

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
July 25, 2005

The City Commission met in a formal session Monday, July 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 and Public Works
Dr. William Adams, Director, Heritage Tourism
James Whitehouse, Staff Attorney
Paul K. Williamson, Director, Public Affairs
Loren Lueders, Chief of Police
James Owens, Fire Chief
Karen Rogers, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor John Beard, Hineni Messianic Fellowship, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mr. Harriss requested hearing Items 11.B.5. and 11.B.6. before Item 11.B.1.

Mr. Harriss announced that John Regan, Chief Operations Officer would deliver a brief report concerning the Garden Club after Item 5.A.

3.B/ Approval of Minutes

The minutes of the Regular Meeting of June 27, 2005, Regular Meeting of July 11, 2005 and the Workshop Meeting of July 13, 2005 were approved as presented.

3.C/ Proclamations

(None Scheduled)

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

Pat Parets, 67 Marine Street, spoke in support of Ordinance 2005-21 regarding the Residential Parking Program and expressed appreciation for the Commissioners efforts.

She suggested that the parking fine be increased.

Gale Burnick, 101 Kings Ferry Way, President of the Lincolnville Neighborhood Association, spoke for the association in support of the height, aggregation and demolition ordinances, and she suggested that the demolition ordinance should have more restriction and HARB should have the authority to deny demolition, designating any appeal through the court system. She suggested that Lincolnville be the test group for an Architectural Review Committee. She stated that personally speaking parking permits were not the answer to the City's parking problem.

B. J. Kalaidi, 8 Newcomb Street, spoke against Ordinance 2005-19 establishing height restriction for nonconforming lots of record in RS-1 and RS-2 and the Ordinance 2005-20 concerning aggregation of nonconforming lots in RS-1 and RS-2. She stated that the ordinances stole homeowner's property rights and violated Civil Rights. She pointed out that homeowners could write height restrictions into their deeds. She encouraged the Commissioners to vote against the ordinances.

Buddy Haynes, 69 Almeria Street, spoke against Ordinance 2005-19 establishing height restriction for nonconforming lots of record in RS-1 and RS-2 and Ordinance 2005-20 concerning aggregation of nonconforming lots in RS-1 and RS-2. He said that it had been suggested that the City establish an Architectural Review Committee, but it had also been suggested that such a committee would probably be an impossibility in the City; however, he thought such a committee could solve the problems. He recommended that they discontinue the two ordinances and develop some other ideas for solution.

Brian Eckstein, 100 Carver Street, spoke against Ordinance 2005-19 establishing height restriction for nonconforming lots, because the result would be inconsistent with the historical architecture in the City, and he spoke in support of an Architectural Review

Committee. He pointed out that the height restriction would be far more limited in RS-1 than it would be in RS-2.

A brief discussion ensued regarding the calculation for height in proportion to lot width.

Kayla Douglas, 74 Lighthouse Avenue, asked the Commission to abandon the height and aggregation ordinances. She said that the Neighborhood Associations were pushing to build green space for recreational facilities while the Commissioners were trying to restrict property owners from building on their property.

Commissioner Burk interjected that Ms. Douglas was misinformed, because the Commission was not stopping property owners from building on their property, and she summarized the Aggregation Ordinance for Ms. Douglas' benefit.

Robert Balch, 1 Ponce de Leon Avenue, spoke against the height ordinance suggesting that it amounted to a new type of zoning being imposed on historic districts. He stated that the ordinance had been instigated by a few citizens that were imposing it on the City at large, which would be contrary to the intention of the Zoning Code. He said that beside negatively affecting people's property values they would be imposing mandates on architecture that would be watered down and lacking in creative potential while not addressing density as it should be. He questioned whether there had been a thorough study of the scale of buildings relative to lot size in the historic districts for an educated understanding of how the pattern language had developed over the years. He concluded that the proposed plan was short sighted and narrow minded.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation regarding Operation Weed and Seed Program in St. Johns County

Derek Hankerson, Project Coordinator, St. Johns Housing and Community Service Division, spoke regarding his St. Augustine heritage. He stated that Operation Weed and Seed was a grant program established by the U. S. Department of Justice in 1991. He explained that the goals of the program were to control violent crime, drug trafficking and drug related crime in high crime neighborhoods. He said that additionally they hoped to break the cycle of dependency, teach financial management, empower residents and establish some economic development projects. He concluded that they looked forward to the opportunity to educate the City of St. Augustine on Operation Weed and Seed. He described the boundaries of the designated West Augustine Redevelopment Area, and he added that as part of the operation there would be a \$4.7 million community center.

