CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, March 14, 2022

The City Commission met in formal session Monday, March 14, 2022, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Vice Mayor Sikes-Kline, 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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Officer Mark Samson, St. Augustine Police Department, delivered the invocation, and Vice Mayor Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

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

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Proclamation 2022-09: Proclaiming the month of March 2022 as Archaeology Month.

Vice Mayor Sikes-Kline read the Proclamation which was received by Dr. Andrea White, City Archeologist.

Dr. White acknowledged Katherine Sims, City Research and Collections Archeologist, and thanked the numerous volunteers who donated 1,650 hours of their time in 2021. She said during the 35 years that the City had an archeology preservation ordinance, hundreds of thousands of hours had been donated by volunteers to preserve the heritage of St. Augustine.

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:

- Martha Mickler
- Lauren Giber
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

Meredith Breidenstein, Assistant City Manager, read the Consent Agenda.

CONSENT AGENDA – MARCH 14, 2022

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MARCH 28, 2022:

- Ordinance 2022-07

CA.3. Reminder of Upcoming Meetings:

- March 28, 2022, 3pm, Special City Commission Meeting
- March 28, 2022, 5pm, Regular City Commission Meeting
- April 11, 2022, 5pm, Regular City Commission Meeting

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

- February 14, 2022, Regular Commission Meeting

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

(None)

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 Madeira at St. Augustine Phase 1C plat. *(A. Skinner, Director Planning and Building)*

CA.9. Information regarding the fees received for and the cost of the vacation rental program. *(A. Skinner, Director Planning and Building)*

CA.10. Invoice for professional services by Cavendish Partners, P.A. in the Smith v. City matter for $3,600.00. *(I. Lopez, City Attorney)*

End Consent Agenda

At the request of Vice Mayor Sikes-Kline and for the benefit of the public, Ms. Breidenstein read the memorandum from Item CA.9 which was sent to John Regan, City Manager, from Amy Skinner, Director, Planning and Building.

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 Valdes 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. An update from the Town and Gown Advisory Committee of Flagler College will be presented by Committee Chair, Tom Day.

Melissa Wissel, Communications Director, introduced Tom Day, Town and Gown Committee Chairman.

Mr. Day stated a Task Force of executives formed in 2014 as the result of Flagler College growth and student behavior issues, and 25 recommendations were presented to the City Commission which included the formation of the Town and Gown Committee. He delivered a presentation that included the history, mission statement, and actions of the Committee which was grouped into business and residents comprised of the following members:

- Melissa Wissel, City of St. Augustine Communications Director
- Laura Stevenson-Dumas, Vice President and Chief of Staff, Flagler College
- Beth Sweeny, Director of Communications in Government Relations, Flagler College
- Rachel Hill, Student Government Association President, Flagler College
- Irene Areola Thornwood, Realtor with Saltwater Property Group
- Karen Valachovic, Realtor with Coldwell Banker Vanguard
- Martha Mickler, City resident
- Marsha Chance, Davis Shores resident
- Tom Day, Town and Gown Chairman
- Officer Gary Johnson, City of St. Augustine Police Department

Mr. Day thanked Ms. Hill for her assistance with developing the presentation. He acknowledged Officer Johnson for his creation of 'Coffee with a Cop' at Flagler College, which assisted with a good police officer and Flagler student relationships. He noted in 2017, student complaint issues were with off campus housing availability, short-term rentals in unsafe buildings, community contact, student parking, resident behavior, and growth transparency, and these issues were included in the Task Force's 25 recommendations. He said from 2015 until present day, the issues had changed for the better, negative feedback was significantly less, and there was no expectation the Flagler student body would increase over 2,400. He thanked the Committee members for their service, and the Commission for their time.

Commissioner Valdes thanked Mr. Day and the Committee, and said Flagler College was the keystone or 'elephant in the room' which had been quiet as the result of better communication within the City.

Vice Mayor Sikes-Kline thanked Marsha Chance and Martha Mickler for their service to the community, agreed that community relations had improved, and said the Town and Gown Committee was a great 'vehicle'.

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2022-05: Clarifies and confirms that the City may use any legally available procedures for code enforcement proceedings.

Isabelle Lopez, City Attorney, reviewed the Ordinance which confirmed utilization of the Code Enforcement Board, a special

magistrate, or County Court, pursuant to State statute, for Code Enforcement proceedings.

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

Public hearing was closed.

