

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
February 23, 2004

The City Commission met in a formal session Monday, February 23, 2004, 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
Errol D. Jones, City Commissioner
Donald A. Crichlow, City Commissioner
William Lennon, 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, Chief Administrative Officer
Mark Knight, Director, Planning and Building Department
Dr. William Adams, Director, Heritage Tourism
Mark Litzinger, City Comptroller
William H. Harding, Director, Public Works
Paul Williamson, Director, Public Affairs
John Regan, Chief Operations Officer
Robert Leetch, Director of Utilities
James Owens, Fire Chief
Loran Lueders, Assistant Chief of Police
Orfeo Paolini, Sound Technician
Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gardner delivered the invocation, and Commissioner Lennon led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mayor Gardner stated that he wanted to move Item 5.B. before Item 5.A., as Glenn Hastings had another appointment that evening.

3.B/ Approval of Minutes of the Regular Meeting of February 9, 2004

The minutes of the Special City Commission Meeting of February 9, 2004 were approved with the following amendment: page 8, second column first two lines were amended to read, *the guidelines required flexibility, because if a structure was submitted to HARB at 35-feet it did not necessarily mean that it had to be approved.*

Commissioner Lennon said that he was going to wait but he would take the opportunity to point out a discrepancy in the minutes, and he read the following statement from the Commission meeting minutes of February 9, 2004:

- Commissioner Crichlow said that the recommendation from the task force to pursue a consultant to look into the issue would also provide a perfect time to address the entrance corridor guidelines, as they had been passed sometime in the past knowing that they were not airtight and required additional work.
- Commissioner Crichlow said the Aggregation Task Force recommended the consultant angle, and they said that should probably be pursued.

Commissioner Lennon said that when he read the minutes from the Aggregation Task Force meeting there was no recommendation to hire a consultant.

Commissioner Crichlow stated that they had talked about it at the aggregation meeting and a consultant had been recommended. He said that if it was not in the aggregation minutes, it was something they could look at.

Commissioner Lennon stated that he had telephoned Gerry Dixon, a member of the task force, and Mr. Dixon had no recollection of anyone ever considering hiring a consultant.

Commissioner Crichlow stated that it had been discussed, and he did not know how else to address the matter. He said that he was certain that if they spoke to some of the other members they could work it out, as they would say that the matter had been discussed.

Mayor Gardner stated that they were approving the minutes of the meeting

and asked if Commissioner Lennon was questioning whether Commissioner Crichlow had said those things at the meeting regardless of where...

Commissioner Lennon said that he was referencing both sets of minutes.

Commissioner Crichlow stated that he was worried about the aggregation minutes.

Mayor Gardner replied that he appreciated that, but he thought that if the minutes were not inaccurate as to context for the previous meeting, then it would not require correction in the minutes. He said that it might need correction or discussion later in the meeting.

Commissioner Crichlow stated that maybe they needed to look at the aggregation minutes. He said that they were approved during the previous meeting, but he had not really reviewed them completely.

3.C/ Proclamations

(None Scheduled)

3.D/ Administrative

3.D.1/ Public hearing for a Community Development Block Grant.

Mr. Harriss stated that the public hearing was a requirement of a funding source that would facilitate improvements, in conjunction with the seawall improvements, to the bayfront south of King Street.

David Fox, Fred Fox Enterprise, stated that the City was eligible to apply for up to \$750,000 based on the population of low and moderate income households. He explained that there were four

categories the City could apply under and three of the categories would be due on April 1st. He said that the neighborhood category addressed infrastructure in neighborhood settings, such as utilities, water and sewer systems and streets. He said the housing rehabilitation category addressed rehabilitation replacement of unoccupied dwellings and the commercial category addressed revitalization for commercial areas, such as streetscape and façade work in the CRA area. He said that the fourth category was for economic development, which could be applied beginning April 1st until the funds were resolved and addressed bringing new businesses into the area, as well as creating new jobs.

Mr. Fox said that staff had focused on the commercial revitalization grant at the seawall to do streetscape projects, which could be applied for up to \$750,000. He said that they would have to conduct a survey of the area to verify that there was 51% moderate income within the CRA and within a mile around the CRA.

Commissioner Lennon questioned whether it was a matching grant.

Mr. Fox replied that matching funds were used for leverage, and they were considering some of the FEMA funds that had been applied for as a match.

Mayor Gardner questioned whether the \$750,000 applied to each of the categories.

Mr. Fox explained that they could apply for more than one category; however, they could get funded in only one category.

Mayor Gardner questioned whether the area was considered low to moderate income.

Mr. Fox said that the amount of \$750,000 was based on population of low to moderate income.

Commissioner Jones acknowledged that the situation was competitive, and he questioned whether the commercial revitalization was the category that the City had the best chance to be awarded a grant for.

Mr. Fox replied that the FEMA grant and the CRA area, for which the City was receiving tax increment money, worked as leverage. He said that if they applied for \$375,000 and matched it they would get 75 additional points. He said that if they addressed the streetscape criteria it was 125 points and one of the highest point items in the commercial category.

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

Mr. Harriss stated that the Commission had to have a meeting to establish a citizen Advisory Task Force to review the application and determine whether it was consistent with public hearings that had been held with the people in the area. He suggested that the Commission make a motion to establish a task force with five members chosen one each by the Commissioners. He said the members had to be oriented to the area as residents or business owners, and they would be serving for a couple of meetings. He asked that the Commissioners submit their selection within the next few days.

MOTION

Commissioner Burk MOVED as aforementioned. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

It was clarified that Fox Enterprises recommended the commercial category.

4. General Public Presentations and Comments (3 minutes per presentation with maximum total time limit of 20 minutes)

Sandra Krebs, 800 Faver Dykes Road, stated that the Parking and Traffic Committee's recommendations for the new parking structure by the VIC and subsequent plans to increase the number of meters by 150, as well as increase the meter fees to \$2.00 was enraging. She said that it was hard to believe after years of discussion, hours of meetings and hundreds of thousands of dollars spent on plans that had not come to fruition that a \$16 million dollar structure in the same location as the current 500 space surface parking lot that only filled to capacity 44 days a year was the best plans the committee could arrive at. She said increasing the parking meters to \$2 an hour was an effort to force people to use the ill conceived, over-priced parking structure.

