

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, July 12, 2021

The City Commission met in formal session Monday, July 12, 2021, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Absent: Tracy Upchurch, Mayor/City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Jim Piggot, Director, General Services
Corey Sakyrd, Deputy Director, General Services
Mark Simpson, Director, Financial Services
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Todd Grant, Director, Utilities
Jennifer Michaux, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Tim Fleming, Christ Church, delivered the invocation, and Vice Mayor Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Darlene Galambos, City Clerk, requested to remove Item 12.A. *'Discussion Concerning Scheduling Workshops'* from the Agenda so that all five Commissioners would have the ability to discuss the topic.

MOTION

Commissioner Horvath MOVED to approve the Regular Agenda as

amended. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Chris Fulmer
- Shawn Morrison
- Lauren Giber

- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA – JULY 12, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 9, 2021:

- Ordinance 2021-13
- Ordinance 2021-14

CA.3. Reminder of Upcoming Meetings:

- July 26, 2021, City Commission Meeting – CANCELLED
- August 9, 2021, 3pm, Special Budget Meeting
- August 9, 2021, 5pm, City Commission Meeting
- August 19, 2021, 9am, Special Budget Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- May 11, 2021 - Strategic Planning and Midyear Budget Analysis
- May 24, 2021 - Regular City Commission Meeting
- June 14, 2021 - Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- 104 North Whitney Street; William Waterman and Arturo Contreras

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION /

RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS / CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Approval of request by Vice Mayor for letter of support for her application to the Active People, Healthy Nation Champions Institute. (*J. Regan, City Manager*)

CA.9. Acceptance of legal department quarterly report. (*I. Lopez, City Attorney*)

CA.10. Approval for direct deposit of the premium tax contribution for the St. Augustine Police officer's retirement system to be deposited directly into their fund. (*D. Galambos, City Clerk*)

CA.11. Approval of invoice for payment in the MASCI v. City of St. Augustine matter in the amount of \$5,071.78. (*I. Lopez, City Attorney*)

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

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

6. APPEALS

(None)

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

7.B.1. Update regarding Project Swing.

Jim Piggot, Director, General Services, provided a Project update which followed up discussion from the May 24th Commission meeting. He stated the community survey provided overwhelming support to rehabilitate the park as it currently existed.

Melissa Wissel, Communications Director, noted the importance of public input from the community survey. She stated the cost would be significant; however, the community wanted to ensure the current design and configuration of the playground was maintained. She reviewed the statistics of the survey's questions and responses:

- Total of six questions
- 1,509 responses received
- 1,426 (or 93%) were City or St. John's County residents
- 24% of the respondents or a family member participated in the original 1997 build
- 35% offered help to rebuild playground
- 55% supported rebuilding in general
- 23% would contribute financially
- Top 5 of 12 requested playground features were: towers, slide, swings, obstacle course, suspension bridge
- Additional comments from 242 respondents were as follows:
 - General safety concerns
 - Eliminate hiding spaces or dark corners
 - Additional lighting
 - Many comments to 'keep as is' and not tear down

- Keep the wood, wooden slats and avoid plastic
- Save the mosaic

Ms. Wissel concluded there was significant community sentimental value for the playground, and the City could not place a price tag on that.

Mike Davis, A.D. Davis Construction, discussed the work completed with Les Thomas and 20 volunteers, 18 months of planning, fundraising \$170,000, and the 5,000 neighbors and fellow residents who assisted with building the original playground in seven days. He suggested reconstructing the new playground without volunteer labor and noted the project would be completed by the playground's 25th anniversary, or November 22, 2021, with an entire new generation of children who would enjoy the park.

Commissioner Valdes expressed enthusiasm with participating in the playground reconstruction and working with those involved in it's original construction. He was optimistic the original structure was in decent shape, which would be determined once the exploratory demolition of the decking was complete, and he stated synthetic composite decking materials would replace that demolition. He supported community involvement and professional reconstruction of the playground to lessen the potential for injury.

Vice Mayor Sikes-Kline thanked Mr. Davis, Mr. Levins, Mr. Les Thomas and Ms. Wissel, and indicated she was pleased the project was in Mr. Davis' and Commissioner Valdes' capable hands, and memories would be made for the next generation.

