

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
August 8, 2005

The City Commission met in a formal session Monday, August 8, 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

Reverend Elizabeth Claire, Center for Positive Living, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mr. Harriss suggested hearing Item 5.A. regarding the skate park before Item 4., the General Public Comment, to allow the public the opportunity to witness the presentation prior to speaking.

After a brief discussion the Commission determined to do so.

3.B/ Approval of Minutes

The minutes of the Regular Meeting of July 25, 2005 were approved as presented.

3.C/ Proclamations

- 2005-31 Firefighter Appreciation Week

Mayor Gardner read and presented the proclamation to Lieutenant James Costeria of the St. Augustine Fire Department and Leslie Wildes of the Muscular Dystrophy Association expressed appreciation to the firefighters for collecting funds for MDA.

4. General Public Presentations and Comments (3 minutes per presentation)

with maximum total time limit of 20 minutes).

Leslie Garcia, 406 Arricola, spoke regarding the situation for the vendors in the Plaza and requested that the City discontinue rotating zones.

Patricia de Parets, spoke regarding the parking permit program on Avenida Menendez questioning when and how it would begin.

Commissioner Jones replied that the residents had to make application and tend to the details.

Mr. Harriss explained that the ordinance had gone into effect 10-days after approval; therefore, it had been in effect for four days. He said that studies had to be conducted to demonstrate impact to avoid an unlawful situation. He suggested that Ms. de Parets talk with John Regan to find out what she had to do.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation regarding the Lighthouse Park Recreation/Skate Park Project. ¹

Philip McDaniel, 51 Water Street, delivered a slide presentation and some of the highlights were as follows: ²

- Skate boarding was the fastest growing youth sport in America
- There was no skate board facility in the immediate area and Treaty Park was too far for a bike ride or for children to walk
- Project Swing catered to children ages 3-9, but the City offered no recreation for children ages 9-15
- The proposed location at Lighthouse Park was beautiful, centrally located and

¹ Item heard before Item 4.

² Presentation attached to original minutes

contained the highest concentration of skaters in the City

- The public/private facility would be comprised of a pocket skate park supervised at no cost to the City by a third party vendor
- There was a broad based support for the project throughout the community
- Including a traffic light at the intersection as part of the improvement proved to be a larger task than they could handle; therefore, they modified the park design to reduce the potential for additional traffic by increasing the passive recreation area and reducing the scope and nature of the facility to attract more pedestrian and bicycle traffic
- The immediate neighbors were involved with the design process to increase the quality of life for all concerned
- 142 homes had been surveyed with 30% response of which 85% responded positively to the proposal
- Concerns of the residents were: light pollution; operating hours; noise; traffic and their property value
- To address the concerns: there would be no field lights; the facility would operate during daylight only; there would be multiple buffers to reduce sound; they reduced the park scale; most users would bike or walk to the park and the proposed landscaping would enhance property values
- Less than 25% of site would be dedicated to skating as there would be a 60' natural landscaped buffer, physical fitness walking trail, passive recreation and picnic area

Damon Douglas, 69 Lighthouse Avenue, reported that the design incorporated the following:

- Three sound barriers, no lights, improved landscaping, added recreational elements and created buffers to allow for future road changes and/or improvements
- The exercise trail would have exercise equipment as well as children's play equipment to allow interaction between

grown-ups and children and picnic areas would unify the design

- The skate park would be concrete with an 8' landscaped hill; therefore, the noise from the park and Anastasia Boulevard would be limited
- There would be an entrance building for people to fill out waivers for use of the park and helmets would be required
- There would be more meetings with the community to work on the design in effort to enhance the community

Mr. Douglas referred to the slide portion of the presentation to demonstrate the proposal.

Tim Brooks 17 Fourth Street, reported that some of the day-to-day operations would be as follows:

- City maintained ownership of the park and a third party would be in charge of maintenance and to ensure that the rules were adhered to while running a small concession facility
- Troy Strange, owner of the Surf Station, offered to be the third party, as he ran the concession in the State Park for 20-years
- Third party duties: daily cleanup, payment of utility bills, weekly edging and lawn maintenance; salaries for park supervisors and opening and closing the facility
- The public/private partnership was not commercialization of a public park; it was the best solution for the community

Mr. McDaniel made some closing statements suggesting that the facility would be a betterment of the community by bringing the young and old together. He said that after public comment they were seeking recommendations and advice from the Commission, as well as approval and direction to formalize an agreement to move forward.

