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CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, JANUARY 25, 2016 - 5:00 PM
ALCAZAR ROOM

-
1. **Call to Order.**
Roll Call.
Invocation and Pledge of Allegiance.
 2. **Administrative Items.**
Regular Agenda – modification(s); motion to approve.
 3. **Special Presentations, Proclamations / Recognitions.**
 - 3.A. **Proclamation – 2016-04 – 150th Anniversary of the Sisters of St. Joseph**
Receiving: Sister Jane Stoecker, SSI, General Superior of the Sisters of St. Joseph and Jeanette Ghioto, Mission Advancement Director.
 - 3.B. **Certificates of Appreciation**
2016-01CA – Jessica Clark, *Commissioner Sikes-Kline*
2016.02CA – St. Augustine Yacht Club, *Mayor Shaver*
 4. **Public Comments for General Public Comments or Agenda Items not requiring a Separate Public Hearing.** (3 minutes per individual).
 - ★5. **Consent Agenda** – modification(s); motion to approve. (**NOTE:** Items proposed by the City Manager for consideration by the City Commission are included on the "Consent Agenda.").
 6. **Appeals.**
None.

7. **General Public Presentations.** – (Presentations (maximum of 10 minutes per presentation). All presentations using video or power-point must be submitted to the City Clerk's Office not less than 5 days prior to the Commission Meeting at which they will be presented. A Presentation Support Services Request (available on the City's website) MUST accompany all presentations. The Form is available at:
http://www.staugustinegovernment.com/your_government/CC2014.cfm.
8. **Ordinances and Resolutions - Public Hearing Required.**
 - A. **Ordinances - First Reading.**
 - B. **Ordinances - Second Reading.**
 - 8.B.1. **Ordinance 2015-33:** Large scale comprehensive plan amendment for the Madeira Community at 4000 US 1 North to assign residential medium density mixed use, recreation/open space, open land and commercial medium intensity future land use designations to the property. *D. Birchim, Director, Planning and Building.*
 - 8.B.2. **Ordinance 2015-34:** Madeira Planned Unit Development minor modifications amending dates in the phasing schedule. *D. Birchim, Director, Planning and Building.*
 - 8.B.3. **Ordinance 2016-01:** Revisions to sewer use ordinance to correct a scrivener's error and provide public notification of industrial pre-treatment permits. *M. Graham, Director, Public Works.*
 - 8.B.4. **Ordinance 2016-02:** Revisions to the zoning code to provide for mini self-storage and climate controlled storage in certain zoning districts. *D. Birchim, Director, Planning and Building.*
9. **Ordinances and Resolutions - No Public Hearing Required.**
 - A. **Ordinances – First Reading.**
 - 9.A.1. **Ordinance 2015-45:** San Marco Hotel Planned Unit Development (PUD) Amendment. *D. Birchim, Director, Planning and Building.*
 - 9.A.2. **Ordinance 2016-04:** Small scale comprehensive plan amendment to amend future land use designation for 520 South Ponce de Leon Boulevard from Residential Low Density to Commercial Medium Intensity. *D. Birchim, Director, Planning and Building.*
 - 9.A.3. **Ordinance 2016-05:** Rezoning to amend the zoning designation for 520 South Ponce de Leon Boulevard from Residential Single Family-two (RS-2) to Commercial Medium-two (CM-2). *D. Birchim, Director, Planning and Building.*

9.A.4. Ordinance 2016-06: Revisions to Chapter 28 “Zoning” of the Code of the City of St. Augustine to update definitions (dormitory, college/university, rooming-house, etc.) and inclusion of permissible uses by exception. *D. Birchim, Director, Planning and Building.*

9.A.5. Ordinance 2016-07: Revisions to Chapter 28, Zoning, “Planned Unit Development (PUD)” (including additional submittal requirements, public hearings, etc.) of the Code of the City of St. Augustine. *D. Birchim, Director, Planning and Building.*

B. Resolutions (None)

10. Staff Reports and Presentations.

10.A. Discussion of taxicab regulations as proposed by a local business. *D. May, Assistant City Attorney.*

10.B. Quarterly financial report. *M. Litzinger, Director, Finance, Budget and Management.*

10.C. Status report on initiatives to improve mobility, including summary of holiday traffic and parking. *M. Graham, Director, Public Works.*

11. Items by City Attorney (See Consent Agenda also).

11.A. Sunshine, Public Records and Ethics Minute. No Presentation. Information provided by the City Attorney’s office as an on-going series to keep the Commission abreast of relevant developments.

