

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
August 22, 2005

The City Commission met in a formal session Monday, August 22, 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
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 Lavoy Newton, Lighthouse Church of God, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Mr. Harriss reported that the applicant, Richard Davis, for the appeal in Item 10.A.1. had requested tabling his appeal until the first meeting in October, at which time there would also be an appeal against Mr. Davis' dock and both could be heard simultaneously.

MOTION

Commissioner Boles MOVED to table the appeal until October 10, 2005. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.

3.B/ Approval of Minutes

The minutes of the Regular Meeting of August 8, 2005 were approved as presented.

3.C/ Proclamations

(None scheduled for this meeting)

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

Gwendolyn Duncan, 55 Bannbury Lane, Palm Coast, informed the Commission that the 40th Accord Anniversary to Commemorate Civil Rights Demonstrations Inc. would co-sponsor a special Civil Rights ceremony on August 31, 2005 with Steve Kirkland, Postmaster of St. Augustine, to recognize the US Postal Service. She said that there would be 10 Civil Rights commemorative stamps issued to honor the heroes of the St. Augustine Civil Rights movement.

Jay Bliss reported that the U. S. Sailing Association was conducting an instructor certification course in St. Augustine. He stated that due to a schedule conflict the association was without a space for their classroom on the subsequent Saturday, and he requested that they might use the vacated restaurant at Lighthouse Park. The request was accepted graciously by Commission and staff.

Tom Wright, 410 Arredondo Drive, spoke against Ordinance 2005-28 restricting height for nonconforming lots in RS-1 and RS-2. He stated that reviving the matter was ridiculous, and the people would keep fighting it.

B. J. Kalaidi, 8 Newcomb Street, spoke against Ordinance 2005-28 restricting height for nonconforming lots in RS-1 and RS-2 stating that it was not necessary and it was discriminating. She said that the people were continually saying "no" to the ordinance, but the Commission was not listening.

Elizabeth Holiday, 11 Aviles Street, spoke against Ordinance 2005-28 restricting height for nonconforming lots in RS-1 and RS-2 stating that it was a matter of a handful of people trying to control their neighbors. She stated that the people voiced the same concerns, but it seemed as though the matter boiled down to personal taste. She questioned the problem with the Commissioner's e-mails being available to the public.

Commissioner Crichlow clarified that all of his e-mails went to the City's e-mail archives.

Buddy Haynes, 69 Almeria Street, spoke against Ordinance 2005-28 restricting height for nonconforming lots in RS-1 and RS-2 and stated that the ordinances of two weeks earlier were being revived, but the real issue was preserving the character of the neighborhoods. He suggested a citizens committee to develop input from all the neighborhood associations.

Tom Dreisbach, 202 Arpieka Avenue, spoke against Ordinance 2005-28 restricting height for nonconforming lots in RS-1 and RS-2 and in support of property rights. He pointed out that the ordinance would prevent flat roof homes from being built, which currently existed in the Davis Shores area. He concluded that the matter boiled down to property rights.

5. PRESENTATIONS AND STAFF REPORTS

5.A/ Presentation regarding the North City Waterworks Building

John Regan, Chief Operations Officer, delivered a power point presentation regarding the North City Waterworks Building, or commonly known as the Garden Center. Some of the highlights of his presentation were as follows: ¹

- All the walls of the original 1897 classic waterworks facility construction were grossly compromised
- The steel lintels in the windows were corroding causing bricks to shift
- Wall damage was a problem for the interior and exterior
- The roof was also compromised and suffering from wood failure
- Staff had installed post shoring to prevent the roof from tumbling down
- The extensive venting system in the roof had been removed in 1920
- The building was unsafe and all elements of the building had to be closed

