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6 EXCERPT OF VIDEO RECORDED PROCEEDINGS  
7 BEFORE THE  
8 ST. AUGUSTINE CITY COMMISSION  
9

10  
11 May 11, 2009  
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ORIGINAL

## 1 APPEARANCES:

2 Mayor Joseph Boles  
3 Vice Mayor/Commissioner Errol Jones  
4 Commissioner Don Crichlow  
5 Commissioner Nancy Sikes-Kline  
6 Commissioner Leanna Freeman

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City Attorney Ronald Brown

City Manager Bill Harris

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MAYOR BOLES: Okay. Well then --

CITY ATTORNEY BROWN: No, you don't get to --

COMMISSIONER JONES: He's got to speak.

MAYOR BOLES: That's right. You said don't bang the gavel. You're right.

CITY ATTORNEY BROWN: Make yourselves comfortable.

MAYOR BOLES: Oh God.

CITY ATTORNEY BROWN: Yeah, I'm going to need a little bit of time.

When I made my report to you concerning the Bates v. City of St. Augustine case, since that time, the judge has ruled. And we just pulled off of the Pacer from the United States District Court, the Middle District, an order. And let me tell you that the basic is that the judge has entered an injunction against the enforcement of 22-6 as to visual artists.

Now, the four plaintiffs in this case were -- those of you who have paid attention to who they were -- a representative of each of the four horsemen. And those of you may remember who they were. This was a case out of -- two federal District Court cases in New York where Mayor

1       Giuliani has a bad day in court concerning banning  
2       visual artists who didn't -- who were required to  
3       have permits to sell on the streets of New York.  
4       The four horsemen, as they like to call themselves,  
5       were photographers, printers, sculptors and  
6       painters. Each of these artists that's named as  
7       plaintiffs in here are basically one of those four.

8             The judge looking at the materials that were  
9       presented, entered the injunction, but provided to  
10      you a guideline as to what the judge thinks is  
11      likely enforceable in the City. The basic thesis,  
12      and I'm giving you just a real clear -- a real  
13      quick -- and I'm going to pass out copies to each  
14      of you of the order. Basically what the judge said  
15      was is that under the law, you know, we have to  
16      have -- if it is a content-neutral ordinance, we  
17      may have reasonable time, place and manner  
18      restrictions on speech in public places.

19            There is no disagreement in this case that it  
20      is a content-neutral ordinance. We do not  
21      discriminate on one type of speech over another  
22      type of speech. It's the all or nothing theory.

23            There's also a question as to whether it was  
24      -- the ordinance was constitutional on its face.  
25      That is the substance of it was constitutional, or

1       whether the ordinance was constitutional as  
2       applied. The judge has basically ruled on the  
3       assumption that the ordinance on its face is  
4       constitutional, but as applied it is not.

5               What does that mean to you and to the City?  
6       She basically looked at the material that were  
7       presented at the preliminary hearing. And  
8       understand, this is not an evidentiary hearing. I  
9       have a little difficulty getting my mind around  
10      this concept that you're turning in affidavits from  
11      people, but it's not an evidentiary hearing. But  
12      nonetheless, that's the way the federal rules look  
13      and work. What the judge basically ruled was to  
14      say all of the evidence that was presented  
15      regarding the adoption of 22-6, which is the  
16      ordinance that bans vending of any type in HP-2 and  
17      HP-3 on the Plaza de la Constitucion. And she --  
18      and I want to give some quotes from this to make  
19      sure everybody understands basically, you know,  
20      where I think she is coming from --

21           MAYOR BOLES: What page are we on?

22           CITY ATTORNEY BROWN: -- and where this is  
23      going.

24           Turn your attention to first, if I may, to  
25      Page 11 of the order. It's a 24-page order. And

1 about two-thirds of the way down you will see a  
2 second underlying see, as in s-e-e. And following  
3 that, Moreover the interest proffered by the City  
4 in the preamble, that is the preamble to the  
5 ordinance, maintaining esthetics, promoting public  
6 safety and assuring the orderly movement of  
7 pedestrians all have been recognized as substantial  
8 interests that justify some restriction on  
9 protected expression. And they actually cite the  
10 Cheli [spelled phonetically] v. City of St.  
11 Augustine case, which those of you that have been  
12 here for some time probably remember, and some on  
13 another cases that deal with this issue.