Non Agenda Item – Garden Center

Mr. Regan reported that upon examination of the Garden Center Building staff had solicited Atlantic Engineering Service to assess the condition of the Garden Club, which was the original City water treatment plant built in the 1920's. He said the building had deteriorated to an unsafe situation; therefore, the building was closed. He said that some of the problems were as follows:

- East and North wall buckling
- The mortar had turned to dust
- The pier system supporting the trusses had fractured

Mr. Regan said that they wanted to keep the Commission abreast of the ongoing project, and he added that he was not looking for specific direction. He said the structural options for the building were as follows:

- Close the doors indefinitely
- Restore to the open ceiling original condition by removing the roof, tearing down the two brick walls and salvaging the brick and rebuilding the walls, and then improve the brick throughout the structure – estimated cost \$437,000 including engineering and architectural

fees along with supervision and a contingency fund

- Restore structure to the more familiar level with dropped ceiling to hide structural additions that were not in keeping with the original design, tear down the two walls, lesser degree of mortar repair – estimated cost \$282,000
- Tear down building and rebuild – estimated cost \$738,000

Commissioner Burk questioned whether the City was refunding the Garden Club's rent.

Mr. Regan replied that the Garden Club could opt out of their lease, and he added that the City rented the facility for \$600 annually.

Commissioner Burk questioned the potential for grant funding.

Mr. Regan replied that the building was not currently on the National Register.

Dr. William Adams, Director, Heritage Tourism, stated that although the Garden Club was not currently on the register it would certainly be eligible for listing; therefore, eligible for grants, and they could apply for grants while nominating the structure for the register. But, he added that those grants were highly competitive.

Mr. Harriss explained the grant process and the extensive timetable involved; therefore, should the City be awarded a grant it would not be until July of 2007.

A brief discussion ensued regarding potential grants, and it was determined that the City could not invest money in the structure to be reimbursed through a grant unless they were certain that they would receive a grant.

Commissioner Boles questioned what staff was asking for.

Mr. Regan replied that they wanted to make the Commission aware of the situation and staff would continue exploring other options, and he briefly explained the potential for a grant from the American Water Works Association, because the building was the

original water treatment plant for the City in the 1890's.

Commissioner Boles stated that the Garden Club and the Women's Exchange were interested in using the building as a revenue source for their organizations. He pointed out that getting married and having receptions in St. Augustine had become attractive. He said that if there was an enormous amount of potential revenue he questioned whether it would be possible to enter into a partnership with the Garden Center, as he assumed the club wanted to be in control of the facility. He suggested researching the matter.

Commissioner Jones reprimanded staff for allowing the building to get into such embarrassing condition.

6. ITEMS BY CITY ATTORNEY

(None Scheduled)

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations.

- National Night Out in St. Augustine
- 2005-30 Recognition of Florida Water, Wastewater, and Systems Operators Week

7.B/ Consideration of two appointments to the Planning and Zoning Board.

The City Clerk reported that one PZB appointment was requested to fill a vacancy due to the resignation of Harvey Simms. She said that there were five applicants as follows:

1. William L. (Bill) Leary, 28 E. Park Ave.
2. M. W. (Marty) Lewis, 137 Washington St.
3. Gary McMahon, 8 Vedder St.
4. Walter O'Kon, 7720 Riverday Rd.
5. Steven M. Schuyler, 7 Inlet Pl.

Commissioner Crichlow spoke in favor of Mr. Leary.

The Commissioners voted by written ballot and appointed William Leary.