Ms. Krebs questioned whether the Commission thought the proposed parking structure was going to meet the needs of the community they served and the tourists the community served. She stated that as a business owner south of the Plaza she was being treated like St. Augustine's bastard child. She pointed out that the people living and working south of the Plaza paid their rent, mortgage and taxes. She questioned whether it was the intention of the committee to drive away the small business owners, residents and tourists from the south end of town. She pointed out the desperate need for parking in that area of town. She stated that the suggestion from the Mayor that the situation was similar to a shopping mall

where employees left the most convenient parking spaces to the patrons was a ludicrous comparison. She said it was not a ninety second walk across a paved lot for free parking, it was residents with groceries, business owners with loading issues and low wage earners being force to walk 15-20 minutes across town or waiting for the proposed public transportation plus paying \$5 a day for the pleasure.

Ms. Krebs questioned whether the \$4.5 million bond issue for the parking structure behind the Lightner Museum could be used for an entirely different project. She stated that Howard Davis and associates were the main opponents to the parking structure behind the Lightner Museum, but they were currently involved in turning the old Record Building, not 50-feet away from the previously planned parking structure they so vehemently opposed, into an apartment building, which undid Mr. Davis' "not in my neighborhood" campaign. She said that Mr. Davis would look foolish opposing a parking structure next door to his current project, which created a need for more parking.

Ms. Krebs stated that the Commission had expressed concern regarding large scale building projects, such as the American Inn and the Hilton Garden, yet the proposed parking mega structure would dwarf those projects. She said that what the City needed was convenient, cheap, and plentiful parking spread all over town. She added that the proposed mega structure was an insult to the hard working residents, business owners and employees of St. Augustine, and it must be stopped. She concluded that the City needed practical not political solutions to the parking problem.

Elizabeth Holiday, 11 Aviles Street, Vice President, Old Town Association, expressed appreciation for Mayor Gardner and Commissioners Jones and Lennon for participating in the area cleanup.

Ms. Holiday referred to the proposed parking garage at the VIC and pointed out that the structure would dwarf the recent large scale projects the Commission had expressed concern about. She said that if built the proposed parking garage would drastically alter the skyline, dwarf historic structures and cast a shadow over the fort. She questioned how the Commission could double the City's current substantial debt by building a huge and inappropriate structure at the VIC, which the City studies indicated would be under utilized. She questioned how they could take that risk when the residents of the City could not afford a \$16 million mistake. She asked that the Commission look at the traffic and parking problem where it was worst, and consider that all studies had indicated that a reasonably sized parking structure behind the Lightner Museum should be built first. She pointed out that the idea had been so good that the City borrowed the money for construction. She said that the structure had been designed and paid for, and she recommended that they break ground on that project, and see if it would relieve the traffic burden, and then the Commission would not be regarded as hypocrites, but touted as heroes.

Robert M. Hall, 42 Spanish Street, said that citizens had objected to bed and breakfast establishments initially, but soon realized that it was a method of saving large old houses, which a small modern family could not manage. He said that the establishments had proven to be successful and good neighbors. He

noted that due to success the establishments were trying to expand, and he distributed copies of photographs of a bed and breakfast on Cuna Street adding a third story. He said if the practice continued he was concerned that every shack in town would add a third story, which would interfere greatly with the colonial scale of the town. He noted that people were pushing to eliminate setbacks etc. in PZB meetings. He suggested that a 27-foot height limit would hold down the scale.

Mayor Gardner questioned whether the last page of the handout was based on the HARB guidelines.

Mr. Hall replied that the information was from Manucy's Book, on which the HARB guidelines were based.

Commissioner Lennon questioned whether most of the buildings Mr. Hall was referring to were already over 27-feet.

Mr. Hall replied that all the nineteenth century buildings tended to be over 27-foot tall.

Commissioner Lennon stated that Mr. Hall's conversation reflected that older homes were over 27-feet.

Mr. Hall said that the majority of the homes were two story or two and a half stories, as it was rare to see a three story building, even in the nineteenth century. He concluded that the City should be drawing the limit at 2.5 stories, which amounted to 27-feet and not 35-feet.

Phil McDaniel, 51 Water Street, commended the Commission for their decision regarding two skating and skateboard parks for young people. He distributed some information from the internet regarding the popularity of the

sport. He added that numerous members of the community were willing to lend their support to move the parks forward.

5. PRESENTATIONS AND STAFF REPORTS.

5.A/ Presentation by Joseph L. Boles, Jr. regarding 96 South Street

Mr. Harriss stated that the matter involved a house located on 96 South Street that the City had been citing for a number of years for various code violations. He said the fines imposed by the board amounted to approximately \$7,000, and Mr. Boles was requesting that some or all of the fines be waived. He said that although a lot of staff time had been spent, the fines were not hard cost. He explained that the money was in escrow with the title company, and it was a question of whether the City wanted to partner for the betterment of that neighborhood.

Joe Boles, 19 Riberia Street, stated that he had been on the PZB when they received numerous complaints about derelict structures in the Lincolnville area being used for illegal purposes. He said that they called them "crack houses" or one thing and another, and as a result the City had created DART (Drug Abatement Response Team) liens. He explained that there were absentee owners of derelict structures that were paying the minimum tax and not caring for them. He said that some of the owners were out of state, or they were speculators buying the land and letting it sit. He said that DART reviewed the properties to try to bring them up to code, and if the property was not brought up to code they started fining the property owner. He said that once the fine got large enough the City could foreclose on the liens and take over the

property to turn it into green space, which had been a good idea.

Mr. Harriss explained that there were usually taxes due on the properties; therefore, the City was a second tier lien holder. He said the City had bid the taxes to get the City lien, but lately property values had risen so much there was usually someone willing to bid the taxes, pay off the City lien and still make money.

Mr. Boles stated that the property in question did not have an absentee owner or an owner in possession; it belonged to Ralph and Melvine Jackson. He said that Mrs. Jackson died in 1923 and Mr. Jackson died in 2002 after being in a nursing home for many years; therefore, mail had not reached the owners. He said that the people living in the home were generally family members. He noted that taxes had been paid on the property when they were low, but when the taxes increased they were not paid. He said the back taxes were currently close to \$8,000. He stated that one of the family members decided to sell the property and found a buyer who was in the business of buying houses and renovating them.

Mr. Boles explained that to sell the property probate had to be conducted on the original owners to get to the point that the property owners could sign a contract to sell. He said that the perspective buyer had to bankroll that process, and during the closing taxes had to be paid, at which point the DART liens became apparent. He said that could be enough to run a potential buyer off. He noted that most of the process had been completed, and the DART liens were in escrow, because they wanted to inquire whether the City would look at the liens on the property in question, as well as consider other similar properties.

