

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
July 28, 2003

The City Commission met in a formal session Monday, July 28, 2003, at 5:00 p.m. in The Alcazar Room at City Hall. The meeting was called to order by Mayor George Gardner, and the following were present:

1. Roll Call:

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

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Randy Hezekiah, Jr., Shiloh Baptist Church presented the invocation, and Commissioner Lennon led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Commissioner Jones stated that after consideration he had determined that Ordinance 2003-20 had a few unintended potential consequences as

currently written; therefore, he requested tabling the ordinance for modification and bringing it back for second hearing during a future meeting. He invited citizens to contact him regarding the matter.

Commissioner Crichlow pointed out that there were numerous citizens in attendance that wanted to speak regarding the ordinance. He suggested having the public hearing rather than making those citizens come back, as their input might be helpful.

Commissioner Jones stated that he would rather have one public hearing, but he welcomed citizens input if they wanted to contact him. He concluded that he did not believe the ordinance, as written, was ready for a public hearing.

Commissioner Burk offered that if they had a public hearing there might be unnecessary discussion about matters that might be resolved with the revisions.

Mayor Gardner advised the public to direct their comments to the City Manager's office for distribution to the Commission.

MOTION

Commissioner Jones MOVED to table Ordinance 2003-20 until September 8, 2003. Commissioner Burk SECONDED the motion.

VOTE ON MOTION

AYES: Jones, Burk, Lennon, Gardner

NAYES: Crichlow

MOTION CARRIED 4/1

3.B/ Approval of Minutes

The minutes of the City Commission Workshop meeting of July 10, 2003 and the Regular City Commission meeting of July 14, 2003 were approved with the following amendment: July 10th workshop meeting, page four, right column Mr. Rumble's name was added.

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

Dennis Mooney, 159 Cordova Street, stated that the proposed expansion of the Westcott House and Villa de Marin was not minor, as it included a commercial addition to the existing Bed & Breakfast and construction of two new

buildings. He said the expansion was irrelevant, but he expressed concern regarding the loss of local control. He said the expansion was the result of a court order, but the owner seemed to think the order freed him from further scrutiny or control by the City. He said that he could not understand why the City had not further appealed the court decision. He suggested that the City had surrendered the authority of the elected representatives to a faceless judge. He said that if the decision was allowed to stand it would lead to other court orders, the authority of the City Government would become irrelevant, and people with money would come to St. Augustine and do whatever they wanted.

Commissioner Burk questioned the status of Judge Weinberg's ruling.

Mr. Wilson replied that the City had appealed Judge Weinberg's ruling to the Fifth DCA, but the Judge's ruling was upheld. He said that the City had gone as far as it could in the court system regarding the matter.

Mayor Gardner questioned whether the court had ruled that the City must grant the PUD as presented to the court or that the Commission should review the PUD.

Mr. Wilson stated that the court had ordered the case back to the Commission to conform to the court order to grant the PUD as it had been presented.

Mayor Gardner stated that it was his understanding that the applicant was going before the PZB for modification to expand the Westcott House and addition of two buildings.

Mr. Wilson said that the PUD had allowed for expansion of one of the buildings. He said there would not be more units than proposed, but it was his

understanding that there had been a request to construct another building.

Mr. Harriss stated that if it was a major modification the request would have to be heard by the Commission.

Commissioner Burk pointed out that Commission review was a benefit of a PUD.

Mr. Wilson added that the modification had been submitted to HARB and ultimately would go before the Commission.

Mr. Harriss assured the Commission that the matter would go through the necessary process.

Commissioner Crichlow questioned whether the court case had been won by the appellant, because the Comp Plan allowed what he had requested.

Mr. Wilson said that might have been one of the issues; however, the PZB had recommended approval of the PUD, but the Commission had denied the appeal.

Commissioner Crichlow questioned whether any action had been taken to amend the Comp Plan to prevent a reoccurrence of a similar situation.

