

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
April 14, 2003

The City Commission met in a formal session Monday, April 14, 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
Timothy A. Burchfield, Director, General Services/Acting City Clerk
James Whitehouse, Staff Attorney
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 Shoar, Chief of Police
James Owens, Fire Chief
Orfeo Paolini, Sound Technician
Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Music Pastor Carl Peters, Ancient City Baptist 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

The minutes of the Regular City Commission meetings of March 24, 2003 were approved as presented.

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

5. PRESENTATIONS AND STAFF REPORTS.

5.A/ Proclamation declaring Victims' Rights Week.

Mayor Gardner stated that the proclamation would be presented during

a tree planting in honor of Victims' Rights the proceeding Monday at the Council on Aging at 8:00 a.m.

5.B/ Proclamation declaring April as Sexual Assault Awareness Month.

Mayor Gardner read and presented the proclamation to Paula Sullivan of the Betty Griffin House Sexual Assault Recovery Program.

Ms. Sullivan thanked the Mayor and presented the Commissioners with ribbon pins signifying Sexual Assault Awareness Month.

Non Agenda Item – International Society of Advanced Management

Mayor Gardner announced that a team of four students from Flagler College competed at the International Society of Advanced Management in Orlando for their fifth national title and their second back-to-back win.

Mayor Gardner read and presented the proclamation to William T. Abare, President, Flagler College.

Mr. Abare thanked the Mayor and introduced Professor Louis R. F. Preyze III who in turn introduced the recipients of the honor; Logan Abrams, Darrell Salvia, Peter Troup, and William Graves. Mr. Abare and Mr. Preyze expressed appreciation for the student's accomplishments and invited each one to introduce themselves.

Non Agenda Item – Knighted Police Chief David Shoar

Mayor Gardner said that he had served as proxy for Chief Shoar to be knighted as one of four outstanding citizens of St. Augustine for dedicated service to the preservation of the heritage of the City. The Mayor proceeded to knight the chief

and present him with a plaque and scroll.

5.C/ Presentation by the Neighborhood Council steering committee.

Wilton Rooks, Neighborhood Council, stated that the Neighborhood Council Program had begun in January of 2003, with 20 people devoting quite a few hours to the undertaking. He said that he was proud to present the results of their efforts. ¹

Mr. Rooks recognized the key members of the steering committee. He said that Becky Nolan Greenberg had volunteered in the office, and she made sure the office was covered when she was not available. He acknowledged City staff members Wanda Bray and Paul Williamson for their efforts in the undertaking.

Mr. Rooks noted that the council was seeking approval of the proposed budget to get the program going. He noted that research had revealed the numbers of cities with active functioning neighborhood council programs. He said the concept had proven to be useful for residents as well as City Government, because residents were able to take responsibility to improve their quality of life by working with City staff and administration. He said that problem solving was an effective use of the program; however, the intention of the program was more about avoiding problems.

Mr. Rooks referred to the agenda packet diagram depicting the relationship between the neighborhood associations, the neighborhood council, City administration, and the City Commission. He explained that the neighborhoods would organize

¹ Attached to original minutes

themselves and elect officers/delegates, and the neighborhood council office would elect officers and form committees from the delegates to work with the City on various programs to improve the quality of life in the neighborhoods.

Mr. Rooks stated that the Neighborhood Council Office would be an advocate for the neighborhood associations, but would not eliminate organizations or individuals from taking issues to the Commission or working with staff. He said the best way to describe the relationship was a partnership between the City, residents and businesses.

Irene Arriola said that one of their projects was to define neighborhoods and determine how many there were in St. Augustine. She said that she and Nancy Noloboff had broken the City up into boundaries based on natural geographic locations thereby developing eighteen neighborhoods. She said that they had representatives from 50-60% of the neighborhoods. She said they had held off activating the neighborhood associations pending approval of the budget; however, many neighborhoods had members ready to begin. She noted that there were some neighborhoods that appeared to be adrift from the City, and the NCO would be a starting point for them to learn about the proposed accomplishments and encourage associations. She concluded that the map would be flexible as the process evolved and the City continued to annex property.

Mr. Rooks noted that the success of the program would be based on the Neighborhood Coordinator; therefore, the NCO had worked with City staff on a job description and budget issues.

Paul Williamson, Director, Public Affairs, noted that the job description was summarized by the words *provide*, *assist*, and *facilitate*. He said that the

coordinator position would keep on top of what occurred in the neighborhoods and foster their needs without taking or giving directions, except on an advisory premise. He said the budget was divided into three sections as follows:

1. Coordinator
 - a. Cost of Office set-up
 - b. Operations
2. Receptionist
 - a. Cost of Office set-up
 - b. Operations
3. Mini-grants

Mr. Williamson stated that the budget was set-up in two columns depicting the annual cost and 6-month cost, as the City was half way through the current fiscal year. He noted that the office was currently set-up and would not be a reoccurring cost.

Commissioner Crichlow questioned the relationship between the NCO President and the NCO Coordinator and how they would interface.

Mr. Rooks stated the structure was not indicated on the diagram; however, there would be a strong line of communication to reach a common set of goals and objectives. He suggested that the coordinator would create a more efficient method of communication.

Commissioner Burk stated that she had been interested in a decal system to identify City residents for parking privileges etc. She questioned whether the NCO would be in a position to administer such a program.

Mr. Rooks replied that would be according to the resources available in the office. He suggested that the proposal be considered.

Commissioner Lennon noted that of all the Cities listed with NCO's there were

none with a population as small as St. Augustine.

Mr. Rooks noted that the listing of NCO's was five pages of 1,305 pages on the internet, and he had simply taken the first five pages. He said that larger Cities might tend to recognize the value of a NCO after problems arose; whereas, they recognized the opportunity to get in front of problems and begin a structure commensurate with the size of the City.

Commissioner Lennon noted that the Cities listed had populations of up to 785,000 compared to St. Augustine's 11,600 people. He acknowledged the work accomplished on the proposal provided by the NCO, but he said he was not certain the City should invest \$100,000 of taxpayer dollars for the proposal. He noted that the Commission had recently been to Tallahassee where it had become apparent that funding for the City in the immediate future was questionable. He said that as a group the Commissioners had pleaded with the state not to stop funding, as it would create a tremendous strain. He suggested that the proposal be tabled until such a time that state funding was more secure, as he was not certain that the citizens wanted to pay for the program. He stated that he had received exactly two telephone calls from citizens supporting the proposal during the past month. He noted that he could not currently support the proposal, but he suggested that the NCO members continue working behind the scenes until such a time as funding was available. He concluded that the State was in trouble financially and the economy was not good.

