

## CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
April 27, 2009

The City Commission met in a formal session Monday, April 27, 2009 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  
Errol Jones, Vice Mayor/City Commissioner  
Donald Crichlow, City Commissioner  
Leanna S. A. Freeman, City Commissioner  
Nancy Sikes-Kline, City Commissioner

William B. Harriss, City Manager  
Ron Brown, City Attorney  
Karen Rogers, City Clerk  
Timothy A. Burchfield, Chief Administrative Officer  
John Regan, Chief Operations Officer  
Mark Knight, Director, Planning and Building  
Jim Piggott, General Services Director  
Paul K. Williamson, Director, Public Affairs  
Carlos E. Mendoza, Assistant City Attorney  
Loran Lueders, Police Chief  
Mike Arnold, Fire Chief  
Todd Grant, Deputy Director, Public Works  
Susan Goins, Recording Secretary

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### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Earl Glisson, Anchor Faith Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

### **3. ADMINISTRATIVE ITEMS**

#### **3.A/ Modification of Agenda**

Commissioner Jones recommended moving item 5.B.2. regarding the Boys and Girls Club to follow item 3.C.1.

Karen Rogers, City Clerk, stated that proclamation 2009-15 regarding Municipal Clerks Week was prematurely added to the agenda and would be presented during the subsequent meeting.

#### **MOTION**

**Commissioner Jones MOVED to modify the agenda. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.**

#### **3.B/ Approval of Minutes**

## MOTION

Commissioner Crichlow **MOVED** to approve the minutes of the regular meeting of March 23, 2009. The motion was **SECONDED** by Commissioner Jones and approved by **UNANIMOUS VOICE VOTE**.

### 3.C.1/ Proclamations

- 2009-11 - National Drug Court Month
- 2009-13 - Sexual Assault Awareness Month
- 2009-15 - Municipal Clerks Week
- 2009-16 - Letter Carriers Food Drive Day
- 2009-10 - Proclaiming April 2009 as Water Conservation Month

Mayor Boles read and presented the proclamations.

### 3.C.2/ Recognitions

(None)

## 4. Appeals and other Public Hearings

(None)

## 5. Ordinances and Resolutions - Public Hearing Required

### 5.A/ Ordinances – First Reading

(None)

### 5.B/ Ordinances - Second Reading

#### 5.B.1/ Public Hearing - Ordinance 2009-10, establishing the 180 St. George Street Planned Unit Development (PUD).<sup>1</sup>

Commissioner Crichlow stated that he was involved professionally with the project and recused himself.

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<sup>1</sup> Heard following item 5.B.2

Mr. Knight stated that Ordinance 2009-10 established the 180 St. George Street Planned Unit Development (PUD) and referred to the following:

- Ordinance 2009-10 rezoned property at the corner of Cathedral Place and St. George Street on the northwest corner to a PUD
- Proposed hotel would be a two-story turn of the century building with 16 hotel rooms on the 2<sup>nd</sup> floor and retail space on the 1<sup>st</sup> floor
- Code for HP-1, HP-2 and HP-3 required lot coverage of 2,500 square feet or less for a two-story primary structure and not more than 7,000 square feet for the total structure
- The applicant had requested a variance; however, variances for HP-1, HP-2 and HP-3 for lot coverage were prohibited; therefore they requested a PUD
- Received an opinion of appropriateness from the Historic Architectural Review Board (HARB)
- On March 3, 2009 the Planning and Zoning Board (PZB) recommended approval for the PUD
- Owner sought a Certificate of Appropriateness from HARB; however, they could not reach board consensus for approval of the proposed rounded corner of the hotel
- HARB indicated that they would allow the rounded corner if the design would not make the building look modern

Mayor Boles questioned whether there were parking requirements for the PUD, and the response was negative.

George McClure, 81 King Street, referred to the following:

- Provided a pictorial overview of the history of the property<sup>2</sup>

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<sup>2</sup> Attached to original minutes

- Proposed building would be approximately 11,000 square feet
- Entrance to Bank of America would be slightly displaced to the west
- Common entry and exit for the service area
- The first floor would be designated for retail space
- Dining facility, lobby area and restrooms on first floor
- 16 room hotel on the second floor including an exercise room
- Laundry room
- Worked with the HARB to ensure that the building would not look new; the reason of certificate of appropriateness had not been granted at the last HARB meeting
- Southside second story of the McCrory building was on the property line and the second floor was used for apartments; therefore, they moved the proposed structure off the property line to provide extra light and air
- Standards for new construction required a certain finished floor elevation
- Water proof windows would withstand pressure of a major storm event
- Valet parking would be provided

Mayor Boles clarified that parking was not required for the PUD; therefore, it could not be considered by the Commission. He added that the economic viability of a proposed structure should not be considered.

