CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, April 12, 2021

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

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Barry Fox, Police Chief
Laura Morse, Recording Secretary

Mayor Upchurch requested a moment of silence in memory of Mayor George Gardner, who recently passed and had faithfully served the City, and how important it was to remember his contribution.

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Anthony Britton, Serenity Christian Fellowship, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

At the request of Commissioner Blonder, Mayor Upchurch administratively moved *Item CA.8. Approval of Fish Island Preserve Management Plan draft for transmission to Florida Division of State Lands* to *Item 7.D.*

MOTION

Commissioner Sikes-Kline MOVED to approve the Regular Agenda as modified. The motion was SECONDED by Commissioner Horvath 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 member of the public:

- Chris Fulmer

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA – APRIL 12, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON APRIL 26:

(None)

CA.3. Reminder of Upcoming Meetings:

Item moved to Item 13.B.

- April 26, 2021, 5pm, City Commission Meeting
- May 10, 2021, 5pm, City Commission Meeting
- May 10, 2021, 5pm, Special Meeting to review Strategic Plan, Mid-Year Budget Analysis
- May 24, 2021, 5pm, City Commission Meeting

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

(None)

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

- William Harding - 1036 Kennedy Drive

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 Fish Island Preserve Management Plan draft for transmission to Florida Division of State Lands. (*R. Franklin, Director Public Works*)

CA.9. Approval of grant award received to purchase a portable drug incinerator and a marine cellular booster antenna. (*B. Fox, Chief, St. Augustine Police Department*)

CA.10. Approval of confirmation of one board appointment to the General Employees' Retirement Board of Trustees. (*D. Galambos, City Clerk*)

End Consent Agenda

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

At the request of Mr. Regan, Mayor Upchurch administratively moved *Item CA.3. Reminder of Upcoming Meetings* to *Item 13.B. Items by City Manager* to discuss a special review meeting.

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

7.A.1. Presentation regarding the monument honoring the shrimping and boat building industries of St. Augustine by John Versaggi.

John Versaggi, descendant of the Versaggi Family shrimp pioneers, delivered the presentation. He stated the San Sebastian River needed the monument to commemorate shrimping and boat building industries, and would be at zero cost to the City since it was funded by family descendants of those industries.[1] Mr. Versaggi thanked Mr. Regan, Captain Fleming and Lighthouse staff, and acknowledged those who initiated the project.

Grace Paaso, cousin of Mr. Versaggi, requested the Commission proclaim wild-caught shrimp as St. Augustine's 'official' seafood, and to allow the monument's location at the new marina on the San Sebastian River in recognition of the shrimping and boat building industries.

Mayor Upchurch commended Mr. Versaggi and Ms. Paaso for preserving the community's heritage, thanked them for the presentation and his invitation to the monument dedication, and noted his appreciation for Ed Long and Kathy Fleming for their work.

MOTION

Mayor Upchurch MOVED to ask City staff to prepare an appropriate resolution. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

Mayor Upchurch advised the resolution with appropriate wording would be brought back to the Commission.

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

Item CA.8.inserted here as Item 7.D.:

7.D. Approval of Fish Island Preserve Management Plan draft for transmission to Florida Division of State Lands.

Commissioner Blonder stated she requested to pull this item from the Consent Agenda to discuss potential association between the controversial Gate Car Wash proposal to be located near the Fish Island Preserve entrance, and the Fish Island Management Plan ("Plan") draft.

Isabelle Lopez, City Attorney, indicated that to her knowledge there was no connection, and the State was aware of the existing drainage pond easement when they took ownership of the property, as evidenced by emails copied to her between the property owner and State staff members. She advised of the quasi-judicial hearing process, and that should the applicant proceed forward in a manner that impacted protected trees, a public hearing of the Planning and Zoning Board (PZB) would be necessary to avoid inadvertently violating due process rights in the quasi-judicial process.

Commissioner Blonder acknowledged JB Miller, Land Development Coordinator, who drafted the Plan and held extensive background in this process for the St. Johns Water Management District and the Florida Parks Service. She noted the Plan draft was excellent and confirmed it would be sent to Florida Department of Lands for review, and any adjustments would return to the City for amendments prior to formal State adoption.

At the request of Commissioner Blonder, Mr. Miller advised there were no inconsistencies between engaging in the Mayor's Monarch Pledge and the Arthropod Controlled Plan, which was directed towards mosquito control. He stated the mosquito

[1] Additional documents attached to Commission packet

control plan was agreed to by Anastasia Mosquito Control, approved by the State, and was fairly restrictive on larviciding versus adulticiding; however, a mosquito numbers explosion or public health emergency would enact adulticiding by air, although this was not a general practice.

MOTION

Commissioner Blonder MOVED to approve the Fish Island Management Plan. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

Mayor Upchurch thanked Mr. Miller for his work and expressed appreciation for his expertise and efforts with getting the Plan prepared and approved.