Mr. Rooks stated that small and large municipalities would not share the Commissioners sentiment about the usefulness of the program, which would be an investment in the future. He noted that for every hour the proposed

coordinator spent working there would be dozens of citizen hours spent to make St. Augustine better. He said the benefit of the coordinator position was to provide a glue factor. He noted that when neighborhoods were improved property values and the tax base increased over the long-term.

Commissioner Lennon pointed out that the proposed document was the result of 20 people out 11,600 people. He said that he would like to hear from the public whether they wanted to spend that much money for a NCO coordinator. He stated that financially the City was not prepared for the proposal.

Mayor Gardner stated that the City Commission generally passed the annual budget with the advice of the City Manager; therefore he would like his advice regarding the proposal.

William B. Harriss, City Manager, replied that while there was no doubt that the State would stop funding, there was no way to know how much at that point, but there were options. He explained that the current level of service provided to the taxpayers could only be altered by the City Commission, but any additional service had to be paid for. He stated that the proposal would represent an increase in the level of service and would require funds. He said that taxation power for the service was at the discretion of the Commission. He stated that it was a question of priorities, and if it was important to the Commissioners it should be done. He said that he could envision the advantages of having the NCO for quality control and to verify City production. He said that he supported the increased level of service, but it was too early in the budget process to determine the viability of the proposal without affecting ad valorem taxes.

Mayor Gardner pointed out how the NCO facilitated the public.

Mr. Harriss agreed that the quality of citizen involvement at City hall had improved; however, he was not certain how much he could quantify that improvement or how it would save dollars. He concluded that it was the Commission's decision.

Mr. Rooks stated that the central component of the proposal was the coordinator, but the telephone would require a receptionist position, which had been approved in January. However, he said the steering committee had not filled the receptionist position, instead they had involved more residents.

Mayor Gardner emphasized it was his opinion that there were far more than twenty people involved in the proposal. He said that the proposal was a quality not quantity matter; moreover, it was something the community required. He said that in spite of the threat of limited funding from the State, he heard the people supporting a move forward with the proposal for quality of life. He stated that by having the people involved in government a lot of the future City government problems could be resolved before they became an expense.

Commissioner Jones noted the affect the state budget cuts would have on the City, but said he felt the City could weather the situation. He stated that the NCO was a means of getting ahead of the curve, but he envisioned some modification to the proposal. He noted that he supported getting the NCO going, but he suggested reducing the budget to \$28,000 rather than \$41,000. He commended the volunteer effort, and said that he was in favor of hiring a coordinator and continuing to utilize volunteers for the balance of the budget year. He said that after a time if the program was too costly the Commission could reconsider the matter.

Commissioner Lennon stated that the Commission had already approved \$25,000 for the NCO.

Mr. Harriss clarified that the proposal was a modification of the \$25,000 budget for a receptionist resulting from the steering committees work. He said the \$25,000 would be combined with the current proposal.

Commissioner Burk questioned whether the coordinator and receptionist positions were meant to be full-time positions, and the response was affirmative. She questioned the salary without benefits.

Mr. Harriss replied that the coordinator's salary was \$32,000 and the receptionist's was \$18,000.

Commissioner Burk noted that when comparing the current salary base for City employees a salary of \$32,000 for a coordinator seemed high.

Mr. Harriss stated that if the coordinator was to be proactive to establish neighborhood associations with the existing council plus talk with the public after hours etc., the position would require a unique person.

Commissioner Burk noted that the City had yet to establish that the NCO office required a full-time coordinator or needed to be staffed eight hours daily. She said that it did not make sense to go from zero employees to two full-time employees in the office.

Mr. Rooks noted that the office had been staffed with volunteers.

Commissioner Burk questioned why they could not continue with volunteers.

Mr. Rooks noted that the volunteers had started the program; however, it was hard to count on volunteer for the long-term.

Commissioner Burk suggested that the next step should be a part-time receptionist with set hours to answer the phone and log them to establish a need for the office. She said there might not be any calls.

Mr. Rooks noted that until the NCO instituted certain things telephone calls would not be a good measure of the need for the office. He said they believed that a receptionist was not the position to launch the concept of the NCO.

Commissioner Jones said the volunteers had established the by-laws etc., but it was time for a major force to walk the streets to be involved with the community and get involved with technical assistance. He added that could not be done with volunteers.

Commissioner Burk suggested that the position could be part-time.

Mr. Rooks said that was a choice, but the coordinator position was a priority.

Commissioner Lennon questioned where the grants were supposed to come from.

Mr. Rooks replied that if the grants had merit they would come from the City.

Commissioner Lennon stated that the NCO wanted the taxpayers to form the grants.

Mayor Gardner noted that local associations were the taxpayers.

Mr. Rooks said that in the future there might be other grant sources.

Commissioner Jones clarified that the NCO needed someone to make it work,

and they were not asking for a lot of money for the current budget year. He suggested that they move forward with a decision.

Commissioner Crichlow agreed and recommended that the Commission approve the proposal and find the money, because it was a worthwhile endeavor that would benefit the City enormously.

MOTION

Commissioner Jones MOVED to authorize a budget that included a full time coordinator and the other necessary expenses to run the NCO for the balance of the current budget year. Commissioner Crichlow SECONDED the motion.

Mr. Jones said that he was suggesting a full-time coordinator, or splitting the position between a half-time coordinator and a half-time receptionist would be fine, but the Commission was authorizing a full-time coordinator and necessary expenses for the balance of the current year.

Commissioner Burk stated that she would support the motion, but she wanted the office staffed a set number of hours, so the citizens would be secure in the hours of business.

Mr. Harriss agreed and stated that the request should be easy to honor.

Commissioner Jones stated that the office should be staffed eight hours a day between the coordinator and volunteers.

Mr. Rooks affirmed that the volunteers would continue.

VOTE ON MOTION

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

NAYES: Lennon

MOTION CARRIED 4/1

6. ITEMS BY CITY ATTORNEY

6.A/ Appointment of a representative to attend the Richard Davis v. City mediation hearing.

Mr. Wilson explained that one Commissioner had to take part in the mediation to monitor the situation and report to the Commission.

Commissioner Jones volunteered to represent the City in the mediation.

