

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
April 25, 2005

The City Commission met in a formal session Monday, April 25, 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

Reverend David Weidner, Trinity Episcopal Church, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mayor Gardner noted that Ed Slavin had requested to speak during the three and five minute public comment items and also during the advertised public hearing for the 21 Casanova Road annexation.

He pointed out that the Commission had closed the public hearing for 21 Casanova Road during the previous meeting, but he would leave the decision whether to reopen the public hearing to the Commissioners.

Commissioner Crichlow stated that he was cognizant of the community's opinion of the annexation; therefore, he saw no reason to reopen the public hearing.

Commissioner Burk questioned whether the application had changed in any way to warrant additional public hearing, and the response was negative. She said that

another public hearing had not been advertised and in all fairness to the citizens they should proceed with deliberations.

Commissioner Boles pointed out that the Commission had asked staff to provide information about what could be developed on the site with the existing zoning for the City and County, as it was a bifurcated site. He suggested reopening the public hearing to comments regarding that information, as he would like to hear the residents consideration of what could currently be built on the site. He concluded that he would support a limited reopening of the public hearing.

Commission Burk expressed concern for the public that might have wanted to speak, but would not be able to because the public hearing had been closed.

A brief discussion determined that the Commission would give the proposal further consideration during the agenda item.

3.B/ Approval of Minutes

The minutes of the regular City Commission meeting of April 11, 2005 were approved as presented.

3.C/ Proclamations

- 2005-14 Municipal Clerk's Week
- 2005-16 Proclaiming Older American's Month
- 2005-17 Recognizing National Public Works Week

Mayor Gardner stated that the proclamations had been prepared recognizing the service of the several vital elements of the community, and he acknowledged the aforementioned proclamations. ¹

¹ Written comments attached to original minutes

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

Ed Slavin, P.O. Box 3084, distributed an affidavit from Susan Neely, a petition to the Commission and proposed an ordinance to declare a moratorium on annexations pending an investigation by the Civil Rights Division of the U. S. Department of Justice regarding St. Augustine's annexation practices pursuant to the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the U. S. Constitution. He recommended adopting his proposal effective immediately.

Mr. Slavin referred to the fourth paragraph of the affidavit from Susan Neely stating that the speculator involved had made the offer of a bottle of liquor to the only citizen who had testified in support of the development at 21 Casanova Road. Therefore, he stated that the application should be disapproved by the Commission as the developer had displayed disrespect.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation by Comfort Cab, Inc. regarding an increase in taxi rates.

Mr. Harriss noted that gas prices had recently increased dramatically; therefore, the cab company had requested a rate increase, and staff recommendation was to grant the request.

Mayor Gardner questioned whether they needed to adopt a resolution.

Mr. Wilson replied that a vote of the Commission would be sufficient;

however, if the Mayor wished he would prepare a resolution for his signature. He pointed out that the previous increase had been determined by vote, and the increase was temporary until prices dropped.

Commissioner Jones clarified that the rate increase request was the same as the previous one, and he questioned whether staff monitored the situation to determine whether rates should be decreased, and the response was affirmative.

Commissioner Burk spoke in support of the request to insure that the cabs were kept clean.

MOTION

Commissioner Crichlow MOVED to approve an increase of fifty cents (.50) as documented. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

5.B/ Presentation by Fire Chief James Owens regarding a Mutual Aid Interlocal Agreement with St. Johns County Fire Department.

Chief Owens stated that he wanted to discuss the possibility of entering into an interlocal agreement with St. Johns County Fire Rescue Service for automatic mutual aid. He said that the City had cooperated with St. Johns County and visa versa to provide resources upon request for fires and other emergencies. He said that post 9/11 the City had also worked closely with the County regarding terrorist threats.

Chief Owens stated that mutual aid was generally requested by the alarm agency where the incident occurred. He added that the proposal had been discussed for a long time but not addressed due to the potential merger, but Chief Hall and he

had determined that it was an appropriate time to take action. He explained that, due to manpower, boundary lines and station locations, aid could be beneficial to both departments.

Chief Owens explained the difference between ordinary and automatic mutual aid. He said that with ordinary aid either agency had the option of requesting mutual aid, which was determined by the incident commander at the scene. He said that automatic aid was called for in specifically dedicated areas that would receive responding units from both agencies on the first alarm call through the communication centers. He requested the Commissioner's approval to allow him and the City Manager to enter into an agreement with the County providing for automatic mutual aid to both jurisdictions and allowing the chiefs of the departments to establish the parameters for operation. He displayed a map to help with further explanation, and he provided some examples.