12. Items by City Clerk. (See Consent Agenda also).

12.A. Request for one (1) appointment to the Code Enforcement Adjustment and Appeals Board

13. Items by City Manager.

13.A. Discussion and authorization to execute the Purchase Agreement with the Florida Department of Transportation for the property at May Street and San Marco Avenue relating to the Alternate 5 intersection construction. *J. Regan, City Manager.*

14. Items by Mayor and Commissioners.

15. Adjourn.

NOTICES: In accordance with Florida Statute 286.0105: “If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk’s office, to be

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placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission.

CONSENT AGENDA – JANUARY 25, 2016

1. **Preview of upcoming Commission meetings.**
 - a) **The following ordinances are tentatively scheduled for 2nd reading on February 8, 2016:**
 - **Ordinance 2015-45:** San Marco Hotel Planned Unit Development (PUD) Amendment. *D. Birchim, Director, Planning and Building.*
 - **Ordinance 2016-06:** Revisions to Chapter 28 “Zoning” of the Code of the City of St. Augustine to update definitions and inclusion of permissible uses by exception. *D. Birchim, Director, Planning and Building.*
 - **Ordinance 2016-07:** Revisions to Chapter 28, Zoning, “Planned Unit Development (PUD)” of the Code of the City of St. Augustine. *D. Birchim, Director, Planning and Building.*
 - b) **Reminder of upcoming meetings:**
 - February 8, 2016 – City Commission meeting at 5 p.m.
2. **Approval of Minutes from prior commission meetings:**
 - October 12, 2015 - City Commission meeting.
3. **Release of Lien for Unit Connection Fee Mortgage(s):** None.
4. **Proposed Proclamations, Certificates of Appreciation/Recognition.** (Commission approval required). (To be read at a subsequent meeting.)

CA.4. Proclamation – 2016-05 – Proclaiming February 2016 as Criminal Justice and Prison Reform Awareness Month. *Sponsored by Commissioner R. Horvath.*

Notification of Proclamations/Certificates of Recognition issued: *None.*
5. Authorization to negotiate and execute a contract based on the consultant ranking for transportation and parking master plan based upon submittals and oral presentations. *M. Graham, Director, Public Works.*
6. Consideration of ***Resolution 2016-03*** to authorize FDOT to incorporate City owned utilities requiring relocation into the utility work within their overall designs. *M. Graham, Director, Public Works.*
7. Subordination agreement utility connection fee mortgage relating to property at 475 Avilla Avenue. *I. Lopez, City Attorney.*

8. Approval of invoices for legal costs:
 - A. Invoice dated January 6, 2016 from the Gunster Law Firm for services regarding Whetstone v. City of St. Augustine in the amount of \$2,639.30.
I. Lopez, City Attorney.

End of Consent Agenda

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 25, 2016

The City Commission met in formal session Monday, January 25, 2016 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Shaver, and the following were present:

1. Roll Call:

Nancy Shaver, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Leanna S. A. Freeman, City Commissioner
Nancy Sikes-Kline, City Commissioner
Todd Neville, City Commissioner

John Regan, City Manager
Timothy A. Burchfield, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Jim Piggott, General Services Director
Mark Litzinger, Comptroller
Paul K. Williamson, Director, Public Affairs
Denise May, Assistant City Attorney
Loran Lueders, Police Chief
James Costeira, Fire Chief
Martha Graham, Director, Public Works
Laurie Atkinson, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Ken Becker, Reverb Church, delivered the invocation, and Commissioner Horvath led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A/ Modification of Agenda

MOTION

Mayor Shaver MOVED to include the Arbor Day Presentation on the Agenda before the other proclamations. Motion was SECONDED by Commissioner

Neville and APPROVED BY UNANIMOUS VOICE VOTE.

Mayor Shaver reviewed an Arbor Day presentation and Chuck Lippi presented the Tree City USA flag.

