

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
April 11, 2005

The City Commission met in a formal session Monday, April 11, 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
Loran Lueders, Chief of Police
James Owens, Fire Chief
James Whitehouse, Staff Attorney
Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Dr. John Hunter, Memorial Presbyterian Church, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mr. Harriss announced that he wanted to remove Item 5.D. regarding the customer service center, as Commissioner Burk would be late for the

meeting, and she wanted to be a part of the discussion. ¹

Mayor Gardner said that due to the conflicting Code elements regarding the Historic Architectural Board appointments he would like to table Item 7.C. until the matter was resolved.

Following a brief discussion it was determined that the Commission would wait to discuss the matter until they got to the agenda item.

3.B/ Approval of Minutes

¹ Due to the length of the meeting Item 5.D. was removed and not addressed

The minutes of the Regular Meeting of February 28, 2005 were approved as presented.

3.C/ Proclamations

- 2005-09 Year of Languages
- 2005-12 Sexual Assault Awareness Month

Mayor Gardner read and presented proclamation to 2005-09 to Ms. Linda Villadoniga, the foreign language teacher of the year, and proclamation 2005-12 to Allison Rhodes representing the Betty Griffin House.

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

Gale Burnick, 101 Kings Ferry Way, President of the Lincolnville Neighborhood Association, encouraged the Commission to focus on preservation and receive City awards.

James Costeira, 6341 Gomez Road, Firefighter and President of the Firefighter's Union, stated that he wanted to present an overview of the Firefighters negotiations regarding a potential merge with St. Johns County. He said the contract had been settled with the union, and the City had done the best it could under the current budget; however, the contract proved insufficient, as they had not been able to retain the seven firefighters that went to St. Johns County. He added that the City fire department had a serious problem with manpower retention. He pointed out that the situation was currently in the hands of the City Commission, and he distributed copies of the City Charter and read the section regarding the fire department.² He stated that the current manpower was

not adequate according to standards to provide proper service. He emphasized that the firefighters were in favor of fire protection for the City; therefore any decision would have to be made by the City Commission and residents of the City.

Commissioner Boles said that he was surprised to discover that 75% of the City firefighter calls were medical and 3% were fire calls. He questioned whether the firefighters might be leaving the City to work for the County because they would be involved with the increased medical training.

Mr. Costiera said that was a difficult question to answer as it would be according to the individual firefighter's inclination. He said that he did not believe that they were losing firefighters because they wanted to become paramedics; they were losing them because becoming a paramedic represented promotion advancement as well as the number of officer positions available with the County.

A brief discussion resulted regarding the difference between an EMT and a paramedic.

Commissioner Crichlow noted that the City fire department provided fire services and the County provided paramedic service, which came out of the citizens taxes; therefore, unless the County was not providing good service there would be no reason to duplicate the service.

Mr. Costiera stated that the Commission had the support of the firefighters as long as the goal was to provide the best fire service possible.

Elizabeth Holiday, 11 Aviles Street, stated that the Old Town Association had developed a pocket park between Aviles and Charlotte Streets, and she invited

² Handout attached to original minutes

the Commission to the dedication the following morning.

B. J. Kalaidi, 8 Newcomb Street, spoke against the proposed Aggregation Ordinance suggesting that the result of the ordinance would be an isolated walled ghetto for the privileged under control of government officials. She questioned whether the Commissioners wanted to take property away from the owners to achieve the City's economic goals. She encouraged Commissioners Burk, Crichlow and Gardner to join Commissioners Jones and Boles to vote against the "taking" ordinance.

Commissioner Boles pointed out that the proposed workshop on April 20, 2005 was a presentation from the Aggregation Task Force, as the Commission had not been involved with the development of the ordinance.

Patricia M. Lowe de Parets, 67 Marine Street, said that she had hoped an ordinance for the residential parking pilot program would be presented during the meeting; however, there were still issues to be determined. She pointed out that the situation was desperate and expressed appreciation for the Commission's sensitivity to their dilemma. She concluded that she hoped they would move forward rapidly with the ordinance.

Ed Slavin, P.O. Box 3084, St. Augustine, suggested that the City examine Time Warner when the matter of their franchise was next addressed, because he had paid for supposed digital cable service for four years. He noted that he had not gotten the channels he paid for, and his complaints had been ignored.

Mr. Slavin stated that the City should get a handle on annexations. He pointed out that the annexation on the current agenda entailed a portion of a backyard, for which the developer wanted to build five houses on 1.5 acres. He said that

the pattern of annexation might be a violation of the 15th amendment to the U.S. Constitution. He suggested a moratorium on annexations until such time that the matter could be thoroughly examined.

Jacob Snyder, 155 Marine Street, expressed concern regarding the fire department. He said that he would hate to lose a fire department, because the firefighters were not receiving sufficient salaries to support their families. He suggested that additional millage on taxes would not hurt the citizens that much. He requested the Commissioner's consideration.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation by Gary Huggett of Masters, Smith & Wisby regarding Financial Statements for the year ending September 30, 2004.

Mr. Harriss read a letter from Mr. Huggett as he was unable to attend the meeting. The letter announced that the City had received certification from the Government Finance Office Association under the new governmental reporting guidelines, which was a testament to the hard work and dedication shown by the finance department.

Mr. Harriss explained that recently the financial department had to change the way they reported and staff had completed the transformation of the financial statements. He displayed the award the City had received for achievement and excellence. He added that they had won the award for 12 consecutive years, but the current award was the first under the new guidelines.

5.B/ Presentation by Mitch Owens, Dain Rauscher, Inc., regarding New York trip for Utility Bond Refunding.

Mr. Owens noted that it was important that the Commissioners had attended the meetings for the rating agencies in order to get their attention and to maintain the strong ratings. He explained that maintaining the ratings opened a wider venue for marketing the debt that allowed for lower interest rates, increased higher interest rates on project earnings and cost of credit enhancement or insurance premiums that provided the triple AAA rating. He emphasized that relating faces to a particular project and community was beneficial to the process.

Mr. Owens reported that they would be able to maintain their strong underlying ratings, and there was a possibility that they would get an upgrade. He said that the insurance premium quote was significantly lower than they had anticipated, representing an additional savings.

Mr. Owens said that they were preparing the documentation for the first Commission meeting in May, and with the Commissioners approval they would move quickly. He concluded that staff had been helpful.

5.C/ Presentation by the University of Florida Urban and Regional Planning students regarding neighborhood planning for the Lincolnville area.

