read, *putting surface parking on sale property could discourage developers*.

Commissioner Crichlow pointed out that in the minutes of January 27, 2003, page 13 and 20 the VOTE ON MOTION had been correct but the MOTION CARRIED did not reflect the ayes and naves of the vote.

The minutes of the Workshop meeting of January 21, 2003, and the Regular City Commission meetings of January 27, 2003 were approved as amended.

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

Richard Pinto, 105 St. George Street, informed the Commission that 35 people had attended the Historic Area Council of the Chamber of Commerce meeting and expressed concern that the Commission was moving too quickly regarding the street entertainer ordinance. He said the consensus had been that the Commission should slow down and open the issue to workshops for thorough discussion. He said that the proposed ordinance opened St. George Street to anything during the morning and evening hours creating an enforcement problem, which was much as it had been in the past.

Mr. Pinto noted that during the last ordinance process for the street entertainers there had been a legal hearing, in which he had participated under oath. He said that during the hearing an abundance of information had been revealed about the problems on St. George Street. He said the hearing was designed to create a body of evidence to support the ordinance in the event of challenge. He suggested that unless the Commissioners thoroughly studied the issues they could not understand the problems that occurred on St. George Street. He further suggested that if the Commission approved the proposed ordinance they would be opening the City up to a media circus and intelligent discussion would become difficult. He noted that the council wanted to participate before the ordinance was enacted.

Mayor Gardner explained that the ordinance was on first reading and a public hearing would be held during the second reading and everyone would be heard.

Pastor Chris Washington, A Level Christian Community Church, thanked the Mayor and Commissioner Jones for supporting a recent church event.

Michelle Vygen, 60 St. George Street, said that she had attended the Historic Area Council meeting where it was unanimously agreed that the Commission should approve an ordinance allowing graphic artists and historic entertainment by permit on St. George Street. She asked that the Commission take small steps regarding the matter.

Mayor Gardner acknowledged the number of speaker cards and suggested that citizens were approaching a debate without sufficient study time, therefore he declared no further comment on the street entertainer ordinance until it came up for debate on the agenda. He said that as chair he had the power to do so, but the Commission had the power to overrule his directive.

A discussion resulted, and it was determined that anyone not speaking on the street entertainer matter could have three minutes and those interested in speaking regarding the street entertainer ordinance could wait until the item was addressed on the agenda.

Frederick J. Canevari, 7 Cordova Street, complained about the delivery trucks for Scarlett O'Hara's parking in front of the church for easy delivery. He suggested that the situation could be handled better.

Mr. Canevari pointed out that cars were abusing parking spaces on the bayfront; moreover, they were waiters for the bayfront restaurants. He suggested increasing rates on the parking meters, and putting the employees in satellite parking at the sewage treatment plant and shuttling them into town.

Mayor Gardner questioned whether there was enforcement in place for delivery trucks on Cordova Street.

Mr. Harriss noted that loading zones were provided, delivery trucks were granted leeway, but he would instruct the police to increase enforcement.

Les Garcia, 5 ½ Pine Street, stated that he did not want to talk about the street entertainers specifically, but he suggested that negative publicity about street entertainers could be considered good for tourism.

James Pennington, 103 Dolphin Drive, said he had owned a business on St. George Street for the past 24 years. He suggested that a member of the Chamber of Commerce be appointed to the new Parking and Traffic Committee. He added that the Chamber was committed to help solve problems, and they had expertise to contribute; therefore they wanted to be part of the process. He offered the chamber's support to address the parking issue for resolution and for a good quality of life for all the citizens and merchants.

Mayor Gardner noted that it would make sense to have Chamber of Commerce representation on the committee. He said there was a list of forty applicants for the ten spaces on the committee, but there was a need for everyone to research the specific elements of the parking and traffic matter. He pointed out that the committee had no unilateral power.

#### **MOTION**

**Commissioner Lennon MOVED to appoint a Chamber of Commerce representative as the twelfth member of the Parking Committee. Commissioner Crichlow SECONDED the motion.**

Commissioner Crichlow pointed out that there would probably be members of the chamber on the committee anyway.

Commissioner Lennon noted that a merchant serving the board would be representing their business not the chamber.

Mayor Gardner said that he hoped that all the members would represent the best interest of the City and not individual groups. He stated that the current Parking Committee had individual group representation for four years, and the City was still where it had been four years earlier.

