

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
January 22, 2007

The City Commission met in a formal session Monday, January 22, 2007 at 5:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Boles, and the following were present.

Roll Call:

Joe Boles, Mayor/City Commissioner
Donald A. Crichlow, Vice Mayor/City Commissioner
George Gardner, City Commissioner
Errol D. Jones, City Commissioner

Absent: Susan Burk, City Commissioner (Excused)

William B. Harriss, City Manager
Karen Rogers, City Clerk, CMC
Ron Brown, City Attorney
Timothy A. Burchfield, Chief Administrative Officer
John Regan, Chief Operations Officer
Mark Litzinger, City Comptroller
Jim Piggott, General Services Director
Mark Knight, Director, Planning and Building Department
Bob Leetch, Director of Utilities and Public Works
Robin Upchurch, Assistant City Attorney
Paul K. Williamson, Director, Public Affairs
Dr. William Adams, Director, Heritage Tourism
Loran Lueders, Police Chief
Jimmy Owens, Fire Chief
Barry Fox, Sergeant, Police Department
Susan Goins, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Gabbat Jerry Kass, Congregational Sons of Israel, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

William B. Harriss, City Manager stated that the appellant on item 10.A. requested to table the discussion to the February 26, 2007 meeting.

MOTION

Commissioner Crichlow MOVED to table item 10.A. to the February 26, 2007 meeting. The motion was SECONDED by Commissioner Gardner.

VOTE ON MOTION

AYES: Crichlow, Gardner, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

3.B/ Approval of Minutes

MOTION

Commissioner Gardner MOVED to approve the minutes of the regular meeting of January 8, 2007 as presented. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Gardner, Crichlow, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

3.C/ Proclamation

2007-02 - Catholic Education Week

Mayor Boles read and presented the proclamation to Father Tim Lozier and Mary Catherine Ward.

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

Charlie Hotchkin, 33 Davis Street, referred to the following:

- Laws should be created for dog owners to pick up their dogs' feces

Commissioner Jones stated that the Commission was aware of the problem and city staff was preparing an ordinance to address the issue.

Michael Smithson, 811 Kalli Creek Lane, referred to the following:

- Vendors were allowed to sell items in the Special Events Field
- Vendors selling merchandise in the Plaza was an unfair competition to downtown merchants

Michael Arenas, 15 Sylvan Drive, referred to the following:

- Vendor permits had been removed without prior notice
- Asked for clarification regarding commercial merchandise

Scott Anson, P.O. Box 2201, referred to the following:

- The city should not prohibit vendors in the Plaza
- The matter should have been open to public discussion

Howard Lewis, 78 Chapin Street, referred to the following:

- Requested the Commission support the Photographic exhibit entitled Tracing Christopher Columbus
- Requested the Lightner Museum as the location for the exhibit

Commissioner Jones suggested that Mr. Lewis discuss the matter with with the Director of Public Affairs and he would discuss the matter with each member of the Commission.

Fred Halback, 287 St. George Street, referred to the following:

- The Plaza should be reserved as a passive park
- The Plaza should remain commercial free to keep the area sacred

Commissioner Jones stated that there was a total twenty minutes time limit for input during the first public comment period. He said special consideration would be given if requested prior to the meeting.

5. Staff Reports and Presentations

5. A. Presentation by Derek Hankerson of an Overview of the Fort Mose Historical Society.

Derek Hankerson, 734 Madena Avenue, Special Events Chairman for the Fort Mose Historical Society referred to the following:

- The 26th annual Lincolntonville Festival was a great success
- The 27th annual Lincolntonville Festival would be held on November 2-4, 2007 on Washington Street
- The organization had invited President Bush to St. Augustine for the grand opening of the Fort Mose Interactive Museum
- Karl Rove wrote a letter in response stating that the request would be given consideration, and they would be contacted once a final decision had been made
- Requested the Commission to authorize a letter on city stationery inviting several countries including the Council of Spain and the Dominican Republic Council
- The event would increase economic development and tourism to St. John's County
- Requested permission to send a letter to representatives that helped found St. Augustine

Mayor Boles suggested that Mr. Hankerson contact the Director of Public Affairs to discuss the matter. He said he would write a letter to President Bush. He added that the city would be required to pay for accommodations of people invited from other countries.