MOTION

Commissioner Crichlow MOVED to appoint Commissioner Jones to attend the mediation. Commissioner Burk SECONDED the motion.

VOTE ON MOTION

AYES: Crichlow, Burk, Jones, Lennon, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

Non Agenda Item – Tim Ford Lawsuit

Mr. Wilson reported that Tim Ford, whose appeal had been denied by the Commission, had filed a lawsuit challenging the City's denial to build a bulkhead in the subdivision he was developing. He stated that the City had been served, but there was no need for the City to take immediate action.

7. BY CITY CLERK

(None Scheduled)

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

8.A. Preview of upcoming Commission meetings.

8.B. Consideration of Release of Liens on Unit Connection Fee Mortgages.

8.C. Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 42 San Marco Avenue.

8.D. Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 231 San Marco Avenue.

Commissioner Crichlow requested a discussion on Item 8.C.

Mayor Gardner noted that the resident who submitted the appeal for 231 San Marco Avenue did not live in the vicinity of the hotel, but felt that parking in a residential area was inappropriate. He added that residents should have a voice regarding the City whether or not they live in the vicinity of a situation they did not agree with.

Commissioner Crichlow stated that the appeal for 42 San Marco Avenue was submitted by a resident, and he suggested rescinding the appeal fee as confusion had been experienced by PZB regarding the matter. He explained that the developer had cooperated with the neighbors and the City; however, when the matter of the fence went before PZB the board had required a masonry wall that would not fit into the developer's budget; therefore, the developer intended to rescind his cooperation, as his original plans complied with the City Code. He noted that it was an internal problem that the resident should not have to pay for.

Commissioner Lennon questioned why it was an appeal and not simply going back to PZB.

Commissioner Crichlow stated that because the PZB had made a decision the only way to reverse it was through an appeal; whereupon, the matter could be remanded to the PZB. He noted that the PZB had thought they were making a good decision, but the board had not been aware of the total situation.

MOTION

Commissioner Crichlow MOVED to approve Items 8.A. through 8D. on the Consent Agenda. Commissioner Jones SECONDED the motion.

VOTE ON MOTION

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

MOTION

Commissioner Crichlow MOVED to rescind the application fee for Item 8.C. and return the fee to the applicant. The motion was SECONDED by Commissioner Lennon.

VOTE ON MOTION

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

9. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Lennon – Plaza

Commissioner Lennon stated that the grass in the Plaza was being destroyed by the vendors. He suggested raising the vendors permit from \$2.50 daily to \$15.00 daily for use of the market area and \$25.00 on the grass. He said the cost would cover maintenance of the grass, and the taxpayers would not get stuck with it. He said that if vending in

the Plaza was so good the vendors should be able to afford the increase for the permit.

Mayor Gardner questioned whether the City had spread mulch over some of the grass area.

Mr. Harriss replied that he had not seen the area the Mayor was referring to, but there were some areas where they could not get grass to grow. He said they had considered covering some of those areas with concrete to try to keep the vendors off the grass. He stated that currently the market area was not open to vendors; however, there was no particular reason. He added that currently they rotated the vendors to try to protect the grass.

Commissioner Crichlow stated that he would not be in favor of concreting areas for vendors, but there was an area on the east side of the bandstand that never had grass, and he recommended presenting the matter to HARB for some type of surfacing. He noted that he had checked with Dr. Adams to be certain that his suggestion would not interfere with any historic City plan.

Commissioner Jones suggested viewing the Plaza as a total plan. He suggested redoing the entire Plaza to create a living Plaza. He recommended utilizing the market area, and if the City could legally charge more for permits he would support the increase.

Mr. Harriss stated that currently the City charge was only a portion of the administrative fee, but he was not certain of the total cost.

Mr. Wilson said that the City had a situation between speech related activities and commercial activities. He said if the activity was not for profit, religious, political organization, or a free speech activity no fee was required. He

said that vendors selling a product paid a fee, and the fee was meant to cover the administrative cost, but not the market value for renting the space. He said taking vending off St. George Street had never gone to Federal Court, as the ordinance had been found valid. He said that they could probably eliminate purely commercial activity from the Plaza altogether, if the activities were properly defined and they could trust the administration to make the determination. He noted that a mistake could cost \$25,000 in court. He said that currently no one was eliminated from the park, and the charge was nominal. He stated that it was difficult and sometimes the difference between freedom of speech and expression and commercial speech had to be determined in court. The amount charged for use of the entire park was questioned.

Mr. Williamson replied that the charge was \$150.00 for the day.

Mr. Wilson noted that the fee could not possibly cover the cost of replacing sod. He said that if they changed the fee structure for day vendors the change would have to be reflected in all aspects for use of the Plaza.

A discussion continued, and it was determined that permit costs would be researched and the results brought before the Commission at the subsequent meeting. ²

Commissioner Jones - Town Hall Meeting.

Commissioner Jones announced that he would be conducting a Town Hall meeting at the St. Johns County Public Library on Wednesday, April 23, 2003, from 6-8 p.m.

Commissioner Crichlow - Blessing of the Fleet

Commissioner Crichlow commended Paul Williamson and staff for their efforts to make the blessing of the fleet a successful event.

Commissioner Crichlow stated that there was an upcoming seminar on historic preservation that he wanted the City Attorney to attend.

Mr. Wilson replied that attendance for the seminar was under consideration.

Commissioner Crichlow questioned how the City Clerk was healing, and he was informed that she was healing well. The Commissioner wished her a speedy recovery.

Mayor Gardner - Royal Family

Mayor Gardner recognized the members of the royal family.

Mayor Gardner noted that as a tourism based economy the average salary was \$8.00 an hour in St. Augustine, but to afford a modest two bedroom apartment one needed to be earning \$13.00 an hour. He invited ideas to remedy the situation.

Commissioner Crichlow questioned whether the City could conduct a daily flag raising re-enactment.

Dr. William Adams, Director, Heritage Tourism, replied that he was in the process of making application to the Tourist Development Commission to fund a program for the nightly changing of the guard ceremony and reinstatement of the Spanish Night Watch.

Mr. Williamson said the application that the TDC was considering would help fund the re-enactment of the Spanish Night Watch beginning the third

² End of audio tape one

weekend in June and the subsequent ten weekends.