Commissioner Lennon emphasized that was an unfair statement, as there had been a viable decision made to build a parking garage behind the Lightner Museum. He pointed out that the new Commission had cancelled the project, therefore it should not be inferred that the committee or the prior Commission had not accomplished anything in regards to the parking dilemma. He added that the City had spent ten years working to get to the position of building the garage, and the new Commission had cancelled the entire project in one meeting. He asked the Mayor not to disparage the City's accomplishments.

Mayor Gardner questioned whether the Commissioner had felt that the Lightner Museum parking lot was the total solution to the problem.

Commissioner Lennon said that he believed it was the first step in solving the problem.

#### **VOTE ON MOTION**

**AYES: Lennon, Crichlow**

**NAYES: Jones, Gardner**

**MOTION FAILED 2/2**

## **5. PRESENTATIONS AND STAFF REPORTS.**

### **5.A/ Presentation by Len Weeks regarding current projects with the City of Aviles, Spain.**

Len Weeks, Ambassador to Spain, noted that as a Commissioner and Mayor for St. Augustine one of the highlights of his positions had been working on projects for the Sister Cities Association. He distributed a packet of information to the Commission and delivered a brief background of St. Augustine's relationship with Aviles, Spain. He covered the following topics :

- Statue of Pedro Menendez
- Atocha Anchor

Mr. Weeks stated that it had been his intention to re-energize and expand the relationship with Aviles through the following five items:

- Pictorial book of St. Augustine and Aviles
- Book on the King of Spain's visit to St. Augustine
- Student Exchange
- Elementary School Art Exchange
- Resource exchange on the historic and collegian level

Mr. Weeks noted that the books, student exchange, and art exchange had been a large success. He noted that the student exchange was in its third year and had proven to create a strong bond between the families. He requested reaffirmation of support from the City Commission so they could begin coordinating work for the 2003 student exchange, and to insure that City Staff would be available for transportation and coordination as they had been in the past. He concluded that he wanted to be certain that the new Commission endorsed the continuation of the exchange as part of the Sister Cities relationship with Aviles.

Mayor Gardner noted that the school board had supported the student exchange conceptually, and he questioned whether Mr. Weeks had pursued the County Board of Commissioners or the TDC funding process for support.

Mr. Weeks said that the TDC refrained from sponsoring groups that traveled abroad.

Commissioner Lennon noted that the TDC sponsored the Menendez Ball.

Mr. Weeks said that he primarily solicited funding from the community; however, it got harder to go back to the same people every year. He noted that the exchanges represented a partnership between the community, Sister Cities, and St. Augustine.

Mr. Weeks noted that he had been appointed ambassador to maintain continuity between the two cities, and it had been a pleasure. He questioned whether the new Commission wanted him to continue in that capacity.

### **MOTION**

**Commissioner Crichlow MOVED to continue support of the Sister Cities Student Exchange Program in terms of funding and transportation assistance, and to maintain Len Weeks as Ambassador to Spain. Commissioner Lennon SECONDED the motion.**

### **VOTE ON MOTION**

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

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

Mr. Weeks thanked the Commission for their confidence in him.

Mayor Gardner encouraged help from the community for the Sister Cities projects.

## **6. ITEMS BY CITY ATTORNEY**

(None)

## **7. BY CITY CLERK**

### **7.A/ Consideration of appointments to the Parking and Traffic Committee.**

Mayor Gardner noted that Mr. Baumgartner had withdrawn his application for the Parking Committee. He recommended scheduling a workshop with the new committee to outline responsibilities. He noted that only ten of the thirty-three applicants would be named, but he added that the City needed all the applicants to get the job done. He reiterated that the committee had no power to enact plans; their job would be to make recommendation to the Commission who would make final decisions with public input. He pointed out that due to the nature of the committee there should be no conflict of interest.

Mayor Gardner stated that Commissioner Burk had named Dan Sullivan and Gerry Dixon.

Commissioner Lennon appointed Henry Whetstone and Tom Cavanaugh.

Commissioner Crichlow appointed Richard Pinto and Phillip Moan.

Commissioner Jones named Fred Harris and David Toner.

Mayor Gardner named John Marples and Nancy Sikes-Kline. He questioned whether there had been a response from Flagler College regarding their appointment to the committee.