Mr. Boles stated that the original plan for the DART liens was to enforce compliance on absentee property owners, but the process had not been designed for people who were not in possession or deceased. He said that as a result the liens became a penalty instead of inducement and could discourage a potential buyer. He questioned why the City would walk away from \$7,000 in liens, and he answered that the original intent of DART had not been to penalize developers; moreover, the money could be used by developers to enhance their projects. He said that the City had gone through a similar process before and cut the liens in half to induce a sale. He said that his client had already bought the property, and he was asking that the City waive the lien so that he could go forward with the project, and if the City did waive the lien his client would probably consider purchasing similar property situations. He said he thought that the City was past the time of the DART liens accomplishing what they had been intended to accomplish.

Commissioner Lennon asked for clarification concerning whether Mr. Boles' client knew about the DART liens before he closed on the property.

Mr. Boles replied that they knew before they closed but not before entering into contract.

Commissioner Lennon stated that Mr. Boles' client had pursued the sale and paid the \$8,000 in taxes fully prepared to pay the \$8,000 in liens.

Mr. Boles stated that his client owned the property and left the \$8,000 in escrow for the liens while waiting to see whether the City would partnership with him. He said that if the City was helpful in that regard he thought that it would

open the door to some other parcels of property with DART liens to be purchased and renovated. He noted that it was not really popular for the City to take people's property; therefore, the DART program was not working, and he recommended abandoning the process. He suggested that the City waive the liens with the caveat that a building permit must be applied for within a certain period of time.

Commissioner Jones questioned whether his client would share the profit from the property with the City. He said "buyer beware", and in that case Mr. Boles' client had been aware and made the investment knowing there was profit to be made. He questioned when the City had cut a DART lien in half.

Mr. Harriss replied that there had been one time regarding a property on Washington Street where the City had reduced the fine to \$10-\$15,000.

Commissioner Burk questioned whether the waiver had occurred prior to the purchase of the property, and the response was affirmative.

Commissioner Jones questioned how long ago that had occurred, and he was informed a couple of years earlier.

Commissioner Burk agreed that it was not good if DART liens had become a disincentive for property sales and renovation, but that was not the situation with Mr. Boles' client. She said that if someone went to the City and said that the fair market value did not justify paying the DART lien the City would deal with it as they had in the past. She said that if there were any remaining properties in that situation she would be open to the prospect of waiving liens.

Mr. Boles stated that his client had gone forward with the purchase after the title company revealed the DART liens.

Commissioner Jones stated that he had citizens bringing their concerns about the price of property to him, because people were being forced out of their property. He emphasized that Lincolnville was marketing itself, as property values had doubled within a year; therefore, developers would not need an incentive.

Mr. Boles stated that if the Commissioner followed that logic there should not be a derelict structure in Lincolnville, but there were because the titles to the properties were such a mess that he had advised clients not to go to probate but to simply buy the tax certificate and hold it for two years. He said that it was obvious for his client that it was not a bottom line deal breaker, but he knew the property had been a big concern to the City for a long time, and he thought that perhaps the City would be interested in giving his client a break, plus the action would send a good signal to future developers.

Mayor Gardner stated that it was currently a much different market.

MOTION

Commissioner Lennon MOVED to deny the request. Commissioner Burk SECONDED the motion.

VOTE ON MOTION

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

5.B/ Presentation by Glenn Hastings regarding the establishment of a Heritage Tourism Task Force. ¹

Glenn Hastings, Rhode Avenue, Executive Director, St. Johns County Tourist Council, stated that the study by the National Trust for historic preservation recommended a Cultural Task Force, and he requested that the Commissioner's support the creation of the force. He said that he used the term Cultural Task Force as opposed to Heritage Tourism Task Force, because heritage tourism was a subset of cultural tourism, and the term was more fitting for the City's visitors. He described different types of tourism.

Mr. Hastings stated that people were saying that St. Augustine was not the history but what history left behind, which was the unique characteristic that was currently driving tourism. He said that was why he considered it critical to start forming a strategic long range planning process to examine how to preserve the qualities and characteristics that were necessary to sustain the engine that pulled the City's economic train. He said that the City and County were fortunate to have a responsible tourism industry, which was probably because most of the tourism businesses were locally owned. He said they had been fortunate that tourism had remained relatively strong after the terrorist attack of September 11, 2001. He said that as national corporations noticed the City's success the more outside pressures the City businesses would experience to change, as the natural economics would be to invest money in St. Augustine by buying out local businesses. He stated that it was important not to allow that to happen in a planned and logical manner.

¹ Item 5.B. was heard before Item 5.A.

Mr. Hastings stated that he agreed with the five principles listed in the National Trust Assessments for sustaining a cultural tourism program. He said that collaboration was important to bring the different segments of the tourism industry together, the residents were important, as well as the fit between the community and tourism. He said that St. Augustine had been successful making sites and programs come alive, but there were other things that could be looked at in the cultural districts. He said that preserving and protecting the resources was an essential principle, but he suggested that the emphasis be on the demand side and not the supply side. He said that if the heritage tourism sites were not what the public was interested in then they were for naught; therefore, they needed to consider the marketplace, the associated costs and the desire to add to the economy.

Mr. Hastings said that he believed the Mayor had provided the Commission a list of segments that might be incorporated into the Cultural Tourism Task Force that included retail, government and attractions for and not for profit. He said they all needed to come together to address the opportunities and plan. He added that the matter would be controversial, but the sooner the different segments started talking and working together the better off the City would be. He added that the TDC was involved with marketing but what he was proposing was a planning initiative. He requested that the Commission take an active role in his proposal.

Mayor Gardner stated that he had provided the Commission with the information during the previous meeting.

Mr. Hastings explained that they were recommending a 17 member task force with one representative of the City's Heritage Department and two of each of the following:

- Residents
- Non profit historic sites
- For profit attractions
- Tour companies
- Restaurants
- Retail businesses
- Lodging accommodations
- Institutions

Mr. Hastings explained that nine people had participated in a round table discussion after examining the report from the National Trust and determined the aforementioned task force. He added that St. Augustine was not unique in the situation and said that Key West and Daytona were in similar situations of balancing tourism with economic development with the residents. He noted that the residents were important because the Commission would be making some difficult political decision, for which the residents needed to express their opinions about or support. He said that to avoid the economic pressures it would be prudent to start strategic planning.

Commissioner Lennon questioned the outcome of Daytona's task force, which had started four years earlier.

Mr. Hastings stated that Daytona's situation regarded special events, which they defined as binge tourism. He said that there were marketing tools that offset a declining infrastructure in terms of hotels and attractions and some events were designed to do that. He stated that the City did not want to get into that situation, but it was important to encourage local investment in the tourism industry. He said that it was

not his intention to add a level of bureaucracy or more restrictions.