Mayor Gardner stated that the re-enactors were enjoyable; moreover, he wanted the public to be aware that the enactors were volunteers. He suggested that to encourage more re-enactments they needed to consider the costs involved.³

Sebastian Inland Harbor

Mayor Gardner stated that it was time to take positive action on the Sebastian Inland Harbor project. He said the Port Waterways was developing a River Walk Plan to tie into the proposed marina, the Parking and Traffic Committee was recommending temporary periphery parking in the location, Flagler College demonstrated willingness regarding a parking garage and might consider building a dormitory in the location, and in March the Florida Trend magazine reported that the luxury hotel market was surging. He pointed out that Super Bowl 39 was only 22 months away. He submitted a plan for the Sebastian Inland Harbor project containing two parking garages, a hotel, residential and retail space, dormitory, marina, a waterfront park and a river walk. He stated that he had no idea whether his suggestions could fit in the location. He said that the Commission had to consider whether to seek bids for total development or individual parcels and whether there would be a real estate commission offered. He stated that it was time to begin development of the project to gain a return on the City's investment.

Commissioner Crichlow agreed that the project required attention. He said that he had received expressions of interest from several potential developers. He

suggested that parking garages and dormitories might discourage some developer's interest. He recommended that those aspects of the development be a consideration but not a demand for development. He suggested that staff let them know where to begin.

Commissioner Jones agreed that it was time to move forward on the project as the land was valuable. He suggested that they could make developers aware of what the City would like without making those elements mandatory. He said that the question was whether the project would be developed by one developer or whether the City should market individual parcels. He stated that the City needed a hotel with a convention center to accommodate small conferences. He said that he was open to any suggestions to get the project going.

Commissioner Lennon stated that the last proposal the City had made for the project was perfect. He noted that any property that Flagler College used for a dormitory would not be on the tax roll. He suggested reviewing the former proposal as it was a great package.

Commissioner Burk noted that the previous developers intended to sell-off the hotel site. She suggested that the City establish the hotel site and sell it to a hotel developer. She added that she would like the City to develop and operate the marina, as they had been successful with the City Marina; moreover, it would be a benefit to the taxpayers. She suggested that a parking garage by the water was not the best use of the property.

Commissioner Crichlow suggested that they create an attractive package to present to developers but remain flexible.

Mayor Gardner said that the development would be part of the King

³ A brief recess from 6:50 until 7:10 p.m.

Street entrance corridor, which would require coordination. He said that the parking garage or garages had to accommodate more than the occupancy of the site to provide periphery parking for the City. He said that Flagler College was considering putting the new dorm on Iberia Street rather than Cedar Street, and they might be willing to cooperate with the City financially for construction of a parking garage. He speculated that the property on Cedar Street might go back into the private sector and the tax rolls. He stated that the City had over \$4 million dollars in bonds that the Commission needed to make a decision about soon. He said that most developers wanted to do what worked best for them; however, they needed what worked best for the City including a waterfront park. He said that he was not certain where to begin.

Mr. Harriss stated that he had been working on the project since 1987. He said that initially they had offered commission when selling the property themselves, but the last option had been to sell the entire site to one developer. He said that there were covenants and restrictions connected to the site that provided the Commission with flexibility as to how the site would look. He recommended that the Commission decide how they wanted the site developed and whether they wanted one developer or to break the property into parcels with different developers.

Commissioner Crichlow requested copies of the previous Request For Proposal for the Commission's review. He suggested that the Commission list what they envisioned the project doing for the City. He suggested that one developer handling the project would be most favorable.

Commissioner Lennon said that keeping parcels for City use would keep the property off the tax rolls.

Commissioner Jones suggested that they schedule a workshop as soon as possible to continue the discussion.

Mayor Gardner said the workshop regarding the street performers, busking, would be held on Wednesday, May 7, 2003, beginning at 4:00 p.m.

Commissioner Lennon stated that he would not be able to attend the workshop.

It was suggested that they have the workshop for the San Sebastian Inland Harbor the week of April 28th or May 12th.

Mr. Wilson stated that on May 12th there would be a shade meeting regarding a lawsuit, and perhaps they could have the workshop following that meeting.

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

(None Scheduled)

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

11. A/ Resolutions

11.A.1/ Consideration of Resolution 2003-06, granting an Ad Valorem Tax Exemption for Historic Properties located at 24 Cathedral Place and approval of Historic Preservation Property Tax Exemption Covenant.

Mark Knight, Director, Planning and Building Department, said the historic property tax exemption was granted toward historic property improvements. He said the improvements were reviewed by HARB for historic integrity and when approval was granted the applicant would also have to return to HARB for certification of completion; whereupon,

the matter would go before the Commission for approval. He said the exemption only applied to the increased and assessed value associated with the improvements made under the HARB guidelines.

Commissioner Lennon said the exemption was working precisely as the Commission had intended; moreover, he supported the resolution.

Mayor Gardner questioned the value of the improvements.

Mr. Knight said the value was determined by the property appraiser's office and would provide a small tax relief for five-years.

MOTION

Commissioner Lennon MOVED to approve Resolution 2003-06. Commissioner Burk SECONDED the motion.

Commissioner Crichlow questioned how long the covenants lasted, and he was informed five-years also.

VOTE ON MOTION

AYES: Lennon, Burk, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B/ Ordinances – First Reading

(None Scheduled)

11.C/ Ordinances – First Reading – Public Hearing

(None Scheduled)

11.D/ Ordinances – Second Reading – Public Hearing

11.D.1/ Public Hearing – Ordinance 2003-10, adding Single Family Dwellings as a Permissible Use by

Exception in the RGO and RGO-A Zoning Categories.

Mr. Knight explained that Mr. Thompson had a developer that wanted to construct a single family development south of SR 312, but the area was not zoned for single family. He said that the matter had gone before the PZB, and the board recommended approval.

Commissioner Burk questioned whether the single family construction setbacks would apply.

Mr. Knight stated that RGO and RGO-A categories had a 10-foot side and rear setback and a 15-foot front setback.

Commissioner Burk questioned whether the Commission should define the setbacks for single family in RGO and RGO-A.

Mr. Knight said the Commission could do that.

Commissioner Crichlow questioned the set backs for RS-2.

Mr. Knight said the setbacks were 20-feet in front and 15-feet on the side and rear.

Commissioner Burk stated that the Ordinance would create a right to a lesser setback requirement.

Commissioner Crichlow stated that RS-1 was more restrictive.

Commissioner Burk suggested that the exception contain RS-1 setbacks. She questioned the density of the proposal.