Kristin Larsen, Ruth Stiener, Erica Hall and Eva Maria Krueger made a presentation evaluating the community and neighborhood planning for Lincolnville. Ms. Hall, graduate student in Urban and Regional Planning, delivered a brief summary of a neighborhood meeting in December 2004 and her continuing research regarding Lincolnville and Ms. Krueger, student of Landscape Architecture program, delivered her masters thesis on

Landscape Architecture as related to Lincolnville.³

The Commissioners encouraged cooperation with the students and University.

5.D/ Presentation by John Regan regarding the Customer Service Center.

(Item removed and not addressed)

5.E/ Presentation by John Regan regarding Residential Parking Program.

John Regan, Chief Operations Officer delivered a summary regarding the residential parking program stating that it was a matter of *where and who* that had to be resolved to develop the residential parking program with an ordinance and a policy. He said that the intention of the program was to solve the commuter traffic load occurring in the adjoining neighborhoods of the historic districts. He said that although the Model Land Track area, northern Lincolnville and St. George Street had been the primary areas of concern the program could be used in any neighborhood with a traffic blight. He said that the current focus was on the neighborhood on Avenida Menendez.

Mr. Regan said that there were two ways to implement the program:

- Zone permitting
- City wide permitting

Mr. Regan explained that zone permitting provided parking permits to the qualified citizens of an affected area only. He said that the Parking and Traffic committee offered and endorsed the alternative of City wide permitting, in which all residents of the City qualified for parking

³ Attached to original minutes

permits. He provided examples and said that it was a key issue. He said that the other key issue was who qualified as a resident, and he suggested that the Commission leave the mechanics of the definition to staff as they developed the policy and ordinance.

Commissioner Boles recapitulated that Mr. Regan meant that *resident* would be defined through research. He said that staff would provide the criterion for the definition for zoning and City wide parking permit to the Commission

Mr. Regan stated that in both cases the definition of *resident* would be similar but the boundaries would be the key element.

A brief discussion regarding the definition of *resident* ensued when it was determined that staff would develop the definition.

Commissioner Boles questioned whether there was a recommendation within the large transportation plan for mini zoning as opposed to City wide permitting and the response was affirmative.

Commissioner Crichlow disagreed with the idea of City wide parking permits as they needed to provide relief to residents in specific areas; moreover, he did not believe City wide permits would resolve the problem. He added that if they were considering City wide permitting maybe they should consider County wide permitting. He concluded that he supported zone permits.

Commissioner Jones stated that he would never restrict parking to citizens residing within the City limits of St. Augustine; therefore, he would only vote for City wide parking permits. He suggested that spreading the area for parking permits to the County would only succeed at clouding the matter.

Mayor Gardner stated that he thought the initiation of the parking decal on Avenida Menendez would be the catalyst for the program. He said that a general permit for all areas made sense to him.

Mr. Regan stated that there was no perfect answer to the problem.

Commissioner Boles stated that he was not ready to rethink the Parking and Traffic Committees recommendation. He suggested waiting for the definition of *resident* and noted that the definition would pertain to all purposes related to the City.

MOTION

Commissioner Jones MOVED to ask staff to base their definition of *resident* on a City wide effort verses zone. The motion was SECONDED by Mayor Gardner and approved by VOICE VOTE, with Commissioner Crichlow DISSENTING.

Mr. Harriss suggested that whatever they did would provide some relief to the residents. ⁴

Mr. Regan continued that considering the legality and the results of previous lawsuits the courts had determined that parking permits were acceptable when trying to mitigate problems of traffic; however, it would not be reasonable if it was simply a convenience for residents of the community. He said that they intended to balance the legal issues conservatively because St. Augustine was a mixed urban community presenting the problem of reasonable access, and he described the Avenida Menendez situation. He questioned whether staff should be conservative in defining an area that qualified as residential parking or work from the view point that there was reasonable access for the uses other

⁴ End of audio tape one

than residential. He said that the implication was huge depending on the Commissioner's direction and how they wanted to proceed.

Mr. Regan stated that if the Commission wanted the policy and ordinance to contain the strict interpretation of purely residential, it would preclude the ability to have a residential decal system on Avenida Menendez.

Commissioner Boles stated that anyone who purchased a home downtown had to deal with the mixed urban use where parking was an issue. He questioned whether the parking decal program was supposed to work in concert with the parking garage, and the response was affirmative. He said that before they could prohibit people from parking in the neighborhoods the City had to provide alternative parking. He requested examples of how other cities had handled the problem.

Mr. Regan stated that the idea had been to unveil the programs when the garage was constructed. He said that scheduling was another issue.

Commissioner Jones said that if they used a liberal definition they could designate the west side of Avenida Menendez from the bed and breakfast to St. Francis Street for residential parking. He questioned how many parking spaces that would provide and the response was 23; therefore, he recommended using those 23 spaces as the test area for the residential parking program.

Mr. Harriss pointed out that they would eventually use numerous methods to solve the parking problem downtown; therefore, they needed to address only that area of Avenida Menendez.

Commissioner Jones replied that they were only referring to those 23 parking spaces, and they wanted staff to research

the situation and return with an ordinance for permit parking in that area for the time being, and there was consensus.

Mr. Regan clarified that the Parking and Traffic Master Plan hinged on the concept of everything being unveiled simultaneously. He said that based on the aforementioned decisions it would be possible to fine tune the ordinance and policy and create a definition of *resident* within a couple of months, at which time they could institute the plan for Avenida Menendez. He cautioned the Commission not to use the plan beyond Avenida Menendez until the parking garage was constructed.

Commissioner Boles cautioned about initiating the plan in any area, as they could sell 2,000 permits for residents to park on Avenida Menendez. He suggested putting the program together and then discussing whether or not to start the program before the garage was built. He stated that the residents of Avenida Menendez were aware of the parking situation when they purchased their homes. He suggested that the Avenida Menendez residents would not want to be unfair to the rest of the City. He suggested looking at the matter in two months.

Commissioner Jones shared Commissioner Bole's concern.

Mayor Gardner disagreed that they would sell 2,000 parking permits or that it would be a problem to initiate the program on Avenida Menendez.

5.F/ Presentation by Dr. William Adams regarding the Spanish Quarter Museum Operations.

Dr. William Adams, Director, Heritage Tourism, distributed a tally of the attendance for the Spanish Quarter Museum and proposed closing it on

Sundays. He explained that the Spanish Quarter Museum averaged approximately 140 visitors daily, and to break even, they required 230 visitors daily. He said that closing on Sunday would not solve the problem, but it was a step toward improving the revenue situation.

