

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
February 28, 2005

The City Commission met in a formal session Monday, February 28, 2005, 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, Vice Mayor/City Commissioner
Joe Boles, City Commissioner
Donald A. Crichlow, City Commissioner
Errol D. Jones, City Commissioner

William B. Harriss, City Manager
James P. Wilson, City Attorney
Martha V. (Nell) Porter, City Clerk
Timothy A. Burchfield, Chief Administrative Officer
John Regan, Chief Operations Officer
Mark Knight, Director, Planning and Building Department
Mark Litzinger, City Comptroller
Robert Leetch, Director of Utilities
William H. Harding, Director, Public Works
Dr. William Adams, Director, Heritage Tourism
Paul K. Williamson, Director, Public Affairs
Kevin Stark, Assistant Chief of Police
James Owens, Fire Chief
James Whitehouse, Staff Attorney
Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Mattie Taylor, Hurst Chapel AME Church, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mr. Harriss reported that he had two additional staff presentations.

3.B/ Approval of Minutes

The minutes of the Regular Meeting of February 14, 2005 were approved as presented.

3.C/ Proclamations

(None Scheduled)

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

(None)

5. PRESENTATIONS AND STAFF REPORTS

None Agenda Item – VIC Interior Work

Dr. William Adams, Director, Heritage Tourism, reported that the rehabilitation of the VIC would serve purposes consistent with the development of the new parking facility. He said that upon completion of the public hearings they formed a project team within the City to revamp the business model for management of the Visitor Information Center with a true orientation center for the City. He said that he was the team leader for the rehabilitation, and he reported to John Regan, Chief Operations Officer. He said that the team's first step was to gather data for a 70 year review to determine what had worked in the VIC in the past. He stated that they adopted a mission statement to guide the team, and he read the mission statement as follows:

- *The purpose of the Visitor Information Center (VIC) is to introduce visitors in a well-organized facility to the amenities, sites, and attractions available within the area, permitting them to make informed decisions about their stay in a pleasant and pressure-free environment that will contribute to a satisfying and enjoyable experience.*

Dr. Adams said that the team had made a trip to Charleston, South Carolina to observe its visitor center, as it was considered a good model for that type of facility. He added that other members of the team had visited Savannah, Jamestown and Williamsburg on their own initiative. He said that they had held meetings in the building to review the physical characteristics to help formulate plans for rearrangement of the interior spaces. He said that one result of the meetings was initiating the process of ridding the building of termites. He stated that they developed six models for rearranging the interior spaces, and they would continue selecting one or a

combination thereof before selecting an architect and possibly an exhibit designer and/or fabricator to implement the design.

Dr. Adams said that when developing the plans they had a number of issues to deal with as follows:

- Pedestrian flow into, within and going out of the building
- Elements of exhibits to properly inform visitors
- Revenue generation
- Role of the tour industry
- Changes in management of the facility to address dealing with the public

Dr. Adams stated that progress had been side tracked with the Super Bowl, but they were currently moving forward. He said that they would not present any plans to the public until they had been formulated, approved and presented to City upper management and the Commission. He invited the public to contribute to the process.

Mayor Gardner questioned whether Dr. Adams intended on conducting "seawall information meetings" for the public.

Dr. Adams replied that they had not determined whether to conduct that type of public meetings.

Mayor Gardner stated that he was not certain that type of meeting would be necessary for the project. He suggested hiring a local architect if possible.

Commissioner Crichlow questioned whether the addition on the west end of the VIC was part of the garage project, and the response was negative. He clarified that the projects would be handled separately.

Mr. Harriss stated that the project was more technical in nature due to the

simple fact that the facility would hardly be used by local residents, and he added that it was not that big of a project.

Commissioner Crichlow noted that the orientation of the facility was on the east side, and it had to be reoriented to the west side for success of the project.

Mr. Harriss agreed and said that the entrance on the west side of the facility was a fundamental goal of the process.

Commissioner Boles suggested that the Castillo was undecided as to where to place its orientation center, and he suggested that expanding the current N. P. S. Headquarters to encompass the facility would be best, as it would be directly across the street from the VIC and the proposed parking garage; therefore, it would create a good pedestrian traffic flow. He said that it would be good to work with Mr. Wilson on the project.

Dr. Adams replied that they had talked with Mr. Wilson about the aspects of the two different orientation facilities and how they would be communicated to the public. He pointed out that the fort orientation would be solely for the fort; whereas, the City orientation center would be general and provide a selection of choices for the visitor's experience. He added that the City was on a faster track and would complete the VIC before the fort facility was completed.

Commissioner Jones stated that all national monuments had orientation centers, and the fort had needed one for years. He said that he would lobby the Federal Government to place the facility across from the Spanish Quarter to enhance both attractions.

Dr. Adams noted that the City had to cooperate with the fort and not compete with the attraction. He added that the National Park Service did not have the

option of acquiring new property for their orientation center; therefore, they had to rule out the cooperate venture with the City. He said that it would be up to the City or a private foundation to make the space outside of the Spanish Quarter available to the fort for their orientation facility.

Non Agenda Item - Aggregation Ordinance

Irene Arriola reported that she had worked with City Staff for two weeks and staff had produced a file that would allow them to separate RS-1 and RS-2 property owners from the other property owners in the City; therefore, they would be able to do a mailing to the affected citizens. She said that there were approximately 3,600 affected property owners, and the associated cost would be approximately \$1,600. She said that they needed to decide on a date for the public workshop based on the water bill cycle, as there would be an information flyer inserted into the water bill. She suggested selecting a date between April 16th and 25th with a starting time between 3-4 p.m. She said that they also needed to determine who would make the presentation during the workshop.