Mayor Gardner stated that the City managed inactive parks and the County maintained active parks, and he questioned whether a third party maintenance agreement would work within the City's program.

Mr. Harriss replied that the situation would be workable, as he would be reluctant for the City to run such a proposal because the county was enlisted to maintain active recreation. He added that the City did not want to be in that business.

Mr. Boles suggested that he would be interested in the City being in the business if they could make money at it. He said that he would like to know what it would cost, the liability issue, who would be the concessionaire and how they planned to address the issue of long-term maintenance. He suggested that they move forward, bring another presentation to the Commission and make sure the public was informed. He added that he did not want to be persuaded by the proponents for or against the proposal at that time.

Mr. McDaniel stated that it would be nice to know whether the City was willing to partner in the proposal, whether they could work with staff to draft an agreement, and they planned to continue to work with the public.

Mayor Gardner opened the public hearing.

Citizens speaking in support of the park were as follows:

- John Yanni, 38 Lee Drive
- Aslyn Baringer, 50 Water Street
- David Yanni, 38 Lee Drive
- Ian Hamilton, 6989 Charles Street
- Tory Strange, 6 Third Street

Some of the comments in support of the proposal were as follows:

- The community had a responsibility to provide their children with healthy outdoor activities
- It was hard to get to Treaty Park
- The park was wanted and the location was good
- If the City did not approve the skate park kids would skate in illegal places down town

- Kids would ride their bike to the park
- It would help all the kids
- It would be good if the kids had a place to skate on the island
- Mr. Strange would be willing to operate and manage the park at no cost to the City

Commissioner Boles questioned whether kids would pay to skate at the park or would they skate elsewhere.

Mr. Yanni said that if the charge was reasonable he would be willing to pay.

Mr. Hamilton stated that David Yanni was probably alone, because he did not know anyone that would be willing to pay to skate in the park.

Richard Siewert, 10 Flamingo Drive, stated that he lived on the adjacent property and he was not necessarily a proponent of the park, but he was also a parent, and he intended to accept comments from his immediate neighbors and address them to the committee. He emphasized that he wanted to sure that their concerns were heard, addressed and met.

Jill Leslie, 22 Ponce de Leon Avenue, stated that she was not certain how she felt about the proposal; however, she wanted to inform the Commission that the previous meeting with the neighborhood had gotten heated and one of the people involved had his new truck vandalized that same night. She said the Commission should be aware of the situation and her concern that if she expressed no support whether she would suffer vandalism.

Citizens speaking against the park were as follows:

- Delano, Debaryshe, 12 Flamingo Drive
- Marion Hunsworth, 950 Lew Boulevard
- Douglas Hunsworth, 950 Lew Boulevard (The Hunsworth's claim not to be for or against the proposal, but wanted more information; however, the majority of their

comments were not in favor of the proposal)

Some of the comments against the proposal were as follows:

- Moving the skaters out of town and dumping them in resident's backyards was inappropriate
- Mr. Strange did not answer his burglar alarms in a timely fashion; therefore, how could he take care of the park
- The veracity of the situation was questionable
- Lighthouse park was one quarter mile away and a small skate board operation could be installed there
- SWING Park and Treaty Park were not in neighborhoods
- Erosion from the berms would go into the neighbor's backyards
- There was adequate parking in Treaty Park and SWING Park, which was not true at Lighthouse Park
- The idea of a lot of children being dropped off in the neighborhood was not comfortable
- There should be a greater concern for security should the proposal be approved
- There was already a boat ramp, passive park, sailing, tennis courts, fishing pier, bike and roller blade areas in the neighborhood, as well as access to the State Park for free for foot and bike traffic

A brief discussion determined that the committee would work on answering the aforementioned questions, continue working with the residents, and begin working with City Staff, after which they would bring the matter back to the Commission.

Commissioner Boles stated that he was not aware that the Commission had reached consensus that the property would be used for a skate board park.