3./ Special Presentations, Proclamations, Recognitions:

3.A/ Proclamations

Mayor Shaver presented the following proclamation:

- 2016-04 150th Anniversary of the Sisters of St. Joseph

3.B/ Certificates of Appreciation

Commissioner Sikes-Kline presented the following Certificate of Appreciation:

2016-01CA Jessica Clark

Mayor Shaver presented the following Certificate of Appreciation:

- 2016-02CR St. Augustine Yacht Club¹

4. General Public Comments (3 minutes per individual)

The Commission heard public comments from the following:

- Ed Slavin
- Blake Souder²
- John Versaggi
- Janice Williams
- Steve Brennan
- B.J. Kalaidi
- Joseph Rubino
- Kirk Dougal
- Ronald Mickler
- Sandra Flowers

5. Consent Agenda

5.A/ Additions, deletions or modifications to Consent Agenda.

Mr. Regan read the Consent Agenda.

5.B/ Approval of Consent Agenda.

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE

¹ Photographs attached to original minutes

² Statement attached to original minutes.

Commissioner Sikes-Kline requested the back-up ranking for the bids related to Consent Agenda item 5, and noted that the item 6 was appropriated from Utility Reserves.

6. Appeals.

(None)

7. General Public Presentations (10 minutes per presentation)

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A/ Ordinances – First Reading

(None)

8.B/ Ordinances - Second Reading

8.B.1/ Public Hearing – Ordinance 2015-33: Large scale comprehensive plan amendment for the Madeira Community at 4000 US 1 North to assign residential medium density mixed use, recreation/open space, open land and commercial medium intensity future land use designations to the property.

David Birchim, Director, Planning and Building Department, presented Ordinance 2015-33.

Public hearing was opened.

Ed Slavin felt that Planning and Building's presentation was one sided. He stated that he would have liked to see both the pros and cons of the item and felt that the wetlands should be given to the city as park lands.

B.J. Kalaidi spoke in opposition to Ordinance 2015-33 stating that the City did not charge impact fees to the developer.

Ellen Avery-Smith spoke on behalf of Ponce Associates regarding the Comprehensive Plan adjustment and

future land use designation stating that the proposed ordinance is being presented in order to comply with a 2001 annexation agreement provided in the agenda packet. She also explained that state law required that all properties in a local government jurisdiction have a future land use designation.

Commissioner Freeman provided a history of the PUD on the property. She felt that the property should still be a golf course.

Mayor Shaver verified that there were 74 homes built as of the meeting and construction had been on-going.

Mr. Birchim stated that a settlement agreement was established with the Special Master in February of 2004, the agreements, which constituted the current PUD agreements.

Mayor Shaver clarified that Ordinance 2015-33 was a housekeeping issue.

Commissioner Sikes-Kline felt that the property should have been used in a better manner.

Mr. Birchim explained that the pre-annexation agreement in 2001 required the City to amend the Comprehensive Plan and the decision to delay the change and keep it on the St. Johns County Future Land Use Map was made by a previous administration.

MOTION

Commissioner Horvath MOVED to place Ordinance 2015-33 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Neville.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2015-33

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE

COMPREHENSIVE PLAN, FUTURE LAND USE MAP TO REASSIGN A PARCEL(S) OF LAND CONTAINING APPROXIMATELY 1,069 ACRES IN TOTAL BOUNDED ON THE WEST BY U.S. HIGHWAY 1, ON THE SOUTH BY POINCIANA AVENUE, ON THE NORTH BY THE NORTHERN CITY LIMITS OF THE CITY OF ST. AUGUSTINE, AND BOUNDED ON THE EAST BY THE WESTERN BOUNDARY OF THE TOLOMATO RIVER IN THE CITY OF ST. AUGUSTINE EXCLUDING APPROXIMATELY 4.5 ACRES OF THE PROPERTY AT THE TENNIS VILLAGE AT THE PONCE CONDOMINIUMS AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM ST. JOHNS COUNTY TO CITY OF ST. AUGUSTINE OPEN LAND, RECREATION AND OPEN SPACE, COMMERCIAL MEDIUM INTENSITY, AND RESIDENTIAL MEDIUM DENSITY/MIXED USE; 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: Horvath, Neville, Shaver

NAYES: Sikes-Kline, Freeman

MOTION APPROVED 3/2

8.B.2/ Public Hearing – Ordinance 2015-34: Madeira Planned Unit Development minor modifications amending dates in the phasing schedule.