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/ Release of Liens on Unit Connection Fee Mortgages

8.A.3/ Notification of two upcoming term expirations on the Planning and Zoning Board.

8.A.4/ Determination of Legal Sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located on East San Carlos.

8.A.5/ Approval of a Grant Award from the Florida Department of State.

8.A.6/ Approval of a presentation of a gift to the City of Avilés, Spain.

8.A.7/ Approval of the City's Procurement Policies and Procedures.

Dr. Adams referred to Item 8.A.5. and said that the grant had been in the works for 4-5 years and provided \$300,000 state assistance to the Heritage Tourism Program for repair of the buildings the City leased from the state. He said that the \$300,000 and the in kind labor match from the City would be used to seal the roofs and windows of the buildings. He added that the City would also have to sub-contract some of the work as their part of the matching funds.

Paul K. Williamson, Director, Public Affairs, referred to Item 8.A.6. and said that the delegation from the City would travel to Aviles, Spain, and in keeping with protocol the City would present Aviles with a silver coin from the Nuestra Senora de Atocha. After inquiry he stated that the value of the coin was \$1,500.

MOTION

Commissioner Burk **MOVED** to approve Items 8.A.1., 8.A.7. on the Consent Agenda. The motion was **SECONDED** by Commissioner Boles and approved by **UNANIMOUS VOICE VOTE**.

8.B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Boles – Boating Community

Commissioner Boles referred to the sale of the Conch House, their request to expand the marina and the cost per foot to rent boat slips. He suggested that the need for the boating community was great; therefore, it was a revenue producer that private enterprise would take advantage of if the City did not. He stated that he was looking for anything that would generate revenue.

Mr. Harriss explained that 7-8 years earlier staff had developed a plan for a pier south of the Santa Maria Restaurant for long term dockage or expanding the exiting dock 50-feet to generate more revenue.

Commissioner Crichlow pointed out that the City owned a lot of other water front property that could be utilized.

Mayor Gardner – Announcements

Mayor Gardner acknowledged that the permanent fence had been installed at Davenport Park.

Mr. Burchfield stated that improved lighting was in the process, restroom construction should begin in September and the project should be completed by early winter.

10. Appeals and Public Hearings

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES

(To include public hearing)

11.A/ Resolutions

11.A.1/ Consideration of Resolution 2005-16, expressing support of a Veterans Nursing Home in St. Johns County.

MOTION

Commissioner Jones **MOVED** that Resolution 2005-16 be approved. The motion was **SECONDED** by Commissioner Burk and approved by **UNANIMOUS VOICE VOTE**.

11.A.2/ Consideration of Resolution 2005-17, to pursue transfer of title of all State owned properties currently under the management of the Heritage Tourism Department to the City of St. Augustine.

Dr. Adams stated that the lease for the state owned historic property was due in three-years, but the Heritage Tourism Department wanted to proceed to request that the state consider a transfer of title of the properties, which was reflected in the proposed resolution. He said that the resolution also requested a transfer of a slice of property, for the purpose of an orientation center for the Castillo, from the state to the National Park Service. He said that Superintendent Gordie Wilson was present to answer questions.

A brief discussion determined that the Legislature was an effective lobbying source to help convince the Governor that the request was the right thing to do.

Superintendent Gordie Wilson stated that most of the Commissioners were at the meeting when the Park Service had asked for comment on the draft Management Alternative. He said that there would be a draft Environmental Statement issued, after which there would be a 60 day public comment period. He said there was authorization to build the orientation center for the Castillo; however, there was no funding for the center. He stated that there were four alternative locations currently in the

plan with two across the street near the slice of property in question. He said if the City requested the land, they should be aware that, after public comment, use of the site would be contingent upon whether it was selected as the preferred alternative in the Record of Decision, at which time it would be possible for the Park Service to accept the donation of the land. But, he said that it would not be decided until the end of the calendar year.

Commissioner Crichlow questioned whether the City should move rapidly for a decision.

Commissioner Boles pointed out that the orientation center was a small part of the overall request for historic properties.

Commissioner Burk suggested that it was City property, but it was clarified that part of the property was City and part belonged to the state.