Mr. Knight replied that it was under settlement agreement with the State of Florida limiting the total to 455 units. He said it was his understanding that the portion the developer wanted to

construct could hold 275 units, but the developer intended on platting 100 units.

Mr. Harriss stated that the ordinance did not address density.

Commissioner Burk stated that she did not want a dense development against the wetlands, which could happen if they did not establish the setbacks

Mr. Knight noted that the project was good and the property was zoned half CM-2 and half RGO-A.

Mayor Gardner opened the public hearing.

Ron Brown, 66 Cuna Street, representing Paul and Pierre Thompson, stated that there were wetlands adjacent to the property in question, but there were uplands within the confines of the property that were appropriate for development. He said that all ordinances and regulations of the City concerning land use applied to the property. He said that the setbacks could not be changed beyond what was allowed by the land use unless there was a variance granted with hardship indicated. He said that there were limited setback requirements in CM-2 that would be allowed with residential uses of that portion of the property, and the property in question was both CM-2 and RGO-A. He said the purpose of the ordinance was to bring consistency to the application of the land use for RGO and CM-2, which were similar. He pointed out that the single family exception before the PZB and also before the City Commission on appeal would control the uses.

Mayor Gardner questioned the setbacks.

Mr. Brown stated that the Thompson's would have no reason to ask for a change in setbacks for RGO; moreover, doing so would require a variance.

Commissioner Burk noted that the Commission was being asked to change an ordinance to accommodate a development. She suggested that the Commission amend CM-2 for residential setbacks also.

Jim Young, Young Land Group, Jacksonville, said they currently had the property in question under contract. He said they had plans to develop a private gated community yielding 80-100 single family homes priced between \$500,000 and a million dollars. He said that there were current entitlement rights for approximately 275 condominiums, but they wanted to create a less intensive use. He said that CM-2 had a 10-foot side yard setback for single family residential use by exception. He stated that it was their idea to have 10-foot side yard setback throughout the project, and if the setbacks were increased to 15-feet the project would have to be reduced to 60-70 units.

Commissioner Burk stated that a developer's job was to construct as many units on property as they could, and the Commission's job was to maintain perspective.

Commissioner Crichlow questioned how many single family units could be constructed on the RGO property.

Mr. Young replied that 80-100 would be the maximum number of units that could be constructed on the property.

Mayor Gardner questioned the total number of acres they were dealing with.

Paul Thompson, 83 Comares Avenue, replied that there would be 15 acres of the property remaining on the south side. He said that combined with the CM-2 site the situation would allow 455 units.

Commissioner Crichlow stated that it seemed like a reasonable request, and he would prefer a single family residential development as opposed to a more intense use.

Mayor Gardner closed the public hearing.

Commissioner Burk suggested making residential by exception with setbacks consistent with RS-1 zoning and a variance could be granted for residential setbacks consistent with RS-2 zoning.

Mr. Wilson noted that a variance would be technically impossible, as on vacant land people could not meet the restrictions. He noted that variances were a relief from ordinances and were one time events only.

After further discussion it was determined that the setbacks would be consistent with RS-2, and if exception was granted the height would not exceed 35-feet.

MOTION

Commissioner Crichlow MOVED to amend Ordinance 2003-10 to include that height would not exceed 35-feet and the setback would be consistent with RS-2. Commissioner Lennon SECONDED the motion.

VOTE ON MOTION

AYES: Crichlow, Lennon, Jones, Gardner

NAYES: Burk

MOTION CARRIED 4/1

MOTION

Commissioner Crichlow MOVED that Ordinance 2003-10, as amended, 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. 2003-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTIONS 28-165 AND 28-167 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ADD SINGLE-FAMILY DWELLINGS AS A PERMISSIBLE USE BY EXCEPTION IN THE RESIDENTIAL AND GENERAL OFFICE (RGO) AND RESIDENTIAL AND GENERAL OFFICE-A (RGO-A) ZONING CATEGORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Lennon, Jones, Gardner

NAYES: Burk

MOTION CARRIED 4/1

11.D.2/ Public Hearing - Ordinance 2003-11, amending the land use from Public/Semi-Public to Residential Low Density Mixed Use relative to property located at 11 Tremerton Street.

Mr. Knight was sworn and stated that Ordinances 2003-11 and 2003-12 were to amend the future land use map and amend the PUD ordinance connected to the property. He explained that the property in question had formerly been associated with Flagler Hospital. He said that the property had been designated public/semi-public because of the association with Flagler Hospital, and after the hospital had been sold the property retained the designation. He said that subsequently a developer had requested a rezone to PUD while maintaining the land use designation to install the nursing/assisted living facility. He said that recently the property was for sale, but all interested buyers were discouraged because the use had to be government related, hence the

request for change of land use to single family, multi-family, nursing or assisted living facilities, which consequently waived the right for height over 35-feet. He noted that the request relieved the neighbors concerns. ⁴

George McClure, 170 Malaga Street, introduced Karen Taylor, a land planner, to the Commission. He noted that the entire south end of Tremerton and Marine Streets had been primarily community use with hospital and doctors offices; therefore, it had made sense to zone it a public, semi-public area. He read the definition of public, semi-public. He said that after the hospital left a PUD was passed to include hotel and a variety of uses inconsistent with the designation. He said that when the Baypointe Condominiums were developed there was an amendment to the Comp Plan to designate that portion of the site medium density residential allowing 16 units per acre. He said that for some reason the property in question was left out of the correction to the land use map.

Mr. McClure said the property north was residential low density, which was 8 units an acre and exclusively single family. He said to the south it was 16 units per acre and multi-family was allowed. He said that his client was asking for eight attached units per acre.

Mr. McClure said that when the matter went to the PZB the board expressed concern that the low density mixed use allowed low intensity commercial, institutional, recreational and open land. He said the concern had been that someone might open a restaurant in the location, which would be unacceptable to the neighbors. He said the board was also concerned that no zoning classification existed in the PUD to allow 35-foot height, but the comp plan

classification allowed an applicant to ask for up to 50-foot height. He clarified that the only uses his client would be entitled to would be multi-family and single family residential, and his client waived any right to commercial use as well as exceeding 35-feet.

Mr. McClure noted that the doctors building had been vacant for some time, and it was not in good shape. He said that his client's project would alleviate the eye sore and provide assurance to the neighborhood.

