

CITY OF ST. AUGUSTINE

City Commission Workshop Meeting
Monday, June 24, 2002

The City Commission met in a workshop session Monday, June 24, 2002, at 2:00 p.m. in the Alcazar meeting room at City Hall. The meeting was called to order by Mayor Alexander, and the following were present:

1. Roll Call:

Mark Alexander, Mayor/City Commissioner
Raymond Connor, City Commissioner
Susan Burk, City Commissioner
William Lennon, City Commissioner
Henry F. Green III, City Commissioner

Jack E. Cubbedge, Assistant City Manager
James P. Wilson, City Attorney
Mark Knight, Director, Planning and Building Department
David B. Shoar, Chief of Police
Karen Rogers, Recording Secretary

Also Present: Terri Wiseman, Business Manager, Florida School for the Deaf & Blind
David H. Key, Florida School for the Deaf and Blind
Richard Elmore, Florida School for the Deaf and Blind
Tracy Upchurch, Attorney

2. Presentation of the Master Plan for the Florida School for the Deaf and Blind.

Mayor Alexander stated that the intention of the workshop was to listen to the FSD&B presentation and to strike a balance between care for the children of the school, the City, and the surrounding neighborhood. He said that generally there was no public hearing during a workshop; however, in the current situation he wanted to hear from the neighbors. He indicated that speakers would have a three minute limit.

Commissioner Green disclosed that he was a member of the board for the foundation of the FSD&B.

Terri Wiseman extended appreciation for the opportunity to make the

presentation. She indicated that she would use a large map of the campus for visual aid during the presentation. She said that the school was founded in 1885 and currently served 850 residential and day students, as well as serving students throughout Florida with outreach programs. As a result, she said that they had reached the highest enrollment in twenty years, and they did not see the situation decreasing, which explained their expansion.

Ms. Wiseman stated that the campus, a 24-hours a day facility with a normal school year, encompassed over 75-acres with 44 major buildings and numerous outside facilities. She said that most students went home for weekends, but there were a small number that resided on the campus

through the weekend. She said the current full time staff included over 700 employees and approximately 300 part time staff. She said that most of the employees were residents of St. Johns County.

Ms. Wiseman stated that the facilities master plan was certified at least every five years through an educational plan survey. She said the last survey had been completed in 2000, and it encompassed the use and age of the facilities on campus and the proposed direction.

Ms. Wiseman said the issue of Genopoly and Alfred Streets had begun in 1998 when the Azalea Court was for sale. She said the board had determined that the Azalea Court was a safety hazard and purchased the property, which started the purchase of the block. She said they had submitted a facility master plan that encompassed the purchase of the entire block, which extended on the east side to Douglas Street. She said that during the 2000/2001 legislation the school was funded for purchase of the entire block, but during the initial purchase the funding had been insufficient, therefore they had requested and received additional funding. She said that with the exception of one empty lot and one house that was under contract, the school had purchased the entire block. She explained that in the master plan the actual block of property was intended as a new main entrance, security building, and to extend the fencing for the campus, which would keep traffic off the side streets while simultaneously away from the students. She said the plan allowed for additional parking and

independent living homes for seniors and out going students to learn to live alone.

Ms. Wiseman explained that during the interim the Safe Passage Act had encouraged the school to address safety issues within a certain timeframe. She said as a result they had created a limited access area for security purposes, and they were developing a campus wide emergency warning system for heavy storm and tornado warnings that would accommodate both the deaf and blind students.

Ms. Wiseman stated that they had also created their own police office. She said in the past the school had maintained Mutual Aid Agreements with the City and the County. She pointed out that the campus served as an evacuation site for the St. Augustine Police Department. She noted that there were numerous other aspects of the master plan that still had to be completed for safety purposes.

Ms. Wiseman stated that after meeting with City staff they had agreed to submit perimeter plans for review.

Commissioner Lennon stated that citizens in the neighborhood of the FSD&B were justifiably concerned about the schools future development. He questioned the maximum number of students the campus could accommodate.

Ms. Wiseman replied that currently a number had not been established. She said the issue was under discussion with the board of trustees.

Mr. Upchurch pointed out that the FSD&B presented a unique set of issues being the only residential public K-12 school in the state. He said growth in the State of Florida drove enrollment at the school as well as a quality education, which attracted students from out of the state. He said that over 25% of the students were day students because families had relocated to enable the children to attend the school. He added that whatever was current in the educational community could impact the enrollment. He said that federal law had recently changed to allow students with disabilities to stay in schools like the FSD&B until the age of 22. He said the entire State of Florida was dealing with the issue of whether a public school could declare no vacancy. He said the State Board of Education could make that decision, but that had not been the case between the board of trustees of the FSD&B or State Board of Education and the legislature.