David Birchim presented Ordinance 2015-34.

Public hearing was opened.

Ed Slavin felt that there was no data to prove that the developer was really a victim of the recession, and asked that the Commission reject the application.

B.J. Kalaidi spoke in opposition to Ordinance 2015-34. She felt that the developer, even if affected by the recession, would be given too much time to complete the project. She believed that PUDs were never completed as originally presented.

Ellen Avery-Smith, on behalf of the applicant, reviewed the plans for the project. She clarified that the only amendment to the PUD, should the ordinance be passed, was to extend the completion dates.

Mayor Shaver asked which phases had been commenced

Mark Knight reviewed phasing status with Phases 1, 2, and 3 having been commenced but not completed.

Commissioner Horvath asked why it had taken so long to recommence the project after the recession.

Ellen explained that 5 year phases were a standard timeframe for PUD extensions.

Mayor Shaver clarified that the three phases had been commenced; therefore, the timeframes for each phase presented in the proposed ordinance were actually longer than the proposed PUD amendment described.

Ms. Avery-Smith answered affirmatively.

Ms. Lopez clarified the current definition to clarify the use.

Ms. Avery-Smith reviewed Exhibit "B" with the Commission.

Mayor Shaver felt that the needs of the community had changed since the time of the commencement of the project and more discussion was needed.

Ms. Avery-Smith stated that low-income housing was only required for developments of regional impact which the Madeira project was not.

Ms. Lopez directed the Commissions attention to the PUD Ordinance criteria provided in the agenda packet.

Mayor Shaver stated that her concerns dealt more with neighborhood patterns.

Ms. Avery-Smith stated that they were not asking to change the neighborhood pattern.

Commissioner Sikes-Kline was concerned that it had taken so long to get started.

Commissioner Horvath asked to see the plans for the phasing, recommending 2018 as a completion year for Phase 1 depending on the percentage already completed and keeping Phases 2 and 3 as proposed.

Ms. Avery-Smith answered that the PUD was approved for 749 units and only 74 were currently completed. She added that they were asking for the extension to provide the developer a reasonable amount of time to complete all phases.

Commissioner Freeman stated she was in favor of flexibility; however, she was concerned the decision could set precedence for current and future projects to apply for similar extensions with negative impacts to the community.

Ms. Avery-Smith responded that the PUD was approved in 2001, but, due to litigation, was not commenced until 2005. She stated the developer rights had been established and impacts had already been analyzed.

Ms. Freeman stated that within the initial approval of the PUD one of the primary considerations was a timeframe for completion.

Ms. Avery-Smith responded that PUD was the only zoning category that required a time-frame for completion; however, due to litigation and market conditions the developer was not able to meet the time constraints.

Mayor Shaver asked how many homes were planned for development in Phase 1.

Mr. Knight responded that there were 200 homes planned for the phase.

Mayor Shaver believed that the lack of progress in Phase 1 reflected the developer's inability to complete a project within a specified timeframe.

Ms. Lopez clarified that Phase 3 was still live until 2018 and the other phases were necessary to reach Phase 3.

Ms. Avery-Smith stated that after the PUD was approved, there were several local and state permits which took time to obtain.

Commissioner Sikes-Kline said during the recession they had extended a lot of projects and felt that this long, thought-out PUD should have maintained the agreement made in the PUD.

Commissioner Neville asked Ms. Lopez if the City was in default of the annexation and settlement agreements.

Ms. Lopez answered that the City was not in default of the annexation agreement. She was concerned that all the conditions of the settlement agreement, and the repercussions of project shutting down, were not fully reviewed by the Commission. She continued that if a PUD or phase of a PUD expired, the developer would be unable to obtain building permits. She cautioned that if the City considered denying the extension, it would be wise to review the conditions set-forth by the settlement agreement to see which could be met without the extension and who would be impacted by those conditions.