Commissioner Crichlow pointed out that there had not been any other requests for use of the property.

Commissioner Burk stated that she was in favor of the proposed use.

Commissioner Jones also agreed, and he suggested that the committee respond to the residents concerns, particularly as related to security.

6. ITEMS BY CITY ATTORNEY

(None Scheduled)

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations.

(None scheduled for this meeting)

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 a Grant Award from the Florida Department of State.

MOTION

Commissioner Jones **MOVED** to approve Items 8.A.1. and 8.A.2. on the Consent Agenda. 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 – Roundabout on Davis Shores

Commissioner Boles said he had received a letter from his neighborhood requesting that

the City consider a traffic calming roundabout at the intersection of Oglethorpe Boulevard and Arredondo Avenue. He said that reconfiguring of the area due to the reconstruction of the Bridge of Lions had increased cut-through traffic in the neighborhood, but a roundabout could slow the traffic down.

Commissioner Crichlow agreed that they had considered what the reconfiguration might do to the neighborhood; however, a roundabout was a large and expensive traffic calming undertaking. He pointed out that traffic humps were comparatively inexpensive, and he suggested that they try that method first.

Commissioner Jones suggested that staff research the situation and bring recommendations to the Commission.

Mr. Harriss stated that the area in question had enough right-of-way to construct a roundabout, but it would be much more expensive than a traffic hump.

Commissioner Boles stated that financial pledges had been made by the neighbors toward the cost of construction of a roundabout, which should be explored.

Mr. Harriss stated that staff would draft a plan along with the cost.

Mayor Gardner – Bike Racks

Mayor Gardner said he believed that the Commission had allotted money in the previous budget for bike racks, and he questioned the situation.

Mr. Harriss indicated that he would research the matter.

A brief discussion ensued regarding the budget workshop to be held on Friday, August 12, 2005.

10. Appeals and Public Hearings

(None Scheduled)

11. RESOLUTIONS AND ORDINANCES

(To include public hearing)

11.A/ Resolutions

11.A.1/ Consideration of Resolution 2005-17, 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. William Adams, Director, Heritage Tourism, reported that the Resolution had been amended according to the Commissioner's request to transfer title of the State owned historic properties to the City of St. Augustine.

MOTION

Commissioner Boles MOVED to approve Resolution 2005-17. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.

11.B/ Ordinances - First Reading

(None scheduled)

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

11.C.1/ Public Hearing – Ordinance 2005-26, amending the Conservation and Coastal Management Element and Recreation and Open Space Element of the Comprehensive Plan.

Mark Knight, Director, Planning and Building Department, reported that staff had pursued grant funds to purchase property across from the St. Augustine Alligator Farm, and in doing so it was requested that the City amend the Comprehensive Plan to add three policies as follows: ³

³ Polices included in Ordinance

- Amend Conservation and Coastal Management Element - Recreation and open Space Element
- Public acquisition of lands with natural resources
- Promote native vegetation and natural features

Mr. Knight said that should the ordinance be approved it would be transmitted to the State of Florida Department of Community Affairs for review.

Mr. Harriss said that the situation would provide the City enough points to qualify for a 75% grant for the acquisition of the 2-3 acre park (Mystery House Hill) across the street from the Alligator Farm. He pointed out that the Commission had already approved the acquisition of the property in question, but it was considered important to send the document to the DCA to start the process of changing the Comp Plan.

Mayor Gardner opened the public hearing; however, there was no response. ⁴

MOTION

Commissioner Boles MOVED to place Ordinance 2005-26 on first reading, read by title only and approved Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-26

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENT TO THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; PROVIDING FOR AMENDMENT TO THE RECREATION AND OPEN SPACE ELEMENT; PROVIDING FOR PROOF OF PUBLICATION; PROVIDING

⁴ End of audio tape one

FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

VOTE ON MOTION

AYES: Boles, Crichlow, Burk, Jones, Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY ⁵

11.D/ Ordinances - Second Reading Public Hearing

11.D.1/ Public Hearing - Ordinance 2005-19, establishing a Height Restriction for Non-conforming Lots of Record in RS-1 and RS-2.

A brief discussion determined that there would be separate public hearings for Ordinances 2005-19 and 2005-20.

