CITY OF ST. AUGUSTINE

Regular City Commission Meeting
September 12, 2005

The City Commission met in a formal session Monday, September 12, 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
Donald A. Crichlow, City Commissioner
Errol D. Jones, City Commissioner

Absent: Joe Boles, City Commissioner (excused)

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**

Dr. Pat Turner-Sharpton, 1st United Methodist Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

**3. ADMINISTRATIVE ITEMS**

**3.A/ Modification of Agenda**

Mr. Harris stated that Item 6.A., a discussion regarding Harding Avenue, had been resolved and he requested removing it from the agenda. He added that no action was required by the Commission.

**3.B/ Approval of Minutes**

Mayor Gardner referred to the minutes of the August 12th workshop, page 15, left column, seventh paragraph and said that the word *not* had been omitted; therefore the sentence made no sense. (and it was determined that legally the City could *not* offer assistance)

The minutes of the City Commission Workshop Meeting of August 12, 2005 were approved as amended and the minutes of the Regular City Commission Meeting of August 22, 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).**

Tom Wright, 410 Arredondo Avenue, appealed to the Commission not to approve Ordinance 2005-28 regarding height for structures on nonconforming lots in the RS-1 and RS-2 zoning districts, because he felt it was a bad ordinance. He added that the City Commission should not be designing houses when the streets needed repair, the fire department required their attention and generally there were a lot of other things that required their consideration.

Joshua Dunlap & Carly Churchey 317 Anastasia Boulevard, American Ghost Hunters, stated that their company had been permitted by the City finance department for vending in the Plaza. They complained that Commissioner Jones had told them that there service was not appropriate for the Plaza. They suggested that there was selective enforcement of the City's laws and recommended that Commissioner Jones be reprimanded.

Ms. Churchey reported that her life had been threatened by Leslie Garcia, a Plaza vendor, and she listed other complaints against him. She insinuated that Commissioner Jones and Mr. Garcia were somehow affiliated. She requested that Leslie Garcia not be issued any further vending permits and that Commissioner Jones be forced to apologize to her.

Merrill Roland, 6281 Old Dixie Drive, spoke regarding tour guide licenses and recommended that the City stop charging $10 annually for badges that would not require replacement.

Hildegarde Pacetti, 305 St. George Street, spoke regarding the horse drawn carriage routes and presented the Commission with a map regarding the violations of the route ordinance and recommended that the City enforce the routes, create a temporary route and impose fines for violations. She requested that the people living in the HP-1 Historic District be notified when an issue such as the horse drawn carriages was included on the agenda, as the matter affected the residents of the district.

Mayor Gardner stated that he had a number of speaker cards regarding the Lighthouse Park Restaurant, and he questioned whether the speakers should be required to wait to speak until the item was heard, and the consensus of the Commission was that they should be heard during the agenda item.

B. J. Kalaidi, 8 Newcomb Street, encouraged the Commission to vote no on the height ordinance, because it discriminated by applying to RS-1 and RS-2 zoning districts only. She suggested that the PZB could deny variance and exception requests and accomplish more than the ordinance. She stated that the actions of the Commission over the past two-years had been a disgrace.

Ms. Kalaidi spoke against the $.04 fire assessment fee increase. She suggested that imposing an impact fee on building would produce the same revenue. She concluded that it was double taxation.

Gina Burrell, 27 Seminole Drive, spoke regarding a Fullerwood Park, which members of the community had been working towards for five-years. She pointed out that the county had signed an interlocal agreement with the City stating that they would endeavor to designate one acre of land within the City near the old Fullerwood School for a park in exchange for the City collecting school impact fees on new development. She submitted a petition signed by numerous members of the community, and she encouraged the Commissioners to negotiate with the St. Johns County School Board for the promised park and release the $10,000 surplus funds that had been set aside for the park as soon as negotiations were completed.

The following people spoke in support of the park at the old Fullerwood School:

- Joy D'Elia, 31 Colony Street
- Holly Shepard, 27 Seminole Drive
- Shari VanBuren, 43 Sylvan Drive
- Walter Coker, 37 Sylvan Drive
- Gwenda Marks, 45 Sylvan Drive
- Barbara Crookshank, 7 Beacon Street

Mr. Harriss stated that they had entered into an interlocal agreement with the county in which it was stated that the county would endeavor to facilitate a park; however, they had endeavored for quite awhile, but the City did not own the land, the county did. He suggested that Ms. Burrell and the other speakers go to the County with their request. He said he had spoken with the county and they basically said that they were thinking about the matter; however, they had expressed concern about the growth in St. Johns County and the potential for needing the land.