¹ Power point presentation attached to original minutes

- He suggested that the City Commission authorize the City Manager to spend \$60,000 of the contingency fund to hire an architect that was an expert in restoration
- They would solicit grant funding from all sources
- Seek Historic Register designation
- Their goal should be historic preservation and remodel to the original architectural design
- Rename the facility to recognize it as a civic building and the original use as a traditional waterworks facility, which would open the grant funding possibilities with American Waterworks for \$1.5 million
- The process would take 2-3 years for the restoration
- He proposed using the Lighthouse Restaurant and Park facility as a Civic Center until the completion of the waterworks restoration
- The proposal would accommodate the City Commission's desire for community access at the Lighthouse Restaurant facility
- Develop a financial plan by setting rental rates with specific goals and targets regarding the proposed Civic Center
- They were working on a proper lease for the dinghy storage for SPARS
- The Lighthouse Restaurant facility could generate revenue
- When considering mooring fields they would have to take Salt Run into consideration
- Proposed marina operations within Lighthouse Park might require a City facility run by City Staff; therefore, they would need a strong revenue plan associated with the facility
- The City was in managed competition with the private sector that would like to use the facility as well as for good community uses
- If the City maintained the facility and it proved unsatisfactory, they always had the option of putting it out for proposals in the future

Commissioner Burk suggested that if they were to authorize the proposed \$60,000 she would prefer that the funds be taken out of the 2005 budget.

Commissioner Boles suggested that \$60,000 was quite a bit of money for an architect, and he was apprised that the amount was an estimate and the money would be for a professional evaluation that would encompass a team of people.

Mayor Gardner questioned the cost of the construction, and he was informed that it would be according to the degree of restoration determined by the Commission.

A brief discussion determined that the waterworks building would not be used, a barricade would be constructed around the building, and they would further consider the situation when under hurricane conditions.

Mr. Harriss summarized that Mr. Regan was recommending a proposal for the City to use the Lighthouse Restaurant facility.

Commissioner Boles pointed out that he would not be able to attend the September 12th meeting, but he wanted it to be on record that he supported the proposal for City use of the facility.

MOTION

Commissioner Burk MOVED to authorize the closure of the waterworks facility and that the proposed \$60,000 be taken out the of the 2005 budget.

Commissioner Boles questioned whether the motion included the whole recommended action plan, and the response was affirmative. He pointed out that rentals generated revenue, and he suggested they keep that in mind for the future of the building.

Mr. Harriss noted that they had to save the building as a historic entity.

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

Commissioner Boles suggested that the City would have to refund the Garden Club their rent, and he questioned if the Garden Club had expended funds toward the interior tear-out that exposed the condition of the building and whether the City should refund that money also.

Commissioner Jones suggested that staff research the matter.

Commissioner Burk pointed out that the Garden Club paid a low rent and part of the compensation for the low rent was for maintenance, but she agreed that staff should look into the matter.

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/ Consideration of Interlocal Agreement for Phase III B of the Central Sewer Line Extension Project in the West Augustine Area.

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

8.A.4/ Consideration of Easement Agreement with Florida Power & Light

relative to the Visitor Information Center Parking Facility.

8.A.5/ Consideration of Proposal for the Spanish Quarter Museum Business Model Plan.

Commissioner Boles questioned the analysis for Item 8.A.5. and who Atelier was sending in to conduct it.

Mr. Burchfield, Chief Administrative Officer, said that Atelier would be sending in a person to deal with the retail and Curt Bowman, a local person, would be assisting in the work as well as Kathleen Brown.

Further discussion determined that they would wait until the state responded to giving the City the historic properties before going into extensive detail; therefore, currently focus would be on the retail operations of the museum in hopes of increasing attendance and sales.

Commissioner Boles said he had hoped that the assessment and analysis would focus on target markets and retail and branding strategies, because they had a steady stream of people walking down St. George Street, and he questioned whether the provided information would bring those people into the museum. He stated that he did not want local people doing the analysis, because he wanted someone from the outside to evaluate and tell them what they were doing wrong and what worked in other communities. He repeated that he did not want the consultants to rely on local people to provide information. He suggested that they make surprise visits or visit incognito, because if the current employees knew they were being observed they would be on their best behavior. He said that he wanted an analysis that exposed their flaws.

Mr. Burchfield stated that Robert Lieber was out of San Francisco, he had consulted for the Alcatraz retail shops and turned their profit margin around, and he worked in

conjunction with Kathleen Brown. He stated that he felt confident about Mr. Lieber.

Commissioner Boles suggested that they needed a little more and stated that he wanted to hear from the outside people. He questioned whether that would be possible.

Mr. Burchfield said that they were currently busy, but he hoped to have Atelier address the Commission on September 26th.