6. ITEMS BY CITY ATTORNEY

Ron Brown, City Attorney, stated that he received a copy of the proposed County Charter that had been submitted to Representative Proctor for use in developing a special act of the legislature. He said that if the act was passed by the legislature there would be a referendum on the special County Charter in 2008. He explained that article 9 of the proposed charter included language that provided protection for the three municipalities regarding any acts that would erode the

home rule authority of the municipalities. He stated that there would be a requirement for a separate referendum within the municipalities to approve any changes.

Mayor Boles explained that St. John's County had proposed a charter. He pointed out that when charters were enacted in counties, cities often lost rights and powers. He stated that the City Attorney investigated the matter and the County Charter would not limit any of the city's rights.

Mr. Brown informed the Commission that the City Attorney's office established a public records policy including; the procedure for processing the requests and the charges for time and duplication. He added that they had pending litigation involving a public records request, and the trial was scheduled for April. He stated that prior to the trial there would be mediation in attempt to resolve the matter. He requested that a Commissioner attend the mediation to provide input.

Mayor Boles appointed Commissioner Jones.

7. ITEMS BY CITY CLERK

7.A/ Notification of Proclamations

(None Scheduled)

7.B/ Consideration of three appointments to the Historic Preservation Advisory Committee.

Karen Rogers, City Clerk, stated that there were three appointments to the Historic Preservation Advisory Committee for consideration. She added that Robin Moore was eligible for reappointment. She said she had received nine applications as follows:

1. Robin Moore, 162 Nautilus Road
2. Algird Ambrose, 30 Desoto Place, Apt. 304
3. Maurine Marshall Boles, 35 Mulberry 4 Street

4. Lynn E. Gilchrist, 7 St. Andrews Court
5. Richard J. Giuliani, 1180 Wildflower Court
6. Diane C. McCoy, 5285 F Porter Road
Extension
7. R. Rhey Palmer, 74 Osceola Street
8. Nancy Sikes-Kline, 15 Miruela Avenue
9. Ed Slavin, P.O. Box 3084

She added that she had received an application for Antoinette Wallace after the deadline, and she suggested that they add her name to the ballot if desired.

MOTION

Commissioner Gardner MOVED to reappoint Robin Moore to the Historic Preservation Advisory Committee. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Gardner, Crichlow, Jones, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

The Commission voted for the remaining two appointments by written ballot. Ms. Rogers stated that Maurine Marshall Boles and Nancy Sikes-Kline were nominated by majority vote.

8. ITEMS BY CITY MANAGER (Includes Consent Agenda)

8.A/ Consent Agenda

8.A.1/ Preview of upcoming Commission Meetings

8.A.2/ Release of Liens on Unit Connection Fee Mortgages.

8.A.3/ Approval of Grant Award from the Florida Department of Law Enforcement.

Mr. Harriss read the consent agenda items.

MOTION

Commissioner Jones MOVED to approve the consent agenda items. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Jones, Crichlow, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.B/ Discussion Items - Parking Requirements for Businesses on San Marco Avenue and King Street.

Mark Knight, Director, Planning and Building Department, stated that city staff introduced a discussion item to the Planning and Zoning Board to eliminate parking requirements for commercial properties on San Marco Avenue and King Street. He said businesses in the area did not have adequate parking to meet code requirements thus were locked into their current use. He provided an example that if a business wanted to change to a restaurant they were required to increase parking to comply with the parking codes. He said the PZB was concerned that if parking was eliminated, it could overflow into the residential districts. He pointed out that there had been more concern regarding King Street than the San Marco Avenue section. He said the PZB had voted against an ordinance to eliminate parking areas until a complete parking plan was evolved to address the problems they foresaw on the residential streets behind the commercial districts.