Commissioner Boles said that they had to talk about the resolution as a portion required legal attention.

A discussion about the resolution determined that the resolution required amendment perhaps to indicate that it was the City's intention to give a piece of the property to the Park Service if they wanted it.

MOTION

Commissioner Burk MOVED to table Resolution 2005-17. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

11.B/ Ordinances - First Reading¹

11.B.1/ Introduction and consideration of Ordinance 2005-19, establishing a Height Restriction for Non-conforming Lots of Record in RS-1 and RS-2.

¹ A brief recess

Mark Knight, Director, Planning and Building Department, stated that RS-1 had a minimum lot width of 75' and RS-2 had a minimum lot width of 50'. He said that in the case of nonconforming lots the ordinance dictated that the height of a structure would be proportionate to the width of the lot. He said that a 50' lot in RS-1 would be two thirds of the minimum width; therefore, two thirds of 35' would limit the height to 23'. He said that a 40' lot in RS-2 would be 80% of the minimum width; therefore, limit the height to 28'.

Mayor Gardner questioned the setbacks for RS-1 and RS-2.

Mr. Knight replied that for nonconforming lots of record the setback would be 10% of the width of the lot or if it was a small lot the setback would not go below four-feet. He clarified that the ordinance did not affect setbacks.

Discussion regarding the ordinance followed and the Commissioners made the following points:

Commissioner Jones

- The restriction in no way related to the other structures in the neighborhood as it related only to the width of the lot
- They could not assume that a variance would automatically be approved, as it could be denied, which meant that a property owner's home could be limited to 23' tall when all the surrounding homes were 35' tall, and that was not fair
- If they were going to limit the height they should allow people to spread out in order to get the same square footage with more lot coverage
- Density related to the number of structures and people, but not necessarily the size of the structure
- Citizens might be willing to trade off closeness in exchange for height
- If they passed the ordinance all those nonconforming lots on Davis Shores would be limited to 23-24' feet high, and

they would end up with a lot of generic flat roofed homes

- As the Mayor could not envision a lot of 23' structures, he also could not envision a lot of 35' structures
- Regarding the height ordinance the Commission could legislate and take away and restrict everyone for maybe two-years, but the people caught up in those two-years paid the price
- Would they go back and reimburse those people who lost money because of Commission's actions
- He understood the concerns, but he was not sure that the ordinances were the solution at that time
- The community was not demanding the ordinance
- There were more citizens saying they were scared of or did not want the ordinances.
- The City was unique with all streets containing mixed architecture
- Some people moved to St. Augustine and then did not want it to change, but that was not realistic or how the world worked.
- They needed to preserve the quality of the neighborhoods, historic areas and structures and that did not necessarily relate to the size of the structures
- Different RS-1 and RS-2 areas grew at different points in time and they all looked a little different; therefore, passing ordinances that applied to all the areas was not fair

Commissioner Crichlow

- When the height would be out of proportion with the neighborhood the property owner could apply for a variance
- In 1975 the 25' lot coverage had been instituted strictly to control density, as it had been determined that some areas would be less dense and people bought in those areas if they wanted a large yard with a lot of lawn
- People were buying small lots and building 35' tall homes, because they wanted more square footage
- There was nothing wrong with building more square footage accept when it affected mass and scale

- Someone could buy a single story home on Davis Shores and build a 35' home.
- Setbacks were reduced on nonconforming lots
- People were going to get as much height as they possibly could, because that was human nature
- If they increased the lot coverage to the rear it would not change the streetscape, and he would not be opposed to that
- A number of people had mentioned an Architectural Review Committee, the Aggregation Task Force had considered that prospect, and he believed that such a committee would solve all their problems; however, the Commission would meet a lot of resistance by telling people what their house had to look like and what color it had to be painted, but regardless they should move forward with the concept
- They were seeing new examples of the task force's fears all over town; therefore, something had to be done.

