CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 10, 2022

The City Commission met in formal session Monday, January 10, 2022, 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:
Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Staff Present:
John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Assistant City Manager
Reuben Franklin, Director, Utilities
Amy Skinner, Director, Planning and Building
Melissa Wissel, Communications Manager
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Minister Alexius Ferguson, Words of Life Ministries, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

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

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Proclamation 2022-01: Proclaims January 2022 as Human Trafficking Awareness Month.

Commissioner Blonder read the Proclamation which was accepted by Inez Stitch-Peel, Betty Griffin House, and Kathy Marquis, American Association of University Women.

3.B. Proclamation 2022-02: Proclaims January 21, 2022 as Arbor Day in the City of St. Augustine.

Mayor Upchurch read the Proclamation which was accepted by Fremont Latimer, Committee Chair, Street Tree Advisory Committee.

Mr. Latimer acknowledged the 39 years the City has been deemed *Tree City USA*, and he encouraged the participation of Arbor Day on January 21st at Coquina Park.

<u>3.C.</u> Proclamation 2022-03: Proclaims January 2022 as "St. Augustine Jewish Heritage Month".

Commissioner Sikes-Kline read the Proclamation which was accepted by Rabbi Merrill Shapiro, President, and Carl Lindenfeld, Treasurer, of the St. Augustine Jewish Historical Society.

Rabbi Shapiro thanked City leadership for their acknowledgment of Jewish heritage.

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:

- Harold George
- Cindy Alexander
- Valerie Mull
- Gordon Tarbat
- Joanne Everett
- Lauren Giber
- Steve Lowe
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA - JANUARY 10, 2022

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JANUARY 24, 2022:

(None)

CA.3. Reminder of Upcoming Meetings:

- January 24, 2022, 3:00pm, Special City Commission Meeting (work force housing)
- January 24, 2022, 5:00pm, Regular City Commission Meeting
- February 14, 2022, 5:00pm, Regular City Commission Meeting

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

- December 13, 2021, Regular City Commission Meeting

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

- Emoke and Janos Ivanyi - 643 Madeore Street

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 an Interlocal Agreement between the City and the City of St. Augustine Beach for street sweeping services. *(T. Grant, Director Utilities)*

CA.9. Approval of Interlocal Agreement between the City and the St. Johns County Sheriff's Department. *(M. Breidenstein, Assistant City Manager)*

End Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

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

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-29: Amends the zoning of 66 Lewis Boulevard from PUD to Residential General Office-A (RGO-A).

Amy Skinner, Director, Planning and Building, reviewed the Ordinance and noted that at the Commission's request, six letters were sent to surrounding property owners informing them of their property's expired PUD status and the potential issue for future development.

Public hearing was opened, and the Commission heard from the following members of the public:

- B.J. Kalaidi
- Lauren Giber

Public hearing was closed.

At the request of Mayor Upchurch, Ms. Skinner advised there was no pending rezoning for the property, this was the Planning and Zoning Board's (PZB) recommendation, and there was confusion regarding the location. She noted her receipt of one phone call from the submitted letters, and that individual planned to rectify their zoning.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-29 on second reading read by title only. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez, City Attorney, read the title as follows:

ORDINANCE NO. 2021-29

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY .19 ACRES OF PROPERTY LOCATED AT 66 LEWIS BOULEVARD, PID# 119490 0000 IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF CITY OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT (PUD) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE-A (RGO-A); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;

PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch
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

(None)

9.B. Resolutions

(None)

10. STAFF REPORTS AND PRESENTATIONS

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Legislative session update. No Presentation.

Ms. Lopez stated that Mr. Regan would review strategic items with the Commission, and she was available for questions.

Mr. Regan indicated that in addition to the City's legal team, David Birchim, Assistant City Manager, would be the contact for legislation representation and would travel to Tallahassee, if necessary. He noted that Meredith Breidenstein, Assistant City Manager, would represent appropriations, alongside Senator Hutson and Representative Stevenson, pertaining to the two-million-dollar appropriation for the West Augustine Septic to Sewer conversion, and the request for $500,000 for design services associated with the new City fire station.

Mr. Regan advised the short-term rental bill may require a friendly amendment or a way to suppress it, as the bill removed the City's ability to regulate occupancy, limited registration fees to $50 which would impact the budget by $100,000, expected a registration inspection within fifteen-days, and removed the ability to enforce unique parking standards. He stated this affected residents' quality of life, and the City should actively engage with the Code, legislation, dialogue, and confronting issues with Senator Hutson's Bill. He indicated that legislative consultants for both Tallahassee and the Florida League of Cities suggested the City should focus with the issues sponsored by Representative Fischer in the Florida House of Representatives, this was the first stop in the Senate, and opportunities were ahead.