Commissioner Lennon pointed out that the schools in St. Johns County declared that when a school was full it was full.

Mr. Upchurch disagreed saying that if the county was zoned for a public school they made space for students, and that was why there were schools in the northern part of the county bursting at the seams.

Commissioner Lennon stated that there were fire and other regulations that would not permit too many students, therefore another school would be built as the need arose. He said that the neighbors surrounding the school had expressed concern that

the FSD&B might try to buy all the neighborhood for further expansion because the government directed them to.

Mr. Upchurch said the restraints were the state funding and the state legislatures decision. He said they could look at other solutions, such as establishing a new school in another location. He pointed out that enrollment was outside the board of trustees purview.

Commissioner Lennon pointed out that the neighbors concerns were legitimate.

Mr. Upchurch stated that hypothetically that was true, but he did not think it was practical or going to occur, as it depended on the funding from the state and legislative response to growth. He added that the growth that was occurring was responding to need of the students of the State of Florida.

Commissioner Lennon voiced the neighbors concern about buying the neighborhood for expansion.

Mr. Upchurch pointed out that the outreach program took some of the pressure off the residential program. He said the power of eminent domain was not granted to the school, therefore expansion was driven by a fair market contract between the property owner and the school. He said the school did not have the ability to unilaterally acquire property.

Commissioner Green questioned whether the school solicited students.

Mr. Upchurch stated that there were many students that did not meet the qualifications to attend FSD&B. He said that the Federal Law referred to as Child Find established an obligation on the part of the educational authorities to seek out children with disabilities.

Commissioner Burk asked how many students were residents Monday through Friday.

Mr. Upchurch said that he assumed it was 75% of 770 students.

Commissioner Burk questioned the breakdown of students.

Ms. Wiseman replied that 770 students encompassed the regular K-12 program and the additional students were served through parent infant as well as outreach programs.

Commissioner Burk questioned how many of the 770 students were residents.

Ms. Wiseman responded that 75% of the 770 students were residents. Commissioner Burk questioned what the population at the school had been 10-years earlier.

Ms. Wiseman said that in 1990 the population had been 369.

Commissioner Connor questioned whether the school accepted out of state students.

Mr. Upchurch replied that the school did not, but there was currently one out of state student. He advised that state law required the school to plan and project the building requirements

and physical needs, and there was a 5-year building plan, which was a public document. He said it was the best projection the school had to determine the physical requirements for need and construction, and he believed there was no indication for the purchase of additional property. He added that the 5-year plan could be amended on an annual basis and periodically it was. He said the 5-year plan only became fixed when the board made a request to the legislature for PECO funding to actually do the construction.

Commissioner Burk questioned how many students the 5-year building plan would accommodate when completed.

Mr. Upchurch said that he did not know, but they could find out for the Commissioner.

Commissioner Burk questioned whether the school was seeking concession from the City for zoning, variances, or permitting.

Mr. Upchurch said that regarding the Genopoly and Alfred Streets he had discussed with the City Attorney the requirements of state statutes as far as the overview of the City upon construction on the property. He said that it was considered that there would be as much cooperation between the two entities as possible. He said the school would submit construction plans along the periphery of the school for City staff to review and comment, as the periphery would impact the neighborhood.

Commissioner Burk questioned whether the school would be seeking building permits from the City.

Mr. Upchurch replied that he did not believe building permits were required by state law. However, he said the plans would be submitted for the City's review. He added that the plan for the block required the vacation of Genopoly and Douglas Streets and that was the City's purview, therefore the City had influence concerning what would happen to that block regardless of state law.

Commissioner Lennon stated that the City did not have the right to ask for permitting.

Mr. Upchurch pointed out that the City did not have that right for any of the schools in St. Johns County, in fact no City in the State of Florida had that right.

Commissioner Burk questioned what the situation would be should the school want to build a 55-story building.

Mr. Upchurch admitted that he did not know the answer to that question, but the school would have that right.

Mr. Wilson stated that the FSD&B was not a traditional school district. He said that schools generally had a right to do what they wanted, but there had to be compliance with the Comprehensive Plan. He said that outside the existing boundaries there was more compliance required, but the statutes were not tremendously clear about how much compliance. He said a new law had been passed in May that might address some of the issues.

Commissioner Burk questioned whether there was another school in

the state that was comparable to the FSD&B. She questioned what a state university would be under.

Mr. Wilson replied that all schools fell under the special statutes.

Commissioner Burk stated that the spirit of cooperation was good; however, if there was disagreement she questioned who would have the final word.

Mr. Upchurch noted that the FSD&B could never build above three stories because of fire and evacuation issues. He said there was a tremendous amount of coordination and cooperation between City and school staff, because of issues such as water and sewer, impact fees, connection fees, and law enforcement agencies etc.