A brief discussion determined that the meeting would be held on the April 18th at 4:00 p.m., and the Commission authorized the \$1,600 for mailing.

Commissioner Boles stated that he did not want the City residents to perceive the proposal as advanced by the City Commission in any shape or form. He said that he wanted it to be clear that the ordinance was a proposal by the Aggregation Task Force, and if Commissioner Crichlow made the presentation it would appear that the ordinance had tacit approval or endorsement by the Commission. He suggested that the Commissioners unplug themselves from the issue

completely, especially considering that the Commission had not workshopped the matter. He said that the Commission would be waiting for input from the community.

Commissioner Burk questioned whether someone on staff or the Aggregation Task Force could make the presentation.

Commissioner Crichlow suggested that Ms. Arriola or Mr. McDaniel could make the presentation.

Ms. Arriola objected and said that she was not certain that she could make the presentation.

Commissioner Boles stated that someone on the task force had to be well enough versed on the matter to make a proposal to the community.

Ms. Arriola stated that it was her intention to attend the public hearing.

Commissioner Boles suggested that the task force should be able to field questions and responses when the public asked whether their lives would be affected by the ordinance. He said that the task force needed to be able to answer the community's questions, because those were the questions the task force had to answer to develop the ordinance.

Ms. Arriola questioned whether the Commission wanted all the task force members present for the public hearing, and the response was absolutely.

Mayor Gardner questioned whether the task force would meet before the public hearing.

Ms. Arriola replied that the task force had not met since November.

Mayor Gardner suggested that the task force members determine who would be the best person to present the ordinance.

Commissioner Burk suggested that the task force determine the best candidate to lead the presentation.

Commissioner Crichlow suggested keeping the presentation within the task force.

Ms. Arriola interjected that it was her thought that the City hire a professional presenter as a neutral third party.

A brief discussion regarding a presentation determined that the task force would choose a member to make the presentation, Mr. Dobson would present the legal aspects, and the task force would work as a group to present the matter to the community in a clear process.

Commissioner Boles questioned whether the Commission had to approve paying Mr. Dobson to attend the workshop meeting.

Mayor Gardner questioned whether Mr. Dobson's compensation for his involvement would be covered to attend the public hearing.

Mr. Harriss stated that Mr. Dobson had a hard time billing the City for the time that he spent working with the Aggregation Task Force

Non Agenda Item – VIC Parking Garage

John Regan, Chief Operations Officer, reported that the City had received bids on February 11, 2005, and the responsible bidder came in at \$18,501,500. He said that the City Attorney had put together a contract that had been distributed the previous Friday. He stated that the project would be substantially completed by May of 2006,

and final completion would be by the end of June 2006, which was sooner than expressed in previous presentations.

Mayor Gardner questioned where the notice to proceed was.

Mr. Regan replied that they would do a notice to proceed after the contract was executed and all the necessary documents were in order. He expressed appreciation for the team that put the contract together considering the volatility of the market place. He said that the bidding was extremely tight with an approximate 7% spread, which was a reflection on the quality of the plans and specifications.

Mayor Gardner noted that the contractor was from Jacksonville.

Mr. Regan stated that the bidder was Perry McCall who was a respected contractor, and he added that Mr. McCall's firm had constructed Pedro Menendez High School.

Mayor Gardner questioned the parking situation during construction and the earliest use of the facility while under construction.

Mr. Regan replied that during construction the existing asphalt parking lot would be taken out of service, and at the end of the events schedule on May 1st the contractor would construct a temporary parking lot on the events field, which would consist of grass and gravel and provide approximate 200 parking spaces. He said that when the City had events that would exceed the 200 parking space capacity they would expand onto Francis Field for additional parking, which would provide an additional 200 parking spaces. He said that the City had worked with the School Board and the events coordinator, hence the construction schedule would only disrupt the spring 2006 events season.

He said that when they reached substantial completion in May of 2006 they should be able to put the parking facility into service, as the final month of construction would be devoted to small detail and follow-up work.

Mayor Gardner questioned whether the Special Events Field would require surfacing for parking.

Mr. Regan said that the City planned to use gravel on the Special Events Field, but the parking stalls would remain grass. He said the proposed plan was an effort to avoid any stormwater permitting issues.

Mr. Regan said that the contract before the Commission was a draft, as they still had some final details to work on, but the contractor was pleased with the contract and ready to sign.

Mr. Wilson explained some of the minor details to be made on the contract.

Commissioner Burk expressed concern regarding the \$500 a day for liquidated damages for unexcused delay by the contractor, as it appeared to a low amount to her.

Mr. Regan said the amount had been in the original bidding documents.

Mr. Wilson stated that it was what the City generally would do.

Commissioner Burk suggested that it was not a lot of incentive on an \$18 million dollar contract.

Mr. Regan added that the City had taken guidance on the issue from Walker Parking.

Commissioner Crichlow questioned why the City did not use a standard AIA contract.

Mr. Wilson replied that the AIA contract did not work out well for public construction, and the contract he drafted did a better job of protecting the City's interest in the project. He added that an AIA contract protected the architect, but left a lot of items up to arbitration and mediation.

5.A/ Resident Parking Program.