Mr. Wilson said there had been a suggestion to create an ordinance that would prevent PUD's in the HP districts, but he could not recall the end result.

Commissioner Crichlow said that one requirement of the PUD was for off-site parking. He said that he could not find any reinforcement of the requirement, and he wanted to see the agreement from the owner regarding parking.

Commissioner Lennon said that Mr. Graubard had guaranteed the off-site parking in his presentation.

Mr. Wilson indicated that there should be agreements filed with the Planning and Building Department.

Commissioner Crichlow stated that he wanted to be certain that those agreements were on file.

Bob Jones, 45 Carrera Street, again requested that the Commission change the ordinance to allow street entertainers back onto St. George Street or amend the ordinance to allow the disabled to work on the street. He said that a disabled person required activity, and he had moved to St. Augustine because the City allowed street musicians. He said that he did not like working in the Plaza.

Mayor Gardner stated that he could not think of any relief for Mr. Jones currently.

Commissioner Crichlow pointed out that the City could not legally make exception for one person, but they would look into the matter.

5. PRESENTATIONS AND STAFF REPORTS.

5.A/ Staff Presentation regarding the proposed parking facility at the Visitor Information Center.

Jack E. Cubbedge, Assistant City Manager, reported that the City had hired Walker Parking Consultants, local architect Les Thomas and Fred Halback, and they had gone before the Parking and Traffic Committee to obtain criterion for the parking facility at the VIC. He said that the consultants had made a presentation with six concepts to the Parking Committee the previous Thursday, and the committee felt that

the consultants had done an excellent job of grasping the concepts considered important by the committee. He said the Commission had requested that the committee obtain a consultant to provide conceptual drawing for the public to observe and discuss. He requested the Commission's direction to proceed with public input.

Dan Sullivan, Chairman, Parking and Traffic Committee, stated that after presenting the design team and consultant with the committee's ideas the Parking and Traffic Committee had endorsed the conceptual drawings before the Commission. He recommended moving forward with public input meetings. He said that the committee was seeking the local views for the parking facility to make the project a success.

Mayor Gardner recommended that members of the committee attend the public input meetings.

Mr. Harriss stated that the City expected the committee to be in charge of the public input meetings.

Mayor Gardner questioned how the concerns of the committee had been worked into the conceptual designs.

Hugh Cotton, Walker Parking Consultants, replied that they had addressed the committee's concerns. He referred to the architectural rendering and stated that there were a series of sketches compiling the various elements and components that he understood were desired for the parking facility at the VIC. He said they had combined the elements in seven different combinations that were mutually independent and not necessarily concepts Walker would recommend, but ways to illustrate how the different elements could combine and

orient with respect to each other and the surrounding neighborhoods.

Les Thomas, Architect, 32 Cordova Street, stated that the purpose of the Visitors Information Center Transportation Facility was to provide a focal point and an anchor for visitors and residents creating an organized arrival experience adjacent to historic downtown. He said that the proposed facility would expand the current functions of the VIC to include a combination of public and private transportation services. He said that it would serve as the primary location for parking and transit circulation, private tour trolleys, trams, and horse and carriages. He said that the facility was intended to be the primary parking area for visitors and convenient to the multi-modal center intended to service all current and future transportation needs. He said the most important criteria was to make the environment pedestrian friendly, and he believed that they had accomplished that goal.

Mr. Thomas said some important elements were the Cubo Line, Huguenot Cemetery, and the downtown historic area, and they had incorporated bicycle friendliness. He said that the VIC would be revitalized to be the Visitor Orientation Center facing the parking garage instead of San Marco Avenue. He added that the design process would provide full public participation, which was the next step. He pointed out that they were trying to mitigate tour bus noise and fumes with buildings and/or landscaping.

Mr. Thomas said that the parking committee did not believe that a contemporary design was appropriate for the site; therefore, they had attempted a timeless blend of past and future. He pointed out that the Orange Street

School, a Flagler Era structure and the VIC, a Mediterranean Revival structure, were the most prominent buildings in the area. He said that they intended using a combination of the two buildings for the design.

