

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday July 27, 2009

The City Commission met in a formal session Monday, July 27, 2009 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Joe Boles, and the following were present:

1. 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 Litzinger, City Controller
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
Martha Graham, Director, Public Works
Darlene Kirkland, Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Prior to the invocation, there was a moment of silence held in honor of the passing of Florida State Senator Jim King.

Pastor Lois Turner, Pentecostal Fellowship Church, delivered the invocation, and Commissioner Jones led the Pledge of Allegiance.

3. ADMINISTRATIVE ITEMS

3.A/ Modification of Agenda

Item 8.A.2. heard before item 4.

3.B/ Approval of Minutes

Commissioner Freeman referred to the July 13, 2009 workshop meeting, page 2 bottom right paragraph, which read "Commissioner Freeman stated that the all or nothing policy would be best", and she stated that it should read, would "not" be best. She clarified that it would be best in one aspect; however, there were more details than that, and she did not think the minutes as transcribed accurately summarized her point.

MOTION

Commissioner Jones **MOVED** to approve the minutes of the regular meeting of July 13, 2009 as amended and the Budget Workshop of July 13, 2009. The motion was **SECONDED** by Commissioner Crichlow and approved by **UNANIMOUS VOICE VOTE**.

3.C.1/ Proclamations

(None)

3.C.2/ Recognitions

2009-26 Aviles Exchange Student Certificates of Recognition.

Mayor Boles and Ambassador Len Weeks presented Certificates of Recognition to the students and chaperones that participated in the Aviles Exchange Student Program.

4. General Public Hearing¹

4.A.1 Discussion regarding the Architectural Guidelines for Historic Preservation Districts.

Mark Knight, Director of Planning and Building, gave a brief history of the Architectural Guidelines in the City of St. Augustine. He stated that some form of policy or directive had been enforced and in existence since the 1920's. He noted some of the highlights as follows:

- 1927 - Commission limited the height of structures to 35 feet
- 1935 - Survey of the City's historical resources had been conducted
- 1961 thru 1984 - City and County made annual contributions to the restoration area of St. George Street
- 1962 - Albert Manucy published The Houses of St. Augustine

- 1971 - Five Historic Preservation Districts were established by Ordinance controlling architectural modifications and regulating commercial building within the zones
- 1974 - Historical Architectural Review Board (HARB) was established
- 1984 - Architectural Guidelines for Historic Preservation (AGHP) was adopted
- 1987 - Historic Preservation element of the Comprehensive Plan was adopted
- 1997 - Revision was made to the AGHP specifying that all new structures within HP-1, HP-2 and HP-3 shall conform to the Spanish Colonial Period buildings
- 2003 - Resolution 2003-01 was adopted modifying HP-1, also HP-2 and HP-3 requirements

Mr. Knight stated that for over 90 years the City had been involved with preserving the cultural resources through policy and enforcement. He stated that in December of 2002, during a review of the HP districts, it was noted that new construction was required to be Spanish Colonial. He added that, at that time, there were no Spanish Colonial period homes in the HP-1 District. He referred to a single home in the HP-1 district that was constructed in Colonial Architecture.

Mayor Boles questioned whether the aforementioned home was a new construction or an existing home and whether that was the reason a review was conducted to determine if Colonial Architecture should be required in the HP-1 district.

Mr. Knight replied that the home was a new construction built in compliance with the City's guidelines. He stated that because most homes in the HP-1 district were of the Victorian Era, HARB had recommended approval of Resolution 2003-01 to the Commission.

¹ Item 8.A.2. heard before item 4.

Mayor Boles questioned whether the AGHP guidelines should be modified by Resolution.

Mr. Knight replied that the prior City Attorney had not questioned the legal aspect, as some Ordinances could be modified by Resolution.

Mayor Boles expressed concern that the decision had been made by Resolution and not by Ordinance.