Mayor Boles opened the public hearing.

Merrill Roland referred to the following:

- Parking provisions should be made for the disabled
- No handicap parking was available in the Plaza or Bayfront
- Providing parking for the disabled was the right thing to do

Charles Pellicer referred to the following:

- Proposed hotel was in HP-2
- Within HP-1, HP-2 and HP-3 structures should be within the first and second Spanish period and the British period
- Hotel would set a precedence for the area

Sandra Goode referred to the following:

- PUD would increase parking and traffic problems in the area

Melinda Rakoncaj referred to the following:

- Proposed hotel was beautiful; however, not right for the area
- In preparation for the 400<sup>th</sup> celebration they torn down turn of the century buildings and for 450<sup>th</sup> celebration they proposed to rebuild them
- Bringing red brick into the Plaza would change the tone of colonial re-enactments

Raymond Connor referred to the following:

- Against Ordinance 2009-10
- The area was beautiful; however, the hotel would change the vista
- Erecting a red brick building in the area would require lighting at night and would change the look of the area

Ed Slavin referred to the following:

- Hotel would destroy the vista
- Ordinance provided during the meeting room did not have an exhibit attached; therefore, it was not properly noticed and should not currently be approved
- Owners of the property had not been identified
- Vista would be preserved under a St. Augustine National Historical National Seashore and National Scenic Coastal Highway

Jerry Dixon referred to the following:

- Opposed to the project
- Commission had a philosophical decision to make regarding the direction of HP-2 and HP 3
- Hotel would set a precedence for future buildings
- There had been numerous structures on the site
- Colonial styles should continue in HP-2 and HP-3

Andrew Schirmacher referred to the following:

- There should be a committee to review the Codes for HP-2 and HP-3

Kimmarie Bouza referred to the following:

- Opposed to the proposed hotel
- Hotel would increase parking problems in the area
- Trinity Parish church used the parking lot on the proposed site during church services
- The area should be vacant for people to gather during events and activities in the Plaza

William Smith referred to the following:

- Representative for the adjacent property owner
- Opposed to the proposed hotel
- Expressed concern at the March 3<sup>rd</sup> PZB meeting regarding the proposed hotel blocking apartment windows on the south side of the adjacent structure
- The proposed plan would impact their ability to rent apartments
- Retail space on corner would be beneficial; however, as proposed the design was not acceptable
- Requested tabling the item for further modification

B.J. Kalaidi referred to the following:

- Opposed to the PUD
- There was no provision for parking with the building
- Suggested a moratorium on PUD's in HP districts until the Parking and Traffic Committee (PAT) could write an ordinance requiring developers to provide parking

Lorraine Bender referred to the following:

- City should perform an impact study on parking and traffic
- Downtown traffic was problematic

Mayor Boles closed the public hearing.

Mayor Boles asked for clarification regarding the conditional approval from the PZB based on working out an agreement with the adjacent property owner.

Mr. Knight replied that the motion was a recommendation based on the discussion between the applicant and the adjacent property owner. He said that he was unaware there were still concerns until the representative for the adjacent property owner spoke during the public comment period.

Mr. Brown explained that a general rule in Florida was that the neighboring property owners had no right to sunlight, view or air. He added that he was uncertain whether the parties had agreed on the issues or whether there was a misunderstanding.

Following a brief discussion regarding drainage on the site, Mr. Knight pointed out that the property to the north currently drained on the site of the proposed hotel; however, the applicants said that they would accommodate a place for their drainage.

Commissioner Jones stated that it was a quality of life issue if the apartments faced the wall of the adjacent building; however, he was unsure whether the city could do anything about it. He said that a resident at the adjacent property had expressed

concern that his kitchen would be 6 inches from the building.

Mayor Boles stated that he preferred a second period colonial city. He said the modification in 2003 allowed flexibility in restoring the Flagler and Victorian eras.

Commissioner Freeman stated that the word *adjacent* had not been used in the ordinance language. She said that her interpretation was that turn of the century buildings or whatever was appropriate for the area would be a viable option. She said they had to determine the value of pursuing colonial or turn of the century style architecture. She expressed concern that problems with adjacent owners had not been resolved.

Commissioner Jones questioned what could be built on the proposed property without permission of the Commission.

Mr. Knight replied that under current guidelines they could build 2,500 square foot buildings, multiple buildings, subdivide the lot into multiple lots and interconnect the buildings with a 15-foot secondary structure.