Fred Halback, 287 St. George Street, referred to the design concept package and said that they had wanted to provide a variety of sketches for the public comment process. He said they heard clearly what the parking committee had and had not wanted, which was the unique flavor of St. Augustine that could be represented with a blend of Mediterranean Revival and Flagler Era architecture with heavy landscaping. He pointed out the photographs representing details in St. Augustine as related to towers and arched elements, loggias, and connections. He referred to the next two pages as the Design Framework indicating the primary form givers for the site, key pertinent physical locations and canopy, and the Illustrative Design Concept demonstrating one of many solutions.

Mr. Halback demonstrated the six concepts and their alternatives as follows:

- The garage having three and four levels and one concept with the ground level depressed half way into the grade, another concept having the garage split into two separate buildings (designed to shield the bus parking), and another recessing the top level
- Different arrival sequences
- Orientation center
- Different multi-modal transit opportunities
- Pedestrian walking street
- Wide loggia for retail around the garage
- Alternatives for Cordova Street

- Walkway connection to the events field
- Different schemes for transit elements

Mr. Halback indicated the last page of the design concept indicating the scale for the different garage concepts.

Mr. Cubbedge noted that the parking committee had accomplished a great deal in a short period of time. He asked for the Commissioner's concurrence to move forward with two or three public input sessions based on the six concepts.

Commissioner Jones questioned why the garage concept had increased from 4-500 parking spaces to 1,200-1,400 parking spaces, which naturally increased the cost of the project.

Mr. Cubbedge said that currently there was a 500 space surface parking lot in the location; therefore, the number of spaces needed to be increased or there would be no need for a garage. He said a one story parking garage would provide 1,000 parking spaces.

Commissioner Jones questioned the concept that closed Cordova Street and routed traffic onto Orange Street where there was an elementary school.

Mr. Cubbedge replied that they were trying to introduce as many variations as possible for public discussion.

Commissioner Jones questioned whether the horse drawn carriage traffic would be separated from motor traffic.

Mr. Cubbedge said there was one concept that separated the two elements at the multi-modal facility. He said that the existing tour routes had been taken into consideration while determining the different concepts, but it remained to be

determined whether the routes would have to be amended.

Commissioner Jones questioned whether any attempt had been made in the concepts to take the hack stands off the bayfront.

Mr. Cubbedge responded that the matter had not been taken off the table, as the subject would be part of the public discussion. He said that the City had been prepared to relocate the hack stand near the visitor center during the day, but the matter had met with opposition and still needed to be determined.

Commissioner Jones said that the concepts indicated no more than twelve buses in a holding area; therefore, he assumed they would continue to use the existing parking for buses.

Mr. Cubbedge stated that long-term bus storage needed to be at another location. He said that everything was open for consideration.

Commissioner Crichlow noted that if they were going to direct visitors to that location they had to be certain the City could provide enough parking. He said that separating the horse and motor locations was important. He stated that they needed to consider resident and visitor access to the garage. He said that he believed the committee had accomplished what was intended.

Mr. Cubbedge reported that Congressman Mica had approved \$1.5 million dollars for the facility.

Mayor Gardner questioned whether the Orientation Center was designed strictly for visitor information as opposed to commercial promotion.

Mr. Cubbedge said that the intent was a visitor orientation for their St. Augustine experience, but that was beyond the scope of the parking garage team. He agreed the matter had to be addressed.

Commissioner Burk stated that she liked the concept with the recessed top level to reduce the appearance of height without giving up parking.

Commissioner Crichlow pointed out that the four level parking concepts were only 35-feet tall. He said that if there was a way of de-emphasizing a four story structure they needed to do it. He stated that they did not want the garage to dominate the focal point of that end of town.