Mayor Boles explained that changes in business use could require additional parking and move the development of the commercial area in a particular direction.

Commissioner Jones suggested that PZB discuss the issue with residents.

Commissioner Crichlow stated that eliminating parking requirements could cause businesses to eliminate parking lots for development which would create parking problems. He suggested that the Parking

and Traffic Committee address the issue and report to the Commission.

Commissioner Jones suggested that residential parking permits as a solution to the problem. He added that the parking requirements should be relaxed; however not completely eliminated.

Non-Agenda Item – Panhandling Ordinance Update

Loran Lueders, Police Chief, stated that the Police Department had started enforcement with warnings and provided pamphlets to educate the public.¹ He stated that there had been an increased police presence and they issued four panhandling citations.

Commissioner Crichlow stated that the no panhandling pamphlets explained the ordinance, identified boundaries and provided information regarding St. Francis House and employment services.²

Chief Lueders stated that the increased police presence assisted monitoring vendors, skateboarders, and bicyclists. He added that four citations had been issued to skate boarders and one to bicyclists.

9. ITEMS BY THE MAYOR AND COMMISSIONERS

Commissioner Gardner – Announcements

Commissioner Gardner provided announcements regarding community events and concerns and referred to the following:

- Congressman Mica and governmental officials from St. John's County would meet on February 1, 2007 in the Alcazar room to discuss federal government assistance
- Thanked the Code Enforcement Board for endorsing posting property signs for tree removal requests

¹ Pamphlet attached to original minutes

² End of tape 1

- Requested that Mr. Harriss examine traffic congestion on Martin Luther King Avenue from King Street south and possibly prohibit parking on the west side of the street from Bridge Street to Pomar Street
- Requested naming Fullerwood Park in honor of Gina Burrell for her efforts to establish the park
- Homeless coalition would conduct a homeless count on Thursday January 25, 2007 from 5:00 a.m. to 11:00 p.m.
- Suggested that the Commission urge the County Commission to provide one million dollars that would be matched by other community sources for a centralized homeless shelter
- The homeless shelter would include beds, showers, food facilities and contact offices for social services, labor agencies, medical and veteran services

Commissioner Crichlow – Street Congestion

Commissioner Crichlow suggested identifying streets with congestion from double side parking, which prohibited fire truck access.

Mr. Harriss replied that the issue had been examined; however, it became politically volatile. He explained that there was concern regarding traffic flow on arterial roads. He said Martin Luther King Avenue was a problem and following evenly divided surveys a west side recommendation had been implemented. He suggested that the city address the issue on a case by case basis. He added that if a neighborhood had a preference they should approach the city.

Mayor Boles – Homeless Issue

Mayor Boles stated that the city sought a lead agency to assist with the homeless situation, and the Salvation Army volunteered. He said that Gary Bruce, Chairman of the Salvation Army stated that they had a four phase plan and would

provide an outline on Thursday, January 25, 2007. He stated that the plan began with a temporary facility that would evolve into something permanent. He said the ultimate goal was to have a one-stop shopping type of facility including psychological, vocational and children services. He said that if the city requested money from the county, the city would be expected to provide money, but his goal was not to use budget funds to produce a homeless shelter. He pointed out that there were funds available through non-profit organizations and there was emergency shelter and housing money available, as well as individuals interested in assisting the homeless.

Commissioner Gardner said the Salvation Army plan was encouraging, and it strengthened the argument for the County Commission to consider when discussing funding for capital projects.

Mayor Boles stated that the city had not required funds for fire/rescue or police because they had their own.

Commissioner Gardner disagreed and he requested that the Commission vote to present an outline urging the County Commission to provide a rallying point to meet the challenge of homelessness.