Mr. Knight reported that the ordinance 2004-19 pertained to nonconforming lots in RS-1 and RS-2 zoning districts. He explained that the ordinance established a height restriction for nonconforming lots of record in proportion to the width of the lots, and he provided examples.

Mayor Gardner opened the public hearing.

Citizens opposed to the ordinance were as follows:

- Steven Schuyler, 7 Inlet Place
- John Valdes, 22 Bay View Drive
- Eileen Whittaker, 243 South Matanzas Boulevard
- CeCe Reigle, 138 Markland Place
- Ann Marie Gennusa, no address
- Robert Diedrich, 727 Vernon Street, Amelia Island
- Chad Smith, 56 Dufferin Street
- Elizabeth Dreisach, 202 Arepieka Avenue
- Thomas Dreisbach, 202 Arepieka Avenue
- Buddy Haynes, 69 Almeria Street
- Tom Wright, 410 Arredondo Avenue
- Irene Arriola, 81 Magnolia Avenue
- Dana Hunter, 460 Altadena Avenue

- Brian Eckstein, 100 Carver Street East
- Robert Balch, 1 Ponce de Leon Avenue
- Peter Aronchick, 26 Ponce de Leon Avenue
- B. J. Kalaidi, 8 Newcomb Street
- Emili Fonteneau, 26 Ponce de Leon Avenue
- Elizabeth Holiday, 11 Aviles Street

Some of the comments opposed to the ordinance were as follows:

- Better define where height was measured from and to what and where
- The consultants hired to look at the Code should consider the height issue; therefore, they should not be addressing the matter at that time
- Consider an Architectural Review Committee to address the matter [suggested numerous times]
- Establish a maximum height of 30-feet, because it was practical and allowed for two story structures with a 6/12 pitched roof
- A building deserved a pitched roof
- The ordinance promoted a bunch of flat roofed ugly buildings
- It would be a shame not to be able to build Victorian Homes in Lincolnville
- The potential for financial damage to citizens was great
- The ordinance was fundamentally unfair
- The ordinance would create a uniform look similar to a gated community
- The ordinance would take away from the tax base
- It would be a disaster for the City to curtail the building of Victorian Homes in Lincolnville
- Some citizens wanted 10' ceilings, with an 18" trusses
- Variances were not easy to get, they were an imposition, and the citizens would not have to do that if they lived in a town with the right rules
- The heights would not fit within the two story architectural design that fit the City of St. Augustine

⁵ A recess from 6:35 until 7:02 p.m.

- The ordinance might work for Davis Shores, but it would not work for all RS-1 and RS-2 zoning districts
- Do not move forward with the ordinance
- The three ordinances put together would render his property useless except to pay taxes
- Wait for the zoning review
- Do not make a decision based on the spirit of the intent that would not bring the sought after results
- The ordinance would not create nice neighborhoods with a balance of height
- The ordinance did not address conforming lots
- There was an inadequacy between RS-1 and RS-2 zoning districts allowing 35' tall buildings in a zoning district which currently had smaller homes
- The variance process was inconvenient; therefore, it would be avoided resulting in buildings that would not be consistent with the architecture of the neighborhoods
- There had been little evidence of support for the ordinance
- There was a lack of quantitative information within the research for developing the ordinance
- There had been inadequate discussion regarding proportion
- There should have been a multitude of graphics to help the public understand why the board thought the ordinance was necessary
- Table the ordinance and get the recommendation of the zoning consultants first
- The ordinances were discriminating and the beginning of more taking/stealing and the public had said no to it over and over but the Commission continued to ignore the public
- Mayor Gardner and Commissioners Crichlow and Burk believed that they had a right to impose their taste on 3,500-4,500 RS-1 and RS-2 home owners
- Both ordinances had been debated for two-years and public record indicated that the majority of public comment opposed the ordinances; however, the Commission

had not exercised their authority to end the disruptive and sometimes ruinous episode

- The ordinance was championed by the vocal few
- The people opposing the ordinance were the minority, but the affected minority and their voice fell on deaf ears

Citizens in support of the ordinance were as follows:

- Connie Cooper, 300 Arredondo Avenue
- Gina Burrell, 27 Seminole Drive
- Carl Blow, 100 Santa Monica Avenue