Commissioner Boles stated that he would rather open the museum for free than close on Sunday, especially considering the City's relationship with the state and its view of the City's stewardship of historic properties. He said that he understood the request, but he had to oppose anything that limited access to the Spanish Quarter. He suggested trying some other approaches, and he added that members of the community might be interested in helping.

Mayor Gardner questioned the total visitation for 2004 and the response was 53,000, and the Sunday attendance had been 2,300.

Mr. Harriss noted that the museum was an enterprise fund that received no money from any other fund, as it was expected to stand on its own. He added that the Commission could change the philosophy.

Commissioner Boles suggested changing the business model; however, he said he understood that it was difficult when the City only had a five year lease on the property. He spoke regarding visitor's perception should they put a "closed on Sunday sign" on the door and how it could affect other businesses. He added that due to the configuration of the Spanish Quarter it was difficult to find.

Commissioner Crichlow questioned the cost of running the museum on Sundays.

Dr. Adams replied that they would save \$23,000 annually by closing on Sunday,

which would not cover the deficit for the museum, but it would help. He agreed that the public perception of closing on Sunday would have a negative affect. He said that he tried short staffing; however, he had received complaints.

Commissioner Boles stated that to find a source of funding they would have to work with the State of Florida to get a longer term lease. He suggested that they could make some head way in that direction, but he recommended trying some creative sources for the time being.

Commissioner Crichlow suggested that they would be increasing the deficit.

Commissioner Boles agreed, but added that freebies, give-a-ways and promotions always paid back more than they cost. He said that there was a flow of dollars walking down St. George Street, and they needed to tap into it or convert that flow.

Commissioner Crichlow agreed that a new business plan was overdue, but they would need to budget for it.

Commissioner Boles said that if they went to the state for a longer lease they would have to show them some type of business plan.

Mr. Harriss suggested that they budget money from the General Fund for a business plan.

Commissioner Boles questioned whether they would have to go outside of staff. ⁵

Mr. Harriss replied that it was a specialized matter.

Mayor Gardner stated that he had proposed a community task force for heritage tourism, but the Commission had not thought it necessary. He said that there was a wealth of experience in

⁵ Commissioner Burk arrived at 7:10

town that they should tap into. He said that the City really needed a newspaper that got out of the small town politics and backed the community and its programs. He suggested many great ideas were not initiated because of small town thinking. He said that the surplus from the Casa Del Hidalgo could be used to hire a consultant for the entire heritage tourism program. He added that staff was working on a plan to present to the state legislature for additional money for the City. He stated that Dr. Adams was working on a plan to take title to the buildings owned by the state. He suggested mortgaging something to get the funds to do things before it was too late.

MOTION

Commissioner Boles MOVED that staff go forward with whatever they needed to develop a business plan. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE. ⁶

6. ITEMS BY CITY ATTORNEY

6.A/ Consideration of Waiver of Conflict of Interest regarding Akerman Senerfitt representation of Atlanta Gas Light Company on Florida Public Service Commission regulatory matters.

Mr. Wilson said that Bill Pence of Akerman Senerfitt was the City's environmental counsel involving EPA matters, and they had been approached by AGL Resources, Inc. for services, but there were still outstanding issues between the City and AGL creating a potential conflict. He said that upon examination he did not see any conflict, but should one arise Akerman Senerfitt would drop AGL, and he requested the Commissions approval.

⁶ A brief recess from 7:15 until 7:43 p.m.

MOTION

Commissioner Jones MOVED to authorize waiver of conflict. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations.

- 2005-07 International Woman's Day
- 2005-08 Recognizing Civil Rights Attorney Al Bronstein
- 2005-10 Recognizing Civil Rights Attorney Ralph Temple
- 2005-11 Tai Chi Day

7.B/ Consideration of one appointment to the Civil Service Board.

The following citizens applied for the Civil Service Board:

1. Joan Broudy, 4001 Vaill Point Terrace
2. William E. Dudley, 1072 Alcala Drive

Ms. Porter noted that the City Code did not require that members of the Civil Service Board live in the City.

The Commissioners voted by written ballot and appointed Joan Broudy.

7.C/ Consideration of two appointments to the Historic Architectural Review Board.

The following citizens applied for the HARB:

1. Mathew S. Edwards, 1010 Bella Vista Boulevard
2. Robert B. Eller, 48 Sevilla Street
3. Becky Greenberg, 3 St. Andrews Court
4. Karen Harvey, 6 Flamingo Drive
5. Miriam E. Pujals, 72 Sanford Street

6. Dana Ste. Claire, 820 Turtle Lake Court

Mayor Gardner requested that the Commissioners table the HARB appointments until the Code was clarified. He explained that one section of the Code called for education and experience in various fields, another section required college degrees, plus the City residency requirements were inconsistent. He stated that he continued to support appointment of the most qualified members of the community whether they were City residents or not; however, the Commission had voted for City residents only.

Commissioner Boles agreed with the Mayor stating that there was a lot of talent in the area, and he acknowledged that the Code was inconsistent and required tightening.

Commissioner Burk stated that she believed the boards should first be filled with residents. She said that as long as qualified citizens lived, voted and paid taxes in the City they should be given preference to serve on boards. She said that there was the question of a citizen that lived in the City and served on a board and whether they should continue to serve on the board if they moved out of the City. She suggested that there should be some leeway in that regard, but she still thought that residents should receive preference.

Commissioner Crichlow stated that however they handled the matter they had to be clear. He said that clarity was important because of the potential threat of litigation if a board was improperly appointed by the Commission; thereby, rendering past decisions null and void.

Commissioner Jones said that he had experienced concern regarding residency when they amended the ordinance. He

stated that he believed they should be more flexible. He said that he agreed with the Mayor's recommendation to extend the terms of the existing board members until they tightened the Code.

Mr. Harriss stated that Mr. Barnes and Mr. Ste. Claire had agreed to serve for a couple months longer.

Mr. Wilson said that residency requirements were up to the Commissioners, but he had a way of fixing the qualification section of the ordinance.

Commissioner Burk stated that she would not want someone from New York serving on a board just because he/she was more qualified than a resident.

Commissioner Jones stated that they wanted the flexibility to reappoint someone like Mr. Ste. Claire.

Mayor Gardner pointed out that the Commission would be doing the appointing, and they would not be likely to appoint someone from New York. He added that he did not want to shut the door on expertise.

Commissioner Boles added especially on the HARB. He suggested that when the definition of *resident* was determined they should use it in the ordinance.

Mayor Gardner recommended that the Commissioners submit their thoughts to the City Attorney for him to compile and bring back to them.