MOTION

Commissioner Gardner MOVED to make a presentation as outlined in the draft that the Commission urge the County Commission to provide a rallying point to meet the challenge of homelessness. The motion FAILED for lack of SECOND.

Commissioner Jones stated that presenting a proposal to the county was not the appropriate way to handle the situation; however, they could discuss the issue with them. He added that the county was in a better position than the city regarding mental health and social services, because they had more money. He said the city should also be prepared to provide funds, although the county should provide the

majority. He suggested that the city negotiate with the county and work together. He concluded that he was not willing to present the proposal to the county as a Commission.

Mayor Boles stated that the city should wait for the Salvation Army plan and let them contact the county for assistance. He suggested that the Commissioners meet with County Commissioners and introduce them to the Salvation Army and let them discuss the issue.

Following a brief discussion regarding renaming Fullerwood Park to Burrell Park Mayor Boles stated that since it was a neighborhood park, he would like to receive input from the community during the subsequent Commission meeting.

Commissioner Crichlow stated that equipment would be purchased and neighborhood input had been suggested. He pointed out that citizens, companies, and associations were willing to donate money to purchase the equipment. He added that he was preparing a list of citizens to serve on an advisory group to determine the type of equipment to be purchased.

9. A./ Discussion regarding the current state of affairs in the Plaza.

Commissioner Crichlow explained that certain types of art activities were protected by the First Amendment and a permit was not required to sell that type of art work in the Plaza.

Mr. Brown stated that four classifications were presumed expressive and protected by the First Amendment including painting, photography, printing and sculpture. He explained that the city was not allowed to permit those expressions and there was a presumption that they were allowed in the Plaza. He pointed out that an attempt to regulate should be done narrowly.

Commissioner Gardner asked Mr. Brown to explain the legal procedure, because citizens had complained about the manner in which the Commission suspended the issuance of new permits.

Mr. Brown explained that the ordinance establishing vending procedures for HP-2 and HP-3 allowed vending in the Plaza and the San Marco Special Events field by permit. He stated that there was no mandate that a permit be issued in the ordinance. He informed the Commission that partially or permanently changing vendor activities in the Plaza required an ordinance amending the existing ordinance to define their objectives. He pointed out that was the Special Events field was an alternative location and he said the ordinance did not state that people that had been issued permits were entitled to renewals.

Commissioner Crichlow stated that some citizens believed the privilege to sell merchandise in the Plaza had been abused and the ambiance had been negatively affected. He suggested that artists allowed to sell in the Plaza should be restricted to the market place. He stated that the market place was covered and traditionally used for market activity. He expressed empathy for the vendors trying to make a living and he suggested the south colonnade of the parking facility. He stated that it could grow into a tourist activity and accommodate vendors that were not allowed to sell in the Plaza.

Commissioner Gardner expressed that the Plaza was a historic asset and should be protected. He stated that he did not have an aversion to vendors in the Plaza; however, prior to the vote he had asked the City Attorney for a review of the policy. He suggested defining the number of spaces and their location for regulation and charge a square footage fee comparable to merchants rent. He said the fees could be used to provide extra police presence to monitor the area. He added that his vote had been based on a suspension to allow

the Commission an opportunity to discuss the issue.

Commissioner Jones stated that nothing had changed his opinion regarding the action the Commission had taken because he had not heard any new information. He said that some people said that the Commission would not change their minds; however, those people had not changed their minds either. He stated that selling merchandise in the Plaza had been a privilege.³

Mayor Boles stated that the Plaza had been a quiet place where people could sit and relax. He added that the Plaza should not exist as a commercial space.⁴

Commissioner Gardner stated that a resident requested tabling final action for item 11.D.2 regarding residential density stabilization due to the absence of Commissioner Burk.

Following a brief discussion, it was determined that the Commission would proceed with final action regarding the item.

Commissioner Jones suggested that they table the final vote but, he had other comments that he would discuss during the item.