Mr. Harriss replied that staff had sent a letter, but they had not heard who would be appointed. He said that he would advise the mayor as soon as he was informed.

Mayor Gardner questioned whether the Commission wanted to outline the organizational scope of the committee or schedule a workshop. The consensus was to schedule a workshop, and all the applicants were acknowledged for their interest and encouraged to be involved.

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

### **8.A. Preview of upcoming Commission meetings.**

### **8.B. Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 94 Cedar Street.**

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

### **8.D. Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to the Sebastian View Subdivision located on Lewis Speedway.**

## **MOTION**

**Commissioner Lennon MOVED to approve items 8.A. through 8.D. on the Consent Agenda. Commissioner Jones SECONDED the motion.**

## **VOTE ON MOTION**

**AYES: Lennon, Jones, Crichlow, Gardener**

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

## **9. ITEMS BY MAYOR AND COMMISSIONERS**

Commissioner Lennon – Plaza

Commissioner Lennon questioned how the City could prevent ticket sales in the Plaza for the sightseeing trains and ghost rides, as he felt those tickets should be sold on private property. He indicated that the franchise holders were not selling the tickets.

Mr. Wilson noted that there would have to be a change in the ordinance to address the matter.

Commissioner Lennon requested that the City Attorney research the matter.

Mayor Gardner questioned whether sales were permitted in the Plaza.

Mr. Wilson indicated that sales were allowed with limitations.

Mayor Gardner – American Inn

Mayor Gardner questioned whether a building permit had been issued to the American Inn.

Mr. Harriss stated that to his knowledge a permit had not been issued.

Commissioner Crichlow reported that he had met with Mr. Patel, owner of the American Inn, and he had relayed the concerns expressed by the neighborhood during the previous City Commission meeting. He stated that during the meeting they had resolved the concerns of the neighbors. He said that Mr. Patel was willing to eliminate traffic egress and ingress on Rhode Avenue and Fletcher Lane and relocate the dumpster. He said that in doing so Mr. Patel would lose a couple of parking spaces, and to recoup the space he would go before the PZB for a variance on the landscape requirements. He indicated that once the variance was granted Mr. Patel would proceed developing the Comfort Suites.

Mayor Gardner questioned whether there had been any discussion regarding height, mass, and scale.

Mr. Crichlow replied that the Mr. Patel was within the law on height, mass, and scale; therefore, it had not been a topic of discussion.

Roundabouts

Mayor Gardner said the City was following up with the DOT on roundabouts to find out whether they anticipated an extensive delay if they were to reconfigure for roundabouts. He suggested that it could be a couple of years delay for review, and he was certain the Commission would share his concern about the maintenance expense and potential for accidents over that period of time. He said that should the DOT decide it would take an extended time to conduct a review the matter would go before the Commission for reconsideration.

Commissioner Crichlow said that a reasonable delay could be considered.

Commissioner Jones questioned whether they would have a meeting with the DOT.

Mr. Harriss said a meeting would be arranged when they received a response from the DOT regarding roundabouts, at which time they would discuss a number of matters.

Commissioner Lennon in Tallahassee

Mayor Gardner noted that Commissioner Lennon had been to Tallahassee.

Commissioner Lennon reported that small cities would suffer as a result of the recent amendment to reduce the size of classrooms. He suggested that the City would be hit hard on grants. He indicated that he would serve as liaison

for Doug Wiles, Jim King, and Dick Kravitz.

Mr. Harriss reported that the City had been notified that all grants had been eliminated from the 2003 budget. He said that it was not only for St. Augustine but for all historic areas.

#### Ponce Hotel

Mayor Gardner summarized that the meeting with St. Johns County, Congressman Mica's office, State Department of Environmental Protections, City Commission and the Airport Authority had been to discuss ways to publicly purchase the golf course or all the property at the Ponce Hotel. He said the resolution presented was to consider any type of funding that could be raised or contributed in that direction and submit that information to the County Manager for a future meeting. He said that Mr. Stokes, the current owner of the property in question, had said that the property was costing him \$150,000 a month to carry; therefore a rapid decision would be necessary.

Commissioner Crichlow said that the main focus had been on the golf course, which would allow the developer to build 500 homes rather than 750. He said that a number of ideas had been considered and the result was that the agencies were going to research the possibilities. He noted that Mr. Stokes had been approached by Wal Mart to purchase 35 acres to build a Super Wal Mart.