Commissioner Burk

- Suggested that increasing lot coverage could be addressed in phase two, because the matter had been going on for two years, and they had simplified the ordinance much more than she would have preferred to get it through
- 23-24' feet high generic flat roofed homes would be in scale with the neighborhood on Davis Shores
- 35' structures were currently being built all over the City

Commissioner Boles

- The trend in RS-1 was to build bigger houses
- He did not want someone to tear a house down across the street from his home and build three houses, because it would increase the density, as well as the traffic
- Because of the amount people paid for lots, they were not necessarily building tall for a view, they were building up to get the square footage
- Why not encourage lower homes by allowing more than 25% lot coverage,

because if the Commissioners were taking something away, they should be giving something back

- It was currently a different world and kids did not play out in the front yard anymore
- What if they offered citizens the choice of reduction in height or increased lot coverage
- The neighborhood associations could tackle an Architectural Review Board and if 2/3's developed and approved the concept then it would not be the Commission making the decision
- There were still a lot people disgruntled about the Historic Architectural Review Board
- He would like to encourage larger houses in RS-1, and he reiterated that they had to add lot coverage to the ordinance to make it work and get more people behind them

Mayor Gardner

- They were not buying into something that would result in there being 23' monstrosities all over the City
- He favored both ordinances as interim measures until the zoning consultant made recommendations and they investigated an Architectural review committee
- Agreed totally with giving on the setbacks and allowing more of a footprint
- The variance process was cumbersome; however, HARB had an Opinion of Appropriateness and the same mechanism could be setup for the PZB to make it easier for the citizens
- The ordinances were absolutely not perfect, but they had to do something until they could further address the problem

MOTION

Commissioner Burk MOVED, in the interest of preserving our neighborhoods, to place Ordinance 2005-19 on first reading, read by title only and approved. Mayor Gardner SECONDED by the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING SECTION 28-160 IN CHAPTER 28, ARTICLE III, DIVISION 2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ESTABLISH HEIGHT RESTRICTIONS FOR NON-CONFORMING LOTS OF RECORD IN SINGLE-FAMILY RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

Commissioner Boles

- Every lot in his neighborhood would be limited to 23.5' height restrictions in a neighborhood that had been encouraged through zoning to have the largest houses in the City
- In RS-2 houses could be built 35' in an area where large houses had not been encouraged
- The ordinances exhibited and internal inconsistency
- They should Increase lot coverage

Mayor Gardner

- He would support increased lot coverage
- Something had to be done immediately

VOTE ON MOTION

AYES: Burk, Gardner, Crichlow

NAYES: Jones, Boles

MOTION CARRIED 3/2

11.B.2/ Introduction and consideration of Ordinance 2005-20, concerning aggregation of non-conforming lots in RS-1 and RS-2.

MOTION

Commissioner Burk MOVED to place Ordinance 2005-20 on first reading, read by title only and approved. Mayor Gardner SECONDED the motion.

ORDINANCE NO. 2005-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO ZONING; AMENDING THE DEFINITION OF "LOT" AS CONTAINED IN SECTION 28-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROHIBIT THE DIVISION OF CONTIGUOUS LOTS OF RECORD IN SINGLE FAMILY RESIDENTIAL DISTRICTS (RS-1 AND RS-2) IMPROVED BY A STRUCTURE INTO NON-CONFORMING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

Commissioner Boles

- The aggregation bothered him as in certain situations nonconforming lots could not be sold
- People did not buy houses relying on the person next to them never to sell their extra lots
- How could they tell citizens that they could not split and sell a previously platted lot
- How could they tell a resident that because they had an encroachment on a previously platted lot that they could not split off that lot
- Individual cases required the City to review for impact and to make decisions

Commissioner Burk

- What about all the other neighbors
- People relied on the character of their neighborhood
- Developers were building monster houses for investment, but they were not living there and it was wrong
- In the case of encroachment and not being able to split off a lot the property became more valuable because of the green space, plus a bigger house could be built
- There would be a public hearing on second reading
- Individual cases made bad law

Commissioner Crichlow

- Originally secondary structures on adjacent properties necessitated aggregation, but the task force had reduced the strict interpretation
- If a home was built within a foot of the property line the house could remain and the adjacent lot could be sold and built within four-feet of the property line, which meant that the two houses would be five-feet apart, and he was not happy about that, but the ordinance was a start

Commissioner Boles suggested a scenario where a house in RS-2 was built on one lot that encroached two-feet on the second lot leaving 48' untouched and questioned whether that 48' was marketable under the present Code.