Some of the comments made in support of the ordinance were as follows:

- The intent was good
- The ordinance was best for the City because it would eliminate some of the 35' tall homes on nonconforming lots
- The ordinances were not perfect, but they were something the community needed immediately
- If they allowed the quality of life and neighborhoods to deteriorate property values would go down
- If not deterred developers would build all nonconforming lots to the maximum lot coverage and height

The Commission proceeded to discuss the matter and some of the highlights of the discussion were as follows:

Commissioner Boles

- The ordinance was internally inconsistent because a 50' lot in RS-1 would result in a 23.5' tall house but a 50' lot in RS-2 would result in a 35' tall house
- Currently 35' foot homes were not everywhere because people had not paid \$100-\$300,000 for lots
- Our ordinance regarding lot coverage forced people to build up to get square footage; whether they wanted to build up or not

- If the Commissioners modified the ordinance to give people the choice between height or lot coverage they could achieve a compromise
- The ordinance did not stop 35' tall buildings anywhere in the City except in the RS-1 zoning district, and they would not want the shortest buildings in that district
- People would only build flat roofed homes if they were forced into it in order to get the square footage they required

Mayor Gardner suggested correspondingly increasing lot coverage by the same percentage of the height reduction.

Commissioner Boles agreed and questioned whether the Commissioner could modify the ordinance at that time, and he was informed that, within limits, the Commission could amend at that point.

Mayor Gardner questioned whether the Commissioner's votes might be changed if they made amendments to the ordinance. He repeated his suggested amendment and provided an example. He said that if they were going to restrict in one direction they had to be willing to give in another.

Commissioner Burk suggested that they could modify the ordinance at that time or pass the existing ordinance and modify it at a later date with public hearings to add the amendment, if they so chose.

There was a public outcry.

Commissioner Jones interjected that he was totally opposed to everything that was going on. He stated that the situation was too complicated to pass the ordinance on second reading. He said that they could not simply modify the ordinance and pass it without time to digest the amendment or approve it with the promise of modification that no one truly understood.

Commissioner Burk stated that she would not want to amend the ordinance at that time.

Highlights from Commissioner Jones' statements were as follows:

- He was against both ordinances on first reading and he would vote against them on second reading
- Irene Arriola closed the door with her points as well as many of the other good points that had been made by the public
- He extended his appreciation to the Aggregation Task Force for their two-years of hard work, and he added that he wanted to Sunset the committee, because he would not live with the thought that next month they would return with more phases to the ordinances
- Let the consultants work on the zoning and make recommendations
- Consider an architectural review committee
- End it at that point

Highlights from Commissioner Crichlow's statements were as follows:

- He could recognize when a lot was too small to cram a two-story house on it and the proposed ordinance would solve the problem of putting too big a house on too small a lot
- The variance process worked wonderfully in the situation of a reasonable request—the system worked
- The ordinance would not solve every problem but he stood behind it, and he would not back down

Highlights from Commissioner Burk's statements were as follows:

- The Commissioners were experiencing the vocal minority, as she had received a lot of response from citizens that approved of the ordinance
- The ordinance needed to be more strict and perhaps forbidding flat roofs
- The ordinance was a weakened version of what they had started to do, but it was a beginning, and she was in total support of it

Highlights from Mayor Gardner's statements were as follows:

- The majority agreed there was a problem and wanted to wait for the consultants recommendation or create an architectural review committee; however, that length of time could be too late for the City
- He proposed amending the ordinance as follows:
 - Allowable lot coverage would correspondingly increase by the same percentage as the height reduction
 - Structures subject to the height reduction could be built to a maximum height of 30' including two stories and roof design with a minimum 4/12-6/12 pitched roof
 - Sunset the ordinance within a reasonable period of time—1-1.5 years—while developing another solution to the problem
- The ordinance and his proposed amendments were not the answer, but they had to take some action at that point

Commissioner Jones

- The situation was far to important to pass the amendments without the time to consider them
- To suggest that the ordinance was faulty but approve and then sunset it in a year would not work for him
- Should they approve the Mayor's suggestion it could hurt the public for the period of time the ordinance was enacted
- He could not support the amendments

Commissioner Burk MOVED to place Ordinance 2005-19 on second reading, read by title only and approved.