Mr. Regan stated that all the elements of the Parking and Traffic Master Plan had to work together in a synchronized fashion to achieve the goal of completion by the same date, which would be May or June of 2006. He said that they had discussed the details required for a residential parking program and currently the task force was examining the related legal issues.

Mr. Regan said that in January of 2005 staff had provided the parking committee with a draft ordinance and a policy document that would work together. He said that the residential parking program was a tool for neighborhoods with a traffic blight or safety problems. He said the tools would include metered parking, restricted parking and a variety of ideas. He said that they would formulate a plan, solicit the impacted neighborhood's desires, present information to the parking committee and culminate in a public hearing that would establish the parking policies for the neighborhood.

Mr. Regan said that staff's recommendation was to define the definition of a resident of the City and determine how to deal with a mixed use neighborhood. He said that staff had taken a conservative view of mixed use neighborhoods, which were neighborhoods with residential, commercial and institutional uses. He said that when the City used residential decals they wanted to use them in areas that were strictly residential. He noted that the Avenida Menendez neighborhood was suffering a unique traffic blight

seven days a week from 7:00 a.m. until 10:00-11:00 p.m. He said that the Commission wanted to enact residential parking in that area; therefore, they planned to bring the ordinance to the next City Commission meeting, finalize the policy document and when the ordinance was approved the City would be able to post residential parking signs for the 23 parking spaces on the west side of Avenida Menendez south of the Westcott House Bed and Breakfast. He continued that the plan would preserve the east side and the north western part of Avenida Menendez for mixed use and institutional parking, but fundamentally stated that the west side of Avenida Menendez was strictly residential. He noted that the plan would affect how the City could use the tools in all the other mixed use neighborhoods. He questioned whether the Commission was comfortable with the definition of mixed use and residents. He concluded that as they moved forward they would learn more and make the necessary adjustments, as the plan was a long time coming and residents were looking forward to it.

Mayor Gardner questioned whether the aforementioned ordinance would be specific to Avenida Menendez or a general ordinance.

Mr. Regan replied that it would be a general ordinance to enact residential parking in any neighborhood, and the culmination and finalization of the residential element of the master plan. However, he cautioned the use of the plan in the Model Land Track neighborhood near Flagler College until the parking garage was built and functional. He explained that if they went beyond Avenida Menendez at that time it would put a compression on the Flagler College students at a time when the City was decreasing the parking inventory with the construction of the new parking facility at the VIC.

Mayor Gardner questioned whether the Parking and Traffic Committee had endorsed the proposed ordinance and policy.

Mr. Regan replied that he believed so, but during the February meeting some committee members and residents had expressed concern that the proposed fee for the decals was too low. He said he had explained that the fee had to be based on the recovery for the service. He added that if the fee was high that would exert some control on who purchased the decals, but at a staff level the recommendation had to be fair.

Mayor Gardner questioned whether they had considered the time that staff had spent with the citizen committee and all the work involved. He said that the Charleston, South Carolina or Charlotte, North Carolina plan charged \$30.

Mr. Regan replied that they could have a slightly higher fee, and staff was open to the possibility; however, when looking at the cost of the service, they were examining the administration of the actual permit. He explained that the process would encompass going to the Police Department, filling out the application and interacting with staff. He explained that the Police Department would check documentation and registration and physically put the decal on the lower left corner of the windshield. He said they had based the fee on that aspect rather than the cost of the overall plan.

Mayor Gardner stated that they should work R & D (research and development) into the equation that included development time.

Commissioner Crichlow questioned whether the fee would be annual, and the response was affirmative. He stated that he had a problem with charging

residents a lot of money to park in front of their own house.

Commissioner Boles noted that if they started the fee too high they would have no room to increase it in the future.

Mayor Gardner questioned whether policy allowed a resident with a decal to park wherever residential parking was allocated.

Mr. Regan replied affirmatively, and stated that the residents of Avenida Menendez would prefer to have a higher value on the permit.

Commissioner Burk said that the ordinance would be drafted consistent with the policy. She stated that she had a problem with the staff review determining *the guidelines for who and how one may obtain a residential parking permit*. She said that should not be part of staff review, because the Commission should determine who and how a resident obtained a permit that would be consistent throughout the City.

Mr. Harriss stated that the review was of the area to see whether it qualified. He agreed that "who" should be determined up front.

Mr. Regan said that was an excellent point, and he indicated that they would modify the language.

Commissioner Burk noted that the policy indicated that there would be a review of each petition, but she did not believe that language should be included.

Mayor Gardner pointed out that the section Commissioner Burk was referring to was not focused on the permittee; it was focused on the area. He said he assumed that the citizens would have the right of appeal to the City Commission.

Commissioner Burk noted that the recommendation would go before the Commission. She continued that *2.a.1. Petition* contained no definition for area.

Mr. Regan replied that they planned to define from intersection to intersection for a specific block.

Mr. Harriss pointed out that the residents would be initiating the application. He said that area had to be defined by somebody and generally it would be the residents.

Commissioner Boles stated that the resident decal program was not supposed to begin until the parking garage was built, because all the facets worked together. He questioned whether the Commission would currently be wrestling out the details if it had not been for the request from the resident in that area.

Commissioner Burk disagreed and stated that she had been trying to get decals for residential parking before the Parking and Traffic Committee had been formed.

Commissioner Boles pointed out that the committee had worked on the matter.

Commissioner Burk stated that there were other areas in question, not just downtown, like the Conch House that would not be affected by the VIC.