Mr. Wilson suggested that if residency was going to be a requirement he would make it the same as it was for the Commissioners.

MOTION

Mayor Gardner MOVED to table (Item 7.C.) and extend the current terms until the inconsistencies in the Code

were corrected. The motion was **SECONDED** by Commissioner Boles and approved by **UNANIMOUS VOICE VOTE**.

7.D/ Consideration of one appointment to the Planning and Zoning Board.

The following citizens applied for the PZB:

1. Peter Romano, 62 Sanford Street
2. Steven M. Schuyler, 7 Inlet Place
3. Chad K. Smith, 56 Dufferin Street
4. John Valdes, 22 Bayview Drive

The Commissioners voted by written ballot and John Valdes was appointed.

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

8. A. / Consent Agenda

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

8.A.2/ Approval of presenting the de Aviles Award to Ambassador Javier Vallaure, Consul General, Spanish Consulate in Miami.

8.A.3/ Release of Liens on Unit Connection Fee Mortgages.

8.A.4/ Ratification of Memorandum of Understanding with the Coastal Police Benevolent Association.

8.A.5/ Authorization for the City Manager to execute Change Orders and Administer Daily Operations of VIC Parking Facility Construction.

MOTION

Commissioner Boles MOVED to approve Items 8.A.1. through 8.A.5. on the Consent Agenda as presented. The motion was SECONDED by

Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

8. B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Boles - Historic Preservation Day

Commissioner Boles stated that Historic Preservation Day had been productive. He said that based on the conversation the state appeared to be more open to the thought of the City handling the preservation properties.

Mooring Fields

Commissioner Boles stated that both sides of the bridge would be impacted by building the temporary and permanent bridges, and they had no idea how long it would be before they could consider the mooring fields, but they could use the time to gather information.

Commissioner Crichlow - Receptacles

Commissioner Crichlow stated that with the cooperation of several businesses they were stationing tasteful cigarette butt receptacles on St. George Street, and the merchants would maintain them.

Yard Trash Bags

A brief discussion took place regarding plastic yard trash bags that could not be deposited with the yard trash. It was determined that the people picking up the trash were dumping the contents into the truck and leaving the bags behind for reuse, and Mr. Harding would research whether the City trash cans could be used for yard trash.

Historic Preservation Districts 1, 2, and 3

Commissioner Crichlow stated that in the zoning for HP 1, 2 and 3 districts lot coverage was limited to 50% and there could be no footprint larger than 2,500 square feet. He said that meant one could have a large lot but be limited to 2,500, plus there was no provision for a variance in the Code. He questioned whether there was a good reason for the situation, and he suggested that the matter go before the PZB. He suggested that the 2,500 footprint could be increased in certain situations and still stay within the 50% lot coverage.

Mr. Wilson replied that he thought the logic for the 2,500 footprint had been for buildings within the HP districts that had generally been small buildings on small lots, and the intent was to maintain the look of that era. He added that the larger structures had been grandfathered.

Commissioner Crichlow noted that there might be a valid reason; however, the situation might warrant board discussion.

Mr. Harriss said that they would bring the matter to the board.

9.A/ Discussion regarding pedestrian signage – Mayor Gardner

Mayor Gardner offered an example of signage indicating that the City was pedestrian friendly for installation at intersections, although that could be expensive; therefore, he suggested that they be installed at the entrances to the City.

Commissioner Burk stated that she was generally against a lot of signage, but she would not mind something at the entrances to the City.

Commissioner Crichlow agreed stating that upon observation he thought the City had an abundance of signs, but the aforementioned signage could be used in select locations.

Mr. Harriss said that the City had bought three “Preserve America” signs for the entrances to the City from Laura Bush, and he suggested that they could add the pedestrian friendly City on the same post.

Commissioner Burk – League of Cities Conference

Commissioner Burk said that she had attended the conference and a new group regarding small resort towns was forming. She said that there had been representatives from Daytona, Gatlinburg, Santa Fe, New Mexico and some small ski towns at the first meeting. She said that the common theme was small towns with more seasonal tourists than residents, and the problems were all the same; quality of life, traffic and parking. She stated that as the group progressed she would bring the information to the Commission.

Mayor Gardner delivered announcements regarding people and community events.

9.B/ Discussion regarding the method for election of the Mayor.

Mr. Harriss reported that after listening to the ideas of the Commissioners the suggestions were as follows:

- Assign the Mayor position to a particular seat
- Establish the Mayor seat as a two (2) or (4) year term
- Change all seats to 4-year terms
- Place term limits on the Mayors seat
- Hold a special election to change the charter

Mr. Harriss said that a special election could be held prior to the next election,

or they could have the referendum on the next regular election.

Commissioner Boles said that everyone could recognize the advantage of the Mayor's seat being one race, and in the event of using the two year seat logic that could be the Mayors seat. However, he said that if they were going to make the Mayor's term four years they should do away with the two year seat and designate one of the four year seats for the Mayor. He said that the recommendation would stop them from running against each other and eliminate confusion for the constituency. He said that personally he would like to see all the seats four years with one of the seats designated for the Mayor and put limits on the Mayor's term. ⁷

Commissioner Burk stated that she agreed with everything he said other than all the seats being four years, as three seats would change at every election when one seat was a two year seat. She said that way the whole policy of the board could change if the citizens were not happy with what the Commission was doing. She expressed concern that if the Mayor was designated to a particular seat they might lose some good Commissioners. She stated that the current system was confusing, but she did not know a solution. She said that the simplest solution would be to designate a Mayor's seat whether it was a two or four year seat.

Commissioner Crichlow stated that he did not have a strong opinion, but he agreed with the possibility of losing good Commissioners as a result of running for Mayor. He questioned why the Mayor situation was changed from being selected by the Commission to being elected by the citizens.

⁷ End of audio tape two

Geoffrey Dobson, 66 Cuna Street, explained that a previous Commission had removed the seated Mayor before the term was finished and the public had been outraged; therefore, Representative Upchurch proposed to introduce an act into the legislature requiring that the Mayor be elected. He said that the Commission determined to have a referendum on the subject in the general election and provided the public with three questions to determine as follows:

- Whether the Mayor should continue to be selected by the Commission
- Whether the Mayor would run as Mayor
- For those on the Mayoral ballot, the highest vote for Mayor would win the seat

Mr. Dobson continued that the public elected the third solution.

Mayor Gardner clarified that they did not have to present legislation to the state, they could simply have a referendum.