14 On the next page, Page 12, about a quarter of  
15 the way down -- actually, let's start with the very  
16 first full paragraph. And I will just read this,  
17 In response, however, the City also contends that  
18 the ordinance serves a governmental interest of  
19 protecting the merchant economy, which such an  
20 interest has been recognized as a significant  
21 government interest justifying some restriction on  
22 protected speech, see the Cheli case. The record  
23 before the Court fails to disclose however wide the  
24 restriction at issue serves the interest. Indeed  
25 nothing in the preamble or the evidence submitted

1 suggests there's a need to protect the local  
2 merchant economy, much less how the ordinance  
3 serves to do so. Accordingly, the Court declines  
4 to find such a purpose warrants the ordinance's  
5 restriction based on the current record.

6 Nevertheless, and this is the good news for  
7 the City, as the Court has determined that the  
8 City's remaining interest of maintaining esthetics,  
9 promoting public safety and assuring orderly  
10 movement of pedestrians within the Plaza  
11 constitutes significant government interest, the  
12 Court turns next to the question of whether the  
13 ordinance is narrowly tailored.

14 The Court has basically told us at that point  
15 that there are justifications in our code to  
16 restrict expressive communications in the Plaza.  
17 It's just that the ordinance goes beyond the Plaza.

18 This thought-process continues, if you look  
19 over on Page 15, on the second full paragraph.  
20 While the City may have expressed laudable goals  
21 with regard to the Plaza, based on the evidence  
22 currently before the Court, it has entirely failed  
23 to explain why a prohibition of vending activities  
24 throughout the entirety of the historic district is  
25 necessary to serve those goals.

1           That language means your district is too big  
2           for the ban.

3           COMMISSIONER FREEMAN: Right.

4           CITY ATTORNEY BROWN: On the next page, on  
5           Page 16, this is even better language. And I'm  
6           talking the second full sentence on Line 2 starting  
7           with indeed. Indeed if a prohibition of vending  
8           activities were limited to the Plaza de la  
9           Constitucion, where the City has stated legitimate  
10          concerns, and perhaps it's nearby surroundings --  
11          those of you who are attorneys, listen when the  
12          judge is telling you things -- it would likely fair  
13          better under First Amendment scrutiny.

14          And finally, if you will look at the actual  
15          order itself, if you look at the very last page, on  
16          page -- actually starting at the bottom of Page 22  
17          and numbered paragraph 3. The City is  
18          preliminarily enjoined from enforcing or  
19          threatening to enforce City of St. Augustine Code  
20          Section 22-6 as amended by Ordinance No. 2,723  
21          against visual artists, whatever that is, pending  
22          further order of the Court.

23          And my comment was not meant to be sarcastic,  
24          except to say if you will recall when we adopted  
25          the last version of this ordinance, 2,723, it was



1 because Judge Tinlin in a state court's decision  
2 told us that the four horsemen, the very  
3 representatives, granted too much discretion to the  
4 City and therefore we couldn't pick and choose who  
5 was going to be in there. And he basically told us  
6 it was a all or nothing decision.

7 I now have an order which states that visual  
8 artists, and the visual artists described are one  
9 of each of the four horsemen, shall be in there.  
10 How to enforce that is something we're going to  
11 work with the police on and see if we can do it  
12 right and follow this order.

13 Now, let me make it clear, as I can tell, this  
14 does effect the enforcement of Ordinance 22-10  
15 which deals with street performers on St. George  
16 Streets and the streets 50 feet each side of St.  
17 George Street. That is still valid and  
18 enforceable. But this deals with vending  
19 activities pretty much in the rest of HP-2 and 3,  
20 and tomorrow morning and this weekend, at a  
21 minimum, painters, photographers, printers and  
22 sculptors can set up somewhere in the Plaza, or for  
23 that matter, anywhere else in the City. They still  
24 can't block our sidewalks. There's some code  
25 against that that's not in 22-6.