Commissioner Burk stated that the purpose of the agreement was for the City to collect impact fees for education in exchange for the county to endeavor to give the City a park. She suggested that the City could back out of their part of the agreement, which would be the power to make the county abide by the spirit of the agreement; therefore, she thought the City should take some initiative in the matter.

Mr. Harriss replied that he would be happy to relate the Commission's wishes to the St. Johns County School Board. He suggested that Jim Wilson, City Attorney, talk with the county counsel to achieve a meeting of minds of what the agreement constituted.

Commissioner Burk pointed out that either party could cancel the agreement with 180-days written notice.

A discussion resulted, and it was determined that the consensus of the Commission was for the City Attorney to talk with the School Board Attorney regarding the possibilities, and ultimately it was suggested that if there was no cooperation that staff would approach the people that had originally entered into the agreement.

## 5. PRESENTATIONS AND STAFF REPORTS

**5.A/ Presentation regarding the Lighthouse Park Restaurant.**

Tim Burchfield, Chief Administrative Officer, said that of the six proposals two were cafés, one was a bait and tackle sandwich shop, a maritime archeological research and education center, a theater/gallery and a yacht club. He said that all six offered a wide variety of services to the City and public and five agreed to keep the restrooms open to the public during certain hours. He said that since receiving the proposals John Regan, Chief Operations Officer, offered a seventh consideration for the City to maintain the property.

Mr. Regan referred to the handout for a Salt Run Community Center and reported that staff had put together an alternative to the aforementioned proposals to run the facility as a community center with the goal to provide a civic space for different groups and use the facility as a special events business to provide a revenue stream to support it. He listed the different groups that expressed interest in using the facility, and he added that it was hard to find a facility with handicap accessibility on Davis Shores.

Mr. Regan said that should the Commission adopt the proposal they would reorganize the facility under the Public Affairs Department, which addressed event management. He said that other reasons for maintaining use of the facility were as follows:

- Develop an overlook of the historic Lighthouse site on Salt Run
- Retain the option for other strategic plans of the City Commission, such as a small marina or mooring operation and a concession for drinks and snacks

- Provide public restrooms for patrons of the Lighthouse Park and the boat ramp

Mr. Regan concluded that the proposals were excellent and had merit, but should the Commission be unable to reach consensus he asked that his proposal be considered.

Mayor Gardner suggested hearing from the people who had filled out speaker cards regarding use of the facility.

Commissioner Burk interjected that if the Commission's consensus was to accept Mr. Regan's proposal there would be no need to hear further proposals for use of the facility; moreover, she felt that the City needed the facility in light of closing the Garden Center; furthermore, she supported Mr. Regan's proposal.

Commissioner Crichlow expressed concern that the City might become too successful in using the facility and impact the neighborhood, especially if the wedding business became active with weddings and receptions.

Commissioner Burk said that she had not envisioned big receptions with bands, plus they would not offer the facility at night. She pointed out that the City would be controlling the facility; therefore, should a problem occur the City could change it.

Commissioner Crichlow stated that he was not certain the City needed to get into the rental business. He added that the Lighthouse proposal was the best fit for the situation, and they were willing to work with the City.

Commissioner Jones spoke in support of Mr. Regan's proposal. He said that the City wanted the facility to be available to the City and the public, especially considering the situation with the Garden Center. He said that if they turned the facility over to one body like the lighthouse that it might not be as available to the City and public as they would prefer. He suggested that the facility be under direct control by the City and lease out some portion for a concession to serve the boaters etc.

Mayor Gardner agreed and said that the area was sensitive considering there was a historic site, county boat ramp, recreation area and they were contemplating a second recreation area in the vicinity; therefore, it was important for the City to have a handle on the location rather than losing control of it.

**MOTION**

**Commissioner Burk MOVED to direct staff to proceed on working out a plan consistent with the outline provided by City staff. Commissioner Jones SECONDED the motion.**

**VOTE ON MOTION**
**AYES: Burk, Jones, Gardner**
**NAYES: Crichlow**
**MOTION CARRIED 3/1**

Mayor Gardner questioned whether there would be a venue for those people that had requested to speak.