MOTION

Commissioner Horvath MOVED to approve Ordinance 2022-05 on second reading read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 2-316 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CLARIFY THAT ALL LEGALLY AVAILABLE METHODS FOR CODE ENFORCEMENT ARE AVAILABLE TO THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

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

8.A.2. Ordinance 2022-06: Clarifies and codifies in greater detail existing procedures for city code citations.

Ms. Lopez reviewed the Ordinance and noted the substantive change was the time to pay citations at the St. Augustine Police Department had changed from 30 days to 15 days, to accommodate required noticing for the judges' schedules on the citations.

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

- B.J. Kalaidi

Public hearing was closed.

Ms. Lopez advised Ms. Kalaidi that the City did not criminalize homelessness, and the ordinances were specific to the regulation of behavior and not social status.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2022-06 on second reading read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE AMENDING SECTION 1-8, PERTAINING TO PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THE CODE OF THE CITY OF ST. AUGUSTINE AND ORDINANCES ENACTED BY THE CITY; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR PENALTIES, REMEDIES AND COSTS OF ENFORCEMENT; PROVIDING FOR THE IMPOSITION OF LIENS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 2022-07: Updates land development regulations related to home-based businesses.

Amy Skinner, Director, Planning and Building, reviewed the Ordinance which updated the City Code to be consistent with Florida Legislation, removed some regulatory requirements, and was recommended by the PZB.

Commissioner Blonder advised necessary updates were needed on page 12 of the City Code, Section 28-246 on Open Land. She said the Open Land section and permitted uses, and the language in the intent narrative were contradictory in several instances. She understood that Wildwood Consulting worked with City staff on the topic which they would include in their scope of work with Code language updates, and she asked Ms. Skinner to elaborate.

Ms. Skinner advised Wildwood Consulting would submit a draft scope of services that included a range of issues related to conservation zone development, updating the Code for the Comprehensive Plan, and other issues including environmentally sensitive lands and the Open Land zoning district. She said they were aware an update was needed on land development regulations based on the extensive rewrite of the Comprehensive Plan, balancing Florida legislature actions, and updating the Land Development Code which would be addressed and include the critical issue of upland and lowland properties adjacent to sensitive lands.

MOTION

Commissioner Blonder MOVED to pass Ordinance 2022-07 on first reading and move to second reading. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO PROVIDE A DEFINITION FOR HOME-BASED BUSINESS; AMENDING CODE SECTIONS 28-161, 28-162, 28-163, 28-164, 28-165, 28-166, 28-167, 28-183, 28-184, 28-185, 28-187, 28-206, 28-207, 28-208, 28-209, 28-226, 28-246 TO ALLOW FOR HOME-BASED BUSINESS AS A PERMITTED USE; AMENDING SECTION 28-347 TO MODIFY SUPPLEMENTAL REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

9.B. Resolutions

9.B.1. Resolution 2022-08: Supports the grant application for assistance under the Florida Inland Navigation District's waterways assistance program for the Avenida Menendez Seawall continuation project.

Reuben Franklin, Director, Public Works, reviewed the Resolution which supported the project currently in design and included the seawall between the Santa Maria's previous location to the base of the Bridge of Lions. He said the seawall height would be 7.1 foot which was the 100-year stormwater

elevation equivalent to a Category 1 hurricane storm surge.

MOTION

Commissioner Horvath MOVED to pass Resolution 2022-08. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

10. STAFF REPORTS AND PRESENTATIONS

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Legislative session update. No Presentation.

Ms. Lopez updated the Commission on the following Florida legislative actions:

- Legislature voted on appropriations that day and the funding bills for West Augustine sewer connection and the proposed fire station were both included
- SB 620 *Local Government* passed and created a cause of action against local government should a local business believe they were financially impacted by a City ordinance
- SB 512 regarding short-term rentals did not pass
- SB 280 *Local Ordinances* was Senator Hutson's Bill which required an economic impact analysis did not pass
- SB 494 *Fish and Wildlife Conservation Commission* passed
- HB 105 *Regulations of Smoking by Counties and Municipalities* passed
- SB 518 *Residential Home Protection* passed

Ms. Lopez said a complete report would be presented at the next Commission meeting.

Commissioner Blonder expressed disappointment with the passage of SB 620 / HB 569 which significantly tied the City's hands. She stated a rider was attached to SB 494 / HB 323 regarding derelict vessels which passed at the last minute and weakened gopher tortoise protection instead of furthering it, since they should be on the endangered species list. She was pleased the West Augustine Septic to Sewer and the proposed fire station design were in the appropriations Committee.