Curt Bowman, Hughes Bowman Design Group, St. Augustine, stated that when evaluating the attraction they would not announce their visits, and they would assess the situation from a disconnected standpoint. He pointed out that Kathleen Brown was a well know strategist and planner, and Robert Lieber had been successful in analyzing retail to increase revenues. He expressed his care for and involvement in St. Augustine as well as the visitor experience and added that Atelier had strengths that he did not process.

Commissioner Boles questioned the amount of work to be directed at Hughes Bowman Design, and the response was in the area of visitor experience. He questioned what Kathleen Brown would be doing and the response was that they would all put their information together and compare it to other areas. He questioned why they needed to pay for the other people if they had Hughes Bowman Design.

Mr. Bowman said that Atelier and Ms. Brown would take the information and compare it with other areas around the country. He said that all three parties involved had strengths that could take the Spanish Quarter and Heritage Tourism to a new level.

Mayor Gardner suggested that it would be money well spent, although he agreed that they needed outside input to evaluate the situation.

Commissioner Boles concluded that he wanted an honest view of the situation

Dr. Adams reported that the City belonged to two state organizations that conducted "secrets shoppers", and the trailer trains gave them feedback resulting from comment cards distributed to the visitors. He said that marketing, the qualitative nature of the product and the gift stores were the three aspects of the attraction. He said there were so many elements that they had no control over, such as the major delivery system was the trailer trains. He said he hoped that Atelier would be helpful; however, an arrangement with the National Park Service would improve their interpretation by combining tickets for the museum and the fort.

MOTION

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

8.B/ Discussion Items

(None Scheduled)

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Crichlow – Florida League of Cities Conference

Commissioner Crichlow reported that the conference had been successful and informative.

Commissioner Burk – Letter to the Editor

Commissioner Burk referred to a letter to the editor, in which she was called "pompous and arrogant", and she addressed the audience inviting them to do her job, because it was not easy.

Commissioner Boles – Neighborhood Association

Commissioner Boles said that the Lighthouse Restaurant could serve the North Davis Shores Neighborhood Association, as they were without a ground floor meeting place.

Roundabout

Commissioner Boles said that the North Davis Shores Neighborhood Association found a man that built roundabouts who would be more than glad to work with staff on the proposed Oglethorpe Boulevard roundabout. He said the man's name was Michael Wallwork.

Mr. Harriss pointed out that it was the same gentleman that proposed the roundabout for the Bridge of Lions.

Mooring Fields

Commissioner Boles said that he was not certain that the City had to establish mooring fields to exercise control over some of the boats moored on City owned submerged land.

Mr. Harriss pointed out that staff would have a meeting with the public and the Sea Grant representatives to discuss a harbor management plan, and mooring fields were a part of such a plan. He added that the plan would not be easy to implement.

Trailer Train Tickets

Commissioner Boles reported that the Lightner Museum and the Spanish Quarter only appeared on the high dollar trailer train tickets. He suggested researching the situation, because the City granted the franchise; therefore, the City attractions should be included on the reasonable trailer train tickets.

Mr. Harriss explained how the tours were sold by the sightseeing trains.

Commissioner Boles questioned whether including the City attractions on all trailer train ticket had been a requirement of the franchise, and the response was negative.

Commissioner Crichlow pointed out that currently the trains could not drop visitors off at the Spanish Quarter Museum, and he questioned whether there was a way to establish a pull-off for the trains.²

Mr. Harriss replied that he had looked at the site, drawn-up a plan and spoke with the property owner about an easement for a driveway for a drop-off.

A brief discussion determined that staff would work on a drop-off and design a reception incentive for visitors to get off the trains at that point.

Mayor Gardner – Off-site Signage

Mayor Gardner announced for the benefit of the public that off-site signage was not allowed in the City. But, he stated that there was provision in the Code for menu boards.

Mr. Knight stated that staff tried to keep on top of illegal signage, and he added that there was a signage brochure available to the public.

Mayor Gardner delivered announcements regarding people and community events.³

10. Appeals and Public Hearings

10.A/ Consideration of a public hearing and appeal of a Planning and Zoning Board decision relative to property located on East San Carlos Avenue

(Tabled until October 10, 2005)

² End of audio tape one

³ A brief recess from 6:47 until 6:59 p.m.

11. RESOLUTIONS AND ORDINANCES

(To include public hearing)

11.A/ Resolutions

(None scheduled)

11.B/ Ordinances - First Reading

11.B.1/ Introduction and consideration of Ordinance 2005-27, amending the Fire Assessment Fee.