Mr. Harriss suggested that those people should talk to the Commissioners about their concerns, after which the Commissioners could convey those concerns to Mr. Regan, Mr. Williamson and him. He said that initially the City maintaining the facility had not been a consideration, but the situation regarding the Gardner Center had been the impetus for the idea. He added that it would be a challenge to make it work, and they would also have to find the funding. He suggested that the Commissioners consider a concession on the property and give their input to staff.

Commissioner Burk suggested soliciting bids for a concession, as it was important to be able to offer some type of food.

**6. ITEMS BY CITY ATTORNEY**

**6.A/ Discussion regarding Harding Avenue**

(Withdrawn from the agenda)

**6.B/ Discussion regarding Horse Drawn Carriage Routes.**

Jim Wilson stated that the carriage routes were established by ordinance, but recently the companies had expressed concern about part of the route on St. George Street and proposed alternative routes. He clarified that staff did not have the authority to approve the carriage routes, as the ordinance required Commission action for modification. He suggested that under the circumstances it would be appropriate to determine an alternate route for the regular tour and change the ordinance to set routes by resolution similar to the sightseeing trains, which would allow staff to alter the routes for safety purposes.

Stuart Gamsey, 15 Holly Lane, St. Augustine Transfer Company & Gamsey Carriage Company, stated that St. George Street had become a hazard for the horses and carriages, so they had been avoiding the street and using Cordova Street to Bridge Street and then resuming the normal route, which kept the carriages off King Street. He said he understood that Mr. McDaniel went directly to Aviles Street and resumed his route on Bridge Street. He stated that he had no problem with either route and suggested that both could be used temporarily until St. George Street was repaired. He said that there were provisions within the ordinance for enforcement of carriages off route, and he encouraged the City to enforce the provision.

A brief discussion determined that the problem with St. George Street was the numerous dips resulting from the need for repair, and the turn onto Artillery Lane followed by the turn onto Aviles Street was also not a safe procedure; however, the route had been designed to keep the carriages off King Street as much as possible.

Mr. Harriss stated that fixing St. George Street would require repair from King Street to Bridge Street to accommodate the carriage companies. He pointed out the difficult situation regarding carriage charters, in which the carriages went all over the City making enforcement difficult while being lucrative for the carriage drivers. He said that prior Commissioners had been encouraged to address the situation; however, it had not occurred.

Commissioner Burk said that they needed to address the charter situation, and she also welcomed input from the neighbors impacted by the situation.

Murphy McDaniel, 3535 CR-214, Avalon Carriage Service Inc., presented two maps, one of the ordinance designated route and a proposed route and pointed out that the original route included Artillery Lane because the attraction the Oldest Store Museum had been located on the Lane, but it had closed a long time ago. He added that St. George Street to Artillery Lane was in ill repair, plus there was construction with a dumpster on the street presenting further obstruction; therefore, he had avoided the street and continued on King Street to Aviles Street and then continued his route. He emphasized that the route went in the wrong direction, and he proposed an alternate reverse route that included more accessible right turns and would park the carriages on the east side of Sevilla Street eliminating the current crowded parking situation with the sightseeing trains also parking in front of the Memorial Presbyterian Church. He concluded that his proposed route encompassed the historic colonial town.

Mr. Harriss stated that Mr. McDaniel's proposal was similar to the plan staff had introduced and would be initiated when the parking garage was completed and the carriage stand was incorporated into the intermodal transportation facility, but they would not want to start a new plan until that time. Therefore, he agreed that for the time being they should use either Cordova Street

or Aviles Street until such time that St. George Street was more accessible.

Commissioner Crichlow questioned whether Aviles Street was not also difficult for the horses and carriages, and he was informed that Aviles Street was in much better condition.

Wayne Cushion, 2925 Stratton Boulevard, stated that Aviles Street was better, but it was still a wash board; therefore, he preferred using Cordova Street going south, because the route included the Old St. Augustine Village.

Hildegarde Pacetti, 305 St. George Street, offered the alternative of taking Sevilla Street to Valencia Street, turn right on Cordova Street, turn east at King Street for one block before continuing the route on St. George Street. She insisted that the carriages were traveling all the way down St. George Street to St. Francis Street. She stated that the carriages should not violate the ordinance and travel below St. Francis Street, and she added that the carriages simply violated the ordinance at will. She cautioned about making big changes until the parking garage was completed. [1]

Mr. Wilson said that he would prepare the necessary documentation to bring before the Commission.