Commissioner Burk questioned whether the County was on board with the proposal.

Chief Owens responded affirmatively, and he added that the matter still had to go before the County Commission for approval.

Mr. Harriss pointed out that the County currently had a similar agreement with Jacksonville Beach. He said that the City trucks would not be driving to Ponte Vedra or Hastings, but they would provide resources within specific boundaries. He added that the proposal was positive for everyone involved.

Chief Owens pointed out that if the City resources were being utilized the City would not be expected to respond. He noted that the City would always be properly covered.

Commissioner Boles questioned whether the 75% medical calls would be exempt.

Chief Owens clarified that the aid would be solely for structural fires or major emergencies.

Mayor Gardner questioned whether the City had a central dispatch.

Chief Owens replied that the Police Department dispatched for the City and St. Johns County dispatch went through their Communications Center. He said that all 911 calls from land-lines went through the City Police Department and cell phones went through County dispatch. He said that the difference with the automatic aid was that they would not have to wait for a unit from either agency to determine whether there was an emergency and then call for help, as they would be responding immediately with the option to cancel.

A brief discussion regarding the number of units that responded to emergency calls resulted, and it was determined that a structural fire justified dispatching all the units, but the number of units would not determine the amount manpower involved.

Chief Owens added that the departments would not respond to automatic mechanical alarms unless there was additional information, because there were a lot of false alarms with mechanical alarms.

Commissioner Crichlow questioned whether the plan would greatly increase the cost of service.

Chief Owens replied that increased cost should not be a factor; however, there was an option in the agreement for further discussion should they experience a greater increase in cost.

MOTION

Commissioner Jones MOVED to approve that the City Manager and Chief Owens enter into the agreement with St. Johns County. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

A brief discussion determined that the agreement would insure the citizens of extended safety and coverage considering that the City and County had manpower issues that were in the process of being corrected.

6. ITEMS BY CITY ATTORNEY

(None Scheduled)

7. ITEMS BY CITY CLERK

7. A/ Notification of Proclamations.

- 2005-10 Proclaiming May 8 through May 14, 2005 as Tourism Week in St. Augustine.

Mayor Gardner noted that the proclamation would be presented during ceremonies planned by the VCB.

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/ Notification of a vacancy on the Code Enforcement, Adjustments and Appeals Board.

8.A.3/ Notification of two upcoming term expirations on the Board of Trustees General Employees Retirement System.

8.A.4/ Release of Liens on Unit Connection Fee Mortgages.

8.A.5/ Consideration of Final Plat for Phase Two of Sunset Point.

Mayor Gardner questioned where Sunset Point was located.

Mr. Harriss responded that it was located behind Harbor Isle (currently called The Preserve) and Plantation Island Drive. He explained that it was an 88 unit housing development that had been approved 2-3 years earlier, and phase two met all the City requirements for the subdivision Code.

MOTION

Commissioner Burk MOVED to approve Items 8.A.1. through 8.A.5. on the Consent Agenda as presented. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

8. B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Non Agenda Item

Mayor Gardner requested that the Commission consider taking the aggregate lot proposals off the table entirely. He said that the task force members would probably be the first to admit that the ordinance was confusing, and the turnout for the workshop indicated that the community was divided in many ways.

Mayor Gardner said that the City had hired a planner to review and make recommendations about updating the City Code. He said that the planner might recommend a neighborhood

overlay district, in which each neighborhood would determine what was best for them. He expressed concern regarding continued construction of mansions on small lots. He said that the City was in crisis and needed a united community to solve the challenge, and he preferred to rely on the advice from the consultants. He asked for Commissioner Crichlow's response.

Commissioner Crichlow agreed that the citizens were confused about the proposal, but he said that the task force would meet again on the 28th in effort to address the confusion and prepare a presentation that was concise. He emphasized that the ordinance was not as complicated as it was being made out to be through rumors and misinformation. He stated that the City did not have the time to wait to address the situation; therefore, he believed that they had to move forward with the ordinance, because there were huge structures being built on small nonconforming lots in all the neighborhoods. He stated that they should go ahead with the proposal and the public workshop, because he did not believe that a consultant could do better, plus it would be a waste of time and money.

