CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 14, 2022

The City Commission met in formal session Monday, February 14, 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

**Also Present**:
John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Assistant City Manager
Reuben Franklin, Director, Public Works
Corey Sakryd, Deputy Director, General Services
Melissa Wissel, Communications Director
Greg Johnson, Deputy Director, Financial Services
Jennifer Michaux, Police Chief
Anthony Cuthbert, Assistant Chief of Police
Laura Morse, Recording Secretary

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**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**2. ADMINISTRATIVE ITEMS**

**2.A. Modification and Approval of Regular Agenda**

(None)

**MOTION**

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

**3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS**

**3.A. Proclamation 2022-05: Declares February 2022 as Black History Month.**

Mayor Upchurch read the Proclamation which was received by Mr. James Jackson, whose personal story as a young man struggling for civil rights was recently published by the Washington Post. He commended Mr. Jackson's courage and commitment to the struggle for equality and said he was an inspiration to everyone.

Mr. Jackson stated an injustice to one man would carry over to the next man; therefore, he became involved with the Civil Rights' movement to seek justice and equality for African Americans and the United States. He said the word 'united' needed to return to the U.S.A. because divided we would fall.

**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:

- John Grapsas
- Leslee Keys
- John Wooldridge
- Elizabeth Smith
- Wayne Sims
- Melinda Rakoncay
- Gregory von Hausch
- Blakely Hughes
- Ellen Walden
- Lauren Giber
- B.J. Kalaidi

Public comment was closed.

**5. CONSENT AGENDA**

John Regan, City Manager, reviewed the Consent Agenda.

CONSENT AGENDA
FEBRUARY 14, 2022

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON DATE:

(None)

CA.3. Reminder of Upcoming Meetings:

- February 28, 2022, 3:30pm, Special City Commission Meeting (ARPA financing)
- February 28, 2022, 5:00pm, Regular City Commission Meeting
- March 14, 2022, 5:00pm, Regular City Commission Meeting

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

- January 24, 2022, Workshop Meeting
- January 24, 2022, Regular City Commission Meeting

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

- Lynn and Raymond Higgs - 414 Old Spanish Trail
- Barbara Williams - 866 Collier Boulevard
- Ardella, Kerry Layne and Sheryl Leanne Nelson - 94 Park Place

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION / RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

- Proclamation 2022-04: Proclaims March 2022 as Minorcan History and Culture Month. *(N. Sikes-Kline, Commissioner)*
- Proclamation 2022-06: Proclaims March 2022 as National Women's History Month. *(B. Blonder, Commissioner)*
- Proclamation 2022-07: Celebrates the 503rd birthday of the founder of the City of St. Augustine, Don Pedro Menendez de Aviles. *(T. Upchurch, Mayor)*

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

(None)

CA.8. Confirmation of David Birchim as Co-Assistant City Manager. *(J. Regan, City Manager)*

CA.9. Approval of the nomination of Margo Pope for the 2022 Adelaide Sanchez Award. *(J. Valdes, Commissioner)*

CA.10. Approval of a city park interlocal agreement whereby the City agrees to maintain passive areas of local active parks within the city's limits while the county maintains the active ball fields and courts.

*(C. Sakryd, Deputy Director, General Services)*

CA.11. Approval to allow the use of the city seal by the University of Florida for the St. Augustine History Festival from May 12 - 15, 2022. *(J. Regan, City Manager)*

CA.12. Approval of request to use City seal for the Fort Mose Jazz and Blues Series from February 18 - 26, 2022. *(J. Regan, City Manager)*

CA.13. Approval of invoice from Cavendish Partners, P.A. in the Marlowe v. City matter for $2,430.00. *(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 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**

(None)

**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 2022-01: Adopts a Citywide Mobility Plan and Mobility Fee.**

Amy Skinner, Director, Planning and Building, reviewed the Ordinance which incorporated the comments and considerations from the Planning and Zoning Board (PZB), the City Attorney, and Jonathan Paul, Consultant with Urban Concepts. She said these included the establishment of one fee zone and one spending zone, simplifying the fee schedule, establishing a clear appeals process, and confirming transparency in the agreement process between the City and developers regarding mobility improvements. She advised that if adopted, the mobility fee would take effect May 17, 2022, after the 90-day notification period, and Reuben

Franklin, Director, Public Works, and Mr. Paul were present to answer questions.