Mr. Burchfield reported that the ordinance increased the fire assessment fee from \$.01 to \$.04 as directed by the City Commission. He explained that the Commission decided to increase the fire assessment fee rather than increase taxes. He added that the ordinance was currently before the Commission because it had to be approved and at the tax collectors office by September 15th in order for the assessment to be on the November tax bills.

Mayor Gardner further explained that the fire assessment fee was based on the total square footage of all residential, commercial and institutional structures. He pointed out that institutions (churches and schools) were not on the advalorem tax rolls. He concluded that the funds would be obtained for fire services and pay in part for the three year contract the City had executed with the firefighters in February.

MOTION

Commissioner Boles MOVED to place Ordinance 2005-27 on first reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-27

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ORDINANCE NO. 97-25 CREATING A MUNICIPAL SERVICE TAXING UNIT IN THE INCORPORATED AREA OF THE CITY OF ST. AUGUSTINE; INCREASING THE AMOUNT OF THE MAXIMUM ASSESSMENT TO FOUR CENTS (\$.04) PER SQUARE FOOT OF ENCLOSED BUILDING SPACE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Crichlow stated that although they had voted to possibly increase the millage rate the Commission had determined to increase the fire assessment fee; therefore, there had been no need to increase the millage rate.

Commissioner Jones disagreed and stated that he would not approve the increased fire assessment, as he believed they should have increased it by \$.01-02 and increased the millage by a point, because there was a demonstrated need for the revenue.

VOTE ON MOTION

AYES: Boles, Crichlow, Burk, Gardner

NAYES: Jones

MOTION CARRIED 4/1

Mayor Gardner announced that the ordinance would have a second reading and public hearing on September 8th.

11.B.2/ Introduction and consideration of Ordinance 2005-28, establishing Height Restrictions for Non-conforming Lots of Record in RS-1 and RS-2.

Mayor Gardner stated that he presented the ordinance for consideration to address the concern of development. He said the ordinance was a result of two years spent by the Aggregation Task Force examining the

matter, three public hearings, personal e-mails and telephone calls from the public in support of such an ordinance and a need to get a handle on the situation. He stated that he agreed the City needed an architectural review committee. He explained that the ordinance allowed construction on nonconforming smaller lots to a maximum height of 30' including a minimum 5/12 pitch on the roof to avoid three story flat roof structures. He continued that the ordinance was a restriction on height, and he proposed to counter that restriction with a 16% increase for allowable lot coverage, which meant 29% lot coverage in RS-1 and 35% in RS-2. He said the third element of the ordinance limited dormer coverage on the roof to 20%. He concluded that the ordinance was not the final answer to the concern, but it was an interim action until they received recommendation from the consultant and researched instituting an architectural review committee.

Commissioner Crichlow questioned the lot coverage in relation to setbacks.

A detailed discussion between Commissioner Crichlow, Mr. Knight and the City Manager regarding setbacks on nonconforming lots in RS-1 and RS-2 determined that the ordinance had nothing to do with setbacks, it had to do with lot coverage only.

Mayor Gardner referred to the percentage of lot coverage and pointed out that the ordinance would provide the opportunity to expand to the rear of the property as well. He said that the ordinance was an effort to keep structures within scale while allowing more square footage.

Commissioner Jones referred to the ten minute discussion between Commissioner Crichlow, an architect, the Planning and Building Director and the City Manager and stated that he still could not understand what they had said; therefore, the ordinance was far too complicated to approve on first reading. He emphasized that he was disappointed to find the ordinance on the

agenda considering the outcry from the public during the previous meeting. He stated that the ordinance was the same as the ones they had rejected two weeks earlier, plus it was plagued with the same problems. He suggested that all the focus on the height would encourage developers to rush to build big and tall. He said that they should wait and discuss the matter. He discredited the introduction of an ordinance by a Commissioner and the undue influence it would have on the board members. He expressed concern about considering the matter after three public hearings in which the people clearly rejected the restriction, and he questioned why they were introducing another ordinance.

Mayor Gardner questioned whether Commissioner Jones thought the City had a development problem.

Commissioner Jones said that he had voted against the ordinance two other times, and he would vote against the ordinance again. He agreed that there was a problem; however, he did not agree that the ordinance addressed the problem.