Commissioner Lennon questioned the term *existing* if new property was purchased.

Mr. Wilson stated that to his way of thinking it would be as the campus was presently configured. He said that purchase of the property outside of that perimeter would provide the City more review capabilities.

Commissioner Connor questioned whether there was any existing local agreement with the FSD&B.

Mr. Wilson replied that they had utility and mutual aid agreements.

Mr. Upchurch stated that he was unaware of any interlocal agreements, but it was an available tool.

Mr. Wilson questioned whether the school district had any jurisdiction over the FSD&B.

Mr. Upchurch replied no, the FSD&B was managed by a seven person board of trustees appointed by the governor and approved by the senate.

Mr. Wilson questioned whether it was a separate structure compared to junior colleges, and the reply was affirmative.

Mr. Upchurch pointed out that the legislature went through a significant rewriting of school governments and code; however, the FSD&B had changed very little because the school already had the authority that had been granted to other boards in the State of Florida.

Mr. Upchurch reiterated that the school did not own the entire block, and he referred to the map.

Commissioner Burk questioned which street would need to be vacated.

Mr. Upchurch referred to the northern portion of Douglas Street and all of Genopoly Street, at such time as the school was successful in acquiring all the property. He noted that the purpose of the purchase would be to reroute the entrance road.

Commissioner Lennon agreed with the new entrance for security purposes, and because it would take the bus traffic out of the neighborhood.

Mr. Upchurch stated that most of the buses exited off the causeway.

Ms. Wiseman said there was a loop that went down Genopoly Street and around the campus.

Mr. Upchurch said there were two types of buses at the schools. He said the yellow school buses served the day students and there were long-range buses that transported students on Friday and Sunday.

Commissioner Lennon noted that the neighbors were displeased about the fence the school erected on Nelmar Street.

Mr. Upchurch stated that the fence had been erected as part of the schools requirement to have a secure campus, as the campus was not completely secure. He said that securing the entire campus was an expensive proposition, therefore they had fenced the most visible and easily accessible areas. He said the fence on Nelmar had been erected in an effort to match the aesthetics of the fence along San Marco Avenue, and under state statute the school had the ability to do so. He added that the school had made a mistake, and the fence crossed an un-vacated alleyway. He said that he did not believe the alley had ever been used, and there were two large oak trees in the alley; however, it was City property that should not have been fenced. He added that part of the reason the area had been fenced was in defense of known vagrant activity in the area.

Commissioner Lennon questioned why the school had not shared the intention to put up a fence with the neighbors.

Mr. Upchurch stated that he had not been involved with that decision; however, it would have been appropriate for the school to have met with the neighbors on the issue. He apologized for the oversight of the institution. He said the fence was legal where it was; however, the politics had been handled poorly.

Commissioner Connor questioned whether the City was working with the school regarding the fenced alley.

Mr. Wilson replied that the school had filed a petition to abandon the alley.

Mr. Upchurch said the west end of the alley was open and used by City garbage trucks.

Commissioner Green questioned whether the school was intending to add more buildings to the property they were trying to purchase.

Mr. Upchurch said they intended to add a security facility, and it was the designated site for the independent living facilities for the older students.

Mr. Green questioned whether the zoning left the City once the property became part of the campus.

Mr. Upchurch stated that he had not formulated an opinion of what the interaction would be under those circumstances. He said that from the schools perspective they had to work with the City for the vacation, layout, and construction of the lot allowing the City review, but ultimately they needed the City to vacate the two streets.

Commissioner Connor questioned whether the school was planning to hold neighborhood meetings.

Mr. Upchurch replied that there would be numerous opportunities for interaction.

Commissioner Connor suggested that interaction with the neighbors would be prudent.

Mr. Upchurch pointed out that the meeting was being held at the request of the FSD&B to interact with the City and to hear from the public.

Commissioner Green questioned whether there was any intention for expansion on the President's House property.

Ms. Wiseman said there was no plan currently, although the building would have to be renovated at some point. She said that if the City agreed they would prefer to fence in the remainder of the President's House property.

Commissioner Connor pointed out that the President's house was a historical building, and he wanted to be sure that there would be no other buildings built on the property.

Ms. Wiseman stated that there was no intention in the 5-year plan.

Commissioner Connor emphasized that if any construction were to take place that the site would be subject to an archeological dig.

Commissioner Green expressed concern for the neighborhood if the school were to continue to expand.

Commissioner Connor stated that it was the City's job to tell the Northeast Florida delegates about the situation, because some things might need changing. He said that he understood security, but they were dealing with one of the most gorgeous neighborhoods in St. Augustine.