Mayor Gardner questioned the height of Views at Baypointe, and he was informed 35-feet. He questioned whether they had made any assurances to the neighbors that the project would only be two stories, and the response was no. He questioned how there was a transition.

Mr. McClure replied that instead of 16 units per acre they had scaled the project back by half. He said the lot coverage and mass of the structure was less, and the density was consistent with what existed north of the property. He said that height was the same on either side of the property in question.

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

Commissioner Crichlow stated that the reduction to eight units per acre was a good transition from 16 units per acre. He said that the one concern he had was that eventually docks would become an issue. He said that at the price of the land and the units, perspective buyers would want to be able to dock their boats.

Commissioner Lennon stated that was not the subject currently before the Commission.

⁴ End of audio tape two

Commissioner Crichlow agreed but questioned whether they could address the subject at that time.

Mr. Wilson noted that in the absence of the developer such an agreement might not be enforceable, plus it was not the subject of the ordinance.

Commissioner Burk questioned whether the applicant would agree not to apply for a dock in the future.

Mr. McClure replied that he did not believe his client could make that agreement, because a PUD required a site plan but his client was not planning on developing the property, plus the PZB was planning a workshop regarding dock applications. He said that he hoped the standards for docks would begin to develop and make the public aware of the boundaries.

Mayor Gardner said that it was his understanding that PUD applications were recommended by the PZB and went to the City Commission for approval or denial, and future modifications were determined by the City Commission not the PZB.

Mr. Wilson replied that any modifications would require the recommendation of the PZB except when the board's decision was appealed to the City Commission. He said there might be details solely within the purview of the PZB except in the incidence of the ordinance being amended. He said there might be changes that impacted the elements of the PUD that would have to be done by ordinance, thereby ultimately decided by the Commission.

Mayor Gardner questioned how the PUD in question was being amended.

Mr. McClure explained that the existing PUD allowed only the adult congregate living facility. He noted that his client

had not applied for the PUD, and a PUD was intended to be a limiting document. He said that if the Commission was to approve the land use without amending the PUD it would be contrary to what the neighbors wanted, as it would mean the buyer could construct a 50-foot tall restaurant. He said the amendment to the PUD prevented that situation. He said the PUD clarified that the developer could construct single-family, multi-family at eight units per acre, no commercial construction, height limitation of 35-feet, and any design had to be approved by the PZB.

Commissioner Burk stated that if the Commission approved the amended PUD it would be consistent with the development plan narrative.

MOTION

Commissioner Burk MOVED that Ordinance 2003-11 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. 2003-11

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 LYING EAST OF THE INTERSECTION OF SOUTH STREET AND MARINE STREET, CONTAINING APPROXIMATELY 1.58 ACRES IN THE CITY OF ST. AUGUSTINE, FROM PUBLIC/SEMI-PUBLIC TO RESIDENTIAL LOW DENSITY MIXED USE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Lennon, Jones, Crichlow, Gardner

NAYES: None
MOTION CARRIED UNANIMOUSLY

11.D.3/ Public Hearing - Ordinance 2003-12, amending the Planned Unit Development (PUD) relative to property located at 11 Tremerton Street.

MOTION

Commissioner Burk MOVED that Ordinance 2003-12 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. 2003-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, NAMING THE CORAL LANDING SEASIDE PUD AND AMENDING THE TERMS AND CONDITIONS OF THE PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gardner questioned whether the 50% lot coverage was higher than normal for the area.

Mr. McClure said the property to the north was residential low density with no limitations for the percentage of lot coverage. He said the property to the south had 35% limitation for lot coverage. He requested that the 50% lot coverage be allowed considering the 35-foot height limitation with the proposed 12 units. He noted that they also had to meet the Water Management District and the City's concurrency ordinance for stormwater retention.

Commissioner Jones questioned whether the community was intended to be gated.

Mr. McClure replied that it would possibly be townhouses.

Commissioner Jones questioned whether they intended on using the type of fence that Bayview had used.

Mr. McClure replied they did not anticipate that, as the project was smaller and had fewer units.

VOTE ON MOTION

AYES: Burk, Lennon, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.4/ Public Hearing - Ordinance 2003-13, amending the St. Augustine Municipal Firefighters' Pension Trust Fund.

Mr. Harriss explained that the item had been requested by counsel to the Firefighters' Retirement Board. He said the changes were the result of changes in the Federal and/or State law. He said the Ordinance had been reviewed by the City's pension attorney who agreed that two of the seven items requested were necessary. He concluded that there was no monetary impact as a result of the changes.

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

MOTION

Commissioner Burk MOVED that Ordinance 2003-13 be placed on second reading, read by title only and approved. Commissioner Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2003-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-205, MAXIMUM PENSION; AMENDING SECTION 20-214, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.5/ Public Hearing - Ordinance 2003-14, relating to residency requirements for City board members.

Commissioner Crichlow explained that the ordinance required that the members of the Planning and Zoning and Historic Architectural Review Boards be residents of the City. He said that upon research it was apparent that other Cities had the same requirement. He stated that it was the right thing to do, because the majority of the City residents wanted to be in control of their own destiny. He said residents did not appreciate people who lived outside of the City making decisions that would affect residents.

Commissioner Lennon questioned who those people were.

Commissioner Crichlow replied that they were residents of the City.

Commissioner Burk agreed.

Commissioner Crichlow stated that citizen's boards should consist of residents of the City.

Mayor Gardner opened the public hearing.

Fred Canevari, 41 Valencia Street, stated that he agreed with Commissioner Crichlow, as having an outsider tell one how to live was tough. He suggested taking the ordinance one step further and require HARB members to live within the historic districts.

Gina Burrell, 27 Seminole Drive, spoke in support of the ordinance and strongly urged the Commission to approve it.

Karen Harvey, 6 Flamingo Drive, read a letter from the Citizens of the Preservation of St. Augustine Organization to the Commissioners, which indicated support of the ordinance to assure the highest quality of life in the City.⁵

Wilton Rooks, 151 Santa Monica Avenue, stated that he could not find a good reason not to support the ordinance. He said that a non-resident would only bring their head to an issue, but a resident would bring their head and heart to an issue, which he considered a good combination for decision making.