1           This question then becomes what, if anything,  
2           the Commission would like to do with regard to  
3           this, and what kind of timeframe that we're dealing  
4           with. I can tell you that the comparison is this:  
5           The Court when they were looking at this issue, had  
6           the Horton case in front of it. The Horton case is  
7           the case that the City prevailed at the Eleventh  
8           District Court of Appeals and made law in this  
9           country concerning restriction of First Amendment  
10          expression on a content-neutral ordinance. The  
11          Horton case basically won because it was a very  
12          limited location of restriction: Four blocks of St.  
13          George Street, 50 feet on each side of that street.

14          The paradigm therefore, and think the Court as  
15          I read it was attracted to okay, another paradigm  
16          would be that would work, at least in the evidence  
17          that's now out there, is limit the Plaza and the  
18          nearby areas. That was the language that we read.  
19          In other words, recreate Horton, and instead of St.  
20          George Street and the side streets, you'd have the  
21          Plaza and some -- perhaps side streets that serve  
22          the Plaza. To do that, however, will require  
23          further amendment to this ordinance, which you can  
24          do. It happened once.

25          Now, your schedule is we have another meeting

1 that will not be held until June 8th. If you  
2 follow your regular meeting schedule, the earliest  
3 you could notice and pass an ordinance and have it  
4 go into effect would probably be a meeting on June  
5 22nd. The ordinance would probably be in effect  
6 about the 1st of July. So you are now looking at  
7 basically June and the rest of May basically  
8 unprotected as to any enforcement of this type of  
9 activity.

10 Yes, ma'am.

11 COMMISSIONER FREEMAN: Okay. I just want to  
12 make sure that I understand this.

13 If we do nothing, if we don't pass an  
14 ordinance in the next couple of months, am I  
15 correct in understanding what you said, that these  
16 four artists can sell their goods, sell their  
17 products in the park, however, I can't go set up a  
18 soda stand? Is that how -- is that the way it's  
19 being interpreted?

20 CITY ATTORNEY BROWN: Yes, ma'am. And I will  
21 tell you why I think that's the case. She says  
22 against visual artists.

23 COMMISSIONER FREEMAN: I read that.

24 CITY ATTORNEY BROWN: Now the only definition  
25 that we have in this order dealing with visual

1 artists are what the four plaintiffs did.

2 COMMISSIONER FREEMAN: Right.

3 CITY ATTORNEY BROWN: And I will give you the  
4 precise description of what the four plaintiffs  
5 did.

6 COMMISSIONER FREEMAN: But I mean, you didn't  
7 read anything that -- and remember, we haven't had  
8 a chance to read this. You didn't read anything in  
9 here that --

10 CITY ATTORNEY BROWN: I'm going to read it  
11 again, too.

12 Here's what the four plaintiffs did.  
13 Plaintiff Bates is a visual character artist who  
14 made his living creating caricatures. Plaintiff  
15 Childs is a sculptor and painter. Plaintiff Hecht  
16 is a photographer. And Plaintiff Merrick is a  
17 painter who creates portraits and paints and sold  
18 his creations in the historic district.

19 Now, if we go by those definitions, then we  
20 have a caricature artist, we have a sculptor, we  
21 have a painter, and we have a photographer. Now, a  
22 very limited reading of this is that that's the  
23 only definition of visual artists we have in this  
24 order and that's all that gets to go there.

25 If you recall, the thing that got us into

1 court in state court was that we had a gentleman  
2 who made leather masks and leather hangings and  
3 painted them, and was trying to say he was one of  
4 the four horsemen. We had another lady who quilted  
5 and put the quilts in a frame, and tried to say she  
6 was one of the four horsemen. And the judge said  
7 the police shouldn't be having to make these  
8 decisions, and neither should the City. It's too  
9 complicated.

10 I will tell you that the cases in New York  
11 which are the Barry case and the Mastrozenzo  
12 [spelled phonetically] case deal with these issues,  
13 and that Court up there did its best in trying to  
14 sort out what is or isn't art. So for example, are  
15 earrings sculpture? That Court said no. If you  
16 paint on the back of a set of Levis, you know, some  
17 landscape, is that painting? And the Court said  
18 no. But it doesn't tell us anything about leather  
19 painted, and it doesn't tell us anything about  
20 quilts, and I at this point -- we have a conflict  
21 on what we're instructed to do with regard to this,  
22 because this Court is now saying visual arts are  
23 out there. Now, I will say this, I think probably  
24 that does prohibit the sunglass salesman.