Commissioner Valdes inquired about the following:

- Did PZB discuss granting breaks on mobility fees for affordable housing
- Did the mobility fee apply to new construction or an expanded footprint since many impacts were from increased traffic and parking and were related to change of use and not building expansion

Ms. Skinner stated the following:

- Residential mobility fee was based on square footage, affordable housing was assumed to be smaller and was scaled to the unit size which was approximately $1.05 per square foot
- During a new use or change of use, if a building permit was required, then a potential fee would be calculated with the existing use and the assumed impact on the transportation network, and the fee would be the net difference between the existing and new use
- Technicalities existed such as getting a building permit to change the use from single family to a short-term rental (STR) and work done that required a building permit; there was a difference in the fee so potentially someone could pay a mobility fee, and a short-term rental determined more impact to the transportation network
- Main component was the building permit

Mayor Upchurch said it was possible to purchase a single-family home, convert it to an STR use with no renovations, then increase the bedrooms. He said this should be captured with an interface during the registration process; however, this would still require an amendment.

Isabelle Lopez, City Attorney, advised that State statute prohibited charging a mobility fee prior to someone pulling a building permit; therefore, they were precluded even if a way to monitor this interface was devised.

Commissioner Blonder thanked City staff, PZB members, and Mr. Paul for their hard work. She stated the following:

- Mobility fee was consistent with the transportation and mobility element of the 2020 updated Comprehensive Plan
- It would assist with addressing the overburdened transportation system by connecting new development with mobility funding and improvements
- This was how new City developments could contribute their fair share of infrastructure costs
- Most emails received by the public were regarding transportation and flooding
- A mobility fee credit for workforce and affordable housing should be added while moving forward with a feasibility plan
- An established precedent existed, and City fees were similar or lower than the County, which broadened and replaced more traditional road impact fees or concurrency, and both were based entirely on motor vehicles
- Enhanced the safety and quality of life for citizens and visitors
- Huge step forward in sustainability goals and carbon footprint reduction

Commissioner Blonder was advised by Ms. Skinner that a change in use was affected when there was a trip change, such as the construction of a mother-in-law suite above a garage, but not for a permit to enlarge a living room. She requested clarification from page 51 of the technical report, which read 'the City Council may wish to establish a maximum square footage for which a residential mobility fee would be assessed."

Mr. Paul explained that in some communities, the fee was based on square footage, which was to address affordability;

therefore, smaller homes paid lower fees and larger homes paid higher fees. He said some communities elected to establish a maximum threshold cap, and research showed as unit size increased, the trips increased; therefore, there was a connection between a higher fee and STRs.

Commissioner Blonder indicated she was not interested in establishing a maximum square footage.

Commissioner Sikes-Kline thanked Mr. Paul. She noted the challenges with the archaic street system and said they must promote walkability, reduce congestion where possible, improve reliable travel times, and make resident travel easier. She questioned the potential projects tied to the Comprehensive Plan (CP), recommended the "*Frequently Asked Questions*" handout to citizens, and questioned how the mobility fee projects were prioritized and connected to the Capital Improvement Plan (CIP).

Mr. Paul stated the following:

- City Commission was provided a framework to begin the process
- The first step was to identify projects and include them in the CP
- The list served as a guide throughout the annual processes, to see projection of fees and monies available from federal or State government
- They looked at past plans and selected projects most likely to get approved, and some with smaller dollar amounts showed in the first year
- The project list was included in the Transportation Planning Organization's (TPOs) long range transportation plan, which made it eligible for State and federal funding and several projects were earmarked for funding
- Jacksonville and the City were only two communities in northeast Florida with an adopted mobility plan which the Florida Department of Transportation (FDOT) looked at to fund annually
- Infrastructure bill just came out with much funding available
- Commission had ability to move projects up, or they could amend the Plan

Commissioner Sikes-Kline inquired how the CIP was matched to this framework.

Ms. Skinner advised the list of projects came from the CP process, they wanted a list that coincided with the Mobility Plan, there was low hanging fruit, and with the priority list programs could be expanded or started. She continued the CIP budget was reviewed annually but could be looked at into the future, and if the Ordinance was adopted this would be the first year they formally included the Mobility Plan with the Capital Improvements Five-year plan and project prioritization, and as they moved through the budget process these projects would be discussed.

Ms. Skinner replied to Commissioner Horvath's request to include safety improvements on Riberia Street by stating that a priority to move from concurrency and level of service to quality of service was to look at speed limits, street types, create safer spaces for all users, and to prioritize projects that slowed things down. She said as these were implemented, speed issues would slow because of bike paths, wider sidewalks, and right-of-way items which all made it safer with more choices for travelers.