Commissioner Jones stated that Mr. Hastings appeared to have a grasp on his proposal; therefore, he suggested that the task force be appointed by the Tourist Development Council. He suggested that it not be part of the City due to the sunshine laws, but be a separate entity that would report progress to the Commission.

Mr. Hastings pointed out that the Tourist Development Council was a County organization that also fell under the sunshine law. He said that the TDC did have a long range planning committee that would be looking at related issues outside the City, but a City task force would be different because of the makeup of the City. He said that the people in Ponte Vedra would not be concerned about the things that occurred within the City limits.

Commissioner Jones replied that given Mr. Hastings expertise there could still be a body working under his direction by appointing the appropriate City related people to a task force with the interest of the City forefront.

Mr. Hastings questioned whether he had been setup. He stated that the task force should come from within the City, because there were issues that were City related; for instance strategic planning for the cultural districts that might include the entrance corridors and other initiatives that the Commission might want to examine from a perspective of changing ordinances.

Commissioner Jones said that the Commission would still be there dealing with the situations, but the City did not have to reinvent the wheel. He said that Mr. Hastings had the knowledge that a

task force could utilize rather than starting from base.

Mr. Hastings stated that he would be interested in supplying research and facilitating, but he would not want to take a decision making role or be part of the task force.

Mayor Gardner said he thought that they were building good bridges with the County and the TDC that historically had been an "us against them" situation, which was counterproductive considering that the City also paid County taxes. He said that he agreed with Mr. Hasting that the City was unique unto itself along with the tourism experience; therefore, citizens from within the City and through the direction of the Commission, as they had done with the Parking and Traffic Committee, would advise the Commission and bring the City concerns to them, as Ponte Vedra and the beaches did. He said that it made more sense than to have TDC recommend one of its clients, as it were.

Commissioner Jones stated that the residents of the City were County tax payers, the TDC was a County agency, and there was no reason why they should not assist in doing what the City needed to get done. He said that the TDC should be able to utilize their expertise and the City's tax dollars to help move a task force on. He said that it was a perfect opportunity in terms of cooperation to work together. He said the City wanted them to be facilitators to make it happen, because they had the expertise and the City had none. He said that the proposed task force might as well get its internship under the auspices of the TDC and bring the information to the Commission. He said that would represent his tax dollars being used to benefit St. Augustine. He said that if the

County said no, then he would look to his County Commissioner.

Mr. Hastings stated that the County was agreeing to cooperate with the City, but he did not think it was the County's place to go within City limits and tell the City how to run its' program.

Commissioner Jones stated that the committee would consist of City persons, which the County Commission would not mind.

Mr. Hastings stated that they were close to saying the same thing.

Mayor Gardner questioned whether it was an expense issue for Commissioner Jones.

Commissioner Jones replied no. He questioned how the City could utilize as much of the TDC expertise as possible and get the proposal moving.

Mr. Hastings said that the balance had been considered to be successful and not just a report sitting on a shelf, it had to be inclusive but not to the point of being cumbersome. He said that as representatives of the City, when talking about a City project, the Commission should be involved with helping to appoint the members of the task force and so on. He said that it would be a collaborative effort between the City, County and the tourism businesses.

Commissioner Lennon stated that he had never known the County and City to be in an "us against them" type of situation. He said that the Commission had heard Mr. Hastings proposal that it was up to the City to handle the project.

Commissioner Jones questioned whether the Commissioners had to take action.

Mayor Gardner said he thought they should take action to the extent of authorizing the City Clerk to accept applications for each of the categories as outlined by Mr. Hastings, and once the process was completed bring it to the City Commission for approval.

Commissioner Burk stated that if they were authorizing accepting applications it meant the Commission made the decision to go forward with the proposal. She questioned whether the Commission was at that point, as she had not heard them arrive at that decision.

Mayor Gardner said there were no motions on the floor. He said that if any action were taken that would be his suggestion, but she was correct that first the Commission would have to agree to create a Cultural Tourism Task Force.

Commissioner Burk stated that a similar proposal had been discussed in the recent past, but she needed to know if there was a need and what it would cost the City. She questioned what the TDC was not doing that the City needed to establish a task force to handle the job and the cost to the City. She stated that the TDC received bed tax money that was generated in the City, and if they wanted to allot some of that money to the City, the City would take on the job. She said that she was not convinced, in the absence of hard facts or evidence, that the City should agree to the proposal or what the proposal actually was.

Mayor Gardner questioned whether Commissioner Burk would be prepared to make a motion to allow café tables on St. George Street after 5:00 p.m. at that point.

Commissioner Burk stated that she did not know without knowing what it would cost the City.

Mayor Gardner asked how she would find that out. He questioned whether she would drop it on staff or if there was a committee to research, discuss and develop the idea and bring it back to the Commission, would that do it.

Commissioner Burk said that she would think whoever was proposing the task force would have some hard fast numbers to present with the proposal for the Commission to analyze.

Mayor Gardner stated that the expense would be the same as the Parking and Traffic Committee and Historic Preservation Advisory Committee. Commissioner Burk questioned the Mayor's assertion that there would be no expense to the City.

Mayor Gardner said it was because they were not creating any vehicle to spend money but would be creating a collaboration to discuss the best interest of the City and its tourism industry. He said that he had suggested café tables after 5:00 p.m. on St. George Street or expansion to the streets around the four blocks of St. George Street to San Marco and the old town area. He said that those were things that people were shooting from all different directions about in total frustration and he was right with them, because the City did not have a group of people with all the diverse interests sitting down in discussion to come up with something everyone could live with.

Commissioner Burk said she would encourage the public to form such a group if they wished, but that did not require involvement of the City. She said the group would report to the commission with recommendations, and the Commissioners would appreciate their efforts.

Mayor Gardner said that situation had existed for years; however, it was incumbent on the City Commission, representing the entire community, to bring all the elements of the community together at one table with representation as outlined on the list and direct them to discuss and recommend to the Commission.

Commissioner Burk questioned how the Mayor intended on doing that without incurring cost.

Commissioner Jones said that they had people talking about the parking garage, the San Sebastian project, neighborhood councils, and aggregation. He stated that the Commission had all those fires going and now the Mayor proposed to start another one with another group that would make recommendations. He suggested getting something completed to satisfy the needs of people. He suggested addressing the five projects that were before them. He stated that he did not want to create another fire until he had put out a few of the existing fires.