MOTION

Commissioner Jones MOVED to instruct staff to proceed with public input with the necessary schedules at their earliest possible convenience. Commissioner Burk SECONDED the motion.

VOTE ON MOTION

AYES: Jones, Burk, Crichlow, Lennon, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

6. ITEMS BY CITY ATTORNEY

Mayor Gardner questioned the situation with the County Taxi Ordinance.

Mr. Wilson said the ordinance would go to public hearing during the County's subsequent meeting, and the ordinance could be adapted to be effective in the City and the County. He requested comments from the Commission that he would deliver to the County.

Commissioner Burk questioned whether they were working with the County to adopt the ordinance for the City.

Mr. Wilson said that the City really would not be involved other than to put the ordinance to the test.

Mayor Gardner questioned whether the ordinance included background checks, and the response was affirmative. He questioned why the City issued licenses to cab drivers.

Mr. Harriss said that the City used to conduct background checks on cab drivers but the criterion was not considered Constitutional. He said that the City had encompassed St. Johns County; however, currently the County had a larger population than the City; therefore, it made sense for the County to administer the ordinance. He said that the City would stop issuing licenses and accept the County's licensing.

Commissioner Crichlow noted that none of the cab companies were located in the City and only approximately 15% of business operated solely in the City.

7. ITEMS BY CITY CLERK

Martha V. (Nell) Porter, City Clerk, reported that the Commissioner had appointed Mr. Eubank to the Code Enforcement, Adjustments & Appeals Board during the previous meeting; however, Mr. Eubank had recently sold his house and would not be able to serve on the board. Therefore, she said that the position was open and would be back before the Commission.

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A. Preview of upcoming Commission meetings.

8.B. Notification of upcoming term expirations on the Police Officers' Retirement System Board of Trustees.

8.C. Notification of two upcoming term expirations on the Planning and Zoning Board.

Mr. Harriss noted that no motion or vote was necessary for the consent agenda.

A brief discussion revealed that Chief Shoar's term was expiring and he was eligible for reappointment, and Bruce Dufresne and Matt Baker's terms were expiring on the PZB and both were eligible for reappointment, and the Commission would be appointing the positions during the September 22, 2003 meeting.

9. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Crichlow - Zoning Ordinances

Commissioner Crichlow distributed maps of St. Augustine indicating RS one and two zoning with all the contiguous lots of same ownership in the City. He said that generally there was one home built on a number of nonconforming lots. He said that under the current zoning a buyer could buy a home sitting on four lots, tear the house down, and build four houses. He referred to the map and said the Commission could see how often that could happen. He said that he hoped to prevent the nightmare of developers doubling or tripling density, which would be a direct violation of the Comp Plan. He said that it would also have a major impact on utilities. He stated that it was happening in St. Augustine, and it had happened in other municipalities. He

advised that the situation was a loophole that the Commission had to address. He proposed modifying the ordinance so that a single residence on multiple potential nonconforming lots would have to be replatted to conform should the home be sold.

Mr. Crichlow pointed out that a home on a single nonconforming lot would not be affected by the amendment. He warned that if they did not address the situation ahead of time it could be a problem in the future. He asked for the consensus of the Commission to direct the City Attorney to prepare an ordinance modification and bring it to the Commission for first reading and simultaneously get the ordinance on the Agenda for PZB. He recommended making the ordinance retroactive to that day.

Mr. Wilson said that making it retroactive could be a problem; however, a Pending Ordinance Doctrine might make it possible, and he would look into seeing whether it could apply.

Commissioner Jones pointed out that Commissioner Crichlow had not included all the RS zoning districts in his maps.

Commissioner Crichlow stated that he was simply presenting examples, but the modification would apply to all RS one and two zoning districts.

Mayor Gardner questioned the legal process for the modification.

Mr. Wilson replied that he had drafted an ordinance for Commissioner Crichlow, which he would take to the PZB meeting the following Thursday.