10. Appeals and Public Hearings (NOT PERTAINING TO ORDINANCES & RESOLUTIONS)

10.A./ Public hearing and appeal of a Planning and Zoning Board decision relative to property located on Plantation Island Drive South.⁵

11. Resolutions and Ordinances (To include public hearings)

11.A. Resolutions

³ End of tape 2

⁴ Brief recess 7:10 p.m. to 7:30 p.m.

⁵ Tabled until February 26, 2007

11.A.1/ Consideration of Resolution 2007-01, relating to Municipal Marina Dockage Rates and Fees.

Jim Piggott, General Services Director, summarized that resolution 2007-01 related to raising fees at the St. Augustine Municipal Marina. He said there were several reasons for the increase and referred to the following:

- Increased number of large boats entering the marina used more water, electricity and dockage space increasing the cost of running the marina
- Remain competitively balanced with other marinas in the area

Mr. Piggott said research indicated that the proposed rates were either equal to or less than other marinas in the area.

Mayor Boles stated that some people said the city should not be in competition with private business undercutting commercial rates charged by private marina owners. He added that the marina was a prime location to dock and visit the city.

Mr. Piggott stated that the marina had come a long way and many boaters returned because of the service and prices. He pointed out that the marina made a profit and increased revenue over the last few years; therefore, they should not increase the rates too high.

Commissioner Crichlow said they should not raise the rates above other marinas. He questioned whether there was a lack of boats to fill slips in the marina.

Mr. Piggott replied that there were several months in the year the marina was booked, but there were slow months when the marina was not as full. He added that every year the number of boats visiting the marina increased.

Commissioner Crichlow said the marina's reputation was more valuable than an extra

few bucks and they should charge a reasonable rate. He pointed out that the city benefits from boaters' spending money at stores, bars and restaurants. He asked what the percentage of increase represented.

Mr. Piggott replied that the increase represented approximately 4% which would cover the cost of water and electricity.

MOTION

Commissioner Jones MOVED to pass resolution 2007-01. The motion was SECONDED by Commissioner Crichlow.

VOTE ON MOTION

AYES: Jones, Crichlow, Gardner, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.A.2/ Consideration of Resolution 2007-02, concerning a petition to vacate a portion of Red Cox Road (formerly known as Old Beach Road).

Mark Knight, Director, Planning and Building Department, summarized that resolution 2007-02 was in response to a petition to vacate a portion of Red Cox Road (formerly known as Old Beach Road). He displayed a map and explained the location and surrounding areas.⁶ He pointed out that in order to develop a neighborhood park at the intersection of Red Cox Road and Anastasia Boulevard, the area needed to be vacated. He said the resolution was the petition to initiate the matter into the public hearing process.

MOTION

Commissioner Jones MOVED to pass resolution 2007-02. The motion was SECONDED by Commissioner Gardner.

VOTE ON MOTION

AYES: Jones, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

⁶ Map attached to original minutes

11.B/ Ordinances – First Reading

(None Scheduled)

11.C.1/ Ordinances – First Reading – Public Hearing –

(None Scheduled)

11.D. Ordinances – Second Reading – Public Hearing Required

11.D.1/ Public Hearing – Ordinance 2006-35 modifying the parking requirements for Marinas.

Mr. Knight summarized that ordinance 2006-25 modified the parking requirements for marinas. He stated that currently the parking requirement was one parking space per boat slip for wet slip marinas. He stated that the ordinance was heard on first reading and public comments indicated that parking requirements for wet boat slips should be reduced. He said the Commission had remanded the ordinance to PZB and the board had agreed to the ordinance recommendations with the exception of the wet slip criteria. He said the PZB had a split vote with three members voting for one parking space per three boat slips and the other members recommended one parking space per two boat slips.

Mayor Boles questioned whether evidence had been presented to PZB.

Mr. Knight replied that Mr. Grubard, owner of the Conch House, had submitted a study to the PZB in October 2006 detailing parking at his marina. He said there were 209 boat slips and parking varied.