Mr. Piggot requested Commission consensus on the recommendations suggested by City staff.

MOTION

Commissioner Horvath MOVED to approve the staff recommendations. The motion was SECONDED by Commissioner Blonder and APPROVED BY UNANIMOUS VOICE VOTE.

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-12: Amendments to Chapter 28, Division 2, Vacation Rentals.

Isabelle Lopez, City Attorney, reviewed the regulations within the Ordinance and noted it was substantively the same.

Public hearing was opened; however, there was no response.

Public hearing was closed.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2021-12 on second reading read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 28, ARTICLE III, DIVISION 2, SECTION 28-146 PROVIDING REQUIREMENTS FOR REGISTRATION; AMENDING SECTION 28-147 CLARIFYING ANNUAL INSPECTIONS; AMENDING SECTION 28-150 CLARIFYING REQUIRED NFPA LIFE-SAFETY CODE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE

CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Valdes, Horvath, Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

9.A.1. Ordinance 2021-13: Amends Chapter 11, Section 11-29, Standards of Review for Conservation Overlay Zone 2.

Ms. Lopez indicated this was a cleanup Ordinance to clarify language and cross references, and she reviewed the changes and additional language for permitted structures.

Commissioner Blonder expressed concerns with the following:

- Language: 'Addition of the language to ensure consistency with the definition of Conservation Overlay Zone 2 to protect Zone 3 from extreme high-water conditions as a priority'
- City Code outlined the parameters of each Zone, and Zone 2 was transitional and intended "for this purpose to primarily protect the functional integrity of Zone 1 and Zone 3 from extreme highwater conditions"; therefore, she

questioned whether Zone 1's language was deliberately omitted or a cross referencing issue

- If language was not deliberately omitted, it should be re-inserted, as Zone 1 was the most sensitive and important to protect, to maintain consistency with the City's Comprehensive Plan and other similar documents
- Zone 2 was a buffer, and if language was omitted regarding Zone 1 and the essential role of the transition buffer in Zone 2, the intentional focus was lost for the Conservation Overlay Zones
- Adding language to clarify bulkheads, seawalls, and retaining walls as permitted structures would potentially open a pandoras box without the environmental consultant's assurance that the Comprehensive Plan's intent regarding Conservation Overlay Zones was maintained
- Would not support the inclusion of additional language under Section 11-29, (4): 'including bulkheads, seawalls and retaining walls', and stated it should be removed until the environmental consultant provided input

Ms. Lopez stated she was unaware of the language being deliberately omitted and would verify this prior to second reading.

Commissioner Horvath understood Commissioner Blonder's point regarding the consultant and their requirement to review the topic; however, bulkheads and seawalls were needed to solve problems, and she questioned whether the consultant could concurrently provide insight with some of the proposed projects.

Commissioner Blonder stated the Comprehensive Plan had extensive references to living shorelines which were not included as potential erosion and stabilization measures; therefore, this should be re-thought, perhaps without waiting on the environmental consultant. She noted many residents felt pressured

and believed that construction of a bulkhead on adjacent waterfront lots without a bulkhead would impact their property by causing erosion; therefore, she wanted to ensure this was reviewed in a holistic manner and was unsure if this was reflected in the suggested language.

Commissioner Horvath suggested expanding the language to add living shorelines and other mitigations along with bulkheads, and to keep the consultant on board to avoid the loss of momentum.

Commissioner Valdes concurred with his fellow Commissioners that shoreline preservation was extremely important and encouraged riprap use versus bulkheads. He stated too many bulkheads were being installed and created a shoreline hard point that encouraged erosion and degradation, and they should look at designing shorelines with better use of natural materials, while retaining bulkhead use when they could be contiguous.

Vice Mayor Sikes-Kline stated the Commission desired to proceed; however, the Ordinance language was not quite what they wanted and should be expanded. She asked Ms. Lopez if the Commission should table the topic, or return with modified language, as she was unsure about public hearing at the next step.

Ms. Lopez advised that at the Commission's will, she would meet with David Birchim, Director, Planning and Building, to discuss the topic further and get examples to bring to the Commission, and a second reading and public hearing would not be scheduled.