Commissioner Burk stated that was somewhat her feeling also. She said the Commission was great at creating a bunch of committees and task/work forces, but not getting anything done.

Commissioner Jones said that there was a real need south of King Street and without addressing that need they were going off in another direction. He suggested looking at the needs and working in that direction. He concluded that he was not certain that he wanted to create a new task force.

Mayor Gardner said Commissioner Jones had suggested that the Commission had too many things in the air; therefore, he questioned whether the Commission

should put everything aside until the garage was built or put the Sebastian Harbor project first or which did Commissioner Jones want to do. He said that if they addressed matters one at a time, maybe they should instruct visitors, tourist, businesses and developers that the City was not ready for them until they came up on the list.

Commissioner Burk stated that it was not that they were not ready, but that the matter was already being handled through the TDC, and she was not sure the City was the appropriate agency to take on the proposal at that point. She said the Commission had taken on a lot of other items, and the TDC had the money and should be handling the proposal. She suggested that they encourage the TDC to create the task force.

Mayor Gardner stated that they kept throwing money back up. He said that he would go back to café tables and questioned whether she wanted to ask Mr. Hastings (inaudible)

Multiple conversations took place.

Commissioner Burk stated that she was ready to vote on café tables, because she would like to have them after 5:00 p.m.

Commissioner Jones stated that as far as the presentation for Item 5.B. he was not prepared to move forward.

Commissioner Burk agreed.

Mr. Hastings said that the main reason he was there was because the City had participated in funding the study by the National Trust, and one of the recommendations from the study was for the City to establish a tourism task force. He said that it was not an issue of dollars and the TDC could create the

task force, but unless the City was a partner and supported the proposal and helped with the appointments it was a moot point.

Commissioner Jones said that the Commission could do that.

Commissioner Burk noted that the City would certainly want to include representatives on the task force.

Mayor Gardner clarified that Mr. Hasting was not presenting as executive director of the TDC in the matter.

Mr. Hastings agreed that he had simply established his credentials for knowing something about tourism.

Commissioner Jones stated that it was no reflection of Mr. Hastings.

Mayor Gardner stated that he agreed with Commissioner Jones that they should set the matter aside. He said that two weeks earlier they had set aside concerns for zoning control, now they set aside concerns for cultural tourism and the tourism industry and one thing was going to happen and one thing he hoped would happen. He said that they were going to see a mess develop out there while the Commission moaned about this fire and that fire. He said that he hoped to see the community respond to the Commissioners and let them know what they thought. He said that the one good thing the Commission had shown was that it did listen to the people. He said that if only minorities with axes to grind notified the Commission, that would be the result the community would get. He said that if the community at large telephoned the Commission he had faith that the Commissioners would make the right decisions. He said that he would keep hammering and be called an (inaudible) whacko, but they had some

pretty serious problems that could not be put off. He questioned whether Commissioner Burk wanted to act on her motion.

Commissioner Burk questioned whether he meant café tables, and the response was affirmative. She pointed out that the matter had not been advertised.

Mr. Harriss suggested that the matter be discussed with cooler heads.

6. ITEMS BY CITY ATTORNEY

Mr. Wilson stated that in the event that the Special Master completed the Ponce matter by Friday, the developer had requested a special meeting on March 15, 2004.

Commissioner Lennon stated that Mr. Stokes had waited long enough, and they should try to accommodate him.

Mr. Wilson stated that he believed it would require advertising 10-days prior to a meeting.

Commissioner Burk suggested waiting to see whether the matter was settled by Friday.

Mayor Gardner questioned the status regarding establishing a tree fund.

Mr. Wilson replied that the proposed fund could be established using application funds, which would be perfectly legal, and he saw no problem as long as penalty funds were not used.

Mayor Gardner questioned whether penalty funds could be used.

Mr. Wilson stated that it had not been presented to him that way, and it would be more problematic to use the proceeds from penalties. He said that the Code Enforcement Board was setup by statute,

and he was not certain that using penalty funds would be acceptable. He said if they used penalty funds it was likely that the penalties would be high to have more money for the fund, and that would be questionable. He said that the creation and expense of the fund related directly to application fees making it a mitigation bank.

Mr. Harriss stated that the money would be put in a specialized account in the General Fund. He said that if the Commission wanted the fines from the past year to supplement the tree fund they should consider that separately from the mitigation money deposited by the Code Enforcement. He added that they could use the money for whatever they wanted.

A brief discussion determined that parameters would have to be established for the tree fund.

Mayor Gardner questioned whether the Street Tree Advisory Committee had reviewed elements of the tree ordinance.

Mr. Harriss stated that after a citizen had offered a change to the tree ordinance it was given to the Street Tree Advisory Committee who offered to rewrite the ordinance in a modern form. He said that while the committee was in the process of rewriting the ordinance the subject of a consultant to help with the entrance corridor, architectural guidelines and zoning issues had come to the forefront. He said at that point it had been considered that additional landscaping could be included in any potential amendments. He said that if there was not an immediate effort to create the overlay districts through a consultant he would advise the committee to continue with the ordinance. ²

² End of audio tape one

Commissioner Crichlow suggested that the Street Tree Advisory Committee carry on with the ordinance without interference from the overlay. He said he would like to see something about the tree ordinance within a reasonable amount of time, perhaps by the end of March. He stated that it could not be that involved.

Commissioner Lennon questioned how much government the Commission wanted to keep giving the people. He said that it seemed as though every meeting the Commission was starting something new or forcing things on people.

Mr. Harriss replied that hopefully it was a clarification of an already good ordinance. He said that for instance crop trees were included for permitting.

7. ITEMS BY CITY CLERK

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

Martha V. (Nell) Porter, City Clerk, reported that there was one appointment and she had received ten applications as follows:

1. Carl Blow, 100 Santa Monica Avenue
2. Douglas A. Ferrell, 311 Ribald Street
3. R. Andrew Fleming, 218 S. Amanas Boulevard
4. Robert M. Hall, 42 Spanish Street
5. Delta L. Long, 65 Osceola Street
6. Gary McMahan, 25 Veddar Street
7. Peter Romano, 62 Sanford Street
8. Steven M. Schuyler, 7 Inlet Place
9. Chad K. Smith, 56 Dufferin Street
10. John T. Giannotta, 226 Herada Street

The Commission voted by written ballot and Delta L. Long was appointed.