Mr. Regan indicated that a report on Riberia Street was scheduled for the February 28th Commission meeting, and some improvements may or may not meet the definition of a capital project.

**MOTION**

**Commissioner Blonder MOVED to pass Ordinance 2022-01 on first reading and move to second reading. The motion was SECONDED by Commissioner Horvath.**

Ms. Lopez, City Attorney, read the Ordinance:

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 21, ARTICLE I AND ARTICLE II, CREATING ARTICLE III, TO BE ENTITLED "MOBILITY PLAN AND MOBILITY FEES"; PROVIDING FOR AUTHORITY; SETTING FORTH GENERAL PROVISIONS FOR MOBILITY FEES, DEFINITIONS, PURPOSE, THE MOBILITY PLAN AND MOBILITY FEE TECHNICAL REPORT, AND RULES OF CONSTRUCTION; PROVIDING FOR IMPOSITION AND A MOBILITY FEE SCHEDULE; PROVIDING FOR THE PROCESS FOR REVIEW OF ALTERNATIVE & SPECIAL FEE DETERMINATIONS, CREDITS, ESTABLISHMENT OF MOBILITY FEE BENEFIT DISTRICTS, FUND ACCOUNTS, EXPENDITURES, REFUNDS, EFFECTS ON LAND DEVELOPMENT REGULATIONS, DEVELOPMENT OF AN ADMINISTRATIVE MANUAL AND SERVICE CHARGES, REQUIREMENTS FOR ANNUAL REPORTING, REVIEW AND UPDATES, AGREEMENTS, INTERLOCAL AGREEMENTS, VESTED RIGHTS, APPEALS AND PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Upchurch concurred with the Commissioner's comments and stated this was a very significant forward-thinking project, it was a tremendous amount of work, and they were grateful to City staff and Mr. Paul for their vision and hard work.

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

**9.A.2. Ordinance 2022-03: Small Scale Land Use Plan Amendment to only the upland portion of the property referred to as Flagler Crossing from Residential Low Density Mixed Use to Residential Medium Density.**

Ms. Skinner reviewed the Ordinance, PZB discussions, and the differences between land use categories. She said the allowable use changed from an eight unit maximum per developable acre, or 336 units, to a 16 unit per acre potential, or 510 units.

Ms. Lopez stated this item was not a typical 'rezoning' process, but a legislative policy making decision. She advised a court review would judge the item under the "fairly debatable" standard and would look at whether there was a rational decision-making process, or a difference of opinion with regards to choosing, from a public policy perspective, whether or not to amend the City's Comprehensive Plan.

Commissioner Blonder noted the following regarding the CP amendment:

- It came just after the request for City staff to develop a plan for Commission review to address critical needs with affordable and workforce housing
- If enacted, the proposed CP amendment was legislative and would set the stage for similar requests
- It would double the density of a parcel zoned as residential low density mixed use; therefore, she did not agree it was consistent with the CP, but it was "contrary to the public interest" and did not meet the bar of good public policy
- Property was rezoned from a Planned Unit Development (PUD) from a current low-density zoning through an applicant request dated March 3, 2020, with implications to "provide incentive for

workforce housing" and units costing no more than $250,000

- The proposal indicated the units would be sold at market value with no built-in component of workforce or affordable housing
- Disagreed that applicant had a "disadvantage due to the reduction in developable area due to the existing rail line and conservation area" since nothing had changed on the railroad or conservation easement since 2020, and it was a reasonable assumption the applicant had full knowledge of both "disadvantages" all along
- Did not see how the requested changes were relevant to the City's CP
- Quoted applicant as stating the City had a "high demand for workforce housing" as justification that lead several PZB members to note this as a positive element
- Applicant's request did not include workforce housing, and the Ordinance, nor the proposed development were designed to address this need
- *The Landing* had short-term rental units, and who would enforce if these were prohibited
- 90 percent of the City was built-out and 42 acres was significant in terms of density and other measures

Wiliam "Billy" Zeits, Senior Project Manager of Corner Lot Development, was present and represented the owner. He said they were reviewing options to incorporate affordable housing, and the site was next to commercial and high density residential with a pending traffic signal; therefore, it was the right fit for increased density, and they intended to return with a presentation which addressed options at the March 28th meeting. He continued they were amenable to discussion and would review the critical needs City staff suggested on workforce housing, and he sought harmony with the project, PZB, and the Commission. He concluded there were 30 single family rental units in a three-story apartment building for families, PZB was provided the lease which restricted STRs and had on-site parking restrictions to be managed by an on-site company, and the development would connect externally to City sidewalks and include a large internal trail.