Commissioner Crichlow replied that it would have to be replatted, but one could not replat to a nonconforming lot.

Commissioner Burk pointed out that it could not have been built on before or after the ordinance.

Commissioner Jones said that if he were selling his home and found out that his home was two-feet over the line could he rewrite the deed to (inaudible).

Mr. Knight replied that if they deeded outside the platted line it would be unbuildable, but they could sell it with a protective easement or tear off two-feet of the house.

Commissioner Jones stated that he was going to vote "no", because he thought that the matter should go to the public and possibly on referendum.

VOTE ON MOTION

AYES: Burk, Gardner, Crichlow

NAYES: Boles, Jones

MOTION CARRIED 3/2

11.B.3/ Introduction and consideration of Ordinance 2005-22, modifying the Demolition Ordinance.

Mr. Knight stated that the Ordinance had been initiated by the Historic Architectural

Review Board, and it had also been recommended by the Planning and Zoning Board.

Dana Ste. Clair, Chairman, Historic Architectural Review Board, reported that after many years of combined effort to craft the ordinance, he was pleased to present it to the Commission. He stated that it was an important step for the City. He said that St. Augustine was probably the last historic community with the resources at hand that had a demolition ordinance or a strong historic preservation ordinance with a demolition provision. He said that the ordinance would allow the HARB members to garner more information to help make an educated decision on whether a historic property that fell over the 50-year threshold was worthy of preservation or demolition. He said that the most important part of the ordinance outright prohibited demolition of the City's key historic properties and protected that which defined the character and economic foundation of St. Augustine. He added that the ordinance was based on existing language in existing ordinances that had proven to be strong.

Commissioner Jones questioned whether the contents of the ordinance had been tested and whether the ordinance would stand up in a court of law.

Mr. Ste. Claire stated that the Burt Harris Act regarding "illegal taking" had not been successfully tested in a court of law. He added that the existing ordinances they used to compile the proposed ordinance had been on the books for years, and they had never been successfully defeated. He added that land use law indicated that a person could not do anything they wanted with their property.

Mr. Wilson stated that he could not see anything illegal about the ordinance, he thought it would work, but how the ordinance was applied would determine the challenge.

Commissioner Boles said that his house was over 50-years, and he questioned whether it was of historic significance.²

Mr. Ste. Claire replied that it exceeded the 50-year threshold, it was within City limits; therefore, it would be covered by the ordinance. He said that he realized it was the concern of many property owners, but the ordinance would provide a foundation to balance that which was truly historic. He said that the HARB was aware that all 50-year structures would not qualify as historic, but their intent was to protect those structures with historic merit. He said that the ordinance gave the HARB the right to deny demolition outright, the review would provide balance and perspective and when they denied or approved demolition they would have to document with good reason, and he explained the process.

Mayor Gardner questioned whether outright denial of demolition delayed demolition for two-years.

Mr. Ste. Claire replied that outright denial was forever.

MOTION

Commissioner Burk MOVED to place Ordinance 2005-22 on first reading, read by title only and approved The motion was SECONDED by Commissioner Crichlow.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-22

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO ZONING; AMENDING SECTIONS 28-2, 28-89, 28-90 AND 28-91 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO MODIFY THE REQUIREMENTS FOR APPLICATION, REVIEW AND APPROVAL OR DENIAL OF THE DEMOLITION OF STRUCTURES, INCLUDING ACCESS, ADVERTISING, SIGNAGE, PROPERTY OWNER, REPLACE-