Ron Brown said that in his opinion the Comprehensive Plan required the AGHP as guidelines for the HP districts; therefore, changes could be approved by Ordinance after public review and comment. He noted that the City had Ordinances that allowed further amendment by Resolution. He stated that the legal concern was that changing the AGHP by Resolution would not amend the Comprehensive Plan.

Mayor Boles clarified that the discussion pertained to the HP districts and was not about a specific structure or property, and he advised that comments be kept general.

The caution was reiterated by Commissioner Crichlow and Ron Brown.

Public hearing opened.

Maurine Boles commented on the following:

- St. Augustine was the only city in the nation that could claim Spanish Colonial Heritage
- Tourism increased after construction of Colonial buildings for the 400th Commemoration Celebration
- City Gates to Government House should be Spanish Colonial

Brian Bowman commented that not all Spanish Colonial buildings were built to scale.

Rosalie Russo commented regarding HP-2 and HP-3 and stated that the Spanish

Colonial style drew her to St. Augustine, and she would like it preserved.

Robert Hall stated that each district had different character. He noted that HP-2 did not provide a vista compatible with Spanish Colonial style. He recommended that the style remain flexible in HP-2.

Virginia Hassenflu spoke about revolutionary war patriot Don Juan McQueen that had a Spanish Colonial home in HP-1, which she felt should be reconstructed.

Conale Bessey had remodeled her home to Spanish Colonial according to Albert Manucy's guide; she felt that HP-2 and HP-3 should remain Spanish Colonial.

Peter Rumble felt that all districts should be treated separately, and St. Augustine should be known for its' architectural diversity. He stated that additions made to buildings should match the style of the existing structure. He stated that HP-1 should not be held to Spanish Colonial standards, and size and scale of structures should be considered according to lot size, particularly in HP-2.

Commissioner Freeman questioned Mr. Rumble regarding scale and size of buildings.

Mr. Rumble replied that Spanish Colonial structures were limited to 2,500 square feet, which would not be conducive to certain lot sizes.

John Johnson spoke in favor of Spanish Colonial architecture in HP-2 and HP-3 and stated the following:

- Important to tourism
- Consistency was best for the visitors
- Important to use materials consistent with Spanish Colonial construction

Paul Weaver stated that construction should be reviewed on a case-by-case basis, and decisions based on what had been constructed on each property historically. He felt that HP-3 should remain Spanish Colonial and other districts should blend with the predominant style of adjacent structures.

Commissioner Crichlow referred to Regulating New Construction in Historic Districts guide, which stated the following:

- Footprint and foundation should be similar to the surrounding structures
- Roof should match existing in pitch, complexity and orientation
- Size and height should be compatible
- Constructed with similar materials

Mayor Boles stated that at one time there were approximately 300 Colonial homes, but now there were only 36. He stated that some Spanish Colonial structures could exist under the structures constructed by Henry Flagler.

Ed Slavin commented on the following:

- St. Augustine was a national treasure
- City should be historically preserved as Spanish Colonial
- Recommended the National Park Service do a study on historical areas
- Concerns regarding conflict of interest involving Commissioners

Kimmarie Bosa supported consistency of architecture and Spanish Colonial styles in all HP Districts.

David Nolan commented on the following:

- City's ethical responsibility to history
- Does not want artificial historical construction
- True historical buildings were monuments

Les Thomas stated that HP-2 and HP-3 should be Spanish Colonial Architecture. Martin Gould stated that the guidelines covered the entire city, and he was in favor of Spanish Colonial.²

Public hearing closed.

Mayor Boles questioned the hardship in HP-1 if there were few requests to deviate from the AGHP guidelines in HP districts.

Commissioner Crichlow replied that when remodeling or adding an addition, construction should continue in the existing style of the structure. He stated that the guidelines applied to new construction on vacant lots. He explained that in 2002, the owners of a ranch style house on the Bayfront, submitted a request to demolish the structure, and they were advised that the home should be rebuilt in Spanish Colonial style; however, the surrounding structures were not Spanish Colonial. He said that situation began the process of establishing Resolution 2003-01; moreover, he felt that construction of new structures should be consistent with the surrounding architectural styles.