Mayor Gardner predicted that there would be a storm of protest from investors and realtors considering the protests he had received regarding the

20% side yard setback amendment that had been tabled. He stated that there would be appropriate review and public input.

Commissioner Lennon suggested that Commissioner Crichlow had been ill advised regarding the situation. He stated that numerous residents on Davis Shores had purchased extra lots for their children in the future. He noted that the Commissioner had introduced ordinances that were offending citizens of the City. He explained that families had the hardest time bringing their children home after school, because of the lack of employment; however, families had in the past purchased extra property to encourage their children to return and build their homes and families in St. Augustine, and the Commissioner's proposal was interfering with that future. He said the ordinance was a poor choice, and he did not agree with the potential threat for increased density; therefore, he would vote against the modification.

Commissioner Crichlow expressed appreciation for the described situation, but he stated that it did not warrant destroying the RS zoning. He explained that property values had increased; therefore, the threat of the situation was a reality. He stated that he firmly believed the only objections would come from property owners that had the intention of taking advantage of the loophole.

Commissioner Burk described situations that had already occurred on Davis Shores. She said platting that had occurred in the 1920's was prevailing over the City's zoning, which did not make sense. ¹

¹ End of audio tape one

Commissioner Crichlow stated that the zoning had outdistanced the original platting, and the situation had to be corrected. He guaranteed that the nightmare would happen.

MOTION

Commissioner Crichlow MOVED that the City Manager prepare a modification to the ordinance to address the contiguous lot situation in the City so that the lots conformed with the current zoning laws, move the ordinance to the PZB and first reading to be heard by the Commission on August 11, 2003, and be retroactive to that day. Mayor Gardner SECONDED the motion.

Mr. Wilson stated that it was too late for the item to go on the August PZB meeting due to the necessary advertising, but it could be included on the September agenda. He said that the ordinance would have the necessary recommendation from the PZB before the second reading.

Commissioner Jones questioned the necessity for the retroactive portion of the motion.

Commissioner Crichlow replied that there might be an unbelievable rush to buy property, and file applications to beat the ordinance.

Mayor Gardner questioned how the City would handle citizens who applied for replatting before the ordinance was passed.

Mr. Wilson said that citizens would be on notice that the ordinance was in the works; therefore, they would be making changes at their own risk.

VOTE ON MOTION

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

NAYES Lennon

MOTION CARRIED 4/1

Commissioner Jones – Speed Humps

Commissioner Jones requested an update regarding speed humps on Leonardi Street.

Mr. Harris referred to a brochure that told one all they needed to know about speed humps, and he said that the City was ready to construct speed humps where the Commission directed.

Mr. Cubbedge reported that the field work had been done and the engineering firm for the traffic analysis final draft for Leonardi and Davis Streets and Pelicier Lane was in progress and would be ready by August 8th.

Mr. Harriss pointed out that the analysis provided how to handle the traffic problems, but did not provide the necessary funds.

Mr. Cubbedge said that the analysis included traffic calming devices in areas that traffic could not be eliminated and speed humps were one consideration.

Galimore Center

Commissioner Jones noted that there had been a great deal of rain; however, when it rained the Galimore Center parking lot could be flooded for days. He requested that staff research correcting the situation.

Mayor Gardner – Firefighters & Police

Mayor Gardner read a letter from a visitor praising the City Fire and Police Department for their kindness and efficient service.

10. Appeals and Public Hearings

(None Scheduled)

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

11.A / Resolutions

(None Scheduled)

11.B/ Ordinances - First Reading

(None Scheduled)

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

(None Scheduled)

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

**11.D.1/ Public Hearing - Ordinance
2003-20, establishing twenty percent
(20%) side yard setbacks for
nonconforming lots of record.**

(Tabled)

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

(None)

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

(None scheduled for this meeting)

13. Adjournment

There being no further business, the meeting was adjourned at 6:43 p.m. ²

MAYOR

CITY CLERK

²Transcribed by Karen Rogers, Recording Secretary