Commissioner Jones pointed out that the Code did not require onsite parking for employees or guests. He added that the Commission was not required to provide two parking spaces for loading and unloading.

Commissioner Jones stated that the modification allowed private property owners the flexibility to choose an architectural style for their home.

Commissioner Sikes-Kline expressed concern about eliminating two public parking spaces for loading zones, elimination of the Spanish Colonial city dream and the prominent location of the proposed hotel. She said that the 450<sup>th</sup> celebration was approaching, and the Commission should be mindful about the message that they send.

Mr. McClure stated that the issue that went before the PZB was continuing to accept the stormwater run off from the McCrory building, soundproofing and waterproofing the wall and accepting and disposing of the stormwater from the adjacent roof. He said questions had been raised regarding the architectural styles; however, the proposal had received a unanimous Opinion of Appropriateness from HARB. He said that it would have been possible to build a second period structure; however, the applicant was not required to provide parking, assembly areas for the Nights of Lights or provide a tenants' view across the property. He said that the style of the architecture seemed to be the issue; therefore, they would be most informed if they had a complete HARB decision.

Mayor Boles questioned whether he wanted to table the item until review by HARB.

Following a brief discussion with the owner, Mr. McClure requested tabling the ordinance until issuance of the Certificate of Appropriateness from the HARB.

#### **MOTION**

**Commissioner Sikes-Kline MOVED to table Ordinance 2009-10 to the June 8, 2009 Commission meeting. The motion was SECONDED by Commissioner Jones.**

Commissioner Freeman stated that they had to determine whether there was value in replicating what had been on the site.

#### **VOTE ON MOTION**

**AYES: Sikes-Kline, Jones, Freeman, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**5.B.2/ Public Hearing - Ordinance 2009-11, amending the Boys & Girls Club of St. Augustine Planned Unit Development (PUD).**

Mark Knight, Director, Planning and Building, stated that the Boys and Girls Club Planned Unit Development (PUD) was established by Ordinance 2007-26. He explained that they needed to relocate; however, they were not ready to construct the PUD, because they did not have the funding to build the permanent facility. He said they wanted to use temporary modular structures for a period not exceeding three years to complete the PUD. He concluded that the Planning and Zoning Board (PZB) recommended the temporary modular structures at 555 West King Street for a period not to exceed three years.

Richard Hardy stated that the Boys and Girls Club served approximately 75 children on a daily basis. He explained that the children were bused to the Boys and Girls Club directly from school, and they went home when the facility closed. He added that the Boys and Girls Club provided the opportunity for mentoring and socialization.

Commissioner Jones questioned the total cost of the PUD.

Mr. Hardy replied that the cost would be approximately \$2 million; 65% of the funds had been raised.

Commissioner Jones pointed out that the Boys and Girls Club would not build until they had all of the funds.

Mayor Boles opened the public hearing.

B.J. Kalaidi referred to the following:

- Supported the philosophy of the Boys and Girls Club; however, trailers in the area would give special consideration to a PUD
- Trailers would detract from the area that they were trying to improve

Mayor Boles closed the public hearing.

Ms. Rogers stated that notice of Ordinance 2009-11 had been sent by certified mail to

62 property owners within 150-feet of the property and 2 comment forms had been returned; one expressing concern about the construction and one had no comment.

## MOTION

**Commissioner Jones MOVED to place Ordinance 2009-11 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.**

Mr. Brown read the title as follows:

### ORDINANCE NO. 2009-11

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA MODIFYING THE BOYS & GIRLS CLUB OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT ESTABLISHED PURSUANT TO ORDINANCE NO. 2007-26; ALLOWING FOR USE OF TEMPORARY MODULAR STRUCTURES FOR A PERIOD OF THREE YEARS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

## VOTE ON MOTION

**AYES: Jones, Freeman, Sikes-Kline, Crichlow, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Commissioner Jones explained that the Boys and Girls Club had a temporary lease; however, the owners of the property insisted that they move. He reiterated that the Boys and Girls Club would not build until they had all of the funds. He added that the organization should function in the same area as the children they were trying to assist.

**5.B.3/ Public Hearing - Ordinance 2009-12, amending the Whispering Creek Town Center Planned Unit Development (PUD).**

Mr. Knight stated that Ordinance 2009-12 established the Whispering Creek Town Center Planned Unit Development (PUD) for affordable housing. He explained that the revised site development plan reduced the number of buildings from twelve to three and increased the height to allow for three story buildings with peaked roofs.

Following a brief discussion regarding affordable housing, Mr. Knight explained that affordable housing was based on the average median income. He pointed out that it was not the same as low income housing.