Mr. Birchim stated that there would be consequences if the Commission chose to deny the extension. He said the rezoning would have to take place for them to enjoy their entitlements under the recently approved Comprehensive Plan changes. He added that although Phase 3 was

active, phase one needed to be completed first. If the PUD expired, the owner and developer could rezone the property back to zoning districts consistent with the Comprehensive Plan and the conditions of the PUD and settlement agreement would become null with the potential to lose the ten acre public park which was a provision of the PUD.

Commissioner Freeman questioned the consequences if a developer did not hold up their end of a timeline.

Mr. Birchim stated that the State of Florida had given extensions due to the recession.

Mayor Shaver asked if the timeframe for the extension was reasonable.

Mr. Birchim stated that the applicant decided the timeline was reasonable and they were currently in the process of remediating the arsenic contamination from the old golf course. He felt that the developer was asking for less than they could in asking for the 5 year extension.

Commissioner Horvath stated that they were only asking for seven years and felt the extension was not unrealistic.

Mr. Regan clarified that they were asking for completion dates and that they need to know the definition of completion. He asked about the status of the infrastructure in each phase.

Mr. Knight replied that full completion would be to have all the roads and utilities available with lots ready to build. He added that Phase 1 was substantially complete with only small areas still needing to be developed and Phases 2 and 3 were incomplete. He explained that an extension was still necessary for Phase 3 because Phase 1 still needed to be complete.

There was further discussion regarding the phasing extensions.

The Commission provided their ex parte communication.

MOTION

Commissioner Neville MOVED to place Ordinance 2015-34 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2015-34

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, MODIFYING ORDINANCE 2001-12, THE PONCE DE LEON RESORT AND CONVENTION CENTER PUD, CREATING THE MADEIRA PLANNED UNIT DEVELOPMENT (PUD), PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Shaver proposed amending the motion to reflect the original commencement dates.

Ms. Avery-Smith recommended amending the ordinance to read only the completion dates, with no reference to commencement dates.

VOTE ON MOTION

AYES: Neville, Horvath

NAYES: Sikes-Kline, Freeman, Shaver

MOTION FAILED 2/3³

8.B.3/ Public Hearing – Ordinance 2016-01: Revisions to sewer use ordinance to correct a scrivener's error and provide public notification of industrial pre-treatment permits.

Martha Graham, Director, Public Works presented Ordinance 2016-01.

Public hearing was opened.

³ Brief Recess from 7:10p.m. to 7:22p.m.

B.J. Kalaidi spoke in opposition to Ordinance 2016-01 stating that it would take transparency from the public. She said the public should be notified of any discharge into waterways.

Public Hearing was closed.

Commissioner Sikes-Kline asked why the wording was being changed.

Ms. Graham answered that they were discharges into the city sanitary sewer system that were not normal residential waste-water. She stated that it gave the City Manager discretion to decide whether the discharges needed to be noticed or not.

Commissioner Sikes-Kline asked how many applications for such discharges were received per year.

Ms. Graham stated about 12. She added that the change derived from comparing City ordinances to state requirements and staff found that the City's noticing requirement was more than what was required.

Commissioner Freeman felt the commission should go with staff recommendation.

Mr. Regan clarified that any major industrial discharges would be noticed.

MOTION

Commissioner Freeman MOVED to place Ordinance 2016-01 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 26, ARTICLE IV, SECTION 26-91 OF THE CODE OF THE CITY OF ST.

AUGUSTINE RELATING TO WASTEWATER DISCHARGE PERMIT APPEALS; AMENDING CHAPTER 26, ARTICLE IV, SECTION 26-109 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO WASTEWATER PRETREATMENT UPSETS, AFFIRMATIVE DEFENSE AND BYPASS; 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 FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Horvath, Neville, Shaver

NAYES: Sikes-Kline

MOTION PASSED 4/1

8.B.4/ Public Hearing – Ordinance 2016-02: Revisions to the zoning code to provide for mini self-storage and climate controlled storage in certain zoning districts.

David Birchim presented Ordinance 2016-02.

Public hearing was opened

B.J. Kalaidi spoke in opposition of Ordinance 2016-02 stating that dumping mini-self storage in Industrial Warehouse was discrimination. She noted that none of the Planning and Zoning Board members lived in those neighborhoods. She felt that a mini self-storage should be a use-by-exception.