Commissioner Burk stated that some of the Mayor's amendments were good and maybe in the future they would amend the ordinance; however, they were items that

would be evaluated on a variance request anyway.

Commissioner Crichlow SECONDED 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 pointed out that during the previous meeting the Commission had voted in favor of the residents who spoke against two development proposals even though they knew that denying the applications might prove to be worse for the residents, but the Commission had listened to the voice of the residents. He said that he had voted against the residents in one situation, because he thought that sometimes the Commission had to tell the population what was good for them, but he did not sense that happening in the current situation. He stated that if they listened to the people they had to vote against the ordinance; furthermore, he intended to. He stated that the amendments had good potential that required discussion, maybe workshops and then develop a new ordinance. He said that to address every issue with one ordinance was bad law, and he wanted the Commission to vote against it.

Commissioner Jones asked the Commission to vote against the ordinance, because the public outcry was to vote the ordinance down.

Commissioner Crichlow agreed that the people at the meeting were against the ordinance, but his experience had been nine to one in favor of the ordinance. He said he bet that if they put the ordinance on referendum it would pass by 70%. He stated that it was the right thing to do, although he knew that some people stood to lose, but no property would be unusable or unbuildable. He stated that the ordinance was the best thing for the City and that was what he always tried to do.

Mayor Gardner stated that in the past he had voted against the voice of the people in a meeting, because it had been his experience with the community that the majority supported a particular measure. But, he stated that without support for his recommended amendments he could not support the ordinance.

VOTE ON MOTION

AYES: Burk, Crichlow

NAYES: Jones, Boles, Gardner

MOTION FAILED 3/2

Commissioner Burk questioned whether they could call the ordinance back up with the amendments.

Mr. Wilson replied that the losing side could not.

Commissioner Burk suggested that the Mayor could call it back up, amend it and take another vote.

Mayor Gardner suggested that it could be recalled at anytime, because he wanted to move on. ⁶

11.D.2/ Public Hearing - Ordinance 2005-20, concerning Aggregation of Non-conforming lots in RS-1 and RS-2.

Mr. Knight delivered a brief overview of the ordinance.

Mayor Gardner opened the public hearing.

⁶ End of audio tape two

Citizens opposed to the ordinance were as follows:

- Tom Wright, 410 Arredondo Avenue
- Dana Hunter, 460 Altadena Avenue
- Brian Eckstein, 100 Carver Street East
- Peter Aronchick, 26 Ponce de Leon Avenue
- B. J. Kalaidi, 8 Newcomb Street
- Emili Fonteneau, 26 Ponce de Leon Avenue
- Steven Schuyler, 7 Inlet Place
- John Valdes, 22 Bay View Drive
- Kathleen Barnard, 23 Anderson Street
- CeCe Reigle, 138 Markland Place
- Elizabeth Dreisach, 202 Arepieka Avenue
- Thomas Dreisbach, 202 Arepieka Avenue
- Buddy Haynes, 69 Almeria Street
- Dana Hunter, 460 Altadena Avenue
- Brian Eckstein, 100 Carver Street East
- Robert Balch, 1 Ponce de Leon Avenue
- John Daniels, 61 Avista Circle
- Elizabeth Holiday, 11 Aviles Street

Some of the comments opposed to the ordinance were as follows:

- The three ordinance put together would render his property useless except to pay taxes
- The ordinance was not fair to the person who owned two nonconforming lot with one house on it compared to the person who owned two nonconforming lots with no house on it
- Table the ordinance and get the recommendation of the planning and zoning consultant first
- The ordinances were discriminating and the beginning of more taking, stealing and the public had said no to it over and over but the Commission continued to ignore the public
- Mayor Gardner and Commissioners Crichlow and Burk believed that they had a right to impose their taste on 3,500-4,500 RS-1 and RS-2 home owners
- Both ordinance had been debated for two-years and public record indicated that the majority of public comment opposed

the ordinances; however, the Commission had not exercised their authority to end the disruptive and sometimes ruinous episode