Commissioner Boles stated that it was a separate issue.

Commissioner Burk replied that it was separate but entwined.

Commissioner Boles said that it was either separate or not, and they should deal with it at that time or wait until the parking garage was built.

Commissioner Burk stated that she was tired of waiting.

Commissioner Boles stated that he did not want, with some type of foresight, to deal with a philosophical and general applicable ordinance for all parking issues in a Commission meeting. He emphasized that the Commission needed a workshop if they were going to go into details.

Commissioner Burk stated that past Commissions had discussed the matter.

Commissioner Boles questioned whether the matter had been codified.

Commissioner Burk replied no, but she wanted some type of temporary relief for the residents to avoid waiting another two years.

Commissioner Boles said sure they could stick a sign up on Avenida Menendez and see how it worked, but to try and fix the price of the permit to work throughout the City was not something he was going to support at that time. He suggested using Avenida Menendez as a pilot project, because he did not want to try to solve all issues for one little area that might not work out.

Mr. Harriss stated that while the areas were related to certain groups of people, it had always been the Commission's desire that all resident in the City could get permits.

Commissioner Burk stated that the Commission had always been opposed to issuing specific decals for certain neighborhoods, as the decals had to be open to all areas of the City.

Commissioner Boles said that the people on Avenida Menendez wanted to be able to park close to their homes, but they did not want someone from North City or Ohio parking in front of their houses.

Commissioner Crichlow said it was his understanding that the decals for Avenida Menendez would be just for the residents of Avenida Menendez.

Commissioner Burk said that had never been her intention.

Mayor Gardner said that the decals would not be specific for the residents on Avenida Menendez; however, he lived in North City, and he would not buy a permit to park there. He clarified that the ordinance would be an enabling ordinance and would not mean a decal program. He stated that he could not imagine that there would be a lot of requests for permits to park in that one small area of Avenida Menendez. He suggested that they could modify the ordinance as the program developed. He emphasized that the City could not stand still on the matter.

Commissioner Crichlow questioned what would stop the National Guard residents and the owners of the Santa Maria Restaurant or Villa Marin from buying a number of the parking permits and using them.

Mr. Harriss pointed out that they would have to have a vehicle registered in the City, but a resident from another part of the City could buy a permit and park in the area in question. He said that it was either all or nothing.

Commissioner Burk stated that she would not want to segregate the City.

Mr. Regan stated that the subject of segregating the community was a real issue. He said that although it was not a perfect system it was a beginning that would provide experience and allow collection of data and to help refine the program.

A brief discussion ensued regarding a potential segregation by providing preferential parking to some residents in

spite of the fact that all residents paid taxes for the roads.

Mr. Regan stated that there was no perfect answer.

Mayor Gardner suggested that the Commission was making a mountain out of a 23 parking space mole hill. He said he did not believe that there would be a stampede for permits, and he appreciated Commissioner Bole's concern for the lack of public input, but the ordinance process would include public hearings. He stated that he did not expect that they would arrive at a perfect plan at the end of the public hearings and modifications, but it represented a start.

Mr. Regan said that although he would not recommend using the decal program in the Model Land Tract neighborhood during construction of the garage due to the compression problem, there were other neighborhoods that were not affected by the VIC that could benefit. He added that with the Bridge of Lions construction the City might experience other problems.

Mayor Gardner questioned whether the 200 parking spaces at the VIC would be consumed by the VIC employees and the people working on the bridge.

Mr. Regan replied that the bridge contractor had not leased parking at the VIC.

Mr. Harriss added that they had encouraged the main bridge contractor to lease parking elsewhere, and they had rented space on Riberia Street.

Commissioner Burk stated that whether they charged \$15 or \$30 for a beginning program was not relevant.

Mayor Gardner questioned the status of a resident.

Commissioner Burk stated that a vehicle had to be registered for the address.

Mayor Gardner questioned the state law regarding out of state people residing temporarily in Florida.

Mr. Wilson replied that a person working in the state had 30-days to register their vehicle.

Commissioner Boles stated that the situation was different regarding students.

Mr. Wilson pointed out that if a Flagler College student was living downtown they would want a parking permit.

Commissioner Burk suggested that if a citizen had a driver's license that matched a car registration with the same City address they would get a decal, but they would have to have all three.

Mayor Gardner said that proof of residency within the City might be too lax.

A brief discussion resulted regarding residency.

Commissioner Boles pointed out that it would seem the Commission had not really discussed the matter. He noted that he was not talking about public input on the matter he was talking about his own input at that point, because he foresaw thousands of problems. He stated that some of the City's wealthiest residents that paid the biggest property taxes had their primary residence in another state; therefore, they would not be able to get a parking decal if their car was registered in another state.

Commissioner Burk said that those kinds of people would not be buying parking decals anyway, because they would have garages and driveway etc.;

therefore, she did not believe that would be a problem.

Commissioner Boles replied that thinking of exceptions to a problem did not mean it was not a problem.

Mayor Gardner stated that as long as there was an appeal process to the decision making there should not be a problem.

Mr. Harriss stated that according to the ordinance no decision would be made by staff.

Commissioner Boles said that information was not contained within the philosophical statement that would be the ordinance.

Mayor Gardner said there would be criterion for residency.

Mr. Harriss said the Commission would have to make a decision about the criterion before the ordinance could be drafted, after which staff would make recommendation regarding the areas that were impacted.