Michael Pounds, 63 Willow Drive, indicated that he owned businesses at 21 Orange Street, 105 St. George Street and 148 St. George Street. He stated that if the Commission supported the ordinance they would be making a mistake as the proposal restricted membership to City residents and excluded commercial property owners. He said the City was unique and entertained 3.5 million visitors and more a year. He said that managing the City was a daunting task,

⁵ Letter attached to original minutes

and it was not fair for the City residents to bear the burden nor did he think it was possible. He suggested that the City needed all the help they could get including the 65,000 residents of greater St. Augustine, all the residents of St. Johns County, citizens of the State of Florida and the Federal Government on a national level. He suggested that an enlightened organization would try to increase the pool of talent not narrow it. He stated that the ordinance cast him as a second class citizen, while he spent the majority of his time working within City limits. He said that the Commission was sending a powerful message to the business community suggesting that the business person's voice did not count. He concluded that it was tantamount to taxation without representation, and he questioned what had happened to a private/public partnership.

Theresa Segal 126 Onieda Street, stated that she strongly supported approval of the ordinance. She said that there may have been a time that residents were not volunteering to serve on boards; however, recently there was a long list of residents that were eager to serve.

John Danahy, 101 Oglethorpe Boulevard, noted that the budget for NCO office indicated that St. Augustine was a City of neighborhoods in organization, development, interest and participation, similar to family. He said that the public was not welcome to his family discussions; therefore, the people outside of City limits had no business in City discussions. He said to imply that those within the City limits did not have the capacity or competency to provide the City with service and experience was demeaning to the residents. He stated his support for the ordinance.

Virginia Whetstone, 287 St. George Street, stated that she lived within the historic district of the City; however, she felt that the Commission was being

narrow sided on the matter. She supported resident's participation, but she suggested that the Commission needed to recognize where the City was getting the tax dollars. She said a large percentage of the tax dollars were the result of commercial properties that did not have the 3% cap that residents had. She stated that the ordinance left out business owners who truly cared about the City. She suggested that to serve on a board the applicant must be a resident of St. Johns County or a resident of St. Augustine or own commercial property within the City limits. She said that people who owned property in the City would not want to do anything damaging to the City. She requested that the Commission modify the ordinance.

Mayor Gardner closed the public hearing.

Commissioner Lennon stated that the ordinance was a large injustice and Ms. Whetstone had spoken wisely. He said there were many people in the community that owned property in the City but did not reside within City limits. He said the ordinance would open the boards to Flagler College students who were generally transient.

Mayor Gardner questioned whether people renting apartments in the City qualified for residential purposes.

Mr. Wilson replied that they would, as they simply needed to be registered voters.

Commissioner Burk stated that it just did not make sense to have non residents serving on boards. She said that she had been shocked to find out that residency was not a requirement to serve on a board. She said the current Commission had proved there were plenty of qualified people wanting to serve that lived within City limits.

Commissioner Crichlow pointed out that the Commission was not trying to exclude the commercial community from serving on boards. He said that each board required representation from the business sector, but the Commission was requiring that business representatives live within the City limits. He stated that a solely business oriented person would make different decisions than a resident.

Commissioner Lennon referred to Flagler College and questioned whether Commissioner Crichlow considered college students qualified to serve on the boards.

Commissioner Crichlow stated that he did, and he advised that the other communities' research could not be wrong. He said the City had been making a mistake for a long time, and it was time to correct that mistake.

Commissioner Jones said that he had been considering the matter for a number of months. He said that initially he was not certain that they should limit the boards to residents. He said that some people did not live in the City because they could not afford to or there was no suitable housing, and some people simply chose not to live in the City. He stated that he had received a great deal of feedback from residents of the City, they had spoken clearly, and the majority felt that residents should have rights that exceeded non-residents. He said that while everyone cared about the City there was a time when the will of the residents must be done; therefore, he would vote in support of the ordinance.

Mayor Gardner noted that letters from the residents communicating their desires for the City had worked. He said that St. Augustine was a small City in a large community with a passion for and expertise to help the City of St. Augustine, and that had been his reason

for believing non-residents should be considered for service on City boards and committees. However, he had also heard from the citizens of the City. He noted that although they would not have a vote, non-residents were not being barred from contributing.

MOTION

Commissioner Crichlow MOVED that Ordinance 2003-14 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. 2003-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-57 AND SECTION 28-83 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO RESIDENCY REQUIREMENTS FOR CITY BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Burk, Jones, Gardner

NAYES: Lennon

MOTION CARRIED 4/1

Mayor Gardner questioned whether there was a minimum age requirement for service on the boards or committees.

Mr. Wilson replied that he did not believe there was a requirement beyond being 18 years old.

Mayor Gardner stated that he had attended a youth gathering the previous day and his observation was that the youth in St. Augustine were smart and could become a part of the process

rather than being patronized by adults. He urged young adults to make application to City committees and boards.

12.A. General Public Comments (5 minutes per individual).⁶

Fred Canevari, 41 Valencia Street, expressed empathy with Ms. Pacetti and described a situation where visitors had peered in through his windows.

Mr. Canevari questioned the status of his request for a handicap parking space on the bayfront for his horse drawn carriage, and he noted that there was plenty of room for the proposal. He described a situation where the Gamsey Carriage Company had put up a cone to block two parking spaces. He noted that Gamsey had plenty of parking space; therefore, he had parked his buggy in the coned space. He requested space on the bayfront to accommodate the handicapped.

Mr. Harriss replied that Mr. Canevari was a person who stated he was going to "mess with the City" ten years earlier, and he had lived up to his word. He said that Mr. Canevari had run his horse drawn carriage on the streets of St. Augustine without a permit and played games with commercial operations over the years. He said that several judges had found Mr. Canevari guilty on more than one occasion for operating his carriage and violating City laws. He noted that Mr. Canevari had a right to apply for a permit, and he had recently told Judge Tinlin that he was applying for one; however, the City had not received the application to date. He said the code was specific regarding obtaining a permit to operate a horse drawn carriage in the City, and there were no open permits currently available. He said that there was also a special non

refundable \$200 application that Mr. Canevari could apply for, but he would have to demonstrate a need that was not currently being served and how that tour would be different.

Mr. Harriss pointed out that after checking with a number of different engineer groups it was determined that Mr. Canevari's proposed method of loading wheelchairs at a 45 degree angle was extremely dangerous; therefore, his carriage was not recognized by the ADA as compliant. He said to be compliant the carriage would have to be equipped with an electric lift; therefore, the City could not sanction Mr. Canevari's suggestion.

A brief discussion resulted regarding precisely what the ADA required for compatibility.

Mayor Gardner questioned the status of horse drawn carriage permits.