Commissioner Jones stated that Resolution 2003-01 originally addressed HP-1 only, but somehow HP-2 and HP-3 had been included. He stated that he would support flexible styles for HP-1.

Commissioner Sikes-Kline suggested removing language in the construction chapter of the AGHP referring to Spanish Colonial in HP-1.

Mayor Boles clarified that the process to modify the AGHP guidelines had to be by Ordinance, which would modify the Comprehensive Plan and require the Ordinance to go to the DCA.

Commissioner Crichlow stated that in HP-1 the guidelines should allow new construction to be consistent with surrounding structures and HARB would

² Brief recess from 7:02 to 7:16.

make the determination whether the architectural requirements were met.

Commissioner Sikes-Kline suggested that the Commission look at the character of each district. She stated that the community had decided to have HP-1 Spanish Colonial, and according to public comment HP-1, HP-2 and HP-3 should remain colonial.³ She stated that the City Code was conflicting with regard to the character of the HP districts.

Commissioner Crichlow recommended that HARB review each application on a case-by-case basis, as there were multiple architectural styles in each district.

Commissioner Freeman stated that the style criteria for new construction should be clear about what could be built in each area.

Commissioner Sikes-Kline stated that what was real about the City was the town plan.

After a discussion, it was determined that Ron Brown would draft an Ordinance for the Commission to review.

5. Ordinances and Resolutions - Public Hearing Required

5.A/ Ordinances – First Reading

(None)

5.B/ Ordinances - Second Reading

(None)

5.C/ Resolutions

(None)

6. General Public Comments and Presentations

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

³ Statement amended during August 10, 2009 Commission Meeting.

Helen Toby expressed concerned about Arthur King's job and wanted to commend the following for assisting her:

- Carlos Mendoza
- Curtis Boles
- Code enforcement
- City Police

B.J. Kalaidi commented on the following:⁴

- Concerned with violation of Sunshine laws
- Did not want City taxes raised
- Hiring Dana Ste Claire
- Public records requests
- Did not want Resolution 2009-21 passed
- Cut City residents employee incentives

Robert Hall commented on the following:

- Honor accurate history
- Preservation - the real thing
- Restoration - authentic and on original foundations
- Reconstruction - historic and archeological accuracy
- Replication - imitation
- Concern with regard to HARB and Planning and Zoning Board making a decision based on opinion and not on the Code.

6.B/ Presentations (15 minutes per presentation)

(None)

7. Resolutions and Ordinances- No Public Hearing Required

7.A/ Ordinances – First Reading

(None)

7.B/ Resolutions

⁴ Attached to original minutes.

7.B.1/ Consideration of Resolution 2009-20, Establishing Intent to Vacate an Unnamed Alley in Block 5, Hildreth Back Bay Subdivision.

Mr. Knight stated that the property in question did not have access without entering private property, and he recommended the property be vacated.

MOTION

Commissioner Freeman MOVED to pass Resolution 2009-20. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.

7.B.2/ Consideration of Resolution 2009-21 Establishing Intent to Vacate Portions of the Santa Rosa Subdivision as recorded in Map Book 3, pages 148 and 149.

Mr. Knight stated that the intent was to vacate the right-of-ways, the lots and blocks located in the described area. He stated that the property would be considered real property and would still belong to the City.

MOTION

Commissioner Jones MOVED to pass Resolution 2009-21. The motion was SECONDED by Commissioner Sikes-Kline and approved by UNANIMOUS VOICE VOTE.

8. Staff Reports and Presentations

8.A/ Discussion regarding flooding on the east side of the Bridge of Lions and on King Street at the San Sebastian Bridge.

John Regan, Chief Operations Officer, stated that flooding on the east side of the Bridge of Lions was caused by pollution prevention devices, but the construction had been correct. He said the City had requested that the devices be removed

during storms for public safety. He stated that the Department of Transportation (DOT) conducted a study of the flooding at the San Sebastian Bridge and determined that reconstruction would be necessary. He noted that the project would be open for bids in May 2010. He stated that the construction would be completed before the 450th celebration. He concluded that a request would be made to the DOT to complete all construction projects prior to the 450th celebration.