Mayor Upchurch expressed appreciation for Mr. Regan and the consultants, but stated the Bill was disappointing and would have a ripple effect throughout the community with the cost of living in St. Augustine.

Ms. Lopez notified the Commission that Senator Hutson's SB 280 recently had a strike-all and rewrite, and the City should be concerned with the Bill's potential implications, as it required an economic impact analysis for all ordinances. She stated this would be costly, it would create a new cause of action or new way to sue the City, it would become the issue of dispute between property owners and the City, it capped attorney's fees at $50,000 per lawsuit, and the Florida League of Cities had substantial concerns with the Bill. She concluded the Florida League of Cities had engaged with Senator Hutson's staff and drafted a position paper requesting friendlier amendments to minimize negative impacts to local governments.

Commissioner Blonder indicated this was a large overreach and a massive preemption with extremely high cost to taxpayers, and she questioned if this would supersede federal law with regards to environmental protections.

Ms. Lopez advised the Florida League of Cities raised this issue, and they requested the Bill to explicitly state ordinances authorized by state or federal law to be exempt from the Bill and its provision. She noted the Bill was not retroactive, and if passed, would apply to new ordinances effective October 2022.

Mayor Upchurch expressed disappointment the Bill was sponsored by a Senator who represented the City's district and community. He said Senator Hutson had not approached any of the Commissioners or staff members. He noted its clear effect of depriving home rule and further aggregating power in Tallahassee, and it was a solution for a problem that did not exist.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

<u>13.A.</u> Presentation of management alternatives for the Waterworks building.

Mr. Regan extensively reviewed the advantages and disadvantages outlined in his written report for the Waterworks Building use options, which were leasing the Building to the St. Johns Cultural Council, or City management of the Building, and he noted this was the first chance for the Commission to provide direction. He reviewed Ms. Lopez' drafted lease agreement and identified the reasons that staff recommended leasing the property to the St. Johns Cultural Council.

There was significant Commission discussion regarding the topic.

Mayor Upchurch thanked Mr. Regan and staff for their efforts, noted he was pleased with the direction of the topic, and stated it made sense for many reasons that St. Johns Cultural Council would manage the facility.

Commissioner Horvath thanked Mr. Regan for his hard work during the holidays and noted his presentation had covered nearly all aspects of the topic. She was pleased with a three-year lease versus five and excited about the opportunity with St. Johns Cultural Council and hoped the Commission could approve that evening.

Commissioner Valdes believed the St. Johns Cultural Council was the best fit, but he questioned the Council's contributions to the building maintenance responsibilities, although the Building was newer and there would likely be no issues.

Commissioner Blonder was not in principal opposed to the management of the Building by the St. Johns Cultural Council, and she appreciated the hard work with their proposal by Christina Parrish Stone, Executive Director; however, she expressed the following concerns:

- Public had little opportunity to review or respond to a specific proposal
- The Fish Island logo topic was postponed for two months for public vetting, but this topic was much more intense and therefore should be given, at minimum, the same or more time
- Provision of adequate event space was unknown, since the demand from the community was unknown
- Office space would comprise 28% of the building, or 527 square feet, which left actual usable community space of the Building at 1,875 square feet which was not community dedication pursuant to the terms of the grant

- Three-year lease flexibility was a positive factor
- Referenced the grant proposal with St. Augustine Rehabilitation Phase 3 Application of 2018 (Priority Reservations, Number 5 in application on page 58 and 59):
  - Page 12, Section G5 referred to the Florida School for the Deaf and Blind (FSDB) and "students having access as patrons" and "contributors to interpretive programs"; was FSDB contacted, and why were they not included as a priority user as identified in the proposal
  - Page 12, Section G6 referred to "historic markers and/or interpretive panels"; who would follow these through, and how would they be funded
- Taxpayer loss of market rate revenue required discussion and could be five times higher than the $500 reduced rate given to St. Johns Cultural Council
- Tighter language was needed on what St. Johns Cultural Council was doing, with a potential annual assessment of community use and community requests as a reporting element
- The wording within the draft lease under *#2 Application Process* in several places stated "Cultural Center" which should be changed to 'Community Center' as required by the grant terms

Mayor Upchurch indicated he had no intention to approve a lease that evening since there were still loose ends, and he was not amiable to postponing the topic for two months, since it was not new and a dedication of the Building had occurred. He wanted to move forward and suggested discussion at the February 14th meeting if ready; however, if not ready, it could be continued.