8. ITEMS BY CITY MANAGER (Includes Consent Agenda - noted with an asterisk)

8.A./ Consent Agenda

- 1. Preview of upcoming Commission Meetings.**
- 2. Notification of a vacancy on the Police Officers' Retirement System Board of Trustees.**
- 3. Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 300 Anastasia Boulevard.**
- 4. Approval of final subdivision plat for Phase IV of Pelican Reef Subdivision.**
- 5. Consideration of contract with Browning Ferris Industries, Inc. (BFI) for curbside residential recycling services.**

Mayor Gardner questioned whether Item 8.A.4. was the final plat for the Pelican Reef Subdivision.

Mr. Harriss said that it was a replat of an area that had been platted and subsequently deplatted for tax purposes.

MOTION

Commissioner Lennon MOVED to approve Items 8.1. through 8.5. on the consent agenda. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

8.B/ Discussion Items

Ball Field Lights – Galimore Center

Timothy A. Burchfield, Chief Administrative Officer, said that in response to the question regarding the ball field lights at the Galimore Center staff had spoken with the County to find out that there had been an increased usage of the field during the past few months. He said that the timer was supposed to be set for use from 5:30 p.m. until 9:30 p.m.; however, the timer had not been set properly, but the situation had been corrected. He added that he had made certain that the lights were working properly, and a City electrician would check the timer once a month. He said that he had spoken with Mr. Williams and Mr. Drisdale to provide them with a staff person to contact should the problem arise again. He said that he had also spoken with Troy Blevins about the potential of a shutoff switch on the basketball court and the ball fields, and he had been informed that those switches were available at other fields without problems; therefore, the switches would be installed at the Galimore Center to allow citizens to turn the lights off before leaving the area.

A discussion ensued regarding a box for the switch with a code for opening, and it was determined that Mr. Burchfield would look into the matter.

Pay Telephones in the Plaza

Mr. Burchfield stated that approximately four years earlier Bell South had notified the City that they were removing their public telephones from the north Florida region, as they were no longer profitable due to extensive use of cell phones. He said that Bell South had provided a list of other companies that could provide the service, but upon contacting those other companies they had been informed that due to the low traffic area it would

cost the City a monthly fee for each pay phone. He said that if the public phones showed a profit they would reimburse the City; however, that likelihood was doubtful; therefore, the City had decided not to use taxpayer dollars for the phones. He said that he had recently contacted the telephone companies again and received the same reply that it would cost between \$50 and \$75 a month for each public phone, plus there would be an installation cost, which would be amortized and attached to the monthly charges until the cost was paid.

Mr. Burchfield stated that staff was aware of the concerns regarding emergency situations, so they had looked into blue phones that would be connected directly to the police department dispatch for emergencies. He said the blue phone was actually a two-way radio system. He said that the initial cost of installation would be approximately \$3,000 for each phone; however, there would not be any monthly fees.

Commissioner Burk questioned whether the police department's grant money could be used for blue telephones.

Mr. Harriss replied that he believed so, and he suggested that would be an appropriate expenditure for a police grant.

Mayor Gardner questioned whether staff determined numbers and placement for blue phones.

Mr. Burchfield replied that they had a list of the areas where the pay phones had existed, and they had considered other areas such as Pomar Park. He suggested that if the Commission wanted to carry through with the proposal, staff would supply the information to the Commission for consideration.

Commissioner Lennon stated that in case of an emergency there would probably be someone with a cell phone in the area.

Mr. Harriss pointed out that they would need a telephone in the proposed parking garage.

Commissioner Crichlow questioned how much of a service public phones would be for visitors. He said that he had observed the public telephone in the Plaza being used a lot.

Commissioner Burk noted that international tourists did not generally have their cell phones.

Commissioner Crichlow again questioned how much of a service public telephones would be in a high use area for international telephone calls.

Mr. Harriss stated that they could determine which areas could be considered high use based on the commissions the City had received from the old public telephones. He noted that the Marina telephone had been used a lot.

Commissioner Jones recommended that staff continue looking into locations for the possibility of using blue phones. He suggested considering emergencies first and convenience second. He asked that staff construct a report for the Commission.

Commissioner Crichlow questioned what the threshold was for the City to receive commissions from the public telephones.

Mr. Burchfield replied that commissions were not determined by number of telephone calls but the dollar amount the phone company received.

Commissioner Lennon questioned whether there could be a pay phone in City hall like he had in his previous business.

Mr. Burchfield replied that they could and the cost would be approximately \$24 monthly, plus maintenance.

Commissioner Lennon stated that he could not see paying \$3,000 for public telephones, plus installation.

Commissioner Burk suggested looking into the matter.

Commissioner Crichlow stated that if public telephones were something that the City should provide, the service should be considered even if it represented a cost to the City.

A brief discussion determined that the matter would be addressed again during the subsequent meeting.

Archeological Findings at 11 Tremerton Street

Mark Knight, Director, Planning and Building Department, stated that the previous Monday human bone fragments had been uncovered at 11 Tremerton Street. He said that the bones dated back to a site called La Punta that had been established between 1720-1750. He said that the state archeologist had been contacted, and they had been working under his guidance and the State Medical Examiner's Office.

Mr. Knight stated that the bones were likely Native American Indian; however, there was a possibility that there was a mix of Afro American and European bones. He said that the bones would be taken to the University of Florida for examination and final determination. He

stated that in accordance with the established archeological procedures the State Archeologist had given the City permission to investigate the site and recover the remains with the deserved respect. He offered to answer questions.

Mayor Gardner questioned how many bodies had been discovered.

Mr. Knight replied that 4-5 skeletal remains had been uncovered.

Mayor Gardner questioned whether the program would continue on the chance that more remains might be found.

Mr. Knight replied that the work was at a stand still to be certain all concerns were evaluated. He said that the City had received two contacts for Native American Indian tribes by the State Archeologist, and he had contacted one and was waiting for a return telephone call.

Commissioner Lennon questioned whether they had unearthed a grave yard.

Mr. Knight said during that period in history people would have been buried below a church, and there was supposed to have been a church site in that location, which indicated the potential that it was the historic church site.

Commissioner Crichlow questioned the procedure for relocating the bones at the site so they would not be disturbed during construction.

Mr. Knight replied that the City would reinter the remains outside the development area.

Commissioner Crichlow questioned whether the remains would be reintered

on the site if they were found to be American Indian.

Mr. Knight replied that it was a possibility, but he was waiting for a response from the contact for Native American Indian tribes.

Commissioner Crichlow questioned whether a different path would be followed should they find that the remains were mixed.

Mr. Knight said that it was possible the reinterment would go to the grounds at the mission.

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Mayor Gardner – HARB Dating Review Process

Mr. Harriss noted that the Mayor had wanted the HARB to review the possibility of modifying the 50 years for historic significance regarding demolition of old buildings.