Mr. Harriss stated that the most viable avenue was the operation of the golf course. He said that it might not make money, but it might pay for itself.

Commissioner Lennon questioned the price of the golf course, and he was informed that the value of the property was \$5 million dollars, but to bring the

course up to par it would be \$9-10 million, and for the all the property the cost was \$35 million dollars.

Mayor Gardner said the value of the property was in the historic, wildlife, and scenic aspects.

#### Utility Deposit Refund

Mayor Gardner stated that he had appointed Dan Sullivan to work with the City to review the utility deposit refund program.

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

(None Scheduled)

### **11. RESOLUTIONS AND ORDINANCES (To include public hearing)**

#### **11. A/ Resolutions**

(None Scheduled)

#### **11.B/ Ordinances – First Reading**

**11.B.1/ Introduction and consideration of Ordinance 2003-07, prohibiting sales and solicitations in traffic lanes.**

#### **MOTION**

**Commissioner Jones MOVED that Ordinance 2003-07 be placed on first reading, read by title only and approved. Commissioner Lennon SECONDED the motion.**

Mr. Wilson read the title as follows:

ORDINANCE NO. 2003-07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 24-14 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROHIBITING

SALES AND SOLICITATIONS IN TRAFFIC LANES; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gardner said that the ordinance was a continuation of one that was in place pertaining to solicitation on King Street and US 1.

Mr. Wilson stated that the ordinance continued the regulation to SR 16 and US 1. He said the intersections were fairly congested; therefore it made sense to continue the restriction.

A brief discussion resulted, and it was determined that the restriction entailed most of US 1 within the City limits; however, the intersections at the Bridge of Lions were still open.

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

Non Agenda Item

Commissioner Lennon said that a citizen had telephoned him questioning whether the City could do anything about gasoline price gouging.

Mr. Wilson replied that the City did not have any jurisdiction as far as he was aware of; however, he would research state law.

**11.B.2/ Introduction and consideration of Ordinance 2003-08, concerning street entertainers.**

Mayor Gardner said that the ordinance as presented allowed street performers on St. George Street between the hours of 8:00 and 11:00 a.m. and 5:00 and 9:00 p.m. He questioned whether the

ordinance allowed graphic artists to paint on St. George Street.

Mr. Wilson said that the language in the ordinance allowed graphic artists to paint on the street, but there was another ordinance regulating vending that prohibited the sale of art on St. George Street.

Commissioner Jones clarified that the silver man would not fall into the category of painting on St. George Street.

Mr. Wilson noted that the ordinance prohibited aerosol or spray paint, which would prohibit the silver man from performing on the street.

Commissioner Crichlow stated that he had been inundated by telephone calls regarding the ordinance. He said the majority of the calls had requested that the Commission move slowly to achieve an ordinance that would not divide the community and was acceptable to everyone. He said that he would rather see the ordinance move ahead.<sup>1</sup>

**MOTION**

**Commissioner Crichlow MOVED to amend Ordinance 2003-08 to strike all references to allow performers on St. George Street at any time, and leave the definition of performers as stated in the revised ordinance, which deleted artists as performers and added a provision to allow parades and/or processions to take place on St. George Street by permit.**

Commissioner Crichlow stated that if the ordinance was approved he would like to schedule a workshop for all parties to seek an agreeable solution.

Mayor Gardner stated that the amendment would strike the provision for limited performance time and add the

<sup>1</sup> End of audio tape one

provision to allow parades and processions by permit.

Mr. Wilson noted that he had spoken with Commissioner Crichlow prior to the meeting regarding the necessary language for the amendment. He said that he had to work on the language regarding parades and processions, as it would have to be somewhat limited. He said that he was not certain that parades or processions could be considered entertainment as defined in the ordinance.

**Commissioner Lennon SECONDED the motion.**

Commissioner Jones questioned whether adding parades and procession would weaken the ordinance.

Mr. Wilson said that he did not believe it would weaken the ordinance, because he did not know whether parades or processions could be considered entertainment. He said that as long as there were reasonable regulations and permits and the ordinance was not discriminatory but it was content neutral there should not be a problem. He added that the court had not addressed the issue of parades, but he felt he could draft a strong ordinance.

Commissioner Jones questioned whether clowns and jugglers would be allowed in a parade.