**7. ITEMS BY CITY CLERK**

**7.A/ Notification of Proclamations.**

- 2005-32 Certificate of Honorary Citizenship presented to Dr. Pier Felice Degli Uberti
- 2005-33 Founder's Day

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

**8.A/ Consent Agenda**

[1] End of audio tape one

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

**8.A.2/ Consideration of Release of Lien on Unit Connection fee Mortgage.**

**8.A.3/ Determination of legal sufficiency and acceptance of an application to appeal a Planning and Zoning Board decision relative to property located at 5 Indian Mound Drive.**

**8.A.4/ Consideration of an Agreement with Flagler College for Police Services.**

**8.A.5/ Consideration of expenditures from the Justice Assistance Grant.**

**8.A.6/ Consideration of Lease Agreement with the Florida Department of Military Affairs.**

Mr. Harriss referred to Item 8.A.6. and said that they would be renovating almost 11,000 square feet of the east wing on the second floor, which was some of the last un-renovated space in City Hall. He said that with the lease the cost of City Hall would be paid for by outside agencies. He said that the last un-renovated space was on the third floor of the east wing, but in the future the existing tenant might want to expand into that space.

**MOTION**

**Commissioner Burk MOVED to approve Items 8.A.1. through 8.A.6. on the Consent Agenda. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

**8.B/ Discussion Items**

**8.B.1/ Consideration of available space at the Casa del Hidalgo.**

Mr. Burchfield reported that negotiations for suite 102 at the Casa del Hidalgo had fallen through. He said that recently the City Commission had decided to retain suite 105 for City use; however, he suggested leasing out suite 105, which was a larger space and would generate more revenue to payoff the debt service on the building and keep suite 102 for City use. He said that suite 105 would generate an additional $11,000 annually and approximately $54,500 over the life of the 5-year lease. He said that they had received continued interest in the Casa Del Hidalgo and currently there were five interested parties as follows:

1. ADR Projects Corporations – retail shop offering Spanish shoes and accessories
2. Magnet Force – gift shop
3. Natalie's Jewelry
4. Classic Shades and Fragrances
5. Art Studio & Gallery – Nina D. Bucksten

Mayor Gardner agreed to leasing the larger space and retaining the small space for City use. He stated that Maricarmen had moved her boutique to the Casa and she was getting along with the owners of the café, which represented a good working relationship. He stated that he had opposed ADR originally; however, Maricarmen endorsed the woman who owned ADR highly, which would represent further harmony in the Casa; therefore, he would support leasing the space to ADR.

Commissioners Burk, Jones and Crichlow agreed that they would be willing to lease to ADR.

**MOTION**

**Commissioner Burk MOVED to proceed with lease negotiations with ADR for space #105 and the City retain suite #102 to be determined at a later date. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

Mr. Burchfield reported that the Spanish Counsel in Miami had inquired about the Casa and whether there would be a grand opening because they would like to attend, which would occur when the tenants had moved in and were operating. He said that he had asked Maricarmen to find a date in December or early January, and the City would plan a formal ribbon cutting and have the Café supply refreshments.

Mayor Gardner questioned when the fence at the Casa would be removed, and he was informed that it would be removed in a short time. He questioned the status for the official consulate sign, and he was informed that staff would talk with Mr. Knight to be certain that the sign met Code. [2]

## 9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Jones – Vendors in Plaza

Commissioner Jones requested that staff look into the permitting situation regarding the vendors and what area of the Plaza they should be vending in, as it was based on the product that they sold. He said he understood that there would also be appropriate enforcement to be certain everyone abided by the rules.

Mr. Harriss pointed out that there was an education problem regarding the rules for vendors in the Plaza; therefore, staff would look into the matter. He referred to the $10 annual permit fee charge and said that if the identification had to be replaced staff would do so, but the cost was not necessarily for the badge, it was an administrative fee.

A discussion determined that the fee should be worded as an administrative fee rather than a badge fee.

Commissioner Jones thanked staff for their efforts in aiding a family evacuated from New Orleans by getting their water turned on during the holiday weekend.