² End of audio tape two

MENT, SALVAGE, AND FEE REQUIREMENTS; PROVIDING FOR DEFINITIONS OF EXCEPTIONAL SIGNIFICANCE AND UNDUE ECONOMIC HARDSHIP; PROVIDING FOR A SECOND POSTPONEMENT OF DEMOLITION FOR UP TO TWELVE (12) MONTHS; PROVIDING FOR THE DENIAL OF STRUCTURES OF EXCEPTIONAL SIGNIFICANCE WHEN THE DENIAL WILL NOT CAUSE UNDUE HARDSHIP; PROVIDING FOR ENFORCEMENT WHEN STRUCTURES OF EXCEPTIONAL SIGNIFICANCE FALL INTO A STATE OF DISREPAIR; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

Commissioner Crichlow referred to the HARB guidelines criteria and expressed concern about the significance of some of the criteria, such as a building facing a locally designated preservation zoning district might not be historic and could even be out of historical character with the surroundings, but demolition could be denied. He pointed out some other vague criterion and suggested that the ambiguities could cause the board doubt in their decision making.

Commissioner Burk pointed out that the HARB could also approve demolition.

Mr. Ste. Claire stated that the board never based their decision on a single criterion, as they considered the architectural and historical merit of a building.

After discussion it was determined the HARB would review the criteria in the AGHP.

Commissioner Boles pointed out that once the community realized that the ordinance was City wide everyone would be questioning the matter; therefore, they needed to clear-up that anxiety.

Mr. Ste. Claire said that the law read that if a property exceeded the 50-year threshold the owner had to go before HARB but the applications process and AGHP criterion were sound enough to make informed decision, and he invited the Commission to

attend a meeting to observe the process, as they would find great balance in the process.

Mr. Harriss said that in the past the HARB had used the demolition ordinance as a tool to stop something that was not historically significant, which he had always objected to. He agreed with making the guidelines more clear.

VOTE ON MOTION

AYES: Burk, Crichlow, Boles, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.4/ Introduction and consideration of Ordinance 2005-23, amending the Land Use for property located at University Boulevard (St. Augustine University) from Commercial Medium Intensity to Residential Low Density/Mixed Use.

Mr. Knight reported that 5-years earlier the University of St. Augustine annexed the north portion of their property into the City, and when they annexed the second half to the south they retained the county designation and rezoned to a PUD. He said that they had proposed development of a primary structure on the north half, and currently they were ready to build that structure. But, he said they still had the Commercial Medium Intensity land use category; therefore, they were requesting Residential Low Density/Mixed Use to obtain the height requirement of 55' (50' with 5' of ancillary structure) that had been approved in the PUD.

MOTION

Commissioner Boles MOVED to place Ordinance 2005-23 on first reading, read by title only and approved Commissioner Jones SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO RECLASSIFY A PARCEL OF LAND LOCATED AT 1 UNIVERSITY BOULEVARD, NORTHEAST OF FLAGLER HOSPITAL, CONTAINING APPROXIMATELY 9.5 ACRES IN THE CITY OF ST. AUGUSTINE, AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM COMMERCIAL MEDIUM INTENSITY TO RESIDENTIAL LOW DENSITY/MIXED USE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Boles, Jones, Crichlow, Burk Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.5/ Introduction and consideration of Ordinance 2005-24, amending the Land Use from Residential Low Density to Public/Semi Public relative to the Fort Mose Facility.

Mr. Harriss stated that the first ordinance was a land use amendment and the second was a zoning amendment to allow construction of an orientation center in the Fort Mose area.³

Tony Cubbedge, St. Johns County Real Estate Department, said that the county acquired the seven acre parcel adjacent to the state's Fort Mose site, they received a Florida Communities Trust Grant for the project and presently the site was leased to the State Department of Environmental Protection for use as a park site. He said the property to the north and the west was residential and the Fort Mose parcels were to the south and east of the county parcel. He stated that the ordinances would facilitate the development of the Fort Mose Museum and Amenities Plan by the FDEP. He pointed out that the PZB had recommended approval of the rezoning and land use amendment, and all the neighbors were in favor of the

³ End of audio tape one

proposal. He stated that Paul Crawford the Park Manager for Anastasia State Park was present to answer questions.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2005-24 on first reading, read by title only and approved Commissioner Burk SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-24

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO RECLASSIFY A PARCEL OF LAND CONTAINING APPROXIMATELY 8.0 ACRES LOCATED EAST OF PRADO AVENUE AND SOUTH OF ISLA DRIVE, IN THE CITY OF ST. AUGUSTINE, AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM RESIDENTIAL LOW DENSITY TO PUBLIC/SEMI-PUBLIC; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Crichlow, Burk, Boles, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.B.6/ Introduction and consideration of Ordinance 2005-25, rezoning property from Residential Single-family-two (RS-2) to Government Use (GU) relative to the Fort Mose Facility.