Mr. Wilson said things that were specifically prohibited in the ordinance would not be allowed in a parade or procession.

Commissioner Crichlow explained that he wanted to add parades and processions to the ordinance to accommodate re-enactors between the fort and Government House, for the Christmas posada and several events that took place during the year that

would add to the flavor of St. George Street. He added that the ordinance was a step in the right direction and workshops would serve to further develop a workable situation on St. George Street.

Commissioner Jones questioned whether the Commissioner had talked with the street entertainers.

Commissioner Crichlow replied that he had corresponded with some of the entertainers. He added that he felt the Commission was moving too fast, and they needed to take small steps.

Commissioner Jones agreed that they should take baby steps, and said he was concerned that some people were not getting a fair hearing. He said that he was prepared to take the first step, and he requested that the street entertainers be patient. He noted that they would commence with dialogue in the near future.

Commissioner Lennon pointed out that there were a number of people who wanted to speak; moreover he would like to hear what they had to say. He noted that the Mayor had based his campaign on hearing all the public.

Commissioner Jones questioned whether they needed to open the public hearing on first reading. He asked for the public's cooperation.

Mayor Gardner clarified that his intention was to create a plan and bring it to the community for debate. He said that he assumed the Commission had the power to immediately rescind or suspend an ordinance if the situation got out of hand. He said that without a plan on the table he was not interested in spending hours listening to recap or people yelling at one another, therefore he was not sure he wanted to support public hearing at that time.

Following a discussion it was determined that the public would be heard.

Fred Harris, 12 South Costillo Drive, thanked the Commission for the baby step, for the opportunity to speak, for reconsidering the position, and for amending the ordinance.

Donna Parks, 18 St. George Street, expressed appreciation for the consideration the Commission was demonstrating for the residents. She concluded that she supported the amendment to the ordinance.

James Pennington 103 Dolphin Drive, Chairman for the Chamber of Commerce, expressed appreciation for Commissioner Crichlow's logic and wisdom. He said they wanted an ordinance that was favorable to residents and business people in the downtown area.

Ralph Hayes, 1515 SR 207, spoke on behalf of the street musician. He requested that the Commission consider allowing musicians to play on St. George Street between 7-10 p.m.

Nadine Davis, 142 Oviedo Street, encouraged the Commission to allow the street entertainers perform on St. George Street, as she believed that it was good for tourism. She added that the performance would have to be highly regulated, and she offered some suggestions.

Commissioner Crichlow said that the legal situation was such that the City could not select the entertainment, which made the situation difficult.

Fred Canevari, 7 Cordova Street, agreed that when a musician played in one spot for hours it became noise. He said the situation was similar with the Ghost Tours, which he objected to.

Judith Hoxley, 290 St. George Street, spoke in support of the street performers and how the spirit of performance contributed to the night life of St. Augustine.

Leslie Garcia, 5½ Pine Street, suggested that in Commissioner Burk's absence the Commission postpone their vote on the ordinance.

Len Weeks, 62 Hypolita Street, noted that in Spain they had costumed entertainers for special events performing in the streets. He requested, as a resident of the living City, that the Commission consider the neighborhood of St George Street. He noted that they had put up with the circus atmosphere long enough. He encouraged allowing the artists to paint on the street and supported the ordinance as amended. He noted that the entertainers had not been banned from St. Augustine, only from a narrow four blocks of one street.

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

**MOTION**

**Commissioner Lennon moved that Ordinance 2003-08, as amended, be placed on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

ORDINANCE NO. 2003-08

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 22-10 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO

REGULATE OUTDOOR AND STREET PERFORMANCES ON PEDESTRIAN ST. GEORGE STREET FROM CATHEDRAL PLACE NORTH TO ORANGE STREET AND APPROACHING AND INTERSECTING PUBLIC STREETS, LANES AND THOROUGHFARES; 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, Jones, Crichlow, Gardener**

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY** <sup>2</sup>

Mayor Gardner invited the public to visit the Neighborhood Council Office during the break.