Mark Goetda, Atlantic Housing Partnership Representative, 329 North Park Avenue, referred to the following:

- Affordable housing apartments
- Mean income for family of four would be \$39,000
- Mixture of three story multi-family residential buildings
- Residential buildings would not exceed 43-feet in height
- Focus on landscaping and tree preservation
- Reserved parking spaces near the building

Mayor Boles opened the public hearing.

Ed Slavin referred to the following:

- Against Ordinance 2009-12
- The buildings were too tall and too dense
- Site was a burial ground and should have been preserved

B.J. Kalaidi referred to the following:

- Against Ordinance 2009-12
- PUD would increase height requirements
- Affordable housing had a reputation of high crime
- Limited number of parking spaces

Mayor Boles closed the public hearing.

Commissioner Freeman asked for the definition of affordable housing.

Mr. Goetda explained that affordable housing indicated that the tenant would not spend more than 30% of their income on housing. He said that they housed people that made 60% of the average mean income.

Commissioner Crichlow stated that the proposed parking location was not convenient. He said that he would vote against the PUD.

Commissioner Sikes-Kline expressed concern regarding the parking. She said that it made the area look unattractive; furthermore, she favored additional parking.

Commissioner Jones expressed concern about the distance of the parking spaces from the buildings. He said there was a need for affordable housing in the city. He said that affordable housing apartments would not increase the crime rate considering wealthy people committed crimes too. He questioned whether an effort had been made to preserve the historical ancestry on the site, and the response was affirmative. He added that the city needed additional parks, and a passive park would be beneficial for the area.

Mr. Harriss stated that there was a great demand for affordable housing and the city would collect revenue from utility fees and increased tax base.

Commissioner Freeman expressed concern about the increased height. She said that \$750 for a two bedroom apartment was the going rate for condominiums; therefore, the apartments would not be less expensive. She questioned whether the PUD would further overload the market.

Following a discussion regarding apartments versus condominiums,

Commissioner Sikes-Kline noted that condominium fees were costly.

**MOTION**

Commissioner Crichlow **MOVED** to deny Ordinance 2009-12. The motion **FAILED** for lack of second.

**MOTION**

Commissioner Sikes-Kline **MOVED** to amend Ordinance 2009-12 in accordance with the new site plan. The motion was **SECONDED** by Commissioner Jones.

**VOTE ON MOTION**

**AYES:** Sikes-Kline, Jones, Freeman, Boles

**NAYES:** Crichlow

**MOTION CARRIED 4/1**

**MOTION**

Commissioner Sikes-Kline **MOVED** to place Ordinance 2009-12 on second reading, read by title only and passed as amended. The motion was **SECONDED** by Commissioner Jones.

Mr. Brown read the title as follows:

**ORDINANCE NO. 2009-12**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE WHISPERING CREEK TOWN CENTER PLANNED UNIT DEVELOPMENT (PUD) ESTABLISHED PURSUANT TO ORDINANCE NO. 2005-38; ALLOWING FOR AFFORDABLE MULTIFAMILY HOUSING AND MODIFIED SITE DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Sikes-Kline, Jones, Freeman, Boles

**NAYES: Crichlow**  
**MOTION CARRIED 4/1**

**5.B.4/ Public Hearing - Ordinance 2009-13, adopting a 5-Year Schedule of Capital Improvements.**

Timothy A. Burchfield, Chief Administrative Officer, explained that Ordinance 2009-13 adopted a 5-year schedule of capital improvements to submit to the Department of Community Affairs (DCA) to proceed with the adoption of amendments to the Comprehensive Plan.

Mayor Boles clarified that the schedule was a new regulatory requirement of the DCA.

Commissioner Sikes-Kline questioned whether the city was required to spend all of the money.

Mr. Burchfield replied that if the city did not spend all of the money, they would be subject to review by the DCA.

Commissioner Jones stated that the Commission would continue to make improvements on Riberia Street, and he encouraged the residents to support the effort.

Mayor Boles opened the public hearing.

Ed Slavin referred to the following:

- The poor condition of Riberia Street was a reflection of environmental racism
- The Riberia Street improvements should not be completed in sections
- Suggested that the Commission amend the ordinance so they were not in violation of the 14<sup>th</sup> Amendment of the United States Constitution, which guaranteed equal protection

B.J. Kalaidi referred to the following:

- Against Ordinance 2009-13

- The improvements would not address infrastructure needs west of U.S.1 to Whitney Street
- Adopting the 5-year improvement schedule was required by December 1, 2008 as indicated in a letter to the Planning and Building Director
- City staff should complete their work in a timely manner
- More sidewalk repairs were needed west of U.S.1
- Commission should freeze trips to Spain

Peter Romano referred to the following:

- Questioned whether the source of funding from the CRA would pay for improvements east of Riberia Street
- Questioned whether passage of the ordinance would qualify that money was set aside for sidewalk and street improvements between King and Bridge Streets

Mayor Boles closed the public hearing.