Commissioner Valdes indicated this would be a significant increase in trips and people, and a solution was needed for workforce housing and parking to mitigate mobility problems. He said the location might be a good match for a public / private venture for a parking garage to be used by the development's residents and the City, and he would not support the density increase without something in return.

Commissioner Horvath asked whether a developer was perpetually locked in to a 'rental' designation with a property, and she was advised by Ms. Lopez the only way to add conditions would be a development agreement, which was per State statute and would encompass density, uses, donations of land, and utility improvements. She continued that rezoning could not have conditions, and to amend the CP at the policy making legislative stage required a development agreement which necessitated public hearings and other terms.

Mayor Upchurch stated important concerns were voiced and heard by the developer, who was willing to work with and have serious conversations with the Commission and City staff.

**MOTION**

**Mayor Upchurch MOVED to pass Ordinance 2022-03 on first reading read by title only and moved to second reading. The motion was SECONDED by Commissioner Sikes-Kline.**

Ms. Lopez read the Ordinance:

ORDINANCE NO. 2022-03

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 42.36 UPLAND ACRES LOCATED WEST OF THE FEC RAILWAY, SOUTH OF SAN SEBASTIAN VIEW AND EAST OF THE SAN SEBASTIAN RIVER IN THE CITY OF ST. AUGUSTINE AND BEING MORE PARTICULARLY DESCRIBED HEREINAFTER FROM RESIDENTIAL LOW DENSITY MIXED USE TO RESIDENTIAL MEDIUM DENSITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Blonder stated an amendment to the CP was premature, a month was not ample time for developing details, staff recommendations would trigger the development of a regulatory scheme for this type of housing, and adjustments to the CP could be holistically reviewed once this concluded. She requested an amendment to postpone the second reading until after staff recommendations regarding affordable workforce housing were received, and then they could review what the developer could offer.

Ms. Lopez advised the second date for the Ordinance's public hearing was set by staff, and the applicant had requested more time.

Mr. Zeits noted that a meeting was set with Health and Human Services housing department to determine the possibilities with rent to income ratios. He said the intersection would see more traffic, and all developers had entered into a cost share agreement for placement of a light at the intersection. He said the study was ongoing and related to the outcome of density changes or commercial development and was included in FDOT's control study which was a six to nine-month process. He advised the Commission the study would be provided to them once received.

Mayor Upchurch reiterated the developer and staff would take the necessary time for the questions to be answered.

Commissioner Sikes-Kline requested community input, heard the support for multi-family, and asked the developer to discuss the benefits of density, as compact growth was environmentally friendly, and sidewalks impacted the Mobility Plan.

Commissioner Horvath added that density furthered mass transit.

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

**9.A.3. Ordinance 2022-04: Rezoning a portion of approximately 42.3 acres of land referred to as Flagler Crossing from Residential Low-One (RL-1) to Residential General-One (RG-1) on the upland portion of the property only.**

Ms. Skinner reviewed the Ordinance.

At the direction of Ms. Lopez, the Commission disclosed they had no ex parte communication.

**MOTION**

**Mayor Upchurch MOVED that Ordinance 2022-04 be read by title only and passed moving to second reading. The motion was SECONDED by Commissioner Sikes-Kline.**

Ms. Lopez read the Ordinance:

ORDINANCE NO. 2022-04

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

APPROXIMATELY 42.36 UPLAND ACRES OF PROPERTY LOCATED WEST OF THE FEC RAILWAY, SOUTH OF SAN SEBASTIAN VIEW AND EAST OF THE SAN SEBASTIAN RIVER IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF RESIDENTIAL LOW-0NE (RL-1) TO THE CLASSIFICATION OF RESIDENTIAL GENERAL-ONE (RG-1); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Blonder requested clarification if this Ordinance moved to second reading was tied to the previous Ordinance, and Ms. Lopez said yes.

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

**9.B. Resolutions**

**9.B.1. Resolution 2022-01 and Interlocal Agreement: Provides for the dredging of the entire channel in Salt Run to be done in multi-phases with the approval of a $150,000 Florida Inland Navigational District (FIND) grant and a required Interlocal Agreement to provide for said dredging.**

Corey Sakryd, Deputy Director, General Services, reviewed the Resolution and stated if it was approved by the Commission, he recommended they move forward with the Grant's other funding side which was 75/25 with the St. Augustine Port, Waterway and Beach District (SAPWBD) who contributed $50,000 to the project.