25 COMMISSIONER FREEMAN: Okay.

1 MAYOR BOLES: Good.

2 CITY ATTORNEY BROWN: I think it prohibits --

3 MAYOR BOLES: Seated chair (inaudible) --

4 CITY ATTORNEY BROWN: -- a lot of the flea  
5 market activity which in December of 2006, you  
6 know, caused the shut down to start with, and the  
7 revision of the ordinance, and the type of activity  
8 that's out there. I don't know that there's  
9 anything that says we couldn't restrict at some  
10 point in time, although we do not have it in our  
11 code at this point, you know, you want to restrict  
12 a certain location, even in the Plaza, but right  
13 now we don't have any of that.

14 So as I read it at this point, without passing  
15 a further ordinance, you're probably looking at  
16 those four things, paintings, sculpture,  
17 photography and printing. If we can try and stay  
18 in some kind of definition of what that is, which I  
19 will tell you is a big improvement over what we  
20 have.

21 COMMISSIONER FREEMAN: I --

22 CITY ATTORNEY BROWN: Because now I got a  
23 Court telling me visual artists only. Whether  
24 that's going to pass constitutional muster hasn't  
25 been sorted out yet, because there are all kids of

1 things out there. But if I go out there and Loran  
2 Lueders calls me up and says, I got a person out  
3 here with quilts in a frame, do I enforce the  
4 ordinance against him? And the answer is I could,  
5 I guess. I could tell them that because they're  
6 not one of the visual artists that's listed here,  
7 but it's not any clearer than that, so we're kind  
8 of rolling with it. My reaction is we ought to  
9 take a very cautious and conservative view of this  
10 code -- this ordinance, and this order now, and  
11 enforce it accordingly. So we will be talking with  
12 them about that.

13 If y'all want to wait and see how this goes --

14 COMMISSIONER CRICHLLOW: What's our option?  
15 What choice do we have?

16 CITY ATTORNEY BROWN: Well, the other option  
17 is you could meet quickly and consider revising  
18 ordinance 22-6. And I will tell you that reading  
19 this order as it is now, based on the material  
20 that's out there, I think you could probably ban  
21 any kind of vending activities in the Plaza, and  
22 probably the streets that serve the Plaza.

23 COMMISSIONER CRICHLLOW: The judge basically  
24 has said that.

25 CITY ATTORNEY BROWN: But the rest of HP-2 and

1 3 is open season.

2 COMMISSIONER CRICHLOW: Well, what's more a  
3 concern to me, I mean, I'm not too concerned, and I  
4 don't know about my fellow commissioners, I'm not  
5 too worried about artists, sculptors --

6 COMMISSIONER FREEMAN: Painters.

7 COMMISSIONER CRICHLOW: -- the four, being  
8 there for a couple of months, you know, as long --  
9 in time for us to decide what we want to do, as  
10 long as it does keep out the sunglass salesmen and  
11 the jewelry salesmen and everything else. You  
12 know, if we can -- that's the reason we had the all  
13 or nothing vote. I mean it's because -- not  
14 because we really wanted the artists out of there,  
15 but we wanted the other commercial vendors that  
16 were importing stuff from Taiwan, you know, that's  
17 what the people we didn't want down there because  
18 it was becoming --

19 COMMISSIONER FREEMAN: I want to see artists  
20 in the park. I think that they're an important  
21 part of the City. So I think at a minimum if  
22 you've given us -- or you've given me a sense of  
23 protection from the commercial sales of other  
24 goods, but I think we should give it an opportunity  
25 to work and let's readdress it when we meet again.



1 COMMISSIONER CRICHLOW: Yeah. But we said the  
2 park. Now what's to keep -- now, I'm more  
3 concerned about St. George Street.

4 CITY ATTORNEY BROWN: Remember, 22-10 isn't  
5 effected.

6 COMMISSIONER FREEMAN: Right.

7 COMMISSIONER CRICHLOW: But a vendor, none of  
8 those artists can go down St. George Street.

9 CITY ATTORNEY BROWN: We've taken a -- no, we  
10 were successful in enforcing 22-10 on this issue in  
11 state court.