Vice Mayor Sikes-Kline requested that Ms. Lopez find out why buffering was not included, and whether it should be included.

Commissioner Blonder encouraged Ms. Lopez to connect examples with the Comprehensive Plan, and she noted Federal level funding for traditional seawalls and living shorelines was being accelerated

and promoted. She stated the language in Section 1, (4) 'reasonably sized bridges, paths...' was too nonspecific and required a better definition.

Ms. Lopez advised the Commission could approve the Ordinance at first reading and she would work with Mr. Birchim to develop a better presentation between first and second reading, or they could continue reading without voting and bring it to a future meeting on first reading.

MOTION

Commissioner Horvath MOVED to CONTINUE the Ordinance so Ms. Lopez could insert the added items discussed, and then proceed from there. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION

AYES: Horvath, Blonder, Valdes, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2021-14: Disallowing the intentional release of balloons within the City limits.

Ms. Lopez reviewed the Ordinance.

Commissioner Blonder commended Ms. Lopez for the development of the Ordinance and she fully supported it.

MOTION

Commissioner Blonder MOVED to support Ordinance 2021-14 on first reading and move to second reading. The motion was SECONDED by Commissioner Valdes.

Vice Mayor Sikes-Kline questioned whether the Ordinance should address sky lanterns, since she believed they were damaging.

The Commission discussed materials used for sky lanterns which included some plastics, and their potential fire hazard which prompted inclusion in the Ordinance due to many wood shake roofs in the City.

Vice Mayor Sikes-Kline asked Ms. Lopez to further review the topic and if necessary, return with a modification prior to second reading.

Ms. Lopez indicated the way the short title was written, if it was amended then she would require bringing it back for another first reading; therefore, the Commission could entertain the Ordinance for first reading and vote to finish the Ordinance process, then the Commission could instruct her to review sky lanterns which would be a separate ordinance.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE I, CHAPTER 22, SECTION 22-2 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR DISALLOWANCE OF THE INTENTIONAL RELEASE OF HELIUM FILLED BALLOONS WITHIN THE CITY LIMITS; PROVIDING FOR PENALTIES; 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: Blonder, Valdes, Horvath, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2021-26: Approval of the tentative proposed millage rate for fiscal year 2021/2022.

Mark Simpson, Director, Financial Services, stated the Resolution was an annual requirement as part of Truth in Millage (TRIM) compliance prescribed by the Florida Department of Revenue for the City to set the proposed millage rate, which was tentative and could be changed or reduced, but was required prior to adopting and levying taxes. He concluded the proposed millage rate was 7.5 mills, and the rollback rate was to be 7.2020, which represented a 4.14% increase over last year's revenues.

MOTION

Commissioner Valdes MOVED to approve Resolution 2021-26. The motion was SECONDED by Vice Mayor Sikes-Kline.

VOTE ON MOTION

AYES: Valdes, Sikes-Kline, Horvath, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

(None)

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

12.A. Discussion concerning scheduling workshops.

Item administratively removed.

13. ITEMS BY CITY MANAGER

13.A. Discussion of items to be included in the 2022 St. Johns County Legislative Action Plan.

Mr. Regan advised the Commission would select items that comprised legislative requests and appropriations, then City staff would produce a page for each item with a general description and budget estimate which would be sent to Hunter Conrad, St. John's County Administrator, for County discussion during legislative day. He stated the City's ability to add or remove items as they approached legislative session was not limited, but this was a good time to focus on important topics for the upcoming year, and he discussed the following:

- Fire Department land swap
- 7.43 million dollars for fire station
- Commuter Rail Project
- Red Cox Road
- Build out West Augustine Sewer project
- State Road 313
- Affordable Housing
- Reclaimed water

The Commission and Mr. Regan discussed:

- Redistricting was supported by both Congressmen Waltz and Rutherford who suggested to re-apportion City and City of St. Augustine Beach into same district which would open ability for more 'political clout'
- Expand re-apportionment further into the St. Augustine urbanized area which had between 85,000 and 90,000 people
- Tree Trimming bill passed in prior years was an optional item that affected the County and existed at the State level tying local governments hands, and there was a House and Senate bill to repeal it entirely
- Seek a future historic preservation grant for waterproofing City Hall; however, currently technical issues existed
- County would not be amiable to Red Cox Road item or 7.43 million for fire

station, although it would benefit them; however, there were future solutions in the amphitheater access

- City fought for home rule rights, preemption was coming to a head
- Address short-term rentals and position taken to not erode home rule
- Needed cooperation with County or another municipality to address transportation, resiliency and sustainability issues and continue to press issues regardless of support

There was Commission consensus for a total repeal of the Florida tree trimming statute.