Commissioner Freeman referred to the Bridge of Lions flooding and questioned whether the blocks could be removed prior to completion of construction to be sure flooding would not occur.

Mr. Regan replied that due to land elevation there would still be the possibility of flooding during a strong storm or hurricane.

8.A.2/ Presentation by Dr. William Adams regarding the St. Augustine Foundation.⁵

Hal Holton, Colonial St. Augustine Foundation, stated that the Foundation was involved in the Plaza monument restoration project. He said that the monuments that required restoration were as follows:

- The Constitution Monument
- Anderson Circle World War I Commemorative Memorial
- The Confederate Monument
- Rafello Romanelli Bird Bath

Mr. Holton stated that the project would be costly. He noted that some of the problems with the deterioration of the monuments were moisture and vandalism. He stated that the Foundation was working to develop landscaping and security, and that one of the goals would be to draw public attention to the monuments to secure funding for restoration.

⁵ Item heard before item 4.

Non Agenda Item

The Mayor and Commissioners honored Dr. William Adams, Director Heritage Tourism, for his years of service to the City and presented him with a pair of bronze replica statues of the lions on the Bridge of Lions.

9. ITEMS BY CITY ATTORNEY

(None)

10. ITEMS BY CITY CLERK

10.A/ Notification of Proclamations.

2009-24 Certificate of Recognition for Eldoris Williams-Odom's 50th Birthday

2009-25 Certificate of Recognition for Patricia L. Exner's 80th Birthday

2009-27 Festival of the Chariots

2009-28 Carefest "A Day of Caring"

10.B/ Discussion concerning Certificate of Recognition for Birthdays, Anniversaries, etc.

Karen Rogers, City Clerk, requested that Recognitions be limited to citizens of the community and asked the Commission for direction on presentation.

Commissioner Freeman stated that she felt that Recognitions should not be placed on the agenda and suggested that they be posted on the City's website or mailed unless the Recognition was sponsored by a Commissioner.

William Harris, City Manager, stated that a decision would be made during a staff meeting.

Ms. Rogers stated that all record retention was governed by state, but the City Attorney had recommended that all audio and video recordings of City Commission and Board meetings be retained. She

stated that currently there was a library of CD's and DVD's in development.

11. ITEMS BY CITY MANAGER (Includes Consent Agenda)

11.A/ Consent Agenda

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

11.A.2/ City Commission consideration of Budget Workshops on August 20th and August 21st, 2009.

11.A.3/ Proposal from Landmark Engineering for SR-A1A Safety Improvements, Phase I.

Motion

Commissioner Crichlow MOVED to approve the consent agenda. The motion was SECONDED by Commissioner Sikes-Kline and approved by UNANIMOUS VOICE VOTE.

11.B/ Discussion Items.

(None)

12. Items by Mayor and Commissioners

Mayor Boles recognized Dana Ste. Claire for his new position as Director of Historic Preservation and Tourism.

Mayor Boles noted that the flags would be lowered to half staff in recognition of the death of Senator Jim King.

Commissioner Sikes-Kline stated that she had represented the City at the University of Florida Advisory Board to the Department of Building Construction Planning and Historic Preservation held in Massachusetts. She stated that she would like to encourage them to use St. Augustine as a teaching classroom for students in the program.

**12.A/ Discussion regarding 180 St.
George Street.**

Commissioner Crichlow recused himself due to conflict of interest.

Commissioner Freeman stated that she wanted to have her concerns related to style, mass and scale known prior to mediation and have the issue put on the agenda for discussion.

Mayor Boles stated that the informal mediation had been canceled; however, if mediation was rescheduled, it would be held after a formal discussion took place.

13. Adjournment

There being no further business, the meeting was adjourned at 8:38 P.M.⁶

MAYOR

CITY CLERK, CMC

⁶ Transcribed by Darlene Kirkland