Commissioner Burk agreed with Commissioner Crichlow stating that the task force had done a tremendous amount of work, and although she did not believe the ordinance went far enough, she still believed that the proposal was excellent. She stated that there was a great deal of misunderstanding along with a lot of rumor and propaganda.

Commissioner Crichlow stated that the public had a lot of misconception regarding the aggregate ordinance. He stated that there was only one situation in which the public could not build on a nonconforming lot, and he suggested

that perhaps the task force should present the ordinance from that point of view.

Commissioner Burk exhibited a photo of a three story home built on a small nonconforming lot where the surrounding homes were small one story buildings, and she added that she was certain the neighbors were appalled. She said that it had taken the task force over a year to get where they were, and it did not make sense to throw out their work.

Commissioner Boles stated that they were experiencing the results of trying to create and define a community ill that had not come to them as a ground swell of public opinion. He said that perhaps the neighbors had not been appalled by the photograph demonstration by Commissioner Burk, especially considering that the City had not received any opposition to that particular construction. He said that he wished the City could motivate the same public response regarding the Spanish Quarter or management of historic properties as the aggregate ordinance had generated. He continued that he was not in favor of scraping the proposal, because the task force had worked on the matter for 18-months, but the proposal and the process had educated outside developers that they could buy a \$500,000 home on five (nonconforming) lots and build five \$250,000 three story, 30-foot wide homes. He said that they had also educated property owners to that type of value concerning their property. He said that he had friends with parents with that type of property situation, and they wanted to know why they could not develop the property when their parents passed away. He suggested that the Commission be more proactive in defining the evil that they were trying to prevent. He said that he lived in RS-1, and he did not want to see the density of the property across the street from him vastly increased, because it would

probably end up rental property and generate more cars. He said that he did not mind stopping that kind of development if the profits were going out of town. He said that the ordinance needed more work, he added that for 18-months it had fermented aggravation, and he emphasized that the ordinance was too complicated. He stated that the property owners might not understand the ordinance, but they understood property rights violations. He suggested that they define the issue and perhaps take one step at a time by dealing with RS-1 zoning district first.

Mayor Gardner agreed that the widespread confusion could end in a divided community without any results. He said that he was glad the task force was going to pursue clarification of the ordinance.

Commissioner Jones acknowledged the task force members, but he said he believed that they had tried to cure too many ills at once. He said that he agreed and disagreed with some parts of the ordinance, and there were certainly parts that were confusing. He suggested that they continue to work on it to be able to explain and clarify the components and maybe prioritize and deal with it in smaller portions. He said that they could address lot size and height without any of the other components of the proposed document. He said that he had said it before, small lots required small homes.

Commissioner Jones noted that Mr. Stafford, an Aggregation Task Force member, had indicated that although he had been unable to attend some of the meetings he still wanted to participate in the process; therefore, he wanted to be certain that Mr. Stafford was notified of the next meeting.

Commissioner Burk suggested that the task force categorize the ordinance by

RS-1 and RS-2 to make it easier for the public to comprehend. She emphasized that they keep it simple.

Commissioner Crichlow said that would be the task forces' mission. He stated that he did not believe they could make the presentation too simple and clear simultaneously. He suggested continuing as planned with the task force working on the presentation and scheduling a workshop with the public. He added that when the matter went before the Commission any part of the ordinance could be dropped or modified in any way.

Mayor Gardner questioned whether the matter would go before the Commission prior to the public workshop.

Commissioner Crichlow said that it could be done anyway the Commission wanted.

Commissioner Burk recommended bringing the matter to the Commission prior to the public workshop.

Commissioner Jones stated that if the situation was bad for Anastasia Island it was bad for all the other communities. He said that the community was tense, as they thought the City was trying to pull something. He suggested that they get the matter on the table and get it over with to avoid public criticism.

Commissioner Crichlow stated that the task force and he were trying to do something that was best for the City. He said they were attempting to preserve the character of the neighborhoods of St. Augustine by controlling density and over development, as the City was unique and required protection.

Commissioner Boles suggested that the task force speak in terms of increasing and expanding support rather than in terms of limiting or reducing opposition.

Mayor Gardner requested consensus that the task force return to the Commission before a public hearing.

Commissioner Burk suggested a closed workshop for the Commission to discuss the matter without public comment, followed by an open workshop for the public.

Commissioner Crichlow agreed with the suggestion.

Commissioner Burk stated that they could close workshop the issue during the subsequent City Commission meeting, which would be televised and provide the community with information.