Mr. Knight stated that currently any structure 50-years old was required to go before the HARB for demolition. He said that he had asked HARB if they were interested in changing the 50 year old mark to 35-40 years for structures. He said that consensus was that any structure proposed for demolition in an HP or National Register district was considered worthy of saving as a potential landmark.

Mayor Gardner questioned whether it was under HARB jurisdiction.

Mr. Knight said it was currently not in the HARB jurisdiction.

Commissioner Lennon stated that it did not cover Davis Shores. He said the

owner of the house next to his had to wait a year for demolition on his 57-year old home.

Mr. Knight said the matter had to go to the HARB, and there had been few homes that HARB had approved for demolition in preservation efforts.

Mayor Gardner questioned the procedure if the Commission wanted to pursue that element and incorporate it in the Code.

Mr. Wilson stated that the City had a procedure for establishing historic landmarks, and to change it staff would have to prepare an ordinance.

Mayor Gardner stated that HARB would like to look at all demolition permits within the Historic Landmark Districts.

Mr. Knight replied that the historic districts were zoning districts within National Registered districts, which included Lincolnville and the Abbot Tract.

Commissioner Crichlow questioned whether the same criteria that applied to the HP districts would apply throughout. Mr. Knight said that he had not received the consensus from HARB that they wanted to review under the same criteria. He said he thought that they wanted to review to determine whether a structure was landmark, and the board could delay demolition in that instance. He said that currently the HARB could designate any structure as landmark, but it would require authorization and permission from the property owner. He said that if someone had a 40-year structure that the President slept in the structure would not be reviewed by the HARB unless the property owner requested that the structure be designated a landmark structure.

Mr. Harriss stated that staff could prepare an ordinance that would expand the HARB review power, and they would want the PZB to review it, because it was a land development regulation. He said that once the review was completed the ordinance would be brought back to the Commission for review.

Commissioner Jones said that it would have criterion built into it regarding the guidelines.

Commissioner Crichlow questioned whether a homeowner in the Abbott Tract requesting a permit for demolition would go to HARB.

Mr. Knight replied that if the structure was 49-years old the permit would be issued in the Planning and Building Department.

Mr. Harriss stated that he would look at the matter, develop some criteria and HARB would want to review it.

Commissioner Crichlow stated that with the Commissioners approval he recommended that staff move forward with expanding into the landmark districts for demolition.

Commissioner Lennon stated that having to wait a year in some cases did not make sense.

Mr. Knight replied that the matter put the HARB in a difficult position, because they had to grant permission to destroy a building that could be historical in the future. He said that most demolitions took a year but there were denials in which alternative methods were sought to save structures.

Commissioner Crichlow pointed out that the HARB had the right to allow demolition of a 50-year old structure if

there was no historic architectural significance.³

Commissioner Jones – Condolences

Commissioner Jones extended condolences to Chief Shoar and to the Giannotta family for the loss of his father-in-law Ralph Giannotta.

Commissioner Burk – Café Tables on St. George Street

Commissioner Burk stated that as long as the matter regarding café tables had been brought up and it appeared that there could be three votes of approval, she requested that staff prepare an ordinance for the Commission to consider during the subsequent meeting.

Mr. Wilson stated he believed that he still had an ordinance from the last time the matter had been considered. He pointed out that the matter had brought up the entertainer issue, which was difficult to separate from a legal standpoint.

Commissioner Burk suggested that they address the matter during the next meeting.

Commissioner Lennon – Vendors in the Plaza

Commissioner Lennon also extended condolences to the Giannotta family.

Commissioner Lennon questioned why vendors had to be allowed in the Plaza when vending had nothing to do with the street entertainer situation.

Mr. Wilson replied that the old City ordinances prohibiting vending on the street had been stricken by the court as over broad, at which point there had

been vendors working on St. George Street. He explained that the City had adopted two separate ordinances that banned entertainers and vendors on St. George Street. He said that there was the matter of the first amendment to be considered with certain forms of vending; therefore, to ban vendors from St. George Street the City had to provide a reasonable alternative, which had been the Plaza, and the alternative had been approved by the court.

Mr. Wilson explained that differentiating between the goods being sold was problematic, because it would require that a cashier issue a permit, but for that cashier to make a judgment that could prohibit someone from selling something that might be considered a message bearing material could cause a problem. He said that rather than staff having to make a value judgment as to what products were message bearing and who was selling the product, an alternative venue had been established without differentiation, which was safe and enforceable. He said the situation had worked out well other than that some of the vended products were not message bearing. He said that after a couple of year's experience the City had determined that vendor sales that were strictly commercial could be placed in specific areas away from expression or speech related activities. He said the cost was worthwhile, as no one was banned from the Plaza or restricted within the Plaza. He said that the current situation appeared to be working without difficulty.

Commissioner Lennon said that he had observed one of the vendors in the Plaza screaming at a visitor the weekend before and one of the vendors used a City bench for his sales. He said that people who rented space for sales in buildings on St. George Street required a business

³ A brief recess from 7:05 p.m. until 7:22 p.m.

permit, but they could also vend in the Plaza, and he could not understand how the City could tolerate the situation.

Mr. Wilson said that the City could not discriminate about who could vend in the Plaza. He said that if a vendor was using profane language or using a City bench, enforcement could solve the situation. He pointed out that the City had been fortunate with the result of the litigation regarding vendors.

Mayor Gardner – Old Town Cleanup

Mayor Gardner acknowledged the Old Town residents for their cooperation regarding the cleanup for their neighborhood.

Metropolitan Planning Organization

Mayor Gardner said that he had passed out a request for Commissioners wish list for the First Coast MPO, which included Jacksonville, Duval, Clay, St. Johns and Nassau counties. He said that the MPO addressed the transportation needs for the region based on five and ten year plans. He said that he wanted the Commissioner's wish list for traffic and roads, as well as air, sea and other travel methods. He stated that if the City had put the extension for SR 312 on the list five or ten years earlier it could be finished; however, it was not part of any plan and the City would probably have to wait another five years. He added that it was important to make their voices heard. He said that he and County Commissioner McGuire would be preparing a needs list for St. Johns County.

Menendez Birthday Festival

Mayor Gardner announced the activities that were scheduled to take place for the Menendez Festival.

Definition of One Half Story

Mayor Gardner requested that the City Attorney and the Director of Planning and Building Department get together and draft a definition for a half story. He said that there were definitions for the HP district that referred to two and a half story buildings, but half story was not defined and builders and architects would continue to abuse the matter until a definition was determined. He referred to a photograph of a renovation using a half story that was considered objectionable.