Commissioner Boles pointed out that any Commissioner could introduce an ordinance for first reading, which was a privilege of being a Commissioner. He pointed out that an ordinance that addressed an issue across the board could have unanticipated consequences. He added that RS-1 and RS-2 in Davis Shores was different from the same zoning in Lincolnville. He suggested that they get started on a neighborhood review, and as painful as the process might be the quicker they began the better. He referred to the fact that the nine foot grade was a more recent law that made some of the newer construction so shocking; therefore, the 35' law required review. He stated that he would not be able to attend the September 12th meeting; therefore, he did not want to pass the ordinance on first reading, because he would not be able to take part in the second reading.

Commissioner Burk questioned whether the City had evaluated the 35' height restriction for neighborhoods, as it was her understanding that the county had adopted the restriction and the City simply followed suit.

Mr. Harriss replied that he was not certain of the matter, but he agreed to look into it.

Mayor Gardner pointed out that ordinances were not written in stone, and the ordinance was an interim measure until the whole situation could be examined.

MOTION

Commissioner Burk MOVED to place Ordinance 2005-28 on first reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-28

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 AND EXPAND MAXIMUM LOT COVERAGE FOR NON-CONFORMING LOTS OF RECORD IN SINGLE-FAMILY RESIDENTIAL DISTRICTS (RS-1 AND RS-2); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

Commissioner Crichlow stated that, due to the increased lot coverage, the ordinance encouraged larger houses on smaller lots, and he did not think they should be going in that direction. He said that the ordinance addressed height and he approved of that, but he was more in support of an architectural review committee. He stated that he would be willing to vote for the ordinance if they established a sunset date of

18 months or two years, at which time they would have something to take the place of the ordinance.

Mayor Gardner questioned when and what degree of substantiality the consultant's recommendation would have, and the response was six months but the information would not be specific enough to write an ordinance, it would simply indicate the points the City should address, after which the information would have to go to the public; therefore, it probably would not be until 2007.

Commissioner Jones said that ordinances might not be written in stone, but homes were built of stone and the ordinance would interfere with what a citizen could build until such a time as they changed it. He disapproved of playing with people's lives and rights.

Commissioner Boles stated that the ordinance was not enough of a reward in terms of increased lot coverage in exchange for the height restriction, and the rebuff was that with more lot coverage they would lose green space and increase run-off. He said that they needed to explore the situation, and he added that he did not experience the urgency about the situation that some of the Commissioners appeared to be experiencing. He questioned whether they could get the consultants to address just that issue in the immediate future. He pointed out that it was the people who were objecting to the ordinance and not developers and builder. He concluded that he would prefer community consensus about the matter.

Commissioner Burk stated that they had been addressing the matter for two years, and there were some citizens that would never agree with them and that was life. She said there was no need for sun setting the ordinance because any Commissioner could bring the ordinance back for review or amendment at any time.

Mr. Harriss suggested that the consultants would not be willing to address the matter at that time.

Commissioner Boles expressed concern that he could not attend the second reading for the ordinance.

Mayor Gardner supported the suggestion to sunset the ordinance. He further expressed urgency that they must do something about the situation immediately.

Commissioner Burk suggested that to sunset the ordinance would further confuse the public.

VOTE ON MOTION

AYES: Burk, Crichlow, Gardner

NAYES: Jones, Boles

MOTION CARRIED 3/2

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

(None scheduled this meeting)

11.D/ Ordinances - Second Reading Public Hearing

11.D.1/ Public Hearing - 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 summarized the ordinance, and added that recently some members of the public had expressed concern regarding residential density and on-site living at the campus. However, he added that the current land use designation allowed for 16 units per acre, and the proposed land use would restrict the units to eight per acre.

Mayor Gardner questioned whether the Commission or one of the boards would have further review of the building plans, and the response was only if they made significant

modifications to the current plans. He opened the public hearing.

George McClure, 170 Malaga Street, stated that the applicant was Dr. Stanley Paris, and he spoke in tremendous support of his credentials, as well as the benefits that the University of St. Augustine brought to the City and the outstanding students that graduated from the school. He suggested that the students were mature and they would be responsible as well as a credit to the community.