**11.C/ Ordinance - First Reading - Public Hearing Required**

(None Scheduled)

**11.D/ Ordinances - Second Reading - Public Hearing**

**11.D.1/ Public Hearing - Ordinance 2003-05, concerning a petition to vacate a portion of Cervantes Avenue east of Masters Drive.**

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

**MOTION**

**Commissioner Lennon MOVED that Ordinance 2003-05 be placed on second reading, read by title only and approved. Commission Crichlow SECONDED the motion.**

Mr. Wilson read the title as follows:

ORDINANCE NO. 2003-05

<sup>2</sup> A brief recess from 7:12 until 7:27 p.m.

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, TO VACATE, DISCONTINUE AND ABANDON A PORTION OF CERVANTES AVENUE, EAST OF MASTERS DRIVE, WITHIN THE CITY LIMITS OF ST. AUGUSTINE AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESOLUTION OF CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

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

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

**11.D.2/ Public Hearing - Ordinance 2003-06, adopting the Entrance Corridor Guidelines**

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

**MOTION**

**Commissioner Lennon MOVED that Ordinance 2003-06 be placed on second reading, read by title only and approved. Commission Jones SECONDED the motion.**

**MOTION**

**Mayor Gardner MOVED to amend Ordinance 2003-06 to add; whereas, St. Augustine's historic character is the product of several centuries of development, and the introduction of inharmonious elements—including but not limited to height, mass and scale—in and adjacent to single family neighborhoods and the downtown area, may quickly destroy its effect and appeal.**

Mayor Gardner indicated that the whereas clause would be inserted on the first page between the last two whereas clauses. He said the clause was to strengthen the idea that when considering new construction or modifications the City was concerned with height, mass, scale and visual compatibility with the surroundings.

Commissioner Lennon questioned how the clause would affect the San Sebastian project, because he did not want to jeopardize the sale of the property.

Mr. Wilson stated that the amendment had no affect on the existing height limits. He pointed out that the buildings in the area of the San Sebastian property were commercial and tall.

Mayor Gardner noted that the amendment was motivated by the American Inn, which the Commission could do nothing about.

Len Weeks, 62 Hypolita Street, applauded the Commissioners for moving forward with the ordinance. He distributed a booklet Living With Success, Managing Residential Life and Tourism in Historic Communities from a seminar conducted in 1995 in Annapolis Maryland. He said the booklet contained numerous good points. He said that the original Entrance Corridor Guidelines was an attempt to limit corporate architecture on the City entrances and avoid St. Augustine becoming *Anywhere USA*.

Commissioner Crichlow noted that they were moving along with the ordinance knowing full well that it required more work. He said one problem was that the director of the Planning and Building Department would be the only judge of what was acceptable. He said that one person should not be making those decisions; therefore the issue would have

to be reviewed and perhaps the Commission would appoint an architectural review board for the City.

Mr. Wilson agreed that the ordinance needed work, which would take sometime. However, he said the ordinance was in an affective form for adoption, thereby indicating mandatory requirements for review.

Mayor Gardner questioned the review process.

Mr. Wilson said that essentially there would be a czar.

Mr. Harriss said a czar's decision would be reviewable to a separate appeal board consisting of 3-5 members of the PZB and HARB. He said the Commission would have to appoint the board to meet on demand. He stated that he would prefer a review board rather than a staff member making the decisions, which would avoid criticism.

Mr. Wilson pointed out that ultimate appeal would be to the City Commission. He said that his goal was to make as many of the criteria objective, as there were exceptions in the code where there could not be specific criteria; therefore they needed guidelines to take into consideration for neighborhood factors and help in decision making.

Mayor Gardner said the next step would be to select the board.

Mr. Wilson said the ordinance would not be effective until 10-days after approval.

A brief discussion was held, and it was determined that the Commission would select a board during the subsequent meeting. <sup>3</sup>

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<sup>3</sup> End of audio tape two

Commissioner Crichlow said that in the case of subjectivity it was difficult, but the guidelines should evolve to objectivity.

**VOTE ON MOTION TO AMEND**

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

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

**VOTE ON MOTION FOR ORDINANCE**

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

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

Mr. Wilson pointed out that he had not read the title, but it should not be a problem if he did so at that time.

Mr. Wilson read the title as follows:

**ORDINANCE NO. 2003-06**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING DESIGN STANDARDS FOR ENTRY CORRIDORS, INCLUDING KING STREET, SAN MARCO AVENUE, AND ANASTASIA BOULEVARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

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

Commissioner Lennon questioned the criteria for Item 12.

Mr. Harriss said that in the past the City had requested submission of material to allow the Commission time for review and to formulate questions.