Commissioner Burk expressed concern that if the school had doubled in ten years what size would the campus be in another ten years. She said it would be foolish to think that expansion would not continue.

Mayor Alexander opened the public hearing.

The following people voiced their concerns around the FSD&B expansion:¹

- Betty Ellis, 36 Macaris Street
- Burt Hodge, 81 Magnolia Avenue
- Paul Weaver, 5 Milton Street
- Cindy Frederick, 8 Nelmar Avenue
- Irene Arriola, 81 Magnolia Avenue
- George Gardner, 57 Fullerwood Drive
- Eloise Hernon, 14 May Street
- Sandy Benley, 7 Nelmar Avenue
- Joe St. Clair, 10 Milton Street
- Virginia Danford, 84 Magnolia Avenue

Some of the concerns expressed by the neighbors were as follows:

- The President of the FSD&B had stated that he did not care what the neighbors thought of the expansion.
- The Collins House was slated to have four structures on the property.

¹ End of audio tape one

- The Governor should be notified of the schools behavior so he could stop it.
- No one should be above the law.
- The neighbors could not win against the school.
- What would happen with the beautiful homes and trees on Genolopy.
- The City would loose the taxes from the property the school purchased.
- The neighbors were terrified about what could happen to their neighborhood.
- The FSD&B was not being a good neighbor.
- The neighbors were ready to fight for the neighborhood, and they were seeking the support of the City.
- The school had grown to its maximum and should look for another site for expansion.
- The City had to protect the neighborhoods.
- The planning by the FSD&B had proven to be unorganized over the years.
- Many of the people who sold their homes to the school were not informed, and they had been frightened.

Commissioner Lennon said that if home owners agreed to sell their homes to the school the City had no choice but to accept the loss of the tax revenue.

Tom Costera, 4517 Meadow Lane, Elkton, stated that he grew up in St. Augustine, played on the FSD&B campus, his family was employed by the school, and as a real estate broker he helped the school purchase some of the property on Alfred and Genolopy

Street. He pointed out that he was involved with the sale of the Azalea Court, and purple carpet barn, which the school had demolished, thereby improving San Marco Avenue. He added that the property owners had benefited monetarily for the sale of their property, and there had been no bullying in the sales. He suggested that the neighbors remain involved and seek historical preservation protection from further invasion into the neighborhood.

Commissioner Burk asked for a show of hands if the audience believed the FSD&B was a good neighbor, and there was no response. She questioned if they thought the FSD&B was a poor neighbor and there was a large showing of raised hands. She suggested that the Commissioners take that reaction to heart.

Ms. Danford stated that at one time they had all been good neighbors; however, recently the neighbors had become suspicious and frightened of the power the school had. She concluded that she was not happy with feeling negative about the school.

Mayor Alexander closed the public hearing.

Mr. Upchurch summarized that no one at the FSD&B was pleased with the situation or the animosity. He said the school had been a wonderful institution in the community, and it served a wonderful population at a high level. He said the school was working on damage control and a way to be sure the situation would not be repeated.

Mr. Upchurch referred to the houses on Alfred and Genopoly Streets and said the Secretary of State's Office had requested the school make provision to relocate the houses. He said the houses would be for sale and preference would be given to buyers who wanted to relocate them in the North City area. He said the Secretary of State had also requested that the school undertake a historical survey for a master historical plan of the existing campus. He said they were receiving bids and working on grants to cover the cost of the survey. He added that the Secretary of State had made those two requests although the position had no authority to require them.

Mr. Upchurch stated that when the school purchased the property it would be taken off the tax rolls. He said the taxes the City would lose was less than \$4,000 annually. He added that the school provided its own law enforcement, paid the fire impact fee, and water and sewer. He pointed out that there had been a concept developed by the original architect in one of the master plans that included removing the Collins House and building independent living facilities on the property. However, the school recognized that was not a good idea and that was why they would be built on the newly purchased property.

Mayor Alexander explained that recently there had been a similar situation at Lighthouse Park; however, organizing meetings between the Junior Service League and the neighbors had alleviated some of the concerns. He suggested that the FSD&B follow that example and work with the neighbors without litigation.

He noted that he did not know how to remedy the situation; however, the City did have control of the streets. He concluded that a dialogue between the school and the neighbors could go a long way with damage control. Commissioner Connor thanked the FSD&B for requesting the workshop and the citizens for attending. He suggested that in the future the school might have to start looking for another site for expansion. He concluded that the FSD&B was the ultimate school of its kind in the nation.

Adjournment.

There being no further business, the meeting was adjourned at 3:40 p.m. ²

MAYOR

CITY CLERK

² Transcribe by Karen Rogers, Recording Secretary