Ed Slavin spoke in opposition of Ordinance 2016-02 citing that mini-storage warehouses were ugly and should be built in the county.

Mr. Birchim clarified that mini-warehouses were already defined in the code and that the definition being added was for mini self-storage and climate-controlled storage.

There was a discussion regarding the maximum heights of structures.

MOTION

Commissioner Horvath MOVED to place Ordinance 2016-02 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE A DEFINITION FOR "SELF-STORAGE FACILITY"; AMENDING CODE SECTION 28-208 TO ALLOW FOR SELF-STORAGE FACILITY AS A PERMITTED USE BY EXCEPTION IN COMMERCIAL MEDIUM ONE (CM-1) ZONING CATEGORY; AMENDING CODE SECTION 28-209 TO ALLOW FOR SELF-STORAGE FACILITY AS A PERMITTED USE BY EXCEPTION IN COMMERCIAL MEDIUM TWO (CM-2) ZONING CATEGORY; AMENDING CODE SECTION 28-226 TO ALLOW FOR MINIWAREHOUSES AND SELF-STORAGE FACILITY AS A PERMITTED USE IN INDUSTRIAL AND WAREHOUSING (IW) ZONING CATEGORY; AMENDING SECTION 28-373(C) TO PROVIDE FOR REQUIRED OFF-STREET PARKING FOR SELF-STORAGE FACILITY; AMENDING SECTION 28-375(2) TO PROVIDE FOR REQUIRED OFF-STREET LOADING FOR MINI-WAREHOUSES AND SELF-STORAGE FACILITIES PROVIDING FOR INCLUSION IN CHAPTER 28, ZONING, OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Freeman, Neville,
Shaver

NAYES: Sikes-Kline

MOTION APPROVED 4/1

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

9.A/ Ordinances – First Reading

**9.A.1/ Ordinance 2015-45: San Marco
Hotel Planned Unit Development (PUD)
Amendment.**

David Birchim presented Ordinance 2015-45.

MOTION

**Commissioner Freeman MOVED to
place Ordinance 2015-45 on first
reading, read by title only and passed.
The motion was SECONDED by
Commissioner Sikes-Kline.**

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2015-45

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ORDINANCE 2006-16 ESTABLISHING THE SAN MARCO HOTEL PLANNED UNIT DEVELOPMENT (PUD), PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Sikes-Kline, Neville,
Horvath, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

**9.A.2/ Ordinance 2016-04: Small scale
comprehensive plan amendment to
amend future land use designation for**

**520 South Ponce de Leon Boulevard
from Residential Low Density to
Commercial Medium Intensity.**

David Birchim presented Ordinance 2016-04.

There was a discussion regarding the Planning and Zoning Board's decision.

**Commissioner Sikes-Kline MOVED to
DENY Ordinance 2016-04. The motion
was SECONDED by Commissioner
Neville.**

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP TO RECLASSIFY A PARCEL OF LAND CONTAINING APPROXIMATELY 0.14 ACRES LOCATED NEAR THE INTERSECTION OF RIVER ROAD AND SOUTH PONCE DE LEON BOULEVARD INCORPORATING LOT 12 BLK A IN THE CITY OF ST. AUGUSTINE AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL MEDIUM INTENSITY; 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: Sikes-Kline, Neville, Horvath
Freeman, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

**9.A.3/ Ordinance 2016-05: Rezoning to
amend the zoning designation for 520
South Ponce de Leon Boulevard from**

Residential Single Family-two (RS-2) to Commercial Medium-two (CM-2).

The Ordinance was not considered due to denial of Ordinance 2016-04.

9.A.4/ Ordinance 2016-06: Revisions to Chapter 28 "Zoning" of the Code of the City of St. Augustine to update definitions (dormitory, college/university, rooming-house, etc.) and inclusion of permissible uses by exception.

David Birchim presented Ordinance 2016-06.

Commissioner Neville asked for clarification of the rational of using only CL-2 and not CL-1.

Mr. Birchim answered that it was regarding dormitories in RG and in Commercial Low-One (CL-1) and Commercial Low-Two (CL-2). He stated it was determined (Residential General) RG was not acceptable and that CL-2 would be by exception.

Commissioner Neville asked what the differences were in those zones.