**MOTION**

**Commissioner Sikes-Kline MOVED to pass Resolution 2022-01. The motion was SECONDED by Commissioner Horvath.**

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

Mr. Sakyrd requested approval of the Interlocal Agreement with the SAPWBD.

**MOTION**

**Mayor Upchurch MOVED approval of the Interlocal Agreement. The motion was SECONDED by Commissioner Sikes-Kline.**

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

**9.B.2. Resolution 2022-06: Requires all parades within the City to conclude by 11:00am.**

Mr. Regan reviewed the Resolution which derived from a City Police Department request based on present higher traffic loads versus when the Ordinance was first created. He said the change affected three City parades: Easter, St. Patrick's Day, and Christmas.

Officer Jeff Truncellito, St. Augustine Police Department, stated this change applied specifically to the downtown area, and did not include parades or marathons on the Island.

**MOTION**

**Commissioner Sikes-Kline MOVED to pass Resolution 2022-06. The motion**

**was SECONDED by Commissioner Horvath.**

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

**10. STAFF REPORTS AND PRESENTATIONS**

**10.A. Update regarding the City's efforts on homelessness.**

Anthony Cuthbert, Assistant Chief of Police, St. Augustine Police Department, thanked the Commission and City staff for their active role in the homelessness effort. He delivered a presentation which included the topics of Budgeted Funds, Related Service Calls, Community Partners such as St. Francis House, Family Reunification Program, Habitual Misdemeanor Offender Program, Outreach Programs, Park Signage, and Point in Time Count. He stated the sign at Gibbs Park had been successful, and of the 419 in the Point in Time Count which included the County, 83 individuals were no longer homeless. He said the goals in moving forward included more local government participation, expansion of signage, and education.

Mayor Upchurch expressed appreciation for Assistant Chief Cuthbert and his presentation, the use of the word 'compassion', and the entire Police Department. He noted homelessness was not just a law enforcement problem, the officers took the brunt of the issue, and he received more email on the topic than any other.

Commissioner Valdes thanked Assistant Chief Cuthbert for his presentation and asked if the numbers could be broken down to address the reasons for homelessness, which included economics, medications, addiction, and habitualness. He continued the police officers acted as psychiatric workers which kept them from other duties, and the City should look at staff expansion to address the homeless issue.

Commissioner Sikes-Kline suggested the following:

- Should continue bench marking
- Entry level shelter feasibility was a budgetary item and should be on the list
- Panhandling ordinance for tighter regulations could be started right away
- Requested an offline conversation on the topic with Assistant Chief Cuthbert
- Needed increased participation from local government
- Supported implementing a social worker into the budget
- Asked about consistency in prosecution which was more judicial
- Supported a budgetary item for an off-duty police officer at the Dining with Dignity location, based on the concerns and request of Ms. Waldon for more police presence
- Suggested the educational program include a 'Frequently Asked Questions' website section, and the brochure handed to visitors with a donation app which funded the homeless facilities

Assistant Chief Cuthbert stated the park signage and education program was during the revamp of the panhandling ordinance which had discussion and should come to fruition. He said the expansion of park signage at Gibbs Park was successful and other signs under the Ordinance would be welcomed. He stated he worked with the Chief of Police and the Dining with Dignity members; however, they were unable to consistently dedicate an officer at the location since calls for service and public safety took priority. He advised they should be cautious with HIPPA issues when determining the breakdown numbers of women, men, and children.

Commissioner Blonder echoed Commissioner Sikes-Kline's comments and

questioned the County's increased participation and the feasibility of an entry level shelter. She asked for staff to explore a strategy development to address both needs.

Mr. Regan advised the following:

- Topic was not discussed at the time for safety reasons; however, the Police Department was previously understaffed 25% to 30% due to COVID, and resources had to be reallocated
- Homeless problem was being tackled one meeting at a time
- Approximately 15% of all homeless met the definition of chronic homelessness, which was who the complaints were about, and 85% of the homeless did not want to be
- The next steps were to look at the demand, existing capacities in housing which went from emergency sheltering, transitional housing, permanent and supportive housing, to affordable housing
- Optimistic that management would be able to show the inventory at each housing level at the February 28th meeting
- Should identify the need for a low barrier to entry facility
- Looked at facilities matching a point in time count, capacities, and demands
- Cost of homelessness was not measurable
- Commended the police discussion for necessary additional psychiatric resources

Ms. Lopez advised that a "Frequently Asked Questions" section was provided on the City Attorney's webpage to answer questions regarding legal parameters on homelessness and panhandling; however, there was no list indicating what the City did with other programs.