Mayor Boles opened the public hearing.

Ed Slavin P.O. Box 3084, referred to the following:

- The ordinance had been written at the request of local business owners

- The city should have a harbor master

Jay Bliss, 12 Oglethorpe, referred to the following:

- Suggested one parking space per wet slip
- Changing the parking requirement would encourage developers to build condos and eliminate public access to the water front

Debra Alexander, 307 Ribault Street, referred to the following:

- Modifying the parking requirements for marinas would cause parking problems during the height of the boating season
- The majority of boaters invited friends that drove in separate cars

Barry Benjamin, 1010 N. Marshwind Way, Ponte Vedra Beach, FL., referred to the following:

- Transient boaters used approximately 36 out of 70 slips at Oyster Creek Marina
- Parking problems only existed on July 4th weekend or special events

Bruce Maguire, 11 Surfside Avenue, referred to the following:

- Boaters created a better economy
- The city should increase opportunities for people to dock their boat and spend money to improve the community

Merrill Roland, 6281 Old Dixie Drive referred to the following:

- The city marina had parking problems
- The Boat and Breakfast at the city marina was a floating hotel and visitors arrived via car

David Thundershield Queen, P.O. Box 270,
referred to the following:

- Manatees were threatened with increased boat traffic
- Water quality decreased with increased boats
- Not enough pump out stations for the increase in boats

Mayor Boles closed the public hearing.

Mr. Harriss suggested tabling the decision until the next meeting for potential ordinance amendments to address preservation of existing parking for existing marinas.⁷

MOTION

Commissioner Jones MOVED to table the decision on Ordinance 2006-35 until the February 12, 2007 City Commission meeting. The motion was SECONDED by Commissioner Gardner.

VOTE ON MOTION

AYES: Jones, Gardner, Crichlow, Boles

NAYES: None

MOTION APPROVED UNANIMOUSLY

11.D.2/ Public Hearing - Ordinances – Second Reading - Public Hearing - Ordinance 2007-01 regarding Residential Density Stabilization.

Mark Knight, Director, Planning and Building Department, summarized that Ordinance 2007-01 pertained to non-conforming lots in RS-1 and RS-2 zoning districts. He explained that if there was a primary structure on more than one non-conforming lot and the house was torn down, the property owner could not build multiple structures. He added that the ordinance excluded accessory structures.

Mayor Boles opened the public hearing.

1. Hildegard Pacetti, 305 St. George Street

2. Tom Wright, 41 Arrendondo Street
3. Judi Schuyler, 7 Inlet Place
4. Steven Schuyler, 7 Inlet Place
5. Sandra Nelson, 22 East Park Avenue
6. Peter Romano, 62 Sanford Street
7. B.J. Kalaidi, 8 Newcomb Street
8. Judd Hobgood, 205 Alcazar Street
9. Harry Waldron, 118 Colin Avenue
10. Kevin Thompson, 233 Coquina Avenue
11. George Haynes, 69 Almeria Street
12. Erin Johnson, 110 Coronodo Street
13. Ed Slavin, P.O. Box 3084

The aforementioned residents spoke against Ordinance 2007-01 as follows:

- Property owners in RS-1 and RS-2 should retain self determination of the restrictions and usage of their property
- Ordinance took property without compensation
- Ordinance would not address density
- Ordinance was discriminatory and inappropriate for dense neighborhoods
- Emphasis should be on the architectural aspects of a house instead of the lot size
- Ordinance should be neighborhood specific

1. Bill Leary, 28 E. Park Avenue
2. John Marples, 314 St. George Street
3. Mary Triay, 55 Fullerwood Drive
4. Carl Blow, 100 Santa Monica Avenue

The aforementioned residents spoke in favor of Ordinance 2007-01 and referred to the following:

- The ordinance would preserve character of neighborhoods
- The ordinance would prevent developers from maximizing the number of houses they could build on existing property
- Property owners should have protection against development out of character with the neighborhood

⁷ End of tape 3

- The ordinance began the process of addressing stormwater and flooding problems with development
- Increased density would increase traffic in the city⁸

Mayor Boles closed the public hearing.