Mr. Birchim answered that it was the level of intensity.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2016-06 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2016-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 28-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE A DEFINITION FOR "COLLEGE OR UNIVERSITY"; TO AMEND DORMITORY

DEFINITION; TO AMEND DWELLING DEFINITION; TO PROVIDE A DEFINITION FOR "HOSTEL"; TO AMEND ROOMINGHOUSE DEFINITION; AMENDING SECTION 28-207(3) ADDING DORMITORY AS A PERMITTED USE BY EXCEPTION; AMENDING SECTION 28-184(3) ADDING HOSTEL AS A PERMITTED USE BY EXCEPTION; AMENDING SECTION 28-185(3) ADDING HOSTEL AS A PERMITTED USE BY EXCEPTION; AMENDING SECTION 28-373(c) TO PROVIDE FOR REQUIRED OFF-STREET PARKING FOR COLLEGE DORMITORY AND HOSTELS; AMENDING SECTION 28-373(c) TO REVISE PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN CHAPTER 28, ZONING, OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Sikes-Kline, Horvath, Neville
Freeman, Shaver**

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.5/ Ordinance 2016-07: Revisions to Chapter 28, Zoning, "Planned Unit Development (PUD)" (including additional submittal requirements, public hearings, etc.) of the Code of the City of St. Augustine.

David Birchim presented Ordinance 2016-07.

Commissioner Sikes-Kline suggested changing the language on page 6, item 10, to include "transportation networks or circulation patterns" to be more consistent with language on page 14 of the ordinance which referenced the same.

It was the consensus of the Commission that the Ordinance was extremely well written.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2016-07 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING DIVISION 8 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO REVISE PLANNED UNIT DEVELOPMENT: PUD; AMENDING CODE SECTION 28-286 TO PROVIDE A PURPOSE; AMENDING SECTION 28-288 ADDING POTENTIAL COMMUNITY BENEFITS; AMENDING SECTION 28-289 ADDING THE POSSIBILITY OF TWO – ONE YEAR EXTENSIONS TO PUDs; EXPANDING MATERIALS TO ACCOMPANY APPLICATIONS; CREATING A NOTIFICATION COMMUNITY; RECOGNIZING THAT THE PLANNING AND ZONING BOARD (PZB) REVIEW MAY REQUIRE MORE THAN ONE (1) MEETING; AND, INCREASING REVIEW TIMEFRAMES; AMENDING SECTION 28-291 CLARIFYING AND ADDING REQUIREMENTS FOR MIXED USE SUBDIVISIONS; ADDING SECTION 28-292 ESTABLISHING STANDARDS AND CRITERIA FOR REDEVELOPMENT AND INFILL PUD DEVELOPMENTS; PROVIDING FOR INCLUSION IN CHAPTER 28, ZONING, OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Freeman, Neville, Horvath, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B/ Resolutions

(None)

10. Staff Reports and Presentations

10.A/ Discussion of taxicab regulations as proposed by a local business.

Denise May, Assistant City Attorney, reviewed the proposed taxicab regulation changes.⁴

Commissioner Horvath asked about looking at similar cities' regulations.

Ms. May reviewed her findings from other cities ranging from complete de-regulation to heavy regulation based on the needs of the municipalities. She said a more comprehensive right-of-way use ordinance, which would include forms of transportation other than taxis would be beneficial to the City.

Commissioner Freeman stated she would like to do something about the lack of consistency in different types of transportation standards.

James Whitehouse advised that the desire was to define regulations pending whatever would happen in the future with a more comprehensive ordinance.

James Howard stated that the deregulation of the pricing was not to eliminate the pricing, but to place a standard and acknowledgement of a pricing scale and to set a minimum fare for all taxis. He said he was simply asking for consistency and standards to improve the City and stop the degradation of the industry in the area.

Commissioner Freeman asked for temporary solutions.

Mayor Shaver felt that there was not enough clarity yet to modify regulations.

⁴ Copy attached to Original Minutes.

There was a discussion regarding the differences and problems with taxi cab regulations.

Ms. May stated that currently there were metered and zone rates in place. She stated that taxis must choose metered rates or zone rates.

Commissioner Freeman was concerned with the conditions and safety of taxi vehicles.