- The ordinance was about nonconforming zoning
- The City had been forced into adopting a Zoning Code in 1975 for the Comp Plan that never reflected the actual layout of the City, existing character of neighborhoods or how they developed or the development patterns in general
- Increased population would ultimately lower individual costs
- The Code needed revision, and they should listen to and take advice from the consultants
- The ordinance would hurt more people than it would help
- An architectural review task force would have been better, because the problem was about how buildings looked and fit into the environment
- The person that tore down a house on two nonconforming lots would be penalized compared to the person who owned two nonconforming lots without a home on it because after the house was torn down the lots would have to conform and become one lot but the un-built lots could remain two separate lots
- The ordinance was not fair
- Passing the ordinance would be rushing
- The people in a community should determine the kind of structures that would be in their community and not someone who lived outside of the community
- Davis Shores was the first PUD and the Commission should not mess with decisions made in the 1920's
- The City could require that people put more parking on their property
- When homes were closer together on smaller lots people were more friendly
- The density issue was confusing when considering the quaintness of the City, which was dense

- The problem was proportion and on Davis Shores the problem was that the houses were too large, which impeded value
- As much time and effort that had been put into the ordinance it still did not fit the community
- The ordinance was wrong and doomed from the very start
- What worked in Davis Shore would not work in Lincolnville or North City
- The Commission had to be sure that their vision for the future was clear without a lot of ordinances getting in the way
- The matter should be put on the ballot allowing everyone a vote to make it fair
- The task force had not attempted to gather data demonstrating the decreased density as a result of the ordinance or the number of people that the ordinance would help or negatively impact
- Why was there so much fear about density
- The mix of big and small houses built on small lots in Lincolnville made the neighborhood unique
- A homogenized neighborhood would be more scary
- Consider overlay districts
- One ordinance for the different areas would be detrimental for the City long term
- The adoption of the ordinance would devalue the current and future value of some properties without any compensation or reduction in advalorem taxes
- The people that kept going to meetings trying to stop the ordinance were tired of the situation, and they wanted it to be over

Citizens in support of the ordinance were as follows:

- Gina Burrell, 27 Seminole Drive
- Carl Blow, 100 Santa Monica Avenue
- Connie Cooper, 300 Arredondo Avenue

Some of the comments made in support of the ordinance were as follows:

- Zoning laws were designed to protect citizen's property
- Sometimes one had to do what was best for the City
- The ordinances were not perfect, but they were something the community needed immediately
- If they allowed the quality of life and neighborhoods to deteriorate property values would go down
- Developers would build all nonconforming lots to maximum lot coverage and height
- The intent of the ordinance was worthwhile as it would protect residents from density
- It should be approved, and it should be approved rapidly

Mayor Gardner closed the public hearing.

Highlights from Commissioner Burk's statements were as follows:

- The ordinance affected the neighbors of the people that were affected by the ordinance
- It would be wrong to tear down a house and change the character of the street

Highlights from Commissioner Bole's statements were as follows:

- Thanked the task force for their service to the community
- He would not want to see more density in his neighborhood but he did not see the ordinance fixing that situation
- Maybe as a community they needed to decide what size property was too small to build on
- The intent of the ordinance was good, but it would be unjust in several neighborhoods
- Perhaps they should leave the matter for the zoning consultant
- He could not support the ordinance as it was

Commissioner Jones stated that he would wait for the vote

Highlights from Commissioner Crichlow statements were as follows:

- History was not a renewable resource, and they had to save the historic inventory to avoid suffering the loss in the future
- They could not allow an "every man for himself" development to occur in the historic districts
- The public should be allowed confidence that their neighborhood would remain a traditional neighborhood
- He supported an architectural review board; however, it would be a long process
- The ordinance was a small step in the direction of controlling density, maintaining lifestyle and preserving the character of traditional neighborhoods

Mayor Gardner stated that however they attacked the problem they had to do something real soon.