Commissioner Jones pointed out that he had brought the subject to the citizen's attention as part of his platform for the election. He said that the current method of electing the Mayor was certainly confusing. He said that regarding establishing a Mayor seat and the chance of losing good Commissioner was a part of the choice to run for the position, because as it had been pointed out there were many competent people living within the City limits that were prepared to serve. He said that it was an open seat and if someone ran and lost so be it, as it was a risk they all ran when the citizens made a choice. He said that he had no problem with losing one to three Commissioners at any given time, as new Commissioners would do as good or a better job. He said that he would like to see the Mayor's seat as a two year term by designating seat three, because the citizens would like to have the

opportunity to make a change every two years, plus the plan would make it easier for everyone. He noted that each of the Commissioners, including the Mayor, had one vote, as the City's form of government was weak Mayor and strong City Manager. He said that meant the Mayor chaired the meetings, signed documents, kissed babies and represented the City in other affairs, but he/she had no more power than the other Commissioners. He said that the seat was not so special that it required a unique person with special skills; moreover, if they were qualified to be a Commissioner they were qualified to be the Mayor.

Commissioner Burk suggested requiring at least two years experience as Commissioner to qualify for the Mayor's seat.

Commissioner Jones said that was not a bad suggestion, as it would give one the opportunity to understand the job; therefore, he would not object to that suggestion.

Commissioner Burk stated that she had no interest in paying for a special election, and that statement received the consensus of the Commission.

Mayor Gardner said that losing people through election was part of Democracy and could not be considered a problem. He said that there was good experience and bad experience; therefore, experience should not be part of the Mayor's qualifications. He said that he would like to see separate questions on the ballot, and he would argue for a separate election for the Mayor with a four year term. He stated that future candidates should have a platform to present to the voters and the time to accomplish it. He said that if the Mayor seat was simply ceremonial two years was fine, but if they wanted serious candidates for Commission and Mayor they should have

four year seats. He said that from his experience the people called the Mayor regardless of the form of government. He said that he took it upon himself to do the job full time, because he thought it was necessary to heal a breach between the Commission and the constituents. He said that he found that in the past the Mayors had not been doing their job. He said that he did not advocate a full time Mayor or strengthening the position, but he did advocate a four year term, because of the pressures of campaigning while trying to accomplish goals. He agreed that it was senseless to spend the money for a special election; however, they might consider a referendum if the state or county had a special election.

Mr. Wilson said that the Charter would have to be changed, and they would have to give the voter a choice of at least one alternative or make it a one question referendum.

Mayor Gardner said the Commission would have to determine whether the term would be two or four years.

Commissioner Burk suggested that too many questions would cause more problems for the voters.

Mr. Wilson said that the best way was to have the majority vote on what the referendum question was and make it a yes/no, either/or question. He said that they would need a super majority or 4/1 vote to put a referendum question on the ballot.

Commissioner Jones suggested that they offer two questions to eliminate confusion; the current voting method and the recommendation method. He proposed that for the next general election the Mayor seat be designated and that it be seat three because it was a two year seat.

MOTION

Commissioner Jones MOVED that Mr. Wilson draw up the necessary documents to make the change and bring it to the Commission for further review. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

Commissioner Burk stated that she needed to consider and talk to the public more about the matter.

Commissioner Boles stated that the only other consideration was keeping the system as it was.

Commissioner Burk said that it was a small community, and she was more in favor of leaving the matter as it was than accepting any of the other options.

Commissioner Jones said that they should take the question to the citizens and let them make the decision; moreover, he heard a lot of citizen's claim that the current system was confusing. He said that they would be giving the citizens the opportunity to decide. He emphasized that the current system did not work, because it pit Commissioners against each other, and then they were expected to work together after the election.

Commissioner Burk withdrew her second.

Commissioner Boles SECONDED the motion.

Mr. Harriss pointed out that a super majority vote was only a requirement for the resolution for the Elections Supervisor. He said that the current motion directed the City Attorney to complete the necessary document that required a 3/2 vote.

Commissioner Burk asked that the motion be restated.

Commissioner Jones MOVED to instruct the City Attorney to draw up the necessary ordinance (resolution) that would allow the Commission to review and possibly place a referendum on the ballot for the citizens to consider the method by which the Mayor was elected, which would be to remain with the existing method or have a designated Mayor seat that would be seat three, which was closest to what existed with the Mayor running every two years, and the other four seats would remain in staggered four year terms, so that there would be three officials elected in every election, one of which would be the Mayor.

VOTE ON MOTION

AYES: Jones, Boles, Burk

NAYES: Crichlow, Gardner

MOTION CARRIED 3/2

10. Appeals and Public Hearings

10.A/ Public hearing regarding authorizing the improvements to the Davis Shores Yacht Basin and non ad valorem assessment of the property owners.

10.A.1/ Consideration of Resolution 2005-07, authorizing a public improvement to the Davis Shores Yacht Basin and levying of a non ad valorem assessment on the abutting, adjoining, contiguous or other specially benefited property owners.

Mr. Regan displayed an aerial view of the proposed area and summarized the history of the project. He said that the project was an example of a neighborhood helping themselves. He explained that the owners of the 24 properties worked together, facilitated by City staff, to figure out how to tax and pay back a loan from the City to dredge

the waterway to deep water at low tide. He said the community agreed that if the City supplied the \$650,000 funding and support for the project that they would pay back the loan over a 20-year period. He said that in 2004 the City Commission had passed the first legal step. He said that if the Commission approved, the action would set up a special assessment taxing district requiring the property owners to pay back their share over a 20-year period.

Mr. Regan said that a contractor would dredge the project and use spoil sites at the end of the basin, but eventually the material would be moved to a borrow pit. He said that with the Commission's approval staff would like to go to the Port and Waterway Authority meeting to ask them to help with the funding associated with removing material encroaching on the navigable waterway. He stated that they thought a \$100,000 contribution would be appropriate, as that part of the dredging fell within their jurisdiction. He added that with approval construction would commence in late April and be completed during the summer.

Commissioner Boles acknowledged the number of residents attending the meeting and questioned the compliance of the neighborhood.

Mr. Regan replied that he had not received a negative response to the project, but he would prefer that the neighbors spoke themselves. He added that generally a special assessment taxing district was associated with public health and welfare, but the current situation was important to a marine coastal community. He said that a divided community would present a difficult decision for the Commission; therefore the community had many meetings to understand the issues and find a method of apportioning the cost. He said that special assessment districts were being used for dredging projects

down the coast of Florida. He said that the situation was new to St. Augustine but recognized the interest of the community. He pointed out that there was still room for development in the neighborhood, and he projected approximately \$24,000 of additional revenue to the City.