12 COMMISSIONER SIKES-KLINE: It seems to me that  
13 this latest round has kind of brought us back full  
14 circle.

15 CITY MANAGER HARRISS: That's exactly right.  
16 The interesting thing is the commission's  
17 philosophical wishes -- obviously a prior  
18 commission -- was that the artists be allowed, and  
19 that the -- pardon me -- the sunglass salesmen be  
20 disallowed. And we were told by the local judge  
21 that that can't happen, all or nothing.

22 Now this order, according to the attorney here  
23 says, no, just visual artists. So again, we've got  
24 to read this more. We've got to interpret it a  
25 little bit more. We've got to give you more

1 guidance.

2 COMMISSIONER CRICHLOW: This supercedes the  
3 previous order?

4 CITY MANAGER HARRISS: The judge's, yes.

5 COMMISSIONER CRICHLOW: -- this order from  
6 this judge?

7 CITY MANAGER HARRISS: It would seem to  
8 override the local judge's order.

9 CITY ATTORNEY BROWN: I got now an order which  
10 give us a legal basis to argue that it does. Here  
11 is why you get in trouble in constitutional rights.  
12 If you knowingly violate somebody's constitutional  
13 rights, problems arise. Now I have an order this  
14 says, All right, 22-6 is invalid as to visual  
15 artists. Understand something, and y'all didn't  
16 get to go to this hearing, we spent a lot of time  
17 at this hearing going through the nightmare that  
18 was the vending in the Plaza. And the Court is  
19 absolutely right, that's what the evidence was  
20 about. Because quite frankly there isn't a lot of  
21 activity that's not there. Clearly the basic  
22 constitutional basis for what we do has been  
23 upheld, and I'm very pleased about that. The  
24 theoretical basis for how we go about what we do  
25 has been upheld. What this basically comes down to

1 is, Folks, you just didn't apply it -- you applied  
2 it on a much broader area than you should of. That  
3 is how I read this. And if you really read it that  
4 if we really wanted to come back and take on the  
5 Plaza, you could. If you want to come back and  
6 find evidence as to economic effect on other  
7 merchants, on esthetics, on pedestrian safety in  
8 other defined parts of the City, and the Court  
9 basically says, you come up with that evidence, you  
10 may be able to do that also. What this is really  
11 about is, you didn't have enough evidence to go  
12 outside the Plaza, and you did. And so but she  
13 banned it for the whole thing. She can't say, Just  
14 do it in the Plaza and not anything else. What she  
15 was struck with, is enforce it, or not enforce it  
16 as applied.

17 So if y'all want to leave it alone, then what  
18 will happen is we'll probably let painters and  
19 sculptors and caricature artists and photographers  
20 and people who sell prints of paintings, as well as  
21 original, hang out in the Plaza. And I think we've  
22 at least got an order that says we can do that.  
23 And this may turn out -- it's adverse in a sense,  
24 but it may turn out to be something that solves a  
25 problem we were trying to get around. And like I

1 said, the Court recognizes that we're fundamentally  
2 going in the right direction, but went too far in  
3 the application.

4 MAYOR BOLES: Well, I like constructing  
5 ordinances by judicial guidance as much as anybody  
6 else, and I'm not for doing anything tonight, even  
7 if we have the ability to do it because --

8 CITY ATTORNEY BROWN: We're not asking --

9 MAYOR BOLES: -- it would appear knee-jerk.  
10 It would appear -- and I don't want this special  
11 meeting. I think you work on something that we can  
12 live with and accomplishes some of our goals to  
13 protect the sanctity of the Plaza de le  
14 Constitucion so that we don't have a flea market  
15 down there anymore, because that's -- and you know,  
16 I've made a lot of really crappy art in my life  
17 that I wouldn't want to put out and try to sell.

18 CITY ATTORNEY BROWN: Crappy art is not  
19 disallowed, folks, just so you know.

20 MAYOR BOLES: I know.

21 CITY ATTORNEY BROWN: If it's a painter,  
22 that's --

23 MAYOR BOLES: I know. So we need to take a  
24 look at it--

25 CITY ATTORNEY BROWN: -- no prior restraint.

1           MAYOR BOLES: And I would like you to give  
2           some thought to regulatory abilities in it. What  
3           can we regulate, time, place, because if we're  
4           going to have a fairly significant event in 2012 to  
5           celebrate the Cidiz Monument, I don't want to have  
6           to walk through two dozen artists out there,  
7           cluttering up the sidewalk on that particular day.