Commissioner Sikes-Kline agreed, and felt the following should be addressed:

- 10 year, 250,000 mile maximum
- Fines for violators
- Number of taxi stands
- More analysis of metered rates versus zone pricing
- Non-smoking cabs

10.B/ Quarterly financial report.

Mark Litzinger, Director, Finance, Budget and Management, reviewed the Quarterly financial report.

There was discussion regarding Community Redevelopment Area financials.

10.C/ Status report on initiatives to improve mobility, including summary of holiday traffic and parking.

Martha Graham reviewed her presentation.⁵ She further stated that they were currently advertising to hire a Mobility Specialist.

Commissioner Freeman felt that parking at Francis Field was taking away a recreational area; however, the airport may like to participate with offsite parking.

Mayor Shaver stated that the issue was developing the right peak-load solution.

Commissioner Sikes-Kline felt that the impacts of Old Town Trolley and other similar privatizations of public assets should be researched. She also wanted to see data on the impacts to the parking garage and city finances of such contracts.

Commissioner Neville stated that he did not like the use of Francis Field for parking and that it should be moved outside of the City to increase movement throughout the City.

11. ITEMS BY CITY ATTORNEY

11.A/ Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

12. ITEMS BY CITY CLERK

12.A/ Request for one (1) appointment to the Code Enforcement Adjustment and Appeals Board

Darlene Galambos, City Clerk, stated that applications were received from the following:

- Harry "Joe" Dunn
- Ronald "Ron" McDonald

After the ballots were tallied, it was determined that Mr. McDonald was appointed.

13. ITEMS BY CITY MANAGER

13.A/ Discussion and authorization to execute the Purchase Agreement with the Florida Department of Transportation for the property at May Street and San Marco Avenue relating to the Alternate 5 intersection construction.

Mr. Regan reviewed the Purchase Agreement details.

⁵ Attached to original minutes

MOTION

Commissioner Neville **MOVED** to authorize the City Manager to execute the Purchase Agreement. The motion was **SECONDED** by Commissioner Sikes-Kline and **APPROVED UNANIMOUSLY BY VOICE VOTE.**

14. Items by Mayor and Commissioners

Commissioner Neville advised that he was contacted by a West St. Augustine resident who had his vehicle side-swiped and purchased a plaque to present to the officer who aided him to be presented at the next meeting.

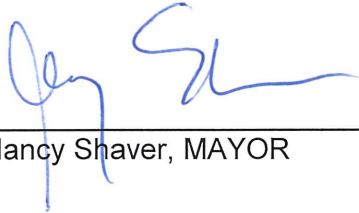
Commissioner Horvath thanked Mr. Birchim for researching undeveloped parcels owned by the City which are mostly in residential areas, including one by Pomar Park which could be converted into a park.

Commissioner Sikes-Kline would like the Mayor to send a message to the Tourist Development Committee that the City continued to have expectations that they assist with product development and transportation.

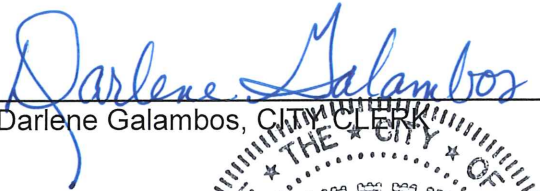
Mayor Shaver updated the Commission on the status of the Tourist Development Committee regarding re-enactors and transportation. She said that funding regulated by the state was difficult to allocate to transportation due to those regulations and requirements.

15. Adjournment

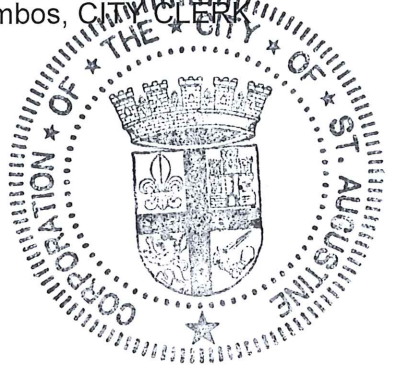
There being no further business, the meeting was adjourned at 10:41 P.M.⁶



Nancy Shaver, MAYOR



Darlene Galambos, CITY CLERK



⁶ Transcribed by Candice Seymour