MOTION

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

Mr. Wilson read the title as follows:

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 pointed out that the
Commissioners were capable of disagreeing
with dignity

VOTE ON MOTION

AYES: Crichlow, Burk

NAYES: Boles, Jones, Gardner

MOTION FAILED 3/2⁷

**11.D.3/ Public Hearing - Ordinance 2005-
22, modifying the Demolition Ordinance.**

Mr. Knight delivered a brief summary of the
contents of the ordinance as follows:

- An extension of 12-months delay before
demolition would be permitted
- Denial for structures of exceptional
significance providing that there was not
an undue economic hardship, which must
be proven
- Post and advertise the properties
- Notify adjacent property owners
- Increased demolition fees
- Additional requirements to demonstrate
the condition of the structure
- Increased language for the HARB to
consider when reviewing a demolition
request

A brief discussion regarding the definition of
undue economic hardship ensued, and it was
determined that the latter part of the definition
referred to historic districts.

Mayor Gardner opened the public hearing.

Citizens not opposed to the ordinance were
as follows:

- Kathleen Barnard, 23 Anderson Street
- Gina Burrell, 27 Seminole drive
- Connie Cooper, 300 Arredondo Avenue
- Susan Parker 1671 Asturias Street
- Leslee Keys, 37 Bay View Drive
- Dana Ste. Claire, 820 Turtle Lake Court

⁷ A brief recess from 9:15 until 9:21 p.m.

- Steven Schuyler, 7 Inlet Place
- John Valdes, 22 Bay View Drive
- Nancy Sikes-Klein, 15 Mirella Avenue

Some of the comments supporting the
ordinance were as follows:

- Do not want to see anymore beautiful
homes torn down for Flagler College
dormitories
- A lot of time and thought had been put
into the ordinance, and it was a good one
- The ordinance would help preserve the
City's historic buildings
- The City had a responsible roll in
protecting and preserving its heritage and
the remaining 36 historical structures
merited the strongest protection
- Give the full measure of protection to the
historic colonial buildings, because they
were the largest collection of Spanish
Colonial buildings in the eastern U. S.
- The ordinance put the City on good
footing
- The ordinance was designed to protect
structures with exceptional historic and
architectural merit
- The ordinance would not represent the
taking of private property rights
- The ordinance protected what defined the
City and preserved the unique
environment
- The City was being a good steward of the
historic buildings
- HARB was objective and fair in their
decision making
- The Lincolnville Neighborhood
Association was unanimously in favor of
the demolition ordinance
- Citizens for the Preservation of St.
Augustine supported the ordinance

Citizens opposed to the ordinance were as
follows:

- Tom Wright, 410 Arredondo Avenue

Some of the comments opposed to the
ordinance were as follows:

- The three ordinances put together would render his property useless except to pay taxes

Mayor Gardner closed the public hearing.

Commissioner Boles pointed out that there were buildings in the City that were over fifty years old but had no historic significance, and he questioned whether there was anything that could be done to prevent HARB from having to review every request.

Mayor Gardner suggested an Opinion of Appropriateness.

Mr. Knight stated that they could double the number of HARB meetings or make an administrative decision.

Mayor Gardner questioned whether there were that many demolition requests.

Mr. Knight replied that they received an average of 2-3 a month.

A brief discussion determined that structures that had been granted demolition, but had not been destroyed, would not be affected by the ordinance.

Commissioner Crichlow suggested that they develop clearer criteria in the HARB guidelines of what was definitely not historic. He said that he was working with an adhoc group to develop some suggestions for HARB to consider.

MOTION

Commissioner Jones MOVED to place Ordinance 2005-22 on second reading, read by title only and approved The motion was SECONDED by Commissioner Boles.

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, REPLACEMENT, 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

VOTE ON MOTION

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

NAYES: None

MOTION CARRIED UNANIMOUSLY

None Agenda Item – Aggregation Task Force

Commissioner Jones MOVED to sunset the Aggregation Task Force. The motion was SECONDED by Commissioner Crichlow.

Mayor Gardner stated that he did not think the matter of aggregation was over, because he did not like the idea of sweeping the matter under the carpet. He indicated that his vote was not an indication that there was no problem.

Commissioner Jones acknowledged the efforts of the task force.

VOTE ON MOTION

AYES: Jones, Crichlow, Boles, Burk

NAYES: Gardner

MOTION CARRIED 4/1

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

Mr. Harriss introduced Tim Leary, new member of the Planning and Zoning Board, to the Commissioners.

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

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned 9:56 p.m. ⁸

MAYOR

CITY CLERK

⁸Transcribed by Karen Rogers, Recording Secretary