Commissioner Jones stated that Riberia Street was the worse street in the city; therefore, it should be addressed first in relation to a large capital project. He said the city would complete improvements on the entire street; however, the work must be completed in sections due to lack of funding and from an engineering perspective.

## MOTION

**Commissioner Jones MOVED to place Ordinance 2009-13 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Crichlow.**

Mr. Brown read the title as follows:

ORDINANCE NO. 2009-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING A FINANCIALLY FEASIBLE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

## VOTE ON MOTION

**AYES: Jones, Crichlow, Sikes-Kline, Freeman, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

### **5.B.5/ Public Hearing - Ordinance 2009-14, amending the City Code to Allow Placement of Civil Rights Movement Foot Soldiers Monument in the Plaza de la Constitucion.**

Mr. Brown explained that Ordinance 2009-14 amended the City Code relating to the language regarding placement of monuments in the Plaza. He said the Code had been amended approximately 15 years ago to preclude the placement of monuments celebrating historical event occurring prior to February 21, 1821. He said that there had been a strong desire to recognize the efforts of the foot soldiers of the Civil Rights Movement; therefore, under the code they would need to make the amendment to allow that exception.

Mayor Boles opened the public hearing.

David Nolan referred to the following:

- Referred to other monuments in the Plaza
- Civil Rights monument would be a wonderful addition to the Plaza

Ed Slavin referred to the following:

- Supported Ordinance 2009-14
- City should pay for the Civil Rights Foot Soldiers Monument

- City should use tax money to complete the Civil Rights Monument

B.J.Kalaidi referred to the following:

- Encouraged the Commission to pass Ordinance 2009-14

Mayor Boles closed the public hearing.

**MOTION**

**Commissioner Jones MOVED to place Ordinance 2009-14 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.**

Mr. Brown read the title as follows:

ORDINANCE NO. 2009-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 22-9 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SPECIFIC AUTHORITY TO PERMIT THE LOCATION AND INSTALLATION IN THE PLAZA DE LA CONSTITUCION OF A MONUMENT TO THE ST. AUGUSTINE CIVIL RIGHTS FOOT SOLDIERS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES: Jones, Freeman, Sikes-Kline, Crichlow, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**5.B.6/ Public Hearing - Ordinance 2009-15, regarding Landscape Irrigation Restrictions.**

Todd Grant, Deputy Director, Public Works, explained that Ordinance 2009-14

allowed enforcement of irrigation restrictions.

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

**MOTION**

**Commissioner Jones MOVED to place Ordinance 2009-15 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.**

Mr. Brown read the title as follows:

ORDINANCE NO. 2009-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES: Jones, Sikes-Kline, Crichlow, Freeman, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**5.C/. Resolutions**

(None)

**6.A/ General Public Comments (3 minutes per individual)**

Jamin Rubenstein referred to the following:

- Civil Rights Monument in the Plaza
- Master Destination Plan
- Requested that the Commission review his website [www.staugustgreen.com](http://www.staugustgreen.com)

B.J. Kalaidi referred to the following:

- Thanked Donna Thomas for her assistance by removing two false trespassing police reports
- Harassment by employees of St. George Street merchants
- Parking problems in the city

Merrill Roland referred to the following:

- Suggested that the city repaint lines designating handicap parking
- There should be designated handicap parking spaces on the bayfront
- As part of lawsuit the city had agreed to install a map on the wall of the Visitors Information Center indicating handicap parking in the city

Ed Slavin referred to the following:

- Referred to website [www.staugustgreen.com](http://www.staugustgreen.com)
- Slaves had been sold in the slave market in the Plaza
- The city should tell the truth during the 450<sup>th</sup> celebration including the history of the Civil Rights Movement
- A Civil Rights Museum in the city would increase tourism
- National Park, National Seashore and National Scenic Coastal Highway would benefit the city

**6.B/ Presentations (15 minutes per presentation)**

(None)

**7. Resolutions and Ordinances- No Public Hearing Required**

**7.A/ Ordinances – Second Reading**

**7.A.1/ Ordinance 2009-03, establishing a Land Use Classification of Commercial Medium-Intensity for property located at U.S. 1 south of Arapaho Avenue.**

Mr. Knight explained that Ordinance 2009-03 established the land use designation for property located at U.S.1 south of Arapaho Avenue. He pointed out that the public hearing had been held at the prior meeting; however, the city had to wait for the capital improvements element adoption. He added that Ordinance 2009-04 changed the zoning to Commercial Medium Intensity Two.

**MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2009-03 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.**

Mr. Brown read the title as follows:

**ORDINANCE NO. 2009-03**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO INCORPORATE AND DESIGNATE APPROXIMATELY 2.31 ACRES OF PROPERTY LYING BETWEEN OLD DIXIE HIGHWAY AND U.S. HIGHWAY 1 APPROXIMATELY 400 FEET SOUTH OF ARAPAHO AVENUE AS COMMERCIAL MEDIUM INTENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Crichlow, Sikes-Kline, Jones,  
Freeman, Boles

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**7.A.2/ Ordinance 2009-04, establishing a Zoning Classification of Commercial Medium-Two relative to property located at U.S. 1 south of Arapaho Avenue.**

**MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2009-04 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.**

Mr. Brown read the title as follows:

**ORDINANCE NO. 2009-04**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ESTABLISHING THE ZONING FOR PROPERTY CONTAINING APPROXIMATELY 2.31 ACRES LYING BETWEEN OLD DIXIE HIGHWAY AND U.S. HIGHWAY 1 APPROXIMATELY 400 FEET SOUTH OF ARAPAHO AVENUE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO THE CLASSIFICATION OF COMMERCIAL MEDIUM-TWO (CM-2); PROVIDING FOR MODIFICATION OF THE CITY'S ZONING ATLAS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Crichlow, Sikes-Kline, Jones,  
Freeman, Boles

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**7.B/ Ordinances – First Reading**

**7.B.1/ Introduction and consideration of Ordinance 2009-16, Modifying the Front,**

**Minimum Yard Requirements in the Commercial Medium-Two (CM-2) Zoning District.**

Mr. Knight stated that Ordinance 2009-16 modified the proposed front setback in the Commercial Medium-Two (CM-2) zoning classification on U.S.1. He explained that businesses in the CM-2 zoning classification on U.S.1 were required to locate within 0 to 30 feet; however, the Planning and Zoning Board (PZB) reviewed the matter and based on concerns, they recommended the proposed ordinance with the minimum setback of 10-feet.

Commissioner Crichlow stated that the setback requirement in CM-2 had been intended for areas such as Anastasia Boulevard and San Marco to provide the area with a pedestrian feel. He added that applying the same rule to a four lane highway had not worked well and modifying the ordinance corrected the situation.

**MOTION**

**Commissioner Crichlow MOVED to place Ordinance 2009-16 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Jones.**

Mr. Brown read the title as follows:

**ORDINANCE NO. 2009-16**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-209 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO MODIFY THE FRONT, MINIMUM YARD REQUIREMENTS IN THE COMMERCIAL MEDIUM-TWO ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Crichlow, Jones, Freeman,  
Sikes-Kline, Boles

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**7.B.2/ Introduction and consideration of Ordinance 2009-17, modifying the Criteria for Removal of a Protected/Preserved Tree.**

Mr. Knight stated that Ordinance 2009-17 modified the criteria for removal of a protected/preserved tree. He explained that currently a protected tree was larger than 20" in diameter and a preserved tree was larger than 30". He said that the ordinance evaluated trees based on the species. He added that staff had identified that once certain trees reached a specific size they were too large and beyond their lifespan; therefore, they were no longer protected, because they became a danger or hazard to the public.

**MOTION**

**Commissioner Freeman MOVED to place Ordinance 2009-17 on first reading, read by title and passed. The motion was SECONDED by Commissioner Jones.**

Mr. Brown read the title as follows:

**ORDINANCE NO. 2009-17**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTIONS 11-27, 11-28, 25-52, 25-53 AND 25-56 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO MODIFY THE DEFINITION OF PRESERVED TREE, TO BE BASED ON TREE SIZE AND SPECIES, ELIMINATE THE DEFINITION OF PROTECTED TREE, ESTABLISH A DEFINITION OF EXEMPT TREE AND ESTABLISH A DEFINITION OF INVASIVE SPECIES FOR THE PURPOSE OF IDENTIFYING TREES THAT REQUIRE A PUBLIC HEARING FOR REMOVAL, TREES THAT REQUIRE A PERMIT FOR RE-

MOVAL AND TREES THAT ARE PROHIBITED AND CAN BE REMOVED WITHOUT A PERMIT; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Freeman, Jones, Sikes-Kline,  
Crichlow, Boles

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**7.B.3/ Introduction and consideration of Ordinance 2009-18, changing the Month for Election of Planning and Zoning Board Officers.**

Mr. Knight explained that Ordinance 2009-18 changed the month in which the Planning and Zoning Board (PZB) elected officers. He stated that the modification prevented confusion with the term expiration of the PZB members.