Mr. Canevari stated that he was not getting his three minutes and he was hearing nothing but lies; furthermore, he did not want a license, he wanted to be accommodated as a handicap carriage.

Mayor Gardner pointed out that the City would have to assume responsibility in the case of an accident if his carriage did not comply with the ADA.

Mr. Canevari disagreed that it would put the City in a bad position or that his ramp did not comply with the ADA. He suggested that the City Manager did not know what he was talking about. He added that he had a million dollar insurance policy that he would willingly show them.

Mayor Gardner questioned the status of the special permit.

Mr. Harriss stated that if there was a tour that Mr. Canevari could provide that was not currently conducted and there

⁶ Item 12.A. was heard after Item 12.B.1.

was a demonstrated need, then Mr. Canevari could receive the special permit. He pointed out that currently there was a carriage to accommodate the handicapped.

Commissioner Burk noted that Mr. Canevari's request was similar to her requesting a personal parking space to load handicapped people into her jeep.

Mr. Canevari stated that he was not requesting the space solely for his carriage, just that a space be made available.

Commissioner Lennon pointed out that Mr. Canevari had annoyed the City, harassed the police officers and anyone that tried to convince him that he did not belong on the street with his horse and buggy.

Mr. Canevari objected and stated that the Commissioner thought he did not belong there because he was a north United States, Italian immigrant, and he did not fit into the Commissioner's cracker description.

Commissioner Lennon stated that Mr. Canevari did not have a license to operate, and he continued to harass the police officers by violating the law. He emphasized that he was totally against Mr. Canevari's actions, because he gave the City a bad name. He concluded that Mr. Canevari did not belong on the street.

Mr. Canevari disagreed and stated that he had as much right as Commissioner Lennon had to drive a car. He said that he was asking to be accommodated in order to help people.

Mayor Gardner questioned whether Mr. Canevari would be available 8-12 hours a day if there was a handicap parking space made available to him.

Mr. Canevari replied that he was 68 years old and could only function five hours a day.

Mayor Gardner noted that if they provided a handicap space it would end up a competition between Mr. Chatterton (a legal carriage operator) and Mr. Canevari for use of the space just to prove a point. He stated that he could not see a resolution to the matter. He suggested that Mr. Canevari follow the rules of a special permit and demonstrate a need for his services.

Mr. Canevari repeated that he did not want a permit; he wanted space on the bayfront to load the disabled.

Mayor Gardner noted that if the space was marked as handicapped it could not be used for anything else.

Mr. Canevari said that he would like permission to pull up to the bayfront carriage stand to load his carriage.

Commissioner Burk pointed out that the carriages currently using the bayfront had a commercial endeavor and paid a fee but Mr. Canevari did not; furthermore, the City could not accommodate special requests.

Mr. Canevari said that was fine, but he would continue to operate providing free rides for whomever was interested.

Dave Chatterton, 466 Arricola Avenue, explained that his carriage company did have two parking spaces coned off with permission from the City Financial Service Department, because there was some construction being done on the stand area.

12.B. Presentations (15 minutes per presentation.)

12.B.1/ Presentation by Hildegard Pacetti regarding publications about residential areas. ⁷

Hildegard Pacetti, 305 St. George Street, stated that she had been interested in and working for preservation for many years, and she had considerable knowledge of the residential areas. She stated that on April 4th she had seen a legal notice in the newspaper regarding a bid for a graphic artist to prepare a brochure containing maps of St. Augustine highlighting districts, structures, and sites on the National Register. She said that it was her understanding that the project had begun a year earlier; however, the residents of the HP districts had not been made aware of the plan.

Ms. Pacetti expressed concern for the widespread distribution and promotion of self guided tours of residential areas. She noted that restoration of the HP district homes had been conducted privately and under the auspices of the HARB. She said that the property owners had conducted the restoration for private use and benefit and were not interested in visitors interfering with their privacy. She noted that currently and without encouragement tourists were invading the privacy of residents. She described an incident where tourists had spread a picnic lunch in her yard.

Ms. Pacetti stated that the proposed brochure was too inclusive and based on historic buildings, sites and districts. She noted that the Powder House lot on south Marine Street would be included on the back of the brochure, but it was a vacant lot with a marker. She suggested that attracting visitors to the site was inappropriate. She read a portion of the grant and questioned whether the residents of the HP districts could anticipate hundreds of thousands of

people walking through the historic neighborhoods. She stated that considering the existing parking problems and the narrow streets they could not absorb any further pedestrian or vehicular traffic. She suggested that the whole project was inspired by the Chamber of Commerce to increase the economy through tourism. She said that 40,000 copies of the map were planned with an estimated charge of \$1.00.

Ms. Pacetti said that recently the Historical Society had declared that the subsequent year they would be reviewing the boundaries of the National Register of Historic structures; therefore, the proposed map was premature. She noted that progressively residential parking was replaced with tourist parking. She noted that the Abbott Tract was intended to be in the brochure, but the Abbott Tract was zoned RS-1 and developed in 1830; therefore, the tract should not be included. She said the Colonial period of 1565-1821 should be the focus of St. Augustine for tourism because of the historic significance.

Ms. Pacetti stated that the trains/trolleys dispatched visitor every 15 minutes in front of the Oldest House, and their route provided an interesting overview of the structures on the National Register. She repeated that the HP-1 District could not absorb anymore vehicles, parking or pedestrians. She read the membership form for the Historic District One Association, which served as their mission statement. She stated that the brochure should be limited to public buildings and omit the residential neighborhoods. She stated that human element and the adverse impact on residential areas had not been considered. She noted that in Charleston, South Carolina, the residential areas had been protected from the distribution and sale of maps for walking tours. She pointed out that the map also included Anastasia Island,

⁷ Ms. Pacetti was heard before the general public comments

the Alligator Farm, and the Lighthouse, all of which advertised extensively and were not included on the National Register. She stated that the maps would be the destruction of the HP districts; therefore, she requested that the Commission take the subject under consideration and modify the map. ⁸

Mayor Gardner thanked Ms. Pacetti and questioned whether the grant had been awarded to the City.

Mr. Harriss replied that the City had received the money for the project from the Department of State Historic Preservation.

The Commissioners requested a draft copy of the map for review.

13. Adjournment

There being no further business, the meeting was adjourned at 9:45 p.m. ⁹

MAYOR

CITY CLERK

⁸ Presentation attached to original minutes

⁹Transcribed by Karen Rogers, Recording Secretary