Mayor Upchurch asked Mr. Regan to review the suggested the list of ideas and to respond in a formal matter at a future date. He asked to include the consideration of a dedicated website page which directed community members and visitors to the City's homelessness efforts. He said the story was important, and the community needed to understand the complicated nature of the problem.

**10.B. Update on the short-term rental program within the City.**

Ms. Skinner noted the total number of STRs was 448, and the majority were single family out of approximately 6,500 homes in the City. She reviewed the efforts with registration, monitoring, compliance, activity, Host Compliance and STR locations. She stated this was a difficult process for PZB and the community, and it had been an emotional learning process for all involved. She said this was the first year with renewals, there were issues with Host Compliance 'inactivating' people, and most complaints were for trash and parking; however, 25 parking spaces had been approved in the City garage for 13 applicants. She said Florida State legislature preempted the regulation of many things, such as in residential districts certain areas were limited to 7 days or longer, and in HP1 they were limited to 30 days or longer. She said that City staff was completely dedicated to the topic.

Ms. Skinner advised Mayor Upchurch there were less than the previously noted 600 STRs since many owners had not complied with the registration process, there was a noncompliance gap, and this presented challenges. She noted that Barry Fox, Code Enforcement Manager, was tenaciously tackling the issues since being hired to manage Code Enforcement.

Commissioner Blonder stated that public comment showed well intentioned owners, and the bad actors were not complying; therefore, she asked the 'good actors' to help identify those not complying.

Mayor Upchurch thanked Ms. Skinner and City staff for their hard work on the project.

**11. ITEMS BY CITY ATTORNEY**

**11.A. Legislative update, for information only, no presentation.**

(None)

**12. ITEMS BY CITY CLERK**

**12.A. Request for appointment to the Code Enforcement Adjustment and Appeals Board.**

Darlene Galambos, City Clerk, advised the Commission that Jan Marie Kelly had applied for the vacancy, and she recommended her appointment.

The Commission, Ms. Galambos, and Ms. Lopez discussed:

- Board applications should include a resume
- Applications should request more information on qualifications
- Racial category question was based on federal grants which requested as much information on underserved communities
- PZB and Historic Architectural Review Board (HARB) applications had a specific requirement to provide a cover letter and a resume, and the General Board had been changed to reflect the same language
- Tourist Development Council provided two lists which showed qualified and unqualified applicants
- Suggested a minimum standard checkoff for a cover letter, resume, and a richer application
- It was Commission policy to bring all applications forward and City staff could not hinder them

Ms. Galambos advised there was an existing Resolution requiring the City Clerk to provide all applications to the Commission.

Mayor Upchurch suggested an update to the Resolution, and that a list of complete and incomplete applications be utilized.

**MOTION**

**Mayor Upchurch MOVED that based upon the information that Ms. Kelly provided that the Commission appoint her to the Code Enforcement Adjustment and Appeals Board. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.**

**12.B. Request for one appointment to the St. Augustine Police Officers' Retirement Board.**

Ms. Galambos reviewed the request for appointment and noted an application was received from Mary Jane Liles. She said Ms. Liles was briefed on the responsibilities and duties of the Pension Board, and she was optimistic to serve in the capacity.

**MOTION**

**Mayor Upchurch MOVED that Ms. Liles be approved. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.[1]**

**12.C. Discussion regarding alternatives to advertising for board term expirations and vacancies.**

Ms. Galambos reviewed the options for advertising board positions in the newspaper, including pricing for a display ad and a smaller ad. She said the City had an organizational resolution which stated a special advertisement was required in the St. Augustine Record; however, there were

[1] Commissioner Sikes-Kline stepped away and was absent for the vote

not any guidelines in the City Code or Florida statute for advertising these positions. She recommended the continuance of advertising board positions in the St. Augustine Record's classified section and assured the Commission that advertisements would continue through social media and other news outlets.

There was Commission consensus to use the smaller classified ad versus a display ad, as recommended by Ms. Galambos.

**13. ITEMS BY CITY MANAGER**

**13.A. Review and approval of the lease of the City's Waterworks Building to the St. Johns County Cultural Council, Inc.**

Mr. Regan advised that all Commissioner comments from January's meeting regarding the lease and options were reviewed and addressed to the best of staff's ability, and public outreach provided general non-negative feedback. He noted that David Birchim, Assistant City Manager, and Ms. Parrish-Stone, Executive Director, St. Johns County Cultural Council, were both present to answer specific questions.