MOTION

Commissioner Crichlow MOVED to place Ordinance 2005-25 on first reading, read by title only and approved Commissioner Burk SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, REZONING PROPERTY LOCATED AT 33 PRADO AVENUE, CONTAINING APPROXIMATELY 8.0 ACRES LYING EAST OF PRADO AVENUE AND SOUTH OF ISLA DRIVE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF RESIDENTIAL SINGLE FAMILY-TWO (RS-2) TO THE CLASSIFICATION OF GOVERNMENT USE (GU); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

VOTE ON MOTION

AYES: Crichlow, Burk, Jones, Boles, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

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

(None Scheduled)

11.D/ Ordinances - Second Reading Public Hearing

(None Scheduled)

11.D.1/ Public Hearing - Ordinance 2005-21, regarding Residential Parking Program.

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

MOTION

Commissioner Burk MOVED to place Ordinance 2005-21 on second reading, read by title only and approved. The motion was SECONDED by Commissioner Crichlow.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-21

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, PROVIDING A MECHANISM TO INSTITUTE A RESIDENTIAL PARKING PERMIT PROGRAM UNDER CHAPTER 24: TRAFFIC; AMENDING THE EXISTING ARTICLE II: STOPPING, STANDING AND PARKING TO INCLUDE A DIVISION 3: RESIDENTIAL PARKING PERMITS; PROVIDING A DECLARATION OF NECESSITY AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING THE PROCESS BY WHICH RESIDENTIAL PERMIT PARKING AREAS WILL BE CREATED; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE PLACEMENT OF SIGNS; PROVIDING FOR RESIDENTIAL PARKING IN THESE AREAS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PARKING PERMIT VIOLATIONS; PROVIDING FOR THE REVOCATION OF PERMITS AND PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Boles questioned when they would implement the plan and when citizens would be allowed to buy parking decals.

Mr. Regan said he anticipated that the Avenida Menendez neighborhood would desire a residential parking program. He explained that he anticipated moving forward in a week or two and the necessary steps were as follows:

- Pass resolution designating area and previously discussed fee structure, which would require Commission action

Commissioner Boles questioned the penalty structure for ticketing.

Mr. Regan said that the enforcement criteria for a parking citation was currently twenty dollars (\$20) and there was a towing provision, but within in the Parking and Traffic Master Plan was an element to revisit downtown parking policies, which included enforcement policies.

Commissioner Boles expressed concern regarding towing, and he was informed that it was not the Cities intention to tow as the method was restricted to blocked driveways or fire hydrant etc.

Mr. Harriss stated that the \$20 fine needed to be increased and it was part of the plan to do so; however, they were currently ahead of the planned schedule due to public pressure.

Commissioner Boles stated that there would probably be another neighborhood requesting the program, and he was informed that by direction of the Commission staff would not consider any other neighborhoods for the program until the garage was built.

Commissioner Crichlow questioned how a neighborhood would request the program, and he was informed through petition probably followed by a survey review to be sure the majority agreed as well as indication that the area required a program.

The Commission agreed to allow Ms. Pacetti to speak, as she had been out of the room when the Mayor opened the public hearing.

Hildegarde Pacetti, 305 St. George Street, spoke against the ordinance suggesting that the City should take more time to consider the program especially considering that the garage was not built.

VOTE ON MOTION

AYES: Burk, Crichlow, Boles, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

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

(None)

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

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned 8:42 p.m. ⁴

MAYOR

CITY CLERK

⁴Transcribed by Karen Rogers, Recording Secretary