Mayor Gardner said that with an appeal process there should be no problem, as he did not believe that they would be getting 200,000 wealthy people from Connecticut appealing the matter. He stated that he did not want to be scared by the possibility that one or two people would be excluded from the program.

Mr. Harriss said that there had to be grounds for appeal.

Commissioner Boles suggested that staff check the Avenida Menendez residents to be certain that they were all residents, and it was agreed that it would be a good idea.

A brief discussion followed regarding the Westcott House and Villa Marin bed and

breakfast establishments, and it was determined that they had off site parking and the City had provided a loading zone; therefore, the business did not impact Avenida Menendez.

Mr. Regan said that he was not certain whether he had mentioned that the time for the decal parking on Avenida Menendez would be 7:00 a.m. until 11:00 p.m., which were the hours that the parking problem took place. He added that 24-hour parking decals indicated preferential parking for residents.

Pat Parets, 67 Marine Street, said that when she gave the Commission her petition it defined the area as Marine Street and Avenida Menendez. She said the boundaries were set that way because some of the residents, such as herself, had no off street parking; therefore, the only place she had to park was on Avenida Menendez. She acknowledged staff for the development of the residential parking plan, and she offered help to implement the plan. She expressed concern regarding the cost of the decals and enforcement. She suggested that the cost of the decal should be higher to cover the cost of enforcement, because any law was only as good as the enforcement. She said that the decals were too inexpensive and entered into competition with the parking garage and parking meters etc. She added that they had no problem with other residents of the City parking there as long as the area was not inundated with residents, as those were the only spaces the residents of the area had to park their vehicles.

Commissioner Boles questioned whether Ms. Parets initial request had been to provide parking for the residents in that area only.

Ms. Parets replied that she did not believe that was a reasonable request.

She added that there were actually 29 parking spaces on the street.

Commissioner Boles questioned how many houses were in the area, and the response was eleven. He questioned whether any of the houses had parking.

Ms. Parets replied that she was not certain, but some of the houses with garages barely used them, as they were difficult to access with the narrow street.

Commissioner Boles questioned how long Ms. Parets had lived in the City.

Ms. Parets replied 10-years.

Commissioner Boles questioned whether they had been parking on the street for 10-years.

Ms. Parets replied affirmatively and said that at first it had not been a problem, but currently it broke her heart to see what had happened to the bayfront, as the situation was an eyesore. ¹

Harold (inaudible), 71 Marine Street, said that it was not a trivial decision to live on Avenida Menendez considering parking, traffic and floods; however, he was committed. He said that he appreciated the City's concern regarding the legality of parking permits. He proposed that if the City made the cost of the parking permits expensive enough residents that did not live in the proposed area would be less apt to purchase a permit; in other words the market would be defined by the people who had a problem; furthermore, he considered it good politics.

Commissioner Burk agreed totally, but explained that they had the legal restriction where the fee must reflect the administrative costs. She suggested that the decals themselves be quite expensive.

¹ End of audio tape one

Mayor Gardner questioned the average cost of a reserved parking space.

Mr. Harriss replied that it depended on the area, but the range was \$25-\$30 monthly, and they were suggesting that all the spaces that were not on the right-of-way be increased.

Commissioner Crichlow stated that he paid \$50, and the amount was going to increase.

Commissioner Burk stated that she would like a recommendation from the City Attorney as to what the City could justify as the maximum amount the City could charge for a decal.

Commissioner Crichlow suggested that there was a happy medium.

Commissioner Burk stated that they could pick a number below the maximum.

Mr. Wilson pointed out that they would be taking those parking spaces out of the parking inventory by allowing only residents to park in certain spaces on the right-of-way, which could result in a lawsuit.

Mayor Gardner said that they would not be locked down spaces.

Mr. Wilson disagreed, as they would be resident parking spaces and putting a high price on the permit would create a second problem. He said that the residential parking permit program had inherent problems to begin with, which they might be able to overcome. He explained that by putting a high price on the permits they would be competing with the private parking spaces, and they would be reserving the spaces for residents only on a public right-of-way, which could create a secondary problem that they had not even considered.

Commissioner Burk suggested that staff find out the cost of the permits in South Beach, Miami.

Mr. Wilson replied that he had spoken with Miami and their residential parking program was designated for residential zoning, in other words they did not have residential parking in commercial zones at all. He added that the residential and commercial zones in Miami started and stopped abruptly.

Commissioner Burk said that was just like St. Augustine.

Mr. Wilson stated that it was not quite as abrupt in St. Augustine. He explained that the City's problem was the amount of mixed use.

Commissioner Burk questioned whether he had found out the cost of the decals in Miami.

Mr. Wilson said that he had not asked the cost, but he said that Miami had a comprehensive and elaborate decal program.

Commissioner Burk said that she was certain that some of the residents would find out the cost of decals in other areas of the state.

Commissioner Jones expressed concern regarding implementation and some of the potential after affects. He questioned whether they had considered the cost of fines.

Mr. Regan replied that currently illegal parking tickets cost \$20, but there had been some discussion about raising the fine.

Mayor Gardner questioned whether staff had the information they needed.

Mr. Harriss questioned whether Mr. Regan had everything he needed, and he added that he was confused.

Mr. Regan summarized that staff was prepared, and they had discussed the situation at length with the Parking and Traffic Committee. He said that there was more work to be done regarding the program and the ordinance. He said that he heard concern because the Commission had not workshopped the matter, but staff could proceed to bring the entire element together. He said that staff had expressed concern regarding enacting the program in areas other than Avenida Menendez. He cautioned that there would be new neighborhood problems when the Bridge of Lions construction was under way, as a desire to park in front of Commissioner Burk's house would be an issue. He concluded that staff needed more direction to proceed.