Vice Mayor Sikes-Kline concluded that short-term rentals, home rule and tree trimming would be added to the list sent to the County.

Mr. Regan recognized City staff and departments who worked hard to prepare and commence Florida's 200th Anniversary Celebration on July 10th:

- Melissa Wissel
- Kim Mayo
- Cindy Walker
- General Services
- Police Department
- Fire Department

14. ITEMS BY MAYOR AND COMMISSIONERS

Vice Mayor Sikes-Kline noted the Rear Admiral of the Spanish Armada presented her with their city coin at the 200th Anniversary event, which would be given to the public information office for appropriate display. She credited Mr. Regan for his hard work, vision, open mind and spirit that embraced these City events.

Commissioner Blonder echoed the comments of Vice Mayor Sikes-Kline and Mr. Regan and stated he went above and beyond for the event.

Commissioner Blonder mentioned the numerous emails she received concerning the Gate Carwash proposal and the impacts. She questioned Ms. Lopez on the ability to create a noise sensitive designation over Fish Island Preserve to help protect the inhabitants and aesthetics.

Ms. Lopez advised the existing Code for noise ordinance provided the Commission the ability to adopt a noise sensitive zone by resolution; however, it required data and analysis which would take time to obtain, and if the Commission desired to move forward, the results may not support a required noise sensitive zone.

Commissioner Blonder felt it was worth the attempt and was owed to the Commissioners, City staff and community who put in the hard work to establish Fish Island Preserve.

There was Commission consensus to obtain data and analysis regarding a potential quiet zone designation at Fish Island Preserve.

Commissioner Valdes inquired about the progress of protecting sea turtles and manatees, the increase in the boating community and unsafe operation of vessels, and the enforcement of these issues.

Mr. Regan noted there was an initial public relations campaign 'hard push' for free manatee zone signs, and he would return with an update at the August 9th Commission meeting.

At the request of Vice Mayor Sikes-Kline, Mr. Regan advised the extended hours permit ordinance was being reviewed and coordinated with City staff and would be discussed during an August Commission meeting.

Commissioner Horvath inquired about the public comment made regarding the conflict with the Corazon project and what was proposed.

Ms. Lopez stated the application was continued, the applicants were narrowing their application on parking issues and uses, and she suggested they avoid any preemptive comments until the item was before the City Commission.

Commissioner Horvath requested the review of long-term property leases for parking and the potential build-out of the property once those leases expired, which was an issue that could domino in the future.

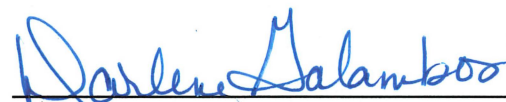
Mr. Regan suggested a workshop regarding the Code and changes that fit with the City's Strategic Plan and Vision, in alignment with the suggestions of Commissioner Horvath; however, he requested the Commission's cognizance that Ms. Lopez required some time with training the replacement of Denise May, Assistant City Attorney, who was leaving the City.

15. ADJOURNMENT

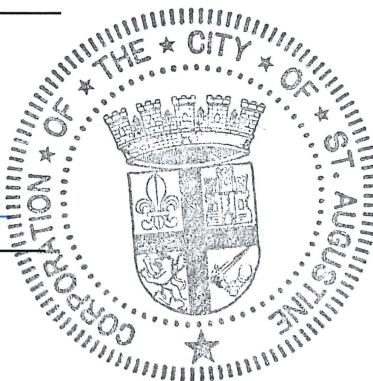
There being no further business, the meeting was adjourned at 6:22 P.M.¹



Nancy Sikes-Kline, VICE MAYOR



Darlene Galambos, CITY CLERK



¹ Transcribed by Laura Morse