Commissioner Sikes-Kline understood all the concerns and public comments over the years regarding the Building, the topic had been discussed for a long time, and she had made clear what she supported. She noted there should be no hurry, this was a process requiring public comment, she did not have issues with office space and noted the good experiences with the Yacht Club, Women's Exchange, Pena Peck House, and the Lightner. She was impressed by the depth of community support and loved the comment that this would be an "arts, culture, and educational centerpiece for the City and St. Johns County" since this was in the City's vision and Strategic Plan. She concluded that a great building was being provided, this presented a great image for the City, it would provide great accessibility and engagement for the community, and it was a wonderful opportunity to partner with St. Johns Cultural Council.

MOTION

Mayor Upchurch MOVED to direct City staff to take in the specific comments, specifically by Commissioner Valdes and Commissioner Blonder, to respond to those appropriately with the expectation that they would see this again on the February 14th agenda. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Mr. Regan stated that continuity had been lost with reference to grant terms when Jenny Wolfe, former Historic Preservation Officer, left the City. He indicated that procedurally all Commissioner comments would be considered, a document would be prepared for Commission approval, and a large community outreach push to engage the public was in process. He concluded that once a workable document was developed, it had to be presented to the St. Johns Cultural Council first, then to the Commission.

Mr. Regan requested clarification on whether to name the Building a community center or a cultural center, based on the discussion.

There was Commission consensus, at the suggestion of Mayor Upchurch, to call the building the Waterworks Building.

Mr. Regan advised the Building lease included the interior space and a music platform in the back, and potential alcohol use during events warranted updates and controls within the lease.

Mr. Regan further advised he would advocate for the music platform and sensitivity, at the suggestion of Commissioner Sikes-Kline, who indicated concerns with noise and the neighboring park.

Mr. Regan indicated the City currently had 38 employees out with COVID; therefore, garbage service may be delayed, but not missed, and he asked for the public to be patient.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Valdes thanked staff for their hard work during the pandemic and noted the difficulties of being short staffed. He announced the manatee ‘slow’ signs had been installed, and he thanked staff for their efforts.

Commissioner Horvath indicated it was nice to see students at the meeting with an interest in government, and she welcomed their return. She wished everyone a Happy New Year and noted her excitement for 2022 and future accomplishments.

Commissioner Blonder expressed concerns with the holidays becoming burdensome on staff, residents, and visitors from unintentional crowding, and she supported a staff review of mitigation actions. She advised of complaints received regarding noise, bathroom smells, and trash, and she believed the City was losing its edge and quality of life during the holiday period. She continued the City had exceeded carrying capacity, there was no end in sight, and the parking garage had record numbers during a pandemic. She believed a global look should be taken on who the City wanted to be, and they should reflect and regain some quality of life.

Commissioner Blonder addressed the safety issue with horse carriages, bicycle taxis, scooters, and golf carts riding on the same road as cars, vehicles, and delivery trucks. She said the City should develop ways to re-route these to avoid conflict among slower and faster vehicles to avoid a potential tragedy.

Commissioner Blonder noted a proposal was currently under review by the PZB, which surfaced the need to discuss current Open Land zoning criteria and its purpose as related to the Comprehensive Plan, future land use maps, and conservation buffer zones.

Commissioner Sikes-Kline reminded the Commission of an email sent by the Florida League of Cities regarding their ‘Advo-kit’ which was an advocacy tool kit and resource to engage and obtain all available assistance during the legislative sessions. She sought to develop resolutions once more refinement was seen with the current three onerous legislative bills.

Commissioner Sikes-Kline requested the placement of speed signs on Riberia Street that would encourage and remind drivers to slow down.

Mayor Upchurch suggested a review of this topic by Chief Michaux and Reuben Franklin, Director, Public Works, under the supervision of Mr. Regan, with a report at a future meeting. He noted the homes currently under construction on Riberia Street and traffic calming areas were necessary.

Commissioner Valdes indicated the homes were primarily Air BNBs, which would saturate the neighborhood and create a larger impact.

Mayor Upchurch said the downtown streets were clean during his Saturday visit; however, this was a massive challenge, and Commissioner Blonder's comments should be revisited after Nights of Lights ended. He received two to three weekly emails from visitors regarding the downtown homeless population which was a topic they must keep in their sights. He agreed with Commissioner Blonder's concern with non-traditional modes of transportation, and safety and traffic movement should be addressed. He was anxious to receive and consider the proposal on King Street.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:46 P.M.[1]

T. L. Upchurch

Tracy Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[1] Transcribed by Laura Morse