Mr. McClure summarized that Mr. Paris had bought the old psychiatric hospital, established a PUD with the City including a height of 55', but they had missed a portion of the land under a different land use classification that would not allow 55'. He added that the height was appropriate because of the height of the surrounding structures and the SR 312 Bridge, plus the school required the height. He assured the Commission that they would not seek to change the zoning, authorized uses, density or intensity of the project.

Mayor Gardner questioned whether the PUD specified that the building would not be used for allowable housing.

Mr. McClure replied that the approved master plan had no housing or dormitories included, and if they wanted them they would have to go before the Commission for modification of the site plan along with notification of the surrounding property owners.

Mayor Gardner questioned the need for 55' and stated that he disliked plans that did not indicate what the building would look like. He pointed out that they were dealing with height once again.

Mr. McClure replied that the building would include an auditorium, and his client anticipated final approval of the building through the PZB.

Commissioner Jones pointed out that the height was appropriate for the location.

Mayor Gardner opened the public hearing.

Bill Tinnerman, 5 Willard Drive, was sworn and suggested that the ordinance be tabled because the access to the property was ill configured and the land use was not compatible. He said he was not pleased that the land use amendment would include residential as the area was commercial, industrial and a hospital district. He suggested that there was a way to amend a PUD without a land use modification.

Commissioner Jones pointed out that the current land use allowed 16 units per acre of residential, the only reason for the amendment was the 55' and it would reduce the residential to 8 units per acre.

Commissioner Boles continued to explain the situation and pointed out that ingress and egress was not a matter before the Commission. ⁴

Dr. Robert Thousand, 124 Inlet Drive, spoke regarding the ingress and egress at the intersection of San Bartola, which was a narrow private road. He said that he would like to see the county take the road over and take care of it. He suggested that the situation should be addressed before construction.

Mayor Gardner closed the public hearing.

Mr. McClure agreed that that the matter of the road was technically not relevant at that time; however, his client had made an effort to solve the problem. He pointed out that Mr. Genovar had owned all the property in that area and eventually sold it all, but for some reason he still owned the road bed. He said that they had approached Mr. Genovar in the past without success; however, they would continue to pursue the matter.

MOTION

⁴ End of audio tape two

Commissioner Crichlow MOVED to place Ordinance 2005-23 on second reading, read by title only and approved. Mayor Gardner 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.

Commissioner Crichlow agreed that the road situation in the area was bad.

Mayor Gardner suggested that the businesses in the area take the initiative and fix the road.

Mr. McClure pointed out that the proposed project would cost his client approximately \$18 million; therefore, the Commission could be assured that they would do all they could to improve the road.

VOTE ON MOTION

AYES: Crichlow, Gardner, Burk, Boles, Jones

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.2/ Public Hearing - Ordinance 2005-24, amending the Land Use from Residential Low Density to Public/Semi Public relative to Fort Mose Facility.

Mr. Knight summarized the project and read an e-mail from the county encouraging the City to approve the two ordinances.

Mayor Gardner opened the public hearing for Ordinances 2005-24 and 2005-25; however, there was no response.

MOTION

Commissioner Jones MOVED to place Ordinance 2005-24 on second reading, read by title only and approved Commissioner Boles 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: Jones, Boles, Crichlow, Burk Gardner

NAYES: None

MOTION CARRIED UNANIMOUSLY

11.D.3/ Public Hearing - Ordinance 2005-25, rezoning property from Residential Single-family-two (RS-2) to Government Use (GU) relative to the Fort Mose Facility. MOTION

Commissioner Jones MOVED to place Ordinance 2005-25 on second reading,

read by title only and approved Mayor Gardner 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: Jones, Gardner, Crichlow, Boles, Burk

NAYES: None

MOTION CARRIED UNANIMOUSLY

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

Kathy Fleming, 218 South Matanzas Boulevard, spoke regarding the Lighthouse Restaurant and the Lighthouse's desire to use the space, as well as make the space available to community organizations. She said that the Lighthouse was flexible and would do whatever was required to have use of the property.

Mayor Gardner questioned whether the Lighthouse could build a civic center on their existing property.

Ms. Fleming replied that they would have to discuss the matter with the county and solicit

the opinion of the neighborhood, as the neighbors might not support the idea.

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

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned 8:46 p.m. ⁵

MAYOR

CITY CLERK

⁵Transcribed by Karen Rogers, Recording Secretary