8           CITY ATTORNEY BROWN: I don't know of anything  
9           at this point that says, for example -- all  
10          right -- we tried to slot them in --

11          MAYOR BOLES: We tried to regulate spaces  
12          before.

13          CITY ATTORNEY BROWN: It's like herding cats,  
14          because they don't want to do that.

15          MAYOR BOLES: Lot of fighting.

16          CITY ATTORNEY BROWN: They get into fights  
17          because they all want to go to the northwest corner  
18          of the Plaza and catch the traffic off St. George  
19          Street.

20          MAYOR BOLES: I know.

21          CITY ATTORNEY BROWN: The Plaza is what this  
22          is all about. It's worse -- now we're fighting  
23          over that, a piece of real estate.

24          MAYOR BOLES: Well, we can handle that though.

25          CITY ATTORNEY BROWN: We can handle that.

1           You could, you know, none the less, if you  
2           wanted to locate them in the market, I think that's  
3           something you could consider. If you wanted to  
4           locate them in certain areas of the Plaza, I think  
5           that's something you can consider.

6           MAYOR BOLES: Well, give us your opinion on  
7           our options about maintaining our free speech  
8           requirements and allowances and what can we do.

9           COMMISSIONER FREEMAN: Would we consider a  
10          workshop on that, or I guess --

11          MAYOR BOLES: Yeah, I don't know.

12          COMMISSIONER FREEMAN: We can consider that at  
13          the next meeting.

14          MAYOR BOLES: Yeah.

15          CITY MANAGER HARRISS: We could talk about  
16          that, and maybe a little item on the 8th. We will  
17          have more time to interpret it and go from there,  
18          because again, we're all just digesting it right  
19          now, and there's a lot more reading to do. We both  
20          read it in the last 30 minutes, but 25 pages --

21          MAYOR BOLES: Yeah.

22          CITY MANAGER HARRISS: -- but comprehending it  
23          is difficult.

24          MAYOR BOLES: I really do believe that the  
25          flea market drove an economic portion of the Plaza

1 draw, just like if you put a Wal-Mart in the middle  
2 of downtown, it would be successful and people  
3 would come. And you sell sunglasses to tourists,  
4 they're going to come buy them. But do I think  
5 that our Plaza ought to have sunglasses being sold  
6 in it, no, I do not, absolutely not.

7 CITY ATTORNEY BROWN: You got some protection  
8 here against that.

9 MAYOR BOLES: Okay.

10 COMMISSIONER CRICHLOW: Because there are too  
11 many other business merchants paying business  
12 licenses and renting space that are selling  
13 sunglasses too.

14 CITY ATTORNEY BROWN: Yeah, you've got that  
15 with the artists too.

16 CITY MANAGER HARRISS: Yeah, that was an  
17 argument too within the ordinance.

18 COMMISSIONER CRICHLOW: Then you got artists  
19 paying rent and selling --

20 COMMISSIONER JONES: Okay. So --

21 COMMISSIONER CRICHLOW: -- but then we get  
22 back also to one of the things that always bugged  
23 me, the logistics of allowing artists in there,  
24 which you've touched on that, you know. It just  
25 tears up the grass, and you know, it's just a

1 constant mess. I mean the Plaza after -- if you  
2 get a half a dozen artists in there on the grass  
3 for a couple of weeks, there's no grass left.

4 CITY ATTORNEY BROWN: Well, we were able to  
5 make a strong case, and reading this order, the  
6 Court, I think, bought on to the fact that there's  
7 really justification to protect that piece of real  
8 estate in the Plaza. If you really want to ban it  
9 in the Plaza, I think you can. But if you don't --

10 COMMISSIONER CRICHLOW: I don't know  
11 whether --

12 CITY ATTORNEY BROWN: -- then you ought to  
13 regulate it.

14 COMMISSIONER FREEMAN: Can we -- yeah, explore  
15 regulation?

16 CITY ATTORNEY BROWN: You got hours of  
17 operation, you've got where you can locate people.  
18 I think that you've got a basis where you can do  
19 that under this order.