Mayor Gardner said that the policy represented the framework for an ordinance.

Mr. Regan said from what he heard they could present an ordinance for first reading during the subsequent Commission meeting, as well as an updated policy manual, and the Commission could hold a workshop regarding the matter.

Mayor Gardner suggested that staff proceed while dealing with the Commissioner's concerns, which would give the Commissioners time to look over the proposed policy and contact Mr. Regan with further suggestions.

Commissioner Burk added that the Commissioners could modify a draft ordinance and bring it back for first reading.

The Commission viewed the proposed sign for resident parking and determined

that the sign was of standard size for that type of sign.

Commissioner Boles requested that Mr. Regan provide the Commissioners with several definitions for resident.

Mr. Regan replied that they could provide alternatives for the Commission. He added that staff had conducted extensive research on parking decal programs throughout Florida. He apologized for not having the answer regarding the cost of South Beach, Miami decals at hand, but his recollection was that the cost of their decals was \$30; however, he would provide the information for the subsequent meeting, as well as a matrix of alternatives.

Commissioner Jones said that honestly speaking he did not believe they could compare St. Augustine to South Beach in terms of St. Augustine residents and their ability to pay for parking decals.

Mr. Regan stated that the consensus was to move forward as instructed.

6. ITEMS BY CITY ATTORNEY

(None)

7. ITEMS BY CITY CLERK

7. A/ Notification of Proclamations.

Proclamation 2005-06 declaring Menendez Day had been issued. ²

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

8. A. / Consent Agenda

8.A.1/ Preview of upcoming Commission Meetings.

² A brief recess from 6:50 until 7:03 p.m.

8.A.2/ Release of Lien on Unit Connection Fee Mortgages.

8.A.3/ Approval of Final Subdivision Plat for Property on North Whitney Street.

8.A.4/ Donation of Patrol Vehicles to St. Johns River Community College.

8.A.5/ Award of Contract for the Construction of the Visitor Information Center Parking Facility.

8.A.6/ Consideration of Interlocal Agreement with St. Johns County regarding the West Augustine improvements.

Commissioner Crichlow recused himself from item 8.A.3.

Mr. Harriss stated that the City Attorney had special instructions regarding 8.A.5.

Commissioner Boles clarified that the City was not waiving the 25% surcharge in the Interlocal Agreement with St. Johns County regarding the West Augustine improvements.

MOTION

Commissioner Burk MOVED to approve Items 8.A.1., 8.A.2., 8.A.4. and 8.A.6. on the Consent Agenda as presented. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

8.A.3/ Approval of Final Subdivision Plat for Property on North Whitney Street.

Commissioner Crichlow reiterated that he had to recuse himself from the item.

Commissioner Burk MOVED to approve Items 8.A.3. on the consent agenda. The motion was SECONDED

by Commissioner Boles and approved by UNANIMOUS VOICE VOTE.

8.A.5/ Award of Contract for the Construction of the Visitor Information Center Parking Facility.

Mr. Wilson stated that for the item he would like the Commission's approval to allow the Mayor's signature contingent upon language for acceptance of the surety bond that had not been submitted and final staff review of some of the language changes.

Commissioner Crichlow MOVED to approve Items 8.A.5. on the consent agenda as modified and recommended by the City Attorney. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

8. B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

9.A/ Approval of appointments to the Charter Review Committee.

Commissioner Burk stated that she wanted to make some comments to the Commissioners regarding the proposed charter review. She said that after reading the charter she had determined that approximately 30% was legal description and definitions, 30% was preempted by state law and of the remaining 40%, 75% was related to the Police and Fire Departments, which was covered by the Civil Service Board and negotiated contracts, which left 10% that covered reviews of elections, voting and how City officers were appointed. She said that only items the Commission had issue with were two references to how the Mayor was elected; therefore, she did not believe that a committee was necessary, if that was what the

Commission wanted reviewed. She said that she had two people ready and willing to serve, but she felt that the Commission should save their choice of people for something that was necessary. She said that the Commission could review how the Mayor was elected, as there were a number of options that they could discuss and pick one or two to put on the ballot for the voters to choose from. She said that they could handle the matter without engaging a committee or using staff time.

Commissioner Boles agreed, and he stated that when he brought the matter to the Commission's attention his only concern had been the Mayor issue. He said that the two candidates that he had chosen questioned the scope of the review, as they were not interested in being consultants to the entire charter.

Mr. Wilson pointed out that the County had no charter when they had conducted a charter review; therefore, they had to create a charter.

Commissioner Burk corrected that it had not been a charter review it had been a review to determine whether the County wanted to change to a charter form of government.

Mr. Wilson agreed and stated that the City had a charter that was mostly procedural.

Mayor Gardner stated that he had endorsed the idea of a charter review committee for the entire charter; however, he admitted that he had not reviewed the document before hand. He said that based on Commissioner Burk's statement he would take her word that there was only one element that required review. He said that he had heard different approaches regarding the element that merited discussion.

Commissioner Burk stated that there were a finite number of options and the Commissioners could consider them and feed information to staff, and staff could think of others to develop a draft list for further considerations.

Mayor Gardner stated that the recommendation was for the Commissioners to be conduits for public ideas and interact with staff.