Commissioner Sikes-Kline stated she was 100% in favor, heard only positive feedback, saw this as a great civic asset for the citizens, and it was a good fit for the organization and City goals.

**MOTION**

**Commissioner Sikes-Kline MOVED to approve the lease of the City's Waterworks Building to the St. Johns County Cultural Council, Inc. The motion was SECONDED by Commissioner Valdes.**

Commissioner Blonder noted that page 15 of the lease, Exhibit B, Section 3 'Fees for Use' was vague, and she requested inserting the word 'direct' before 'costs'.

There was Commission consensus to add 'direct cost' in the agreement without an amendment.

Commissioner Blonder said she supported the lease in principle; however, the updated lease addressed most, but not all, of her previously addressed concerns. She noted the one-third of renovated usable public space would remain office space for St. Johns Cultural Council staff, and this demand was not fully evidenced; therefore, she could not support it.

Commissioner Valdes indicated his initial skepticism, which changed based on his receipt of nothing but positive community feedback for the lease. He noted his appreciation for Commissioner Blonder's comments but suggested they move forward.

**VOTE ON MOTION:**
**AYES: Sikes-Kline, Valdes, Horvath, Upchurch**
**NAYES: Blonder**
**MOTION APPROVED 4/1**

Mr. Regan reviewed the status of the STR Bill:

- Commissioner Sikes-Kline and Mr. Birchim recently traveled to Tallahassee to fight the Bill currently in legislature
- Involved a concentrated strategy to flip Republican votes on the Ways and Means Committee, and it was reported that five votes were currently flipped, and it only took three to defeat the Bill
- If the Chair thought the votes were there to support the Bill, it would be placed onto the agenda produced by the Ways and Means Committee Tuesday, February 15th by 4:30
- If the Bill was not listed as of Thursday, February 17th this would be a good sign
- Representative Fischer sponsored the Bill, but told the Jacksonville Beach Council he did not believe the Bill would

survive and was not pushing it or making Committee phone calls
- An amendment was possible, but the weight was with the elected officials
- Another Tallahassee visit may be required to fight the issue
- Passage of the Bill would be devastating to the City's STR intentions
- Mr. Birchim's resources and background were very beneficial to the Tallahassee representatives
- Representative Paul Renner supported the Bill language 'as is', and could possibly promote the Bill onto the schedule at the last minute; therefore, the next few days were critical

Mr. Regan reviewed the status of other bills:

- SB 620 and SB 280 were through the Senate, and the remaining fight was in the House
- Mayor Upchurch successfully advocated for Senator Hutson to change the language in SB 620 regarding the ability for prevailing parties to seek fees in a lawsuit, which was an important issue based on the City being sued twice over the Burt Harris Act
- Appropriations were doing very well, West Augustine was sitting in the Senate budget at $500,000, and at One million in the House budget and this was the first time a project funded on both sides went into budget reconciliation
- Governor DeSantis' office contacted the City looking for more information on the firehouse design appropriations which was a good sign

**14. ITEMS BY MAYOR AND COMMISSIONERS**

**<u>14.A.</u> Discussion regarding approving utility funds of $50,000 for the payment of a unit connection fee for a future medical clinic to be located in West Augustine.**

Mayor Upchurch reviewed the medical clinic initiative in West Augustine which was outside City limits but within the water and sewer service area. He said this was seen as a City contribution, funding would come primarily from the County, and Flagler Hospital and the YMCA were pending tenants. He noted that folks in West Augustine saw this project as an anchor for re-development of the entire King Street Corridor which had a positive impact on the eastern portion of west King Street, and the ability to have a medical clinic in West Augustine provided essential health services to a historically underserved community. He concluded there were many things that demonstrated a substantial public purpose to make this allocation.

Mr. Regan noted the following:

- Clinic was the number one priority of the West Augustine CRA leadership, since there was a lack of medical care facilities other than the Wildfire Clinic
- Facility was integrated and would aid in veteran service, and the development of the commuter rail
- Federal participation would take place
- Clinic was highly supported by Congressman Rutherford
- Total construction was eight million
- City could participate through utility revenue connection fees
- The demise of the corridor occurred when Florida Memorial College vacated the area and went to Miami
- Project received much support from the private sector
- Mark Bailey Foundation donated all fees for the design concept and advocated private donations to close any gaps
- County sought to allocate a minimum of five million dollars from their American Rescue money, and they were trying to secure an additional Three million

**MOTION**

**Mayor Upchurch MOVED to earmark the $50,000 for the unit connection. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.**

Mayor Upchurch stated he was unhappy with the visual clutter of the "DO NOT ENTER" signs off San Marco which barricaded the Waterworks Building. He asked to reduce the signs to one and for Mr. Regan to look into the matter.