Vice Mayor Sikes-Kline advised that Governor DeSantis had not yet signed Senator Hutson's SB 620, and numerous calls had been made to signify opposition. She encouraged the Commissioners to individually contact the Governor's office because time was of the essence, and with Commission approval, she would happily send a letter expressing the Commission's opposition.

There was Commission consensus to send a letter to the Governor indicating the Commission's opposition to SB 620.

Vice Mayor Sikes-Kline stated she would work with the City Clerk the next day to develop the letter.

12. ITEMS BY CITY CLERK

12.A. Request for one appointment to the Corridor Review Committee (CRC).

Darlene Galambos, City Clerk, reviewed the topic and said one application was received from current Board member Lorna MacDonald, and she asked the Commission to re-appoint Ms. MacDonald.

MOTION

Commissioner Horvath MOVED to reappoint Lorna MacDonald. The motion was SECONDED by Vice Mayor Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

12.B. Request for two appointments to the Historic Architectural Review Board

(HARB).

Ms. Galambos reviewed the topic and said applications were received from the following three individuals; however, only two met the HARB criteria requirements:

- Ian Gaere MacDonald (qualified)
- Brad Beach (qualified)
- Joseph Barnhart (not qualified)

MOTION

Commissioner Blonder MOVED to appoint Gaere MacDonald and Brad Beach. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

12.C. Request for alternate position to Historic Architectural Review Board (HARB).

Ms. Galambos reviewed the topic and noted Barbara Wingo's current term was expiring; however, she applied to serve as an alternate Board member, and certainly met the Board's requirements.

MOTION

Commissioner Horvath MOVED to approve Ms. Barbara Wingo. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

Vice Mayor Sikes-Kline stated the Commission was grateful to Ms. Wingo who had been a stellar HARB member, and they were thankful she would serve as an alternate.

13. ITEMS BY CITY MANAGER

(None)

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder expressed excitement for the passage of the mobility fee and said they moved towards many goals of the Mobility Plan within the Comprehensive Plan. She supported initiating a process to explore a mobility zoning and land use category which would enable staff to develop proposed language for PZB's consideration and then passage from the Commission. She said the new land use category would be 'Mobility Oriented Development' (MOD) in the Comprehensive Plan and a new zoning category 'MOD' in the Zoning Code. She concluded that MOD should cluster high density residential mixed-use development around transit hubs in support of the Mobility Plan, great progress was being made with the Plan, and the new language would allow additional and significant progress.

Ms. Breidenstein stated if the Commission agreed, this would go to the PZB.

David Birchim, Assistant City Manager, advised that MOD would be similar to Transit Oriented Development 'TOD' in metro areas, however MOD focused on the City's Mobility Plan; therefore, it was a St. Augustine customized TOD idea which the PZB would begin reviewing after sponsorship. He indicated that Barry Broudy was a private property owner interested in exploring this at his site, and MOD zoning and land use would go to PZB for consideration of assignment to his property, which would be conditional to final State and City Commission approval.

At the request of Commissioner Valdes, Mr. Birchim stated the following:

- The process was achievable; however, it would take the entire community to provide comment since it would be an intensity on the development of the property
- Believed this was a good place for mobility-oriented development since it was a site with an envisioned public parking garage, and a shuttle service for residents or visitors from the garage to downtown

- City wanted Jacksonville Transit Authority to continue reviewing the tracks adjacent to the site for a commuter rail station
- These aspects, along with improved pedestrian access through the intersection at King Street and Ponce de Leon Boulevard, would bundle enough mobility components together to justify an increase in density and intensity for the site
- This was a very common planning use of land around transit stations which in larger metro areas was called TOD; however, they did not want to invite the comparison to the City's intended MOD
- Part of moving forward with the mobility plan was private sector participation, and this was the first step

There was Commission consensus to proceed with the MOD development.

Commissioner Horvath provided the Commissioners with photographs displaying the condition of City Hall's front fountain, along with other fountain examples.[1] She said they could install a spray fountain, or repair or recast the fountain; however, it was made of metal and was the third rendition constructed in the 1960s. She noted many companies that casted and there were better options available to replace the fountain. She wanted to notify the Commission of her ideas and research on the topic.

Commissioner Valdes indicated he extensively researched fountains years ago and his company had re-piped several in the City. He said all Henry Flagler fountains, except the frog fountain in Flagler's entry plaza, were spray fountains which required a large pumping capacity; however, it would be wonderful to return City Hall's fountain to this.

Ms. Breidenstein reminded the Commission any fountain proposals would require HARB approval.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:13 P.M.[2]

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[1] Attached to original minutes

[2] Transcribed by Laura Morse