Mr. Harriss suggested that the Commissioners put their ideas on paper and submit those ideas to him.

Commissioner Jones said that he had looked at the Charter and determined that it would not require a review, but simply a change to that particular part; therefore, it was not necessary to appoint citizens to a committee for review; therefore, he agreed with Commissioner Burk's recommendation.

A brief discussion resulted regarding the information that was preempted by state law; and therefore, out of the hands of the City.

Mr. Harriss noted that it was the consensus of the Commission that they need not appoint a committee for a Charter review, but the Commissioners would submit suggestions to him regarding Commission term lengths and elections etc.

Commissioner Burk pointed out that they could also have more than one option on the ballot.

Commissioner Boles agreed that they could put other issues on a special election ballot.

Commissioner Jones stated that he was not really in favor of a special election, as he figured it would cost approximately \$25,000, and he did not think that they should pose a tax burden on the citizens

when they could wait another six months for the general election.

Mr. Harriss said that he would include that as an item for the Commissioners to consider.

Commissioner Jones – Bike Week Signage

Commissioner Jones said that he would like to address the situation of off-premise advertising for Bike Week.

Mr. Harriss said that technically off-site advertising was not lawful in the City, because it was considered advertising for specific businesses. He said that in the past if the advertisement was not too blatant the City ignored it, because by the time they went through the process the sign would be removed, but a new Commission might have another opinion.

Commissioner Jones said that some of the citizens were disappointed about the turn out for the Super Bowl, but the turn out for the Daytona 500 had been good and Bike Week would also contribute to the economy. He suggested that staff consider what was done in the past and do whatever was best for the City.

Commissioner Burk said that she had heard objection from some residents that they did not want to encourage bikers to visit the City, or for the City to become a part of Daytona's Bike Week. She said that the City had not gone in that direction, but she wanted to be cautious.

Commissioner Boles pointed out that because Daytona was using the cruise ships St. Augustine would lose more of the people involved with Bike Week.

Commissioner Jones stated that he had also heard objection to the situation, but on a whole the situation had been more positive than negative; therefore, he did not see a real problem. He added that

the type of person attending Bike Week had evolved positively over time.

Commissioner Crichlow stated that the City had passed a new sound ordinance having to do with the sound emanating from motorcycles. He questioned whether the City would be enforcing the ordinance during Bike Week, as he would like it enforced.

Mayor Gardner questioned whether a police officer automatically issued tickets for noisy motorcycles or whether they issued warnings.

Mr. Harriss replied that it was up to the officer's discretion.

Mayor Gardner questioned whether a ticket for noise served as an order to repair the noise situation within a period of time or simply a fine.

Mr. Harriss said that both options were available.

Commissioner Crichlow – Menendez Birthday Celebration

Commissioner Crichlow acknowledged the visit with the dignitaries from Spain and said that he had enjoyed the meeting at Government House along with the exchange of ideas. He also acknowledged the volunteers involved. He concluded that it appeared the visitors had a good time.

Commissioner Burk – Menendez Birthday

Commissioner Burk acknowledged the owners of the Hilton Hotel on the bayfront for being gracious hosts to the Spanish dignitaries.

Mayor Gardner – Announcements

Mayor Gardner also acknowledged the Menendez Birthday Festival and all of

the citizens involved. He stated that it had been the best City to City conference to date, and he outlined some of the topics of discussion.

Mayor Gardner delivered announcements regarding people and community events.

10. Appeals and Public Hearings

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A/ Resolutions

11.A.1/ Consideration of Resolution 2005-05, as amended, modifying the Architectural Guidelines for the Historic Preservation (AGHP) to incorporate pre-approved replacement materials.

Mr. Harriss reported that the resolution had been re-drafted based on the Commissioner's comments.

Commissioner Burk questioned whether Commissioner Crichlow was satisfied with the definition of the different materials.

Commissioner Crichlow replied that he had reviewed the modified ordinance, and he was satisfied.

Mayor Gardner pointed out that the matter of height was not included in the ordinance.

Mr. Knight replied that the matter of height had been removed, and each item for pre-approval was further clarified.

Commissioner Burk clarified that the ordinance pre-approved certain materials to avoid the HARB approval process (with consideration for hurricanes.)

Mayor Gardner said that, based on the minutes from the previous meeting, no

Commission action to remove the matter of height from the resolution had been taken, and if that was the case he wanted the Commission to take action. He said his motivation was that if Commission guidance to HARB was sufficient to let the board know that it had the right to examine building height in relation to the surroundings that was fine; otherwise, they needed a resolution or ordinance to do so. He said the bottom line was what the community wanted, and from what he heard from citizens the community wanted to maintain the character of the neighborhoods. ³

Commissioner Burk stated that they had removed the height issue so that the Commission could approve something to assist citizens regarding pre-approved materials.

Mr. Harriss stated that he thought the Commission had voted on the matter, but it might have been a consensus vote, which was all that was required. He added that he had heard at least three Commissioners, Commissioners Boles, Burk and Crichlow direct removal of the height issue.

Mayor Gardner said that he remembered the discussion, but he did not want the height matter totally ignored until there were another fifty elevator buildings.

Commissioner Burk agreed that the Commission should address the matter in ordinance form, but they currently had to make a decision regarding Resolution 2005-05.

MOTION

Commissioner Burk MOVED to approve Resolution 2005-05.

³ Review of the minutes and audio tape indicated that it was the consensus of the Commission to remove the matter of height from the resolution

Commissioner Boles SECONDED the motion.