[2] A recess from 6:51 until 7:16 p.m.

Commissioner Crichlow – Dedication Ceremonial

Commissioner Crichlow stated that he had attended a dedication ceremony for a pedestrian bridge for Dr. Michael Gannon at the Mission that was quite nice, and he acknowledged Dr. Gannon's service to the community.

Commissioner Crichlow acknowledged the Fire and Police Departments for their efforts with hurricane Katrina relief.

Non Agenda Item

Paul K. Williamson, Director, Public Affairs, reported on the Police and Fire Department efforts to help the victims of Hurricane Katrina in the Gulf Coast region. He stated that the Police Department deployed three officers, one as part of the Florida Crisis Response Team, and two as part of a group of 30 local officers on standby to serve as a relief team that would deploy in approximately one week. He said that the Fire Department had collected numerous pallets of nonperishable goods to be transported and two firemen had taken a truck and a trailer loaded with clothing and surplus firefighting equipment and miscellaneous equipment that the fire department in Pass Christian, Mississippi needed. He said that the Sheriff's Department also had a mobile command unit in the gulf region since right after the storm. He said that the director and coordinator of the St. Johns County emergency operation centers had gone to Harrison County Mississippi, Gulfport and Biloxi area, right after the storm to help setup the emergency operations center. He stated that 600 personnel from the Florida National Guard had logged over 4000 man days working in the area, including 100 personnel in Florida that were working in a joint emergency operation center. He concluded that the City website was being updated daily to keep the community informed as to how they could contribute to the effort.

Commissioner Crichlow reassured the public at large that the state of Florida was ahead of Louisiana in hurricane preparation.

Mr. Williamson agreed and stated that Florida had a lot of practice and was prepared.

Mr. Harriss agreed and stated that the City was part of a statewide team as well as the City team, and they all had a plan.

Mayor Gardner – Hurricanes

Mayor Gardner encouraged staff and the public to consider pet friendly shelters in the instance of evacuation because of the animals that had been abandoned during hurricane Katrina. He suggested that it would be good idea to have a list of residents without transportation in order to save lives in the event of a hurricane like Katrina.

Mayor Gardner questioned whether an area of property at Oyster Creek could be used as a pocket park; however, discussion determined that the area was meant to be an animal habitat, and it was too small to develop a park.

**10. Appeals and Public Hearings**

(None Scheduled)

**11. RESOLUTIONS AND ORDINANCES**

**(To include public hearing)**
**11.A/ Resolutions**

**11.A.1/ Consideration of Resolution 2005-23, amending the Comprehensive Plan, Five-Year Scheduled of Capital Improvements.**

Mr. Knight said that the resolution was a commitment to amend a five-year capital improvement schedule in the Comp Plan. He said that there were improvements scheduled for Joseph Pomar Jr. Recreational Facility and the Davis Shores Recreational Facility. He said the resolution increased improvements to the Davis Shores

Recreational Facility, as originally they had set aside $125,000 in grants and $125,000 matching funds that had been increased to $200,000 in grants with $200,000 matching funds. He stated that Project Skate was committed to increasing their match also. He offered to answer questions.

Mr. Harriss stated that they had increased the amount at the request of the committee for the Davis Shores Recreation Facility, because they thought that they could raise more money and try to get more grant money.

**MOTION**

**Commissioner Burk MOVED to approve Resolution 2005-23. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.**

**11.A.2/ Consideration of Resolution 2005-24, authorizing Matching Funds for a Division of Historical Resources Special Category Grant-in-Aid.**

Mr. Harriss reported that basically the resolution was for the roof of the Lightner Museum, as they were requesting a grant from the state of Florida with matching funds through a federal grant. He said that they were working with Congressman Mica for the federal grant.

**MOTION**

**Commissioner Burk MOVED to adopt Resolution 2005-24. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

**11.B/ Ordinances - First Reading**

**11.B.1/ Introduction and consideration of Ordinance 2005-31, concerning policies and procedures relative to dangerous dog and dangerous cat complaints.**

Mr. Harriss stated that the City was going the extra step to adopt a set of guidelines and procedures similar to St. Johns County regarding dangerous dogs and cats.