Commissioner Boles questioned the interlocal agreement.

Mr. Regan replied that there were two interlocal agreements with the Property Appraiser and the Tax Collector that provided the mechanism for the City to work with the two agencies for proper revenue collection. He noted the two City Attorneys that worked on the project.

Commissioner Burk stated that she believed all the Commissioners supported the project, and she did not believe that they needed to hear from all the citizens in attendance; therefore, she suggested that they open the public hearing to see if there was anyone against the project and acknowledge a show of hands of those in favor in effort to economize on time.

Mayor Gardner opened the public hearing and questioned whether there was anyone against the project; however, there was no response.

James Pennington, 103 Dolphin Drive, thanked the Commission for entertaining the project. He said that the neighborhood had worked on the project for 25-years, but three years earlier they had started working with Mr. Regan and began to progress with the project. He said that it was a wonderful project in which everyone stood to benefit.

Carl Blow, 100 Santa Monica Avenue, spoke in favor of the project and suggested that the method could be utilized in other areas of the City, and he

referred to Salt Run and Hospital Creek. He added that the project still required the support of the Port and Waterway Authority, as they still needed to get out to deep water.

Mayor Gardner suggested a picture record of the progress, because there were other areas of the City and state that the process could serve. He closed the public hearing.

Commissioner Crichlow questioned whether the type of project would require 100% support of all the property owners, and the response was affirmative.

Mr. Harriss clarified that in that particular methodology 50% plus one could be assessed.

Commissioner Crichlow stated that in the current situation there was 100% support, but he questioned whether the project would have been dropped without 100% support.

Mr. Regan said that in a special assessment a majority would suffice; however, without 100% support it would present a difficult situation for the Commission.

MOTION

Commissioner Burk MOVED that Resolution 2005-07 be approved. The motion was SECONDED by Commissioner Boles and approved by UNANIMOUS VOICE VOTE.

10.A.2/ Consideration of Resolution 2005-08, authorizing an Interlocal Agreement with the St. Johns County Tax Collector and the St. Johns County Property Appraiser for the collection of the non ad valorem assessment for the public improvement to the Davis Shores Yacht Basin.

MOTION

Commissioner Burk MOVED that Resolution 2005-08 be approved. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

10.B/ Consideration of Contract Agreement for the Davis Shores Yacht Basin Dredging Project.

Mr. Regan stated that the contract was a follow-up to the previous discussion. He explained that the contract was for the lowest bidder, F&A Marine.

MOTION

Commissioner Burk MOVED to approve the contract. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

Mr. Harriss pointed out that the Commission had been asked to support a request for the Port and Waterway Authority's participation in dredging the mouth of the project, and the consensus of the Commission was to support the suggestion. ⁸

11. RESOLUTIONS AND ORDINANCES (To include public hearing)

11.A/ Resolutions

(None Scheduled)

11.B/ Ordinances - First Reading

11.B.1/ Introduction and consideration of Ordinance 2005-06, creating a name for Marked Private Way and re-name Lorida Street to Sebastian Harbor Drive.

Timothy A. Burchfield, Chief Administrative Officer, said that as part of the San Sebastian project the

⁸ A brief recess from 9:25 until 9:35 p.m.

developers had approached the county regarding addresses for the area and marked on the map was a private way between the Winery and the Police Station that the County could not issue negative numbers for addresses. Therefore, the County suggested that the City add a street name that would include Lorida Street, and the developers had recommended that the street be named for the project by using Sebastian Harbor Drive.

Commissioner Burk questioned the evolution of the name Lorida Street.

Mr. Burchfield stated that staff had researched the matter; however, no historical significance had been discovered.

MOTION

Commissioner Boles MOVED to place Ordinance 2005-06 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-162 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ESTABLISH A NAME FOR THE ROAD DESCRIBED AS "MARKED PRIVATE WAY" AND RENAME LORIDA STREET, LOCATED IN MODEL LAND COMPANY'S SUBDIVISION, AS "SEBASTIAN HARBOR DRIVE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Burk stated that she did not appreciate developers coming into town and renaming streets. She

suggested that if the public shared her sentiment that they speak out during the public hearing for the second reading.

Mayor Gardner questioned whether the Commissioner was opposed to renaming the street.

Commissioner Burk replied that she was not adamant about it, but she really did not like it. She said that it had been the name of the street since the Flagler era and a developer wanted to rename it after his project, which was something she did not like.

Mayor Gardner shared some speculations on the street name.

Mr. Burchfield noted that they were speculations according to staff research.

Commissioner Crichlow agreed that if there was any historical significance to the name Lorida he would be against changing the name.

Commissioner Burk said the fact that the street had been named so since the Flagler era made it historical.

Mayor Gardner pointed out that they would still have to deal with the unnamed street.

The motion was approved by UNANIMOUS VOICE VOTE.

11.B.2/ Introduction and consideration of Ordinance 2005-07, establishing the Coquina Shores Planned Unit Development (PUD) zoning designation relative to property located at 36 May Street.

Mark Knight, Director, Planning and Building Department, reported that the project was for rezoning from Residential Single Family One and Open Land to a Planned Unit Development. He said that

the PUD had originally been to allow for a subdivision of five single family residential lots, but the request had been denied by the PZB and appealed to the Commission; however, during the appeal the developer had modified the plan to allow for three single family residential lots, at which time the Commission had remanded the project to the PZB for reconsideration. He continued that after review the PZB had recommended approval with the following conditions:

- Reduced lot coverage to Residential Single Family One of 25%
- East set back at 10 feet
- Minimal fill of the property for necessary drainage purposes

Mr. Knight continued that the modifications had been incorporated into the development plan narrative with the developer's consent, which was before the Commission. He stated that the applicant was in attendance to respond to any questions.

Mayor Gardner questioned the last condition.

Mr. Knight replied that the PZB had not wanted the entire site filled to meet the nine foot condition, but instead instructed the developer that they wanted stem wall construction with minimal fill for drainage.

Commissioner Crichlow explained stem wall construction for the benefit of the Commission.

Commissioner Burk questioned who would monitor to insure the minimal fill.

Mr. Knight replied that the City would examine the matter in the engineering phase.

A handout was distributed to the Commission and Mr. Wilson stated that there was an issue regarding ownership

of the property, which should not interfere with the first reading, but he would review the matter for the second reading.

MOTION

Commissioner Boles MOVED to place Ordinance 2005-08 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-07

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

The motion was approved by UNANIMOUS VOICE VOTE.