**MOTION**

**Commissioner Jones MOVED to place Ordinance 2009-18 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.**

Mr. Brown read the title as follows:

**ORDINANCE NO. 2009-18**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-58 OF THE CODE OF THE CITY OF ST. AUGUSTINE CHANGING THE MONTH IN WHICH THE PLANNING AND ZONING BOARD ELECTS OFFICERS AND CHANGING THE COMMENCEMENT DATES OF THE TERMS FOR THESE OFFICERS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE

OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES:** Jones, Sikes-Kline, Freeman, Crichlow, Boles

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**7.C/ Resolutions**

**7.C.1/ Consideration of Resolution 2009-11, regarding Permit Fees within the Residential Parking Permit Program.**

John Regan, Chief Operations Officer, stated that Resolution 2009-11 established the fee structure for annual residential parking permit decals and service permits. He explained that a homeowner could buy a permit for \$30 a year to provide parking for service providers. He added that the resolution established the fee; however, the program details were under development.

Commissioner Crichlow questioned why the burden would be placed on homeowners.

Mr. Harriss replied that the permit could be purchased by the homeowner or service provider.

Commissioner Crichlow stated that the permit would not address parking concerns for visitors or dinner guests.

Mr. Harriss replied that the restricted time of day would be important. He added that the permits were only for areas that had requested residential parking.

Mr. Regan stated that many neighborhoods addressed the situation by lifting restrictions at night which simplified evening visitation.

**MOTION**

**Commissioner Crichlow MOVED to pass Resolution 2009-11. The motion was SECONDED by Commissioner Jones.**

**VOTE ON MOTION**

**AYES:** Crichlow, Jones, Freeman, Sikes-Kline, Boles

**NAYES:** None

**MOTION APPROVED UNANIMOUSLY**

**8. Staff Reports and Presentations**

(None)

**9. ITEMS BY CITY ATTORNEY**

**Avalon Carriage vs. City of St. Augustine**

Mr. Brown stated that the city had received a remand from the 11<sup>th</sup> Circuit Court of appeals in the case of Avalon Carriage vs. City of St. Augustine. He said there was no notice of appeal to the Supreme Court or was there a request for a re-hearing of the matter.

**Bates vs. City of St. Augustine**

Mr. Brown stated that there was a hearing on April 13, 2009 regarding Bates vs. The City of St. Augustine; however, they have not received a response from the court.

**10. ITEMS BY CITY CLERK**

**10.A/ Notification of Proclamations**

(None)

**10.B/ Consideration of one appointment to the Historic Architectural Review Board.**

Ms. Rogers explained that one appointment was requested for the Historic Architectural Review Board. She said that applications had been received from the following:

- Robert M. Hall, 42 Spanish Street, St. Augustine

- Jay Whitaker Moore, 23 Mulberry Street, St. Augustine
- Walter O'Kon, 7720 Riverdale Road, St. Johns County
- Miriam E. Pujals, 72 Sanford Street, St. Augustine
- Paul Weaver III, 5 Milton Street, St. Augustine

Paul Weaver received unanimous vote following one ballot.

## **11. ITEMS BY CITY MANAGER (Includes Consent Agenda)**

### **11.A/ Consent Agenda**

**11.A.1/ Preview of upcoming Commission meetings.**

**11.A.2/ Determination of legal sufficiency and acceptance of an application to appeal a decision made by the Historic Architectural Review Board relative to property located at 22 Avenida Menendez.**

**11.A.3/ Determination of legal sufficiency and acceptance of an application to appeal a decision made by staff and the Entry Corridor Review Committee relative to property located at 100 San Marco Avenue.**

**11.A.4/ Consideration of an Interlocal Agreement with the St. Augustine Port, Waterway and Beach District regarding Boat Lifts.**

**11.A.5/ Consideration of Interlocal Agreement with St. Johns County regarding Wastewater Interconnect and Treatment Capacity.**

**11.A.6/ Consideration of a Construction and Maintenance Agreement with the Florida Department of Transportation.**

**11.A.7/ Consideration of a License Agreement for the Lincolville Community Garden Project.**

Mr. Harriss read the consent agenda items.

Commissioner Crichlow requested pulling item 11.A.2.