**MOTION**

**Commissioner Burk MOVED to place Ordinance 2005-31 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-31

ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING THE FOLLOWING ADMINISTRATIVE POLICIES AND PROCEDURES FOR THE INVESTIGATION, DETERMINATION, AND DISPOSITION OF DANGEROUS DOG AND DANGEROUS CAT COMPLAINTS WITHIN THE INCORPORATED AREAS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**
**AYES: Burk, Jones, Crichlow, Gardner**
**NAYES: None**
**MOTION CARRIED UNANIMOUSLY**

**11.B.2/ Introduction and consideration of Ordinance 2005-32, concerning the St. Augustine Firefighter's Pension Trust Fund.**

Mr. Harriss reported that when the City made improvements to the firefighter's pension fund a year earlier there was a blank for the effective date that they had neglected to fill in, and the proposed ordinance picked up the scrivener error for that date, which was January 1, 2005.

**MOTION**

**Commissioner Burk MOVED to place Ordinance 2005-32 on first reading, read by title only and approved. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-32

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-216, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE

**VOTE ON MOTION**
**AYES: Burk, Jones, Crichlow, Gardner**
**NAYES: None**
**MOTION CARRIED UNANIMOUSLY**

**<u>11.B.3/</u> Introduction and consideration of Ordinance 2005-33, establishing the Antigua at St. Augustine Community Development District.**

Mr. Knight summarized that the ordinance was a petition to establish a means to fund infrastructure and amenities for the project north of SR 312 and east of the Matanzas River. He said that a public hearing was required for a community development district that was tentatively scheduled for the subsequent meeting. He said that the ordinance was to establish the Antiqua at St. Augustine Community Development District. He noted that they intended to fund roadways, utilities, stormwater, amenities, landscaping, and street lighting and have the authority to go forward with other funding of amenities under the community development district.

Mayor Gardner stated that the ordinance and petition were interlinked as part of the CDD.

**MOTION**

**Commissioner Burk MOVED to place Ordinance 2005-33 on first reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.**

Mr. Wilson read the title as follows:

ORDINANCE NO. 2005-33

AN ORDINANCE BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ANTIGUA AT ST. AUGUSTINE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; GRANTING SPECIAL POWERS; NAMING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gardner questioned when the development had been approved.

Mr. Knight replied that the property had been rezoned and annexed in 1998-1999 followed by an appeal from the Department of Community Affairs and set for administrative hearing and after settlement agreement with the state of Florida in 2001 the City put a limitation on the Comp Plan to have a maximum of 450 units. He stated that currently the developer anticipated 440 units. He added that in the past six months the project had received conservation zone development approval from the PZB.

Mayor Gardner stated that he was in support of CDD's; however, the proposed project was strictly residential; therefore, they could plan on at least 800 more cars on the road. He made it clear that he had nothing to do with the development, and if there was anyway to change it he would. He stated that he

supported town centers that kept cars off the roads, but at least the City would be relieved of the maintenance due to the CDD. He concluded that the project was just one more step in saturation development of the area.

**VOTE ON MOTION**
**AYES: Burk, Crichlow, Jones, Gardner**
**NAYES: None**
**MOTION CARRIED UNANIMOUSLY**

**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 2005-28, as amended, establishing Height Restrictions for Non-conforming Lots of Record in RS-1 and RS-2.**

Mr. Knight reported that the PZB had recommended a minor modification to the ordinance for administrative purposes. He explained that the modification allowed for one story buildings without restriction, but a two story or more building would be required to have a 5/12 pitch roof and not more that 20% of the lineal footage of the roof line could be dormer. He said that height would be limited to 30-feet but structures would get a lot coverage increase of 20% in RS-1 and 35% in RS-2. He said that it was in essence cleanup language by the PZB and did not change the original intent of the ordinance.

Mayor Gardner stated that the ordinance had three basic elements as follows:

- Two story height limitation
- Roof pitch and dormer regulations
- 16% increased allowable lot coverage

Mayor Gardner opened the public hearing.