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 2021-07: Revises the City's Sewer Use Ordinance to implement the Environmental Protection Agency Dental Amalgam Rule and pharmaceutical hazardous waste ban.

Todd Grant, Director, Utilities, reviewed the Ordinance, stating it ensured dental facilities did not discard materials that affected the City's treatment system into the drains.

MOTION

Commissioner Sikes-Kline MOVED to approve Ordinance 2021-07 on first reading, place on second reading read by title only and passed. The motion was SECONDED by Commissioner Blonder.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 26, ARTICLE I, SECTION 26-3 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ADD DEFINITIONS; AMENDING CHAPTER 26, ARTICLE IV, SECTION 26-78 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO WASTEWATER PRETREATMENT; AMENDING SECTION 26-110 TO PROVIDE REGULATIONS FOR DENTAL AMALGAM AND RENUMBERING THE CURRENT SECTION 26-110; RENUMBERING THE SECTIONS OF CHAPTER 26, ARTICLE V; 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: Sikes-Kline, Blonder, Valdes, Horvath, Upchurch
NAYES: None

9.B. Resolutions

9.B.1. Resolution 2021-18: Opposes Senate Bill 60 and House Bill 883 regarding anonymous code enforcement complaints.

Ms. Lopez reviewed the Resolution and noted the Bills were unfortunately moving through various committees, and there was no harm with City efforts to stop the Bills.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-18. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

9.B.2. Resolution 2021-19: Supports Senate Bill 19644 and House Bill 1567 regarding the regulation of utility pole attachments and double-pole removal.

Ms. Lopez reviewed the Resolution and noted these Bills were rapidly moving along.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-19. The motion was SECONDED by Commissioner Sikes-Kline.

Mr. Regan advised the City's Florida Power and Light (FPL) representative expressed awareness of the City's support for this legislation and conveyed FPL's appreciation.

VOTE ON MOTION

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

9.B.3. Resolution 2021-20: Formalizes the rules of the Audit Committee.

Ms. Lopez reviewed the Resolution which reiterated statutory language and added a phrase for Audit Committee duties to '*review and comment*' on the City's Comprehensive Annual Financial Report. She summated the inserted language in Section 1, subsection 6: "....and serve other audit oversight purposes *such as review and comment on the City's Comprehensive Annual Financial Report* as determined by the City Commission."

Mayor Upchurch was amenable to the added Resolution language and mentioned it was crucial to the Audit Committee's work.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-20 with the amendment as noted by the City Attorney. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

9.B.4. Resolution 2021-21: Approves the display of certain flags on city owned flag poles, light posts and buildings on specific holidays and occasions.

Reuben Franklin, Director, Public Works, reviewed the Resolution.

Ms. Lopez advised Commissioner Valdes this Resolution did not include the Bridge of Lions which belonged to the FDOT highway system, and the old bridge used to fly American and event-based flags until the City was involved in a federal court lawsuit based on selecting content as to the flag flown. She noted the Resolution limited display to City flagpoles, American flags,

official City flags, State flags, Spain flags, and Tree City USA.

Commissioner Sikes-Kline stated she fully supported this Resolution, and it was a wonderful way to compensate for the inability to fly flags on the Bridge of Lions.

MOTION

Commissioner Sikes-Kline MOVED to approve Resolution 2021-21. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

10. STAFF REPORTS AND PRESENTATIONS

10.A. Presentation of the 2020 Uniform Crime Report statistics.

Barry Fox, Chief of Police, delivered the presentation, which included a review of crime categories, statistical information and the City's Community Outreach Program.[2] He highlighted the following:

- Crime Rate was at a 26-year low and was half of the 2013 numbers according to Florida Department of Law Enforcement (FDLE)
- Population of St. Augustine increased, but crime rate declined approximately 30% over past five-years
- Attributed crime reduction to proactive law enforcement, stabilized work force, recruitment, and retainment of officers who cared for City and community, but COVID also left many 'bad actors' home who did not commit crimes
- Crime rate based on total numbers of seven index crimes divided by population, then multiplied by 100,000 to be comparative to other communities
- Reported Index Crimes decreased significantly over past five-years
- Violent Crime rate significantly decreased in 2020
- City averaged one homicide every three years which yielded 100% increase due to low numbers
- Robberies had a 35% decrease
- Sexual assaults decreased 42%
- Aggravated assaults decreased 23%
- Property Crime rate increased; however, because population accelerated so quickly, this neutralized the numbers
- Community Outreach Program included Council on Aging to assist the elderly
- Two officers were assigned to Community Outreach Program who assisted with social security and veteran benefits, medicines, and transport to doctors
- Homeless with mental health issues were referred to Stewart Marchman Act (SMA) and medication was key; however, a lack of resources led to use of other substances

In response to Mayor Upchurch's request for an update on St. Augustine Police Department (SAPD)'s FDLE accreditation, Chief Fox advised that accreditation began at 8:30 a.m. on April 13th and would proceed for three days. He noted the attendance of a June 24th Orlando conference would follow for approval from the accreditation board, at which time the SAPD would join State accredited agencies.