Commissioner Sikes-Kline indicated the Library appealed to the Commission to secure the site; therefore, the fencing needed to remain at the location.

**14.B. Local land conservation initiatives.**

Commissioner Blonder provided the background for her initiative with local land conservation. She noted the following:

- Toured the 80 acres and contemplated the best possible uses for the 33-acre parcel
- Listened to public comments regarding overdevelopment and the cultural possibilities with the Shell proposal
- Many competing issues existed with quality of life, flood initiatives and challenges, and the pace and extent of development in the County
- Fish Island project was a great example of working together with partners and what could be accomplished with a land acquisition strategy and this initiative should be expanded upon
- 90% of land within City boundaries was developed which placed City at a tipping point for all quality-of-life issues
- Comprehensive Plan, Strategic Action Plan, and others specifically identified open land conservation as an important strategy for flood resilience and the ecosystem services provided by capture and slow release of water
- Function of a wetland was similar to a sponge, which soaked up water that did not immediately leak out, and would not overwhelm storm management systems
- Acquiring land for long-term public benefit was one of the most recognized and important responsibilities of government
- Any land conservation acquisition done would only move forward with willing sellers
- Met with City staff and a representative from Trust for Public Land (TPL), which was a non-profit that looked at funding sources for land acquisition

Commissioner Blonder proposed land acquisition initiatives to acquire undeveloped land or land that would be considered "key puzzle pieces" with only willing sellers for the purpose of conservation and flood resiliency. She requested Commission approval to direct staff to work with the Trust for Public Land because of their experience with helping local governments to develop funding strategies for land acquisitions and technical assistance. She stated that her request included the following:

- Request technical assistance from the Trust for Public Land to work with City staff
- Analyze the feasibility of a land acquisition initiative
- Determine if there is adequate public support
- Develop a proposal for funding mechanisms
- Prepare a recommendation to the Commission for public input in order to make a decision as to whether to adopt the proposal

At the request of Commissioner Sikes-Kline, Commissioner Blonder clarified that she was referring to open land, or land that was essential as a jigsaw puzzle piece. She noted that she spoke with Dr. Leslee Keys at Flagler College, who indicated that a key

strategy for protecting these historic resources was the flood resilience package already being done, and this was a piece of that package.

Commissioner Sikes-Kline supported Commissioner Blonder's request if it included historical and archeological sites since they could not be separated.

Commissioner Blonder was not opposed to Commissioner Sikes-Kline's request; however, she would refer to the TPL experts and the City attorney to verify inclusion of those elements.

After a brief discussion, Mayor Upchurch stated Commissioner Blonder articulated a direction to begin exploring the idea and to include the possibility of adding historic preservation and archaeological sites.

**There was unanimous consensus to move forward with the initiative.**

Commissioner Sikes-Kline corrected her previous comment regarding 'information' cards passed through the City, and it was the United Way who had a system of collection; however, shop owners did not want to utilize them.

Commissioner Sikes-Kline raised the topic of undercarriage lighting for the Bridge of Lions, which was previously proposed by architect Don Crichlow. She said it was sensitive to the historic character of the bridge, and Mr. Crichlow proposed partially private and government funding which at the time was estimated around $100,000; however, the cost had come way down. She asked Mr. Regan to search lighting costs, auctions, and who they could work with, and said they should talk with FDOT since the City paid for the conduit on the Bridge. She requested the Commission's support to move forward with the topic.

Commissioner Horvath supported the request and suggested consulting with the lighting specialist that had performed work on the Jacksonville bridges.

Commissioner Valdes enjoyed the idea of lights projecting onto the water, and he questioned the generation of electricity with solar power or tide driven or wind generators. He requested an update on the Lake Maria Sanchez project and resolving the issues.

**There was Commission consensus to return to the Commission with a proposal on undercarriage lighting for formal consideration.**

## 15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:57 P.M.[2]

Nancy Sikes-Kline, VICE MAYOR

Darlene Galambos, CITY CLERK

THE CITY OF ST. AUGUSTINE CORPORATION

[2] Transcribed by Laura Morse