Commissioner Freeman requested pulling item 11.A.3 for further discussion.

### **MOTION**

**Commissioner Crichlow MOVED to approve consent agenda items 11.A.1 and 11.A.4 through 11.A.7. The motion was SECONDED by Commissioner Jones.**

### **VOTE ON MOTION**

**AYES: Crichlow, Jones, Freeman,  
Sikes-Kline, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Commissioner Crichlow recused himself from item 11.A.2.

### **MOTION**

**Commissioner Jones MOVED to approve consent agenda item 11.A.2. The motion was SECONDED by Commissioner Sikes-Kline.**

### **VOTE ON MOTION**

**AYES: Jones, Sikes-Kline, Freeman,  
Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

Commissioner Freeman referred to item 11.A.3 and questioned whether the Commission was required to review the application considering the Entry Corridor Review Committee supported and affirmed staff's decision.

Mr. Brown replied that the applicant had the right to appeal the decision under the guidelines of the Entry Corridor Review Committee.

### **MOTION**

**Commissioner Freeman MOVED to approve consent agenda item 11.A.3. The motion was SECONDED by Commissioner Jones.**

**VOTE ON MOTION**

**AYES: Freeman, Jones, Sikes-Kline, Crichlow, Boles**

**NAYES: None**

**MOTION APPROVED UNANIMOUSLY**

**11.B/ Discussion Items**

(None)

**12. Items by Mayor and Commissioners**

Commissioner Jones – Meeting in Washington D.C.

Commissioner Jones stated that he went to Washington D.C. with Mr. Regan to meet with elected officials. He said they met with John Mica and his staff and discussed several projects including the seawall and the Riberia Street project. He said that they also met with staff from Mel Martinez and Bill Nelson's office. He stated that the following day they attended a legislative U.S. Government policy seminar and had dinner at Smithsonian Museum with officials from other cities. He concluded that they were well received.

Mr. Regan provided details of the meeting and referred to the following:

- National Guard would partner with the city to repair the seawall
- Would try to redirect FEMA money
- Working to rework stimulus money from FEMA which would allow the city to redefine additional damage
- Filed appropriation request for fiscal year 2009 federal budget for \$4.88 million
- Filed a grant application which set stage to determine how the city interfaced with the national monument
- City would receive a grant for \$250,000 as early as the summer

which would lead to the planning and design process to look at three central issues that effected the city's interface with the monument; Orange Street and the pedestrian systems into the national monument, repair the bayfront seawall and investigate why a four lane highway divided the community from the waterfront and national monument

- Filed a \$7 million appropriation request for West Augustine and explored the issue of economic development
- Economic stimulus money for Riberia street

Crawfish Festival

Commissioner Jones stated that a meeting had been scheduled to discuss crowd control during the Crawfish Festival.

Commissioner Freeman stated that several residents preferred not using permits because it would be less disruptive to them and their guests.

West Augustine Improvements

Commissioner Freeman stated that Commissioner Jones, Mr. Regan and herself attended a meeting regarding the West Augustine utility improvements with the county. She stated that they established goals and they would determine resources to fund the project. She said that she had been asked to co-chair the meetings with Commissioner Ken Bryan; however, she believed that other Commissioners would be more informed to represent the city.

Commissioner Jones volunteered to co-chair the meetings.

Commissioner Crichlow – Meeting with Officials from Spain

Commissioner Crichlow stated that many ideas had been exchanged with the Mayor

of Aviles. He said they were advancing towards cultural and economic exchanges and he was excited to be part of it.

Mayor Boles provided a summary regarding discussions with the delegation from Aviles, Spain and referred to the following:

- Spanish delegation reconfirmed their desire partner with the city
- The city would start a profit sharing relationship with Spain after the replica ship of Pedro Menendez was brought to St. Augustine for the 450<sup>th</sup> celebration
- Spain was working on a 53-page graphic novel about the life of Pedro Menendez and the discovery and establishment of St. Augustine
- Proceeding with the student exchange program
- An artisan would be sent to the University of Florida to construct a replica of the head of Pedro Menendez head resting in the coffin

Mayor Boles stated that the Division of Tourism would target the Hispanic and African American population with tour packages.

Commissioner Sikes-Kline – Metropolitan Planning Organization

Commissioner Sikes-Kline stated that she would attend the Metropolitan Planning Organization Institute in Tampa.

### 13. Adjournment

There being no further business, the meeting was adjourned at 10:33 P.M.<sup>3</sup>

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MAYOR

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CITY CLERK, CMC

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<sup>3</sup> Transcribed by Susan Goins