Mr. Wilson referred to the photograph and noted that HARB could have denied the aforementioned plan, but the architect had succeeded at convincing the board that the proposal was appropriate.

Mayor Gardner referred to the buildings recently constructed on St. George Street near the City gates, and he stated that the Spanish Colonial replicas were too large in size, mass and scale.

Commissioner Crichlow stated that hopefully through a consultant the City would be able to address matters. He said that height would have to be addressed by architectural style, because they could not find a two story vernacular house, which was a predominant style in the HP district, that was under 27-feet tall. He stated that there was a wide variety of building heights in the City and the heights were determined by the style, which would require addressing height on an individual architectural basis to be fair and preserve the diversity of the City's history.

Mayor Gardner stated that his request had nothing to do with setting a height

level it was a matter of interpreting what had been put in place in the 1970's. He said that Mr. Knight contended that a half story had a roof line down to the ceiling edge of the second story and the area of the half story should be half the area of the story below it. He referred to the minutes attached to the photograph in which the property owner expressed the desire to maximize the living space, and the construction allowed for two additional rooms. He said that as Mr. Hall indicated there would probably be a couple of other bed and breakfast establishment expansions in the near future that the Commission could look at.

Commissioner Crichlow stated that hopefully the Commission's attention to the issue would filter down to the HARB board. He said that he hoped the board was aware of the sensitivity of the additions and they would act accordingly with consideration for the integrity of the town. He suggested that they would have to address the matter realistically.

Mayor Gardner questioned whether the City Manager had gotten anywhere with finding a consultant.

Mr. Harriss said that staff had approached a couple of people and there was one acceptable prospect, although they were investigating his track record, as he had done some work in town and they were trying to determine the scope of his work. He added that the fees for the consultant in question appeared to be low for the work.

Commissioner Lennon questioned what the consultant was for.

Mr. Harriss said that it was the request by the Commission for the overlay district where every different area might have a different set of architectural

and/or zoning guidelines, which the consultant would present to the neighborhood groups that would have the final word on what they wanted in their neighborhoods.

Commissioner Lennon questioned the amount of the bids.

Mr. Harriss said that there were no bids, as the fees would be calculated on an hourly basis. He said that he heard numbers from \$30-40,000 to \$100,000 over a period of time.

Commissioner Crichlow questioned whether the entrance corridor guidelines were a part of the matter.

Mr. Harriss replied that the entrance corridor guidelines were being developed by staff. He said that the commercial aspect of the entrance corridors was a separate methodology for crafting. He said that the mixed use area was a separate problem that would also be addressed by the proposed consultant. He added that the Commission had not voted on a consultant to date, staff was just gathering costs. He noted that the work by a consultant would take an extensive period of time.

Commissioner Lennon recommended that, because it was an election year, the Commission sign a letter to Congressman Mica requesting that the SR 312 extension be moved up on the DOT schedule. He noted that the extension was not on the DOT schedule for the next ten years.

Mayor Gardner stated that without objection he would be happy to write a letter to the Congressman.

Mr. Harriss agreed that the extension was not on any plan. He said that the City could ask for the Congressman's

help, although the money from the Federal Government would be through the DOT. He added that they had met that day with DOT about the money the City was receiving for the visitor center parking garage. He said that the City could ask for more of the transportation trust fund money, because there was a tremendous need.

Mayor Gardner noted that the HARB minutes he had referred to regarding two and a half story building indicated that there had been no public opinion regarding the matter. He repeated again to the citizens that it was their community and the Commission called the shots at the behest of the community not at their own whim. He stated that the Commission had to hear from the citizens. He noted that the Commission had demonstrated that it responded to input from the citizens. He asked that the public let the Commission know so they could correct any problems.

Mayor Gardner questioned whether upcoming vacancies were listed on the website.

Paul Williamson, Director, Public Affairs, stated that any City board indicated the expiration dates, so the public could watch for vacancies in that way. He said that when the City Clerk provided him with notice it would show on the front page that applications were being accepted for a board.

Mayor Gardner questioned whether all the boards and committees were limited to two terms.

Mr. Harriss replied that according to Code the PZB, HARB and CEAAB were limited to two terms but the committees were not.

Mayor Gardner suggested that it might be helpful as positions were listed to indicate whether the person holding the position was eligible for reappointment, as the Commission would more than likely reappoint that person.

10. Appeals and Public Hearings

(None scheduled for this meeting)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A / Resolutions

(None Scheduled)

11.B/ Ordinances - First Reading

(None Scheduled)

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

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

11.D.1/ Public Hearing - Ordinance 2004-03, concerning a petition to vacate a portion of Bravo Park Lane.

Mr. Harriss explained that the ordinance was relative a short piece of Bravo Park Lane adjacent to Davis Street. He said that Mr. Hotchkin had requested vacating and staff agreed to proceed.

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

MOTION

Commissioner Crichlow MOVED to place Ordinance 2004-03 on second reading, read by title only and approved. Commissioner Lennon SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2004-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF BRAVO PARK AVENUE IN ST. AUGUSTINE, FLORIDA, LYING NORTHERLY OF LEWIS BOULEVARD; PROVIDING FOR RESOLUTION OF CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Lennon, Burk, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.2/ Public Hearing – Ordinance 2004-04, prohibiting roller skating, skateboarding and scooters or bicycles in certain areas.

Mr. Harriss reported that the ordinance clarified areas in the historic and recreated historic areas that prohibited skating and skateboards etc. due to potential damage or safety concerns. Mayor Gardner opened the public hearing, but there was no response.

MOTION

Commissioner Lennon MOVED to place Ordinance 2004-04 on second reading, read by title only and approved. Commissioner Burk SECONDED the motion.

ORDINANCE NO. 2004-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 24-9 OF THE CODE OF THE

CITY OF ST. AUGUSTINE RELATING TO THE PROHIBITION OF SKATEBOARDING AND ROLLER SKATING ON ST. GEORGE STREET; ADDING ROLLER BLADES, PUSH SCOOTERS AND BICYCLES AS PROHIBITED THEREON; ADDING A PROHIBITION AGAINST DOING ANY OF THESE ACTIVITIES ON, IN OR UPON ANY HISTORIC OR RE-CREATED HISTORIC STRUCTURES OR MONUMENTS; 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: Lennon, Burk, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

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 7:56 p.m. ⁴

MAYOR

⁴Transcribed by Karen Rogers, Recording Secretary

CITY CLERK