Mayor Boles stated that he would not want someone to demolish one house and build four homes; however, he could not tell someone not to do so. He said he supported an overlay for neighborhoods. He added that he was hesitant about applying zoning changes applied across the city; therefore, he would not support the ordinance.

Commissioner Crichlow stated that the citizens voted to preserve density in single family residential neighborhoods as well as quality of life, and they had the right to preserve that lifestyle.

MOTION

Commissioner Crichlow MOVED to table final action on Ordinance 2007-01 until the subsequent meeting. The motion was SECONDED by Commissioner Gardner.

VOTE ON MOTION

AYES: Crichlow, Gardner

NAYES: Jones, Boles

MOTION FAILED 2/2

Commissioner Gardner stated that he favored the ordinance as an interim measure until a neighborhood overlay was established. He stated that many people said they would not build oversized homes, however, he could not believe them.

Mayor Boles stated that there had been discussion about neighborhood overlays; however, nothing was done.

Commissioner Jones stated that the ordinance would not prevent people from building oversized homes.

⁸ End of tape 4

MOTION

Commissioner Jones MOVED to read Ordinance 2007-01 by title only and voted. The motion was SECONDED by Mayor Boles.

Mr. Brown read the title as follows:

ORDINANCE NO. 2007-01

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

VOTE ON MOTION

AYES: Gardner

NAYES: Jones, Boles, Crichlow

MOTION FAILED 1/3⁹

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

1. David Thundershield Queen, P.O. Box 270
2. Carrie Johnson, 100 Lincoln Street

The aforementioned residents spoke against prohibiting new vendor permits in the Plaza and referred to the following:

- Tourists enjoyed the ambiance of the market place in the Plaza
- Some vendors sold merchandise in the Plaza without a permit
- The Commission should find an alternative to denying access to selling in the Plaza

⁹ Brief recess 9:45 p.m to 9:52 p.m.

- Many people supplement their income by selling merchandise in the Plaza

1. Maureen Ortigas, 1445 Masters Drive
2. Peter Romano, 62 Sanford Avenue

The aforementioned residents spoke in favor of prohibiting new vendor permits in the Plaza and referred to the following:

- The Plaza should not be for everyday vendor use
- Foot traffic killed the grass in the Plaza
- Vendors should sell merchandise in the Special Events field
- People selling merchandise such as sunglasses were not in the same category as someone defined as making a craft

James Carroll, P.O. Box 1027, referred to the following:

- His car had been vandalized at the parking facility
- Increased security including security cameras was needed at the parking facility to protect residents, tourists and college students

Ed Slavin P.O. Box 3084, referred to the following:

- The city needed a moratorium on growth in the city until they could determine zoning
- The city should have a National Historical Park

Sandra Nelson, 22 East Park Avenue, referred to the following:

- The Commission should consider how other municipalities managed density
- The city should limit the number of square feet of building space as a percentage of the buildable lot size

Toni DeWitt, 1431 N. Whitney Street, referred to the following:

- The city should define art that would be sold in the Plaza¹⁰

Trevor Allen Gibson, 4930 Kenneth Street, Hastings, Florida, referred to the following:

- Suggested that artists sell their work at the parking facility

B.J. Kalaidi, 8 Newcomb Street, referred to the following:

- The Commission could vote on Ordinance 2007-01 at the subsequent meeting
- Ordinance 2007-01 took away property rights for RS-1 and RS-2 property owners

12.B/ Presentations (15 minutes per presentation).

(None Scheduled)

13. Adjournment

There being no further business, the meeting was adjourned at 10:40 p.m.¹¹

MAYOR

CITY CLERK

¹⁰ End of tape 5

¹¹ Transcribed by Susan Goins