VOTE ON MOTION

AYES: Burk, Crichlow, Boles, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

Commissioner Burk stated that she wanted to move forward regarding the height element.

Mayor Gardner questioned whether the City Attorney had been provided with a sufficient direction to provide the Commission with an ordinance.

Mr. Wilson replied that he did not believe that a decision had been made regarding the matter. He said he thought that the issue of height had been taken out of the resolution according to consensus.

Commissioner Boles suggested that he go to HARB and ask them if they were going to send something to the Commission. He said that some of the HARB members he had spoken with stated that they had not sent height as part of the ordinance.

Commissioner Crichlow agreed that he understood the same thing.

Commissioner Boles said that it had been the desire of one person and it had been stuck in the resolution, and he did not want to see that again.

Mr. Harriss stated that staff would go back to HARB and specifically ask the question again. He said that the HARB members would have to understand their duties regarding height, mass and scale.

Mayor Gardner said that would be good and added that he had every confidence in HARB members, and if they were comfortable with the way it currently was, that would be fine, but if they had a

recommendation for the Commission that would be good.

Commissioner Crichlow said that the board might wonder whether they had the authority to address the matter.

Mr. Harriss said that if the board did not feel they had the authority it would behoove the Commission to do something about the matter. He said he heard that the HARB members currently did not believe there was a problem regarding height.

Mayor Gardner distributed photographs of a new home under construction on Fullerwood Drive with a completed structure digitally super imposed to indicate the height, mass and scale in comparison to the surrounding structures.

A brief discussion revealed that the house was being constructed on a non-conforming lot in RS-1.

Commissioner Jones suggested that they would address that type of issue when they talked about reduction according to square footage and proportionate height.

Commissioner Boles said that was good, because if they did not want citizens to build using maximum height they would have to let them have more lot coverage. He pointed out that elderly people were not building 2-3 story homes, because they did not want to climb steps; however, if the City locked them into 20% lot coverage they would have to go up to get the space they required.

Commissioner Crichlow noted that if they allowed more lot coverage they would be knocking down a bunch of trees.

Commissioner Jones stated that small lots meant small homes and that was the bottom line.

Commissioner Crichlow said that height outside of HP districts had been a subject of conversation a number of months back, and it was considered that perhaps the Aggregation Task Force would reinvent itself after completion of the aggregation matter and maybe add appropriate people to the task force and continue to address the matter of an overlay for neighborhoods. He continued that it would consist of architectural guidelines for neighborhoods outside of HP. He wondered if that was something that might be down the road or whether they were going to address the matter in the Code review.

Mr. Harriss proposed to address the overlay districts for other areas in the Code review. He said that someone would have to help the consultant and the neighborhoods would have to be involved.

Mayor Gardner questioned how staff was doing with the consultant search.

Mr. Harriss said that the City had received two applications, and staff had selected a consultant from Jacksonville.

Commissioner Crichlow said that the overlay architectural guidelines would be tailored to each individual neighborhood, and they would look at each neighborhood for the existing styles of architecture and determine maybe 5-7 styles that would be allowed within the neighborhood. He added that the styles themselves would be controlled by height, which was the concept behind the proposal. He concluded that the neighborhoods would have to want, institute and agree to the proposal, as it would not be something that the City would impose on the citizens.

Commissioner Boles suggested that they wait and see how they did with the aggregation ordinance.

11.A.2/ Consideration of Resolution 2005-06, relative to the Utility Bond Issue.

Mitch Owens, RBC Dain Rauscher Inc., stated that his firm continued to monitor the City's outstanding debt, and there were four potential water and sewer outstanding bond issues from 1995, 1996 and 1999 that they could refinance with a substantial savings to the City. He stated that the market had been attractive for the past year from the stand point of issuance of new debt. He said that during previous financing the City had caught the market at one of its lowest points. He said that the market had not moved that much, and the City would benefit by re-entering into refinancing of the four bond issues. He explained that the reimbursement resolution would allow the Commission to authorize his firm to start the necessary process and make expenditures that could be reimbursed from the bond issue itself. He said that they would have to meet with the rating agencies to get the ratings in place and return to the Commission with the authorizing resolution when the Commission would vote to approve the bond issue and the savings to the City. He said that the process was a good idea because they would not be issuing any more debt, but piggy backing the refunding for potential new money, which saved the cost of issuance. He offered to answer questions.

Mayor Gardner said that technically they would be refinancing to take advantage of the market.

Mr. Owens replied affirmatively and said that if they were able to refinance all of the debt it would be approximately \$20 million and the new money portion was approximately \$2 million of what they were looking at.

Commissioner Burk stated that it was all about saving money.

Mayor Gardner questioned whether the matter was secured by the utilities fund.

Mr. Harriss replied affirmatively and said that the matter did not enter into any other part of the City.

Mayor Gardner questioned whether it was too early to consider the water treatment facilities.

Mr. Harriss replied that it was an ongoing process where every couple of years they changed their capacities.

MOTION

Commissioner Crichlow MOVED to approve Resolution 2005-06. The motion was SECONDED by Commissioner Jones.

VOTE ON MOTION

AYES: Crichlow, Jones, Boles, Burk, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B/ Ordinances - First Reading

(None Scheduled)

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

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

(None Scheduled)

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

(None)

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

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned 7:53 p.m. ⁴

MAYOR

CITY CLERK

⁴Transcribed by Karen Rogers, Recording Secretary