Commissioner Lennon suggested that they set and follow some criteria for the item.

Mayor Gardner said his understanding was that anyone could get up and discuss whatever they wanted, and the Commission could respond if they wished.

Commissioner Lennon said that for the 15-minute presentation the criteria had been to submit the information before the meeting.

Commissioner Crichlow said that the new Commission had not been enforcing that criterion.

Mr. Harriss said that was the directive of the prior Commission and was not included in the current resolution.

Commissioner Crichlow stated that he would be willing to vote on the matter during the subsequent meeting.

Mayor Gardner stated that he wanted to make things easier for the public.

Commissioner Jones noted that the current situation was wide open.

Virginia Whetstone, 297 St. George Street, explained that with the rehabilitation of the Bridge of Lions there were a couple of concerns. She said that she was the only private property owner that would be affected by the rehabilitation. She pointed out that the City had a good bit of leverage in deciding how the access would be altered. She said that on the east side of the Bridge of Lions when traveling west there would be no turn onto Dolphin Drive and when traveling east there would be no turn onto St. Augustine Boulevard. She stated that it would restrict access to her property, and there would be many other people dramatically affected. She requested that the City not grant the DOT right-of-way access until the public had been involved. She stated that the neighborhood needed to be aware of the change. She added that the

rehabilitation would begin in August 2004 and the DOT had asked for a four year temporary easement across her property.

Ms. Whetstone said the St. Johns County Chapter of the Florida Hotel/Motel Association would meet February 19<sup>th</sup> with the DOT to enlighten the hoteliers about the rehabilitation. She said that St. Augustine needed to think proactively about the rehabilitation, because it could have a devastating impact on the economy of the City if they received negative PR and tourists were discouraged from visiting the City.

Ms. Whetstone suggested that between 7-9 a.m. the City use a police officer to override the light on the west side of the bridge and direct traffic for relief when the bridge functioned.

Mayor Gardner questioned whether there was a similar problem at the end of the day on the west side of the bridge.

Ms. Whetstone replied that she did not have an answer to that question, as she noticed the problem in the morning. She suggested that an officer overriding the light in the evening would be an asset, as the traffic was heavy in both directions at that time.

Mr. Harriss stated that the City would look into the situation. He said that the traffic light was the property of the DOT with an approved sequence, and if the sequence was changed it would affect the lights throughout a large area. He said that he hoped the matter would be discussed with the DOT during the upcoming workshop.

Commissioner Crichlow agreed that the item should be included on the agenda for the workshop. He agreed that the turn onto the connecting streets would

be altered by the new bridge and would have impact on the neighborhoods.

Commissioner Lennon questioned whether Ms. Whetstone was aware of the roundabouts proposal.

Ms. Whetstone said that the DOT had not offered comment regarding the roundabouts, but it would be a solution. She noted that during the rehabilitation passage to the aforementioned roads would be cut-off regardless of the configuration.

Murphy McDaniel, 3535 CR 213, requested that the Commission allow him to lease the old fire station for use as a carriage museum.

Mayor Gardner questioned whether Mr. McDaniel intended to use the area as a carriage stand, and he was informed that the building would not be used as a carriage stand or a stable.

Commissioner Crichlow said that they would add his request to the list of suggestions for the building.

Leslie Garcia, 5½ Pine Street, suggested that the meeting had started before 5:00 p.m. He said that he wanted the 15-minutes to speak about his feeling regarding the street entertainers. He said the issue was one of Civil Rights and free speech, and he suggested the ways in which the City was infringing on the street entertainers Civil Rights. He questioned what the difference was between the street entertainers and the ghost tours that blocked the street and received tips. He disagreed that the ghost tours were educational. He stated that religious processions using St. George Street was bogus. He recommended hiring a private mediator to solve the situation of street entertainers on St. George Street. He

noted that during a recent telephone poll regarding the entertainers 85% of the public wanted the performers back on St. George Street.

Non Agenda Item

In response to a suggestion by Commissioner Jones a moment of silence was observed for those lost on the Shuttle Columbia and for their families.

**13. Adjournment**

There being no further business, the meeting was adjourned at 8:23 p.m. <sup>4</sup>

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MAYOR

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CITY CLERK

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<sup>4</sup>Transcribed by Karen Rogers, Recording Secretary