Mayor Gardner agreed that the situation was crisis, but he expressed concern about rushing to solve the crisis and further dividing the community.

Commissioner Burk stated that the task force had been working on the matter for over a year; therefore, no rushing was involved.

Commissioner Crichlow stated that the task force might not be prepared by the next City Commission meeting.

Mr. Harriss stated that when the task force was prepared he would try to make the City Commission agenda light to provide the time for the closed workshop.

Commissioner Burk stated that she owned a lot of property in the City of St. Augustine and she considered that the ordinance was a protection of her property rights.

9.A/ Consideration of grant application to the Florida Communities Trust – Mayor Gardner.

Mayor Gardner said that the proposal was brought to the City by the Trust for Public Land. He said the property in

question was an acre and a half opposite the Alligator Farm on Anastasia Boulevard, and it was the highest elevation in the City. He said that the property was bordered by the School District and City property, and it was the site of the defunct Mystery House attraction. He said that the appraisal was estimated at \$1 million. He explained that through the Florida Community Trust, Florida Forever Program the City could purchase the property for ¼ of the value.

Mr. Harriss stated that it was a significant opportunity for the City to purchase the property and 75% would be paid for through the grant. He said that the downside was coming up with \$250,000.

Commissioner Crichlow stated that it was a beautiful piece of property that was worthy of preservation; therefore, he would be in favor of proceeding.

Mr. Harriss stated that he had contacted the School Board about participating in the proposal, and they had expressed interest. He said that the City would have to present a plan for the property with the grant application. He stated that the property would be best left in its natural state with nature trails and signage.

Commissioner Jones questioned the timeline for application and notification.

Mr. Harriss replied that the application had to be submitted by the middle of May and notification of funding would take place approximately mid September and closing would be shortly thereafter.

Commissioner Jones questioned whether the City would have to commit until they were sure of the grant funding.

Mr. Harriss replied that the Trust for Public Land would not go into the

program unless they felt the City would receive the funding. He added that the City could back out at the last second.

MOTION

Commissioner Boles MOVED that the City submit the grant to Florida Community Trust and direct the City Manager to identify the source of funding to include negotiating with the School Board for a partnership on the property in terms of acquisition and management. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

Commissioner Jones – VIC Parking Garage

Commissioner Jones acknowledged the ground breaking for the Intermodal Transportation Facility that took place on April 22, 2005 at the VIC. He said that the project was a move in a new direction for the City and an attempt to get ahead of the curve regarding the City's parking problems. He said that from day one the project had caused division in the community; however, everyone would have to agree that St. Augustine had a parking problem. He said that the project increased efforts to create a balance between smart growth, historic preservation and economic prosperity while maintaining the quality of life. He stated that the parking garage was a *done deal*, and it was time for the community to unite in support and agree to be less disagreeable, as it was in the best interest of all the citizens.

Commissioner Crichlow – San Sebastian Inland Harbor

Commissioner Crichlow reported that the San Sebastian Inland Harbor Architectural Review Committee had met to view the updated plans, and he said

that the project was moving along in the right direction. He said that the permitting process was almost completed, and he hoped to close on the property soon.

Commissioner Crichlow acknowledged the City Manager's creativity regarding the ground breaking for the parking facility by using back hoes.

Matt Merritt, developer for the San Sebastian project, delivered a brief overview of the progress regarding the San Sebastian Inland Harbor project by reiterating Commissioner Crichlow's comments.

Mayor Gardner questioned the timeline on the build out.

Mr. Merritt replied that the marina excavation/clean-up was completed, and the timeframe for construction was 120-150 days for excavating the marina basin in conjunction with the bulkhead installation. He said that the development of the overall project would take 18-24 months.

Mayor Gardner said that he understood there was interest in the condominiums.

Mr. Merritt replied that there would be 106 units, and currently there were 800 names on the waiting list.

Commissioner Jones noted that there was a sunken sail boat in the San Sebastian River.

Mr. Harriss stated that it was a sailboat the City had dragged out of Salt Run and held for a period of time, but the owner did not want to recover it because of the fee involved. He said they thought that the boat was sunk by people that were using it to sleep on; therefore, the City had a mess to clean-up. But, he assured the Commissioners it would not take to long.