20 COMMISSIONER FREEMAN: Size of how much  
21 space that they can take up exactly. I think that  
22 we should at least explore regulation.

23 CITY MANAGER HARRISS: Yeah, we'll have to  
24 talk about that, but let us adjust it and bring  
25 something back to you.



1 COMMISSIONER FREEMAN: Can we --

2 COMMISSIONER SIKES-KLINE: Can we see what  
3 they would like to suggest to us, the artists  
4 themselves, would like to work with us on what they  
5 think would be reasonable. Isn't that type -- that  
6 type of discussion?

7 MAYOR BOLES: Could may very well.

8 CITY MANAGER HARRISS: We have done that  
9 before. It's difficult, I'll tell you.

10 COMMISSIONER JONES: Can we look at the 8th of  
11 June? You will have time to have researched and  
12 kind of get another feel of a clearer understanding  
13 of the issue, and we can talk about all of the  
14 components. You will have met with us  
15 individually, so you can discuss any particular  
16 questions one of us may have so that we're all  
17 clearer rather than taking up this part of -- the  
18 meeting itself.

19 So I would ask these commissioners to make  
20 every effort they can to meet with you after you've  
21 gathered your needed feedback so that you're  
22 clearer and they're clearer on the components of  
23 it, one.

24 But one other thing I'm going to ask is that  
25 in light of this, could we now by tomorrow morning,

1 by 9 o'clock have copies of this document? You do  
2 it two-sided so that it takes up less paper, and  
3 maybe have 20, 25 copies of this document available  
4 for persons that may want to come by City Hall and  
5 get one?

6 CITY MANAGER HARRISS: We can do that easily.

7 COMMISSIONER JONES: I would say put it  
8 online, but if you can't --

9 CITY MANAGER HARRISS: It is online.

10 COMMISSIONER JONES: Is it online? Is this  
11 document online?

12 CITY ATTORNEY BROWN: Well, it's online, but  
13 you can't get to it unless you have enrolled in the  
14 Pacer program. We do have that, but --

15 COMMISSIONER JONES: Well, let's get some  
16 copies, least get at least 25 copies first thing in  
17 the morning.

18 CITY MANAGER HARRISS: We'll do that first  
19 thing tomorrow. We will have it first thing in the  
20 morning. We'll have it by 8 o'clock.

21 COMMISSIONER JONES: So persons are here, if  
22 you would like to have a copy of this document in  
23 the morning, by 9 o'clock --

24 CITY MANAGER HARRISS: Yes.

25 COMMISSIONER JONES: -- you can come by and

1 pick up your personal copy.

2 CITY MANAGER HARRISS: Not a problem.

3 CITY ATTORNEY BROWN: I'm sure Mr. Guinta will  
4 be writing about it too. It's late in the evening.

5 MAYOR BOLES: All right.

6 COMMISSIONER FREEMAN: It's worth the wait.

7 MAYOR BOLES: Thanks for staying, Peter.

8 Meeting adjourned.

9 (Proceedings concluded.)  
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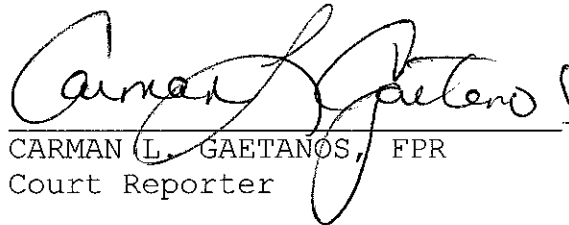
## REPORTER'S CERTIFICATE

STATE OF FLORIDA )

COUNTY OF ST. JOHNS )

I, CARMAN L. GAETANOS, FPR, Court Reporter,  
do hereby certify that I was authorized to and did  
**transcribed** the foregoing proceedings, and  
that the transcript, pages 1 through 28, is a complete  
record to the best of my ability.

DATED this 14th day of July, 2008, St. Augustine,  
St. Johns County, Florida.



CARMAN L. GAETANOS, FPR  
Court Reporter