Brian Eckstein, 100 Carver Street East, stated that the ordinance had come out the Aggregation Task Force which had been appointed in effort to control density. He said that the members of the task force were supposed to represent the community and present information to the community for community consensus. He said that although the modifications to the ordinance were somewhat better the ordinance still had problems described as follows:

- 30' height restriction was a five foot difference that did not accomplish a whole lot
- The ordinance did not address density
- No one from the public had requested height restrictions
- The restrictions were not supported by the public
- It would reduce property values, because people would not be able to build up to capture the view
- The ordinance limited creative expression
- The ordinance was intended to be an interim measure; however, that intention was not stated in the ordinance
- A date should be set as to when the ordinance would end, which would force action for the proposed architectural controls
- There was no epidemic of tower houses
- The ordinance treated RS-1 and RS-2 unequally and they should be treated equally
- The increased lot coverage did not compensate for the height reduction and effectively reduced property values
- The height limitation was not consistent with the existing historical homes
- It was a bad ordinance, and if they passed it they should make modifications first
- A variance cost money and took time
- The ordinance would be effective 10-days after adoption; therefore, any project currently in the permitting process would not be affected by it

Steven Schuyler, 7 Inlet Place, stated that he could understand some architectural control or form based guidelines. He said that the ordinance limited the dormers to 20% of the lineal roof area, which made no sense

because *lineal roof area* was not a term. He said that some of the original deed restrictions from Davis Shores had five foot setbacks, which was the reason for so many variances for setbacks. He pointed out that the Commissions had hired a consultant to go through the Code to be followed by public hearings to arrive at some reasonable solutions. He said that the proposed ordinance was a small piece that did not address all the issues; therefore, he saw no reason to pass the ordinance to have it on the books to be unraveled in the review and potential rewrite of the Code, which was desperately needed.

Mayor Gardner closed the public hearing.

Commissioner Burk questioned what lineal roof area was.

Mr. Knight replied that the intent was to measure the ridge of the roof.

A discussion determined that the term would be changed to say *limited to 20% of the eave length per side and measured in lineal feet*.

Mayor Gardner stated that the Aggregation Task Force had been formed to address a lot of different matters, which had caused confusion in the community. He said that ATF had decided the most important issues were multiple lots being built on and building heights. He said that he was not clear in his own mind as to whether increased density in a regulated fashion was good or bad, but he was concerned about height. He added that the ordinance was an interim measure while the Code was being reviewed, because he wanted to avoid elevator houses as one in a neighborhood could devalue the property and destroy the character of the neighborhood. He added that the variance process was available. He stated that he was interested in controlling some of the creative expression he had observed.

Commissioner Crichlow stated that height restriction was needed; however, he was not pleased that the ordinance would create larger houses on smaller lots, but the increased lot coverage would be to the rear of the lot because side yard setbacks could not be decreased. He said that the newspaper had conducted a poll regarding the ordinance, and the results demonstrated favor for the ordinance. He stated that there should be a sunset date on the ordinance, so they could review the situation to either eliminate or re-enact the ordinance.

Commission Burk pointed out that the Commission could sunset the ordinance at any time without setting a date to do so. She said that it took them two years to get the ordinance and a sunset date could hinder their intention.

Commissioner Jones pointed out the imperfections in the ordinance and the fallacies of approving it. He pointed out that the ATF had been formed to address density, but somewhere along the line the height issue popped up. He stated that the initial Aggregation Ordinance had failed, but the proposed ordinance was a rebirth of the same thing. He said that during all the public hearings the public had overwhelmingly opposed the Aggregation Ordinance including the height. He pointed out that the poll held by the newspaper could not be considered a scientific study and carried no weight. He said the fact that they had already amended the ordinance during the meeting was evidence that they were not ready for the ordinance. He concluded that the sky was not falling, and they did not have to rush something through when they could take the appropriate channels. He concluded that initially he had been opposed to the ordinance, and he would still vote against it.

**MOTION**

**Commissioner Burk MOVED that the proposed Ordinance 2005-28 be amended pursuant to the recommendations of the Planning and Zoning Board with the additions of changing the term lineal roof area to 20% of the eave length per side. Mayor Gardner SECONDED the motion.**

**VOTE ON MOTION**
**AYES: Burk, Gardner, Crichlow**
**NAYES: Jones**
**MOTION CARRIED 3/1**

**MOTION**

**Commissioner Burk MOVED that Ordinance 2005-28, as amended, be placed on second 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

**VOTE ON MOTION**
**AYES: Burk, Crichlow, Gardner**
**NAYES: Jones**
**MOTION CARRIED 3/1**

**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 8:25 p.m. [3]

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MAYOR

_____
CITY CLERK

[3]Transcribed by Karen Rogers, Recording Secretary