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

(None Scheduled)

11.B/ Ordinances - First Reading

(None Scheduled)

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

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

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

Mr. Knight reported that he had further researched the property at 21 Casanova Road at the request of the Commission. He said the portion located within the City limits was zoned RS-2, and could be platted into five lots without using the portion in the County. He said that the County portion had a land use designation of RS-C, which allowed four units an acre and was zoned RS-3 that included 7,500 square foot lot minimum with 35% lot coverage. He stated that there was approximately 37,000+ square feet in the County portion, and if the applicant put in a road they could fit approximately four units there, but if they did not put in a road they could put in two lots off an easement and still plat five lots in the City portion.

Commissioner Boles summarized that with a road the applicant could build eight houses, without a road seven houses could be built, and five of the houses could be built on the property within City limits.

Mayor Gardner questioned whether it was possible to limit the subdivision to five lots within the terms of the annexation.

Mr. Wilson said that it could be done contractually through the permit process or the annexation agreement.

Commissioner Burk questioned the setbacks if they annexed the property.

Mr. Knight replied 15-feet on the front and 10-feet on the sides and back.

Commissioner Burk questioned whether it was possible to increase the setbacks as part of the terms of the annexation agreement, as the project would have less impact on the neighbors if the houses were setback 100-feet or so.

Mr. Wilson replied that it would be possible if the applicant agreed to it, but he would be more comfortable to make it a term of the PUD process.

Commissioner Crichlow questioned whether it would have to do with the zoning.

Mr. Wilson said that it would have to be with the annexation, as they could not do contract zoning, as the zoning was already established.

Commissioner Burk said that if it was part of the annexation agreement the term might be difficult to enforce in the future.

Mr. Wilson agreed that was possible and added that a deed restriction could provide more protection.

George McClure, 170 Malaga Street, stated that an annexation agreement was the best way to assure that the site could not be used for more than five units, and he used the Fish Island development as an example of precedence for the procedure. He announced that his client would agree to the five lot term as a condition of annexation. He said that in regards to the setbacks Mr. Greiner intended on selling the lots and the idea of annexing the additional property was for the additional depth that would provide the property owner with the ability to address the location of his/her home depending on the tree locations. He said that by mandating the additional setback the location alternative would be limited. He pointed out that whoever built on the property would have to comply with the City's tree ordinance.

Commissioner Burk stated that she was trying to find a way to satisfy the neighbors. She questioned whether there could be any concession on setbacks.

Commissioner Crichlow said that 100-feet was a lot, and he suggested that 40-50-feet would be more reasonable while still allowing flexibility for the location of the homes. ²

Mr. McClure pointed out that Mr. Greiner's alternative was to plat five lots and convey the rear property by meets and bounds description.

Commissioner Burk added that the houses would also be smaller, which could appease the neighbors.

Mr. McClure questioned what the Commissioner meant.

Commissioner Burk said that by annexing the property they would be

² End of audio tape one

more than doubling the size of the lot, which could double the size of the houses. She questioned whether there could be any concession on the front setback.

Mr. McClure replied that they were not unwilling, but 100-feet was too much. A brief discussion regarding the current house setback ensued, and it was determined that the existing structure was 40-feet from the road.

Commissioner Crichlow said he appreciated that the neighbors wanted to preserve the piece of land; however, there was nothing that could prevent the development, as the applicant was following the rules; therefore, the Commission had to seek the best option with the least impact for the property. He pointed out that eight homes could be built, but limiting the situation to five large lots was the best that could be done.

Commissioner Burk stated that she could agree to five lots with a 40-foot front setback, but she wanted to be certain that the document would be enforceable by indicating that the terms applied to the current owner and anyone that he might convey the land to in the future.

Mr. Wilson said that a deed restriction establishing the front setback would be enforceable by any of the adjacent lot owners.

Commissioner Burk said that she did not want to leave the matter up to the adjacent lot owners.

Mayor Gardner questioned whether there was an association of lot owners.

Mr. McClure replied that there was not. He added that they had asked Mr. Greiner to dedicate the 12-feet on the north portion of his land to the City;

therefore, they would like to measure the 40-foot front setback from the existing property line.

A brief discussion clarified that the City generally tried to procure some property in similar situation for future sidewalks or bike paths, but currently there was no plan to widen the road.

Mayor Gardner clarified that the conditions of the annexation agreement were a limit of five lots with a 40-foot front setback from the existing property line.

Mr. Wilson stated that he thought the conditions should be shown on the plat to make it enforceable, because the property owner would have to go to the City to make a change.