11.B.3/ Introduction and consideration of Ordinance 2005-08, amending the Code relating to Wastewater Pretreatment

Robert Leetch, Director of Utilities, reported that the ordinance amended the Code related to the pretreatment standards, and it was simply a matter of changing numbers at the request of the DEP.

MOTION

Commissioner Burk MOVED to place Ordinance 2005-08 on first reading, read by title only and approved. Commissioner Boles SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-08
AN ORDINANCE OF THE CITY OF ST.
AUGUSTINE, FLORIDA, AMENDING
SECTION 26-3, SECTION 26-76,
SECTION 26-79 AND SECTION 26-96 OF
THE CODE OF THE CITY OF ST.
AUGUSTINE RELATING TO
WASTEWATER PRETREATMENT;
PROVIDING FOR REPEAL OF
ORDINANCES IN CONFLICT HEREWITH;
PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE
CODE OF THE CITY OF ST.
AUGUSTINE; AND PROVIDING AN
EFFECTIVE DATE

**The motion was approved by
UNANIMOUS VOICE VOTE.**

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

(None Scheduled)

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

**11.D.1/ Public Hearing - Ordinance
2005-03, concerning a Petition for
Voluntary Annexation of property
located at 21 Casanova Road.**

Mr. Knight reported that the property was located on the south side of Casanova Road and was partially inside and partially outside of the City with the boundaries cutting the property approximately in half. He explained that the north half was in the City and south was outside of the City. He said that the part inside of the City was zoned RS-2 with a residential low density land use. He said that the applicant wanted to annex the other portion of the property and rezone that part to RS-2. He said that the applicant's intent was to subdivide into five residential lots, and the preliminary plat had been approved by he PZB contingent upon the annexation, rezoning and comp plan

amendment. He offered to answer questions.

Mayor Gardner stated that they would be annexing a small portion of the total tract.

Mr. Knight replied that it was only the south half of the lot. He said that one of the conditions of the preliminary plat was for the applicant to dedicate additional right-of-way along Casanova Road. He added that in order for the applicant to develop the property as a whole the applicant had to be under one jurisdiction.

A brief discussion regarding the tax structure ensued.

Craig Greiner, 935 Lew Boulevard, the applicant, stated that he would be happy to answer any questions the Commission might have after the public hearing.

The City Clerk swore in all the citizens that intended to speak regarding the three ordinances during the public hearing.

Mayor Gardner opened the public hearing.

Ed Slavin, P.O. 3084, requested that the Commission reject the three ordinances, as the area was heavily wooded and home to a myriad of wildlife. He stated that the developer considered the project a *done deal*, but the neighbors wanted the Commissioners to scrutinize the situation, as the street was narrow and the sole access for Pelican Reef. He stated that in spite of the speed posting there were constant violators on the street. He said that not one of the neighbors he had spoken with had considered cramming five houses onto the 1.5 acre lot to be a good idea. He insisted that the density of the proposal be rejected. He added that the neighborhood had presented 95

questions to the developer and the PZB, but they had never been answered. He stated that the property was not on City sewage presenting further problems. He said that he would speak later regarding the Constitutional law issues involved.

Commissioner Burk questioned what could currently be built on the property if they did not approve the annexation.

Mr. Knight replied that if the County portion was not annexed the portion in the City zoned RS-2 could be built with eight units per acre; therefore, Mr. Greiner could probably subdivide into five lots.

Commissioner Crichlow questioned whether they would be conforming lots.

Mr. Knight stated that he had not measured the property; however, he believed that they would be in conformance.

Mayor Gardner questioned the access.

Mr. Knight replied that it would be Casanova Road.

Commissioner Burk said that if they allowed the annexation the applicant would have double lot coverage destroying more trees etc.

Commissioner Boles said the City's Tree Ordinance was stronger than the County's.

A brief discussion regarding the access and development of the property in the event that the City did not approve the annexation, and it was determined that a developer could find a way of subdividing into five lots.

Commissioner Crichlow questioned what could be built on the County portion of the property.

Mr. Knight replied that he was not certain what the County zoning was.

Commissioner Burk stated that she would want that information; moreover, she could not vote on the matter without it.

Joseph Ken Bryan, 126 Oyster Catcher Circle, stated that he was a resident of Pelican Reef, and he was speaking on behalf of numerous residents that could not attend or had to leave the meeting as it had gone on for so long. He spoke against the annexation, because Casanova Road was narrow, there were children in the neighborhood and increased traffic was a concern.

Numerous simultaneous conversations resulted.

Commissioner Burk stated that currently the property in the City was platted as one lot; therefore, how could five houses be built on it.

Mr. Wilson replied that the property could be replatted to build five houses.

Commissioner Burk stated that the applicant would have to go to the Commission for the replatting, and the Commission would not have to approve.

Mr. Wilson pointed out that according to City laws there was little legal ground to deny a replatting should the applicant make the request. ⁹

Susan Neely, former owner of 21 Casanova Street, stated that she had been forced to sell her property, but she thought the applicant's proposal was too dense. She noted that Mr. Greiner would be a good caretaker of the land, but it would be tough to save the trees with the proposed five houses. She questioned the legality regarding Mr. Greiner's

⁹ End of audio tape three

application to the PZB for replatting when she had been the owner of the property at that time. She mentioned the environmental issues concerning the sewage and drainage field. She stated that development in the area had destroyed the neighborhood, but she thought that Mr. Greiner would be responsible. She concluded that she disagreed with all the annexations.

Commissioner Jones questioned whether the City had water and sewer lines in the area.

Mr. Knight replied that there was a water line and a force main.

Commissioner Crichlow questioned whether there was a requirement to tap in to the line.

Mr. Knight replied that the applicant had gone through a utility review to connect to City sewer, and he believed that an agreement had been reached.

The Commissioners requested further clarification.

Robert Leetch, Director of Utilities, was sworn and stated that there was a sewer force main and water main for water. He said that to hook into the sewer the applicant would have to put in a small pump station that would cost approximately \$12,000.

Commissioner Jones questioned whether that could be a requirement for approval.

Mr. Leetch stated that according to state statutes the City could not force the applicant to hook up. He added that if it was a gravity main they could require them to hook up.

Commissioner Jones questioned whether Mr. Leetch knew if the applicant intended to hook into the sewer.

Mr. Leetch replied yes, from what he understood.

Commissioner Burk questioned whether the Commission could make it a condition of the annexation.

Mr. Wilson replied that they probably could make the condition part of the annexation process. He added that if the contractor did not hook up to the City sewer it would not make sense, because of the cost etc. involved with five septic tanks.