Mr. McClure stated that in fairness to the City it would be better to document it at that time than on the face of the plat, because the document would go through transmittal to the Department of Community Affairs for review and until that was done his client could not plat. He explained that they had to get the annexation and zoning done and then wait 45-days to bring the plat to the City. He said that it could be as simple as a letter confirming in writing that his client agreed to the conditions of annexation.

Commissioner Burk clarified that the letter would amend the petition.

Commissioner Boles stated that his first reaction had been to question why they were annexing such a small piece of property. However, currently he could not think of a better reason to annex the property, as it would create additional green space to the existing lots, limit the development and backup the setbacks. He concluded that the annexation was a beneficial move.

Mayor Gardner noted that Mr. Slavin had requested reopening the public hearing so that he could be heard again.

Commissioner Crichlow questioned the risk involved with opening a public hearing without advertisement.

Mr. Wilson replied that under that circumstance it would probably be better not to reopen the public hearing, as the public hearing had been closed during the previous meeting. However, he said that it was the prerogative of the Commission.

Commissioner Burk pointed out that staff had simply confirmed the information they believed to be the case during the previous meeting; therefore, there was no new information to condone reopening the public hearing.

MOTION

Commissioner Burk MOVED to approve the petition for voluntary annexation as amended with comments made by the attorney on behalf of his client for a forty foot setback and not more than five platted conforming lots. Commissioner Crichlow SECONDED the motion.

VOTE ON MOTION

AYES: Burk, Crichlow, Jones, Boles, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

MOTION

Commissioner Burk MOVED to adopt the petition as amended. Commissioner Crichlow SECONDED the motion.

VOTE ON MOTION

AYES: Burk, Crichlow, Boles, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

MOTION

Commissioner Burk MOVED to place Ordinance 2005-03 on second reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:
ORDINANCE NO. 2005-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ANNEXING APPROXIMATELY 1.51 ACRES OF PROPERTY IN ST. JOHNS COUNTY, FLORIDA, LYING ON THE SOUTH SIDE OF CASANOVA ROAD, WEST OF FANCHER COURT, AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Burk, Crichlow, Jones, Boles, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

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

MOTION

Commissioner Burk MOVED to place Ordinance 2005-04 on second reading, read by title only and

**approved. Commissioner Crichlow
SECONDED the motion.**

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO INCORPORATE AND DESIGNATE APPROXIMATELY 1.51 ACRES OF PROPERTY, LYING ON THE SOUTH SIDE OF CASANOVA ROAD, WEST OF FANCHER COURT, AS RESIDENTIAL LOW DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

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

MOTION

Commissioner Burk MOVED to place Ordinance 2005-05 on second reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 1.51 ACRES LYING ON THE SOUTH SIDE OF CASANOVA ROAD, WEST OF FANCHER COURT, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO THE

CLASSIFICATION OF RESIDENTIAL, SINGLE-FAMILY-TWO (RS-2); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.4/ Public Hearing - Ordinance 2005-06, creating a name for Marked Private Way and re-name Lorida Street to Sebastian Harbor Drive.

Matt Merritt, 1186 Ponte Vedra Boulevard, Ponte Vedra Beach, stated that the San Sebastian Inland Harbor project had united the City and staff, and a united front was most crucial to him. He explained that the 911 Coordinator for addressing from the County had notified him that Malaga Street was addressed starting with the Florida East Railroad as number one, apparently the street had not extended to the other side of King Street originally. He said that there were no numbers on that portion of Malaga Street, and they could not use negative address numbers. He said it had been suggested that they rename the road and continue that name on Lorida Street as the development was large, at which point he had suggested Sebastian Harbor Drive to create destination awareness for the project. He clarified that the City was responsible for naming the street and the County was responsible for addressing. He continued that there was only one address on Lorida Street and it was not active; therefore, it would be easy to rename the street.

Mr. Merritt stated that he was not certain whether there was any significance to the name Lorida Street, but if there was it would not impact the development to let the name remain. He said that the only benefit of changing the name would be from a traffic perspective and for destination awareness.

Commissioner Burk questioned whether he would prefer the whole road to be called Lorida or just naming the unnamed portion and let Lorida remain as it was. She said she had no problem with naming the unnamed portion, but she did have a problem changing the name Lorida, as the name had existed since the Henry Flagler era.

Mr. Merritt said that it made no difference to them. He said the name change was the County's idea to keep the addressing uniform throughout the development.

Commissioner Burk said that she was in favor of naming the unnamed portion, but she was not in favor of changing the name for Lorida Street. She said that she had received telephone calls from citizens that appreciated that she did not want to change the name.

Commissioner Jones stated that the project was significant, the river was named the San Sebastian and the name Lorida was troublesome with no significance to St. Augustine. He said that Sebastian Harbor Drive seemed appropriate to him. He pointed out that there was nothing on Lorida Street except an unused building where school buses had been repaired. He concluded that having two names on the street made no sense to him; moreover, the proposed name was more cohesive to the project; therefore, he had no objection to changing the name.

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

Commissioner Boles stated that he agreed with Commissioner Jones. He said that originally it was named Florida Street but the F had fallen off the street sign.

Mayor Gardner said he had received an e-mail from Gail Burnick, President of the Lincolnville Neighborhood Association, stating that the neighbors that attended the previous meeting and the ones that she had spoken with felt that the name should not be changed, because the name was 100-years old.

Commissioner Jones stated that he was not certain that was accurate. He said if they asked half the people in the Lincolnville that they would not know where the street was.

MOTION

Commissioner Boles MOVED to place Ordinance 2005-06 on second 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.

Mayor Gardner stated that he agreed with Commissioner Burk and could not support the name change.

Commissioner Crichlow questioned whether any significant historic facts had been unearthed regarding Lorida Street.

Dr. William Adams, Director, Heritage Tourism, stated that he had not gotten to the Historical Society; however, he checked some old maps. He said that he had not found a consistent spelling of the name until 1930 when it was spelled Lorida. He said that prior to 1930 he found the street name spelled Loredia, and Loreida. He said that the earliest spelling he found was Loredia on the 1893 Sanborn Map.

Commissioner Burk stated that the historical significance of the name was that it had been spelled that way since 1893, and she did not like to eliminate that sort of thing.

Commissioner Jones said that it had been spelled three different ways, and there was no significance to the name.

Commissioner Crichlow pointed out that a number of street names had been changed throughout the years. He said that he would be against the proposal if there was any historical significance, but he could see cohesive advantages for changing the name.

VOTE ON MOTION

AYES: Boles, Jones, Crichlow

NAYES: Burk, Gardner

MOTION CARRIED 3/2

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

Joseph Bryan, 126 Oyster Catcher Circle, suggested partnering with Flagler

College professors and students for marketing research and developing a plan for the Spanish Quarter Museum to increase revenues, which would not cost the City anything.

Mr. Bryan said that he lived in Pelican Reef, and he had gotten 20 signatures on a petition in opposition to the 21 Casanova Road annexation. He said that five homes on the property were ridiculous, and he expressed concern about safety issues involved with the proposed density. He encouraged the Commissioners to go and look at the property for themselves.

Commissioner Crichlow said that he could imagine the uproar from the citizens when the Pelican Reef development was proposed, as the property was environmentally sensitive. He said that the applicant was making a proposal within the law, and he saw no problem.

David Thundershield Queen, 1600 Fountain of Youth Boulevard, said that the Commission did not have to allow every developer maximum allowable density. He said the State of Florida and the Supreme Court had ruled that property rights were not absolute. He suggested that the Commission look at the property on 21 Casanova Road. He said that if the Commission had allowed 2-3 homes on the property it would not have constituted a *taking*.

Mr. Thundershield said that he approved of the aggregation ordinance to prevent increased density.

Ed Slavin, P.O. Box 3084, referred to item four in the affidavit from Susan Neely stating that she had over heard Mr. Greiner offer a bottle of liquor to the only citizen that spoke in support of the 21 Casanova Road development. He said that he intended to do a referral to the Justice Department regarding the

matter. He said that anytime some white rich guy developer that gave money to republicans requested annexation into the City they got it. He claimed that the City Manager was loud and offensive toward him. He chastised the Commission for not further negotiating to reduce the density of the property at 21 Casanova Road. He further chastised the Commission for not annexing West Augustine into the City, which he claimed was discrimination. He continued to chastise the St. Augustine Record reporter for leaving the meeting at 6:30 p.m. He questioned why a 30% salary increase for a County administrator had not been reported in the newspaper. He delivered examples that suggested political corruption in planning and zoning departments and further suggested that the City Attorney was not providing the City with decent legal advice. He concluded that the Commission could say *NO* to sleaze.

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

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned 7:35 p.m. ³

MAYOR

CITY CLERK

³Transcribed by Karen Rogers, Recording Secretary