David B. Wallace, 19 Casanova Road, was sworn and spoke against the proposed annexation because of the increased density and asked the Commission to consider the aesthetic value of the neighborhood. He concluded that approval would be a mistake.

Commissioner Jones questioned where Mr. Wallace's lot was and the width of it.

Mr. Wallace replied that his lot was adjacent to the property in question on the east side, and it was approximately 100 feet wide.

James Pennington, 103 Dolphin Drive, spoke in favor of the annexation, because annexing property increased the tax base.

Gary Lands, 29 Casanova Road, spoke against the annexation, because it would destroy an old neighborhood. He concluded that building more than one home on the property made no common sense what-so-ever. He complained that expanding the right-of-way was a smoke screen as the rest of the property owners would not do so unless the City took their property.

A discussion regarding the size of lots in the area took place.

Mr. Greiner stated that he never thought the project was a *done deal*. He said that he had been alluding to the fact that staff had recommended it and the PZB had approved it, but he knew that the last step was going before the Commission. He said that the property was beautiful and 12 homes could be built on it, but he wanted to preserve the property and nice homes could be built on lots that were 50-feet wide and 250-feet deep, plus they could build around the trees. He stated that he would agree to connect to City sewer, as it would be beneficial to buyers. He noted that he agreed to expand the right-of-way because the PZB had asked him to do so. He stated that he had applied for the annexation, as it would clean-up the title and tax base. He stated that his proposal could be a beautiful addition to the area, while expanding the City tax base. He requested approval.

Mayor Gardner questioned whether the 150-year old Oak Trees and bamboo stands could be preserved.

Mr. Greiner replied that he would not say that everything would be preserved; however, the lots were deep enough to be flexible about where the homes would be placed. He clarified that the property was not heavily wooded.

Mayor Gardner questioned the style of houses that would be built and the garage configuration.

Mr. Greiner replied that because the lots were narrow he had seen some good designs with the garages in front or they could have a driveway with the garage to the rear. He said that there were a lot of good ways to build.

Commissioner Crichlow clarified that Mr. Greiner was not going to develop the property.

Commissioner Burk pointed out that there were no restrictions; therefore, the homes could be built 35-feet tall. She questioned the set backs, and the response was 10-feet.

Mayor Gardner closed the public hearing.

Mayor Gardner questioned whether there were any plans for Casanova Road.

Mr. Harriss replied that the City had no plans to widen the road, but whenever possible the City tried to get a few extra feet in case future Commissions wanted to make improvements like sidewalks or bike lanes.

Mayor Gardner questioned the width of right-of-way.

Mr. Knight said that he believed that there were 12-feet of additional right-of-way dedicated.

Mayor Gardner questioned the predominant zoning on Casanova road, and the response was RS-2.

Commissioner Boles stated that RS-2 allowed 50-foot by 110-foot minimum lot size. He pointed out that the Commission was not being asked to approve a development plan or minimum lots size, as the zoning already applied. He said that they were being asked to approve the annexation of a portion of property to the existing zoning. He said that any developing would go before the City for final approval.

Mayor Gardner asked Mr. Slavin to remain quiet while the Commissioners discussed the matter.

Commissioner Boles said that he was trying to narrow the scope, as he wanted the residents to be aware of what the Commission was being asked to approve. He said that legally the Commission

could not deny a request which fell within the City's laws.

Commissioner Crichlow noted that anyone of the existing 100-foot lots could be replatted into two 50-foot lots.

Commissioner Burk reiterated that by annexing the property they would be increasing the lot coverage. She suggested that they would see 35-foot high buildings in an established neighborhood. She said that if they annexed the property they would be aiding in destroying the integrity of the neighborhood, and she would not take any part in it.

Commissioner Jones questioned what the developer could do if the Commission chose to do nothing.

Mr. Wilson said that he would submit plats to the County and the City to do the exact same configuration as he proposed. He said that everyone on the south side of the street had a lot partially in the City and County.

Commissioner Burk argued that the houses would be smaller because of the lot coverage, and she suggested that Mr. Wilson was speculating on the matter.

Mr. Wilson disagreed stating that Mr. Greiner would be able to build according to the City and County regulations.

Commissioner Burk stated that was why she wanted to know what could be constructed in the County portion.

Mr. Wilson suggested that if they did not annex the property it was likely that Mr. Greiner could double the density.

Commissioner Jones requested the County laws for the property.

Mr. Wilson replied that they could table the matter until they got the information.

MOTION

Commissioner Burk MOVED to table all three ordinances. Commissioner Boles SECONDED the motion.

Commissioner Boles noted that they should demonstrate to the residents what could be constructed on the property if they did not annex it, because he did not want to see the development more dense plus lose the increased tax base for the City.

Commissioner Jones questioned how long it would be before they got the information.

Mr. Knight stated that he would put the burden of research on the developer.

Commissioner Boles disagreed, and asked Mr. Knight to do the research to be certain that it was correct.

A brief discussion determined that they would address the matter during the subsequent meeting.

VOTE ON MOTION

AYES: Burk, Boles, Crichlow, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.2/ Public Hearing – Ordinance 2005-04, designating property located at 21 Casanova Road as Residential Low Density.

(Tabled)

11.D.3/ Public Hearing – Ordinance 2005-05, establishing a zoning classification of Residential, Single-Family-Two for property located at 21 Casanova Road.

(Tabled)

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

Ed Slavin, P.O. Box 3084, said that he wanted to address the issue of annexation, as presented by the 15th amendment. He suggested that the Commission look at the impact of the series of annexations the Commission had approved on minority voting rights in the City. He referred to specific lawsuits and said that the series of annexation repeatedly responded to developer demands. He suggested that they stop signing blank checks for the developers. He said that if the Commission approved the proposed annexation he was prepared to file a complaint with the Civil Rights Division of the Justice Department to halt the annexations until a comprehensive study and plan was developed concerning why they should annex. He said that the people in West Augustine should be annexed into the City for the services the City provided, and there was no way the City could justify not doing so. He stated that there was no reason for the annexations. He pointed out that the courts looked at the affect not the intent for annexation, because clever people could hide their motivations. He recommended that the City develop a plan, because they were increasing the percentage of Caucasian Americans and decreasing the percentage of African Americans; thereby, favoring one class over the other. He concluded by saying stop the madness.

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

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned 10:55 p.m. ¹⁰

MAYOR

CITY CLERK

¹⁰Transcribed by Karen Rogers, Recording

Secretary