Commissioner Valdes stated his appreciation for the report, Chief Fox and all SAPD officers who protected the community.

11. ITEMS BY CITY ATTORNEY

11.A. Legislative tracking. (No presentation)

Ms. Lopez advised the West Augustine and Lincolnville appropriation bills were being

[2] Attached to original minutes

monitored and were moving into their respective sub-appropriation bills.

11.B. Urging support of an amendment to Senate Bill 284 and House Bill 55 to add "overlay zone" as an itemized exception.

Ms. Lopez reviewed the topic and requested a mayoral letter of support with slightly amended language. She noted much work with the community was done to create the entry corridors, and they did not want this lost through State pre-emption.

MOTION

Commissioner Horvath MOVED to provide authorization for the Mayor to write a brief letter supporting the Bills generally with the minor modification noted. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

12. ITEMS BY CITY CLERK

12.A. Notification of three term expirations on the City Employees' Retirement System as of June 30, 2021 requiring one person to be elected by city employees and two persons appointed by the City Commission.

Darlene Galambos, City Clerk, reviewed the item.

12.B. Discussion of the recommendation to complete the Mayors Monarch Pledge for monarch butterfly conservation.

Ms. Galambos reviewed the topic and noted the deadline was extended through April 30th. She stated the Mayor's Monarch Pledge ("Pledge") had approximately 30 different initiatives; therefore, five staff members were delegated to assist, and fortunately one staff member was a butterfly 'hobbyist' and another an expert on butterfly habitat. She noted the program could be grown over the years with initiatives added as staff deemed necessary, and the proclamation would be combined with Garden for Wildlife in May.

Commissioner Blonder commended staff for their terrific job with synthesizing the wealth of information that came with the Pledge.

MOTION

Commissioner Blonder MOVED to support the recommendations as provided by the City Clerk.[3] The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Commissioner Sikes-Kline thanked Commissioner Blonder for bringing the Pledge to the Commission and stated it provided many opportunities.

Commissioner Blonder noted there were many other listed endangered species in the urban environment, including the Anastasia beach mouse, several species of sea turtles and the Florida manatee. She asserted the City was lucky to have biodiversity and the Pledge was the first step that called attention to, and raised awareness of, what historical and natural resource treasures existed, and these species could be emblematic of the City's distinctiveness.

Commissioner Valdes discussed the inability of the City to protect wildlife within City limits for lack of being able to post 'no wake', 'manatee' and 'sea turtle' zones in the State-owned Sebastian River. He advised the Commission that City staff was asked to seek legal measures to provide the City with ability to post and enforce signs due to the increased River activity.

Ms. Lopez informed the Commission of the challenge with data, analysis and science required to convince the State to allow the City to post signs on the River; however, she noted that in the interim Mr. Regan was looking at posting informational signs for

[3] Included in original Commission packet

citizen awareness regardless of whether a regulation existed.

Mr. Regan stated that affecting change involved much collaboration with other agencies, volunteers and groups to assimilate data for the State; however, this opportunity allowed the City to deepen the relationship with Flagler College and other regional environmental groups.

Mayor Upchurch was amiable to simple informational signs. He believed people wanted to do the right thing and Mr. Regan's intentions were an excellent first step.

13. ITEMS BY CITY MANAGER

13.A. Discussion regarding Senate and House bills defining "Craft Distillery" and amending City definitions to incorporate same.

Mr. Regan discussed the anticipated passage of Senate Bill 46 / House Bill 737, noting it lowered the entry barrier to sell inexpensive alcohol and bypassed normal regulatory schemes. He credited the City legal team with creating a simple solution, and asked Ms. Lopez to elaborate.

Ms. Lopez indicated the amendment to the State statute allowed anyone with a small still to turn into a large bar, and City zoning allowed bars as a permitted use, use by exception, or they were not allowed, and 'craft distillery' was a simile for a sit-down bar which would need to abide by zoning. She stated the challenge was the variety of names used for bars from 'speakeasys' to 'cocktail lounges' and amending the City definition of these establishments simplified this; therefore, businesses selling alcohol by the glass for on-site consumption that were not a restaurant or did not have a short-term event license, would be deemed and regulated as a bar.

Ms. Lopez requested the Commission's permission to draft an ordinance.

MOTION

Commissioner Sikes-Kline MOVED to move forward with the development of an ordinance to address what was explained to the Commission by the City Attorney. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

Consent Agenda Item CA.3.reviewed here:

13.B. Reminder of Upcoming Meetings.

Mr. Regan advised the May 10th, 2021 Special Meeting to review Strategic Plan and Mid-Year Budget Analysis had been incorrectly posted for 5:00 P.M. instead of the morning; however, scheduling conflicts required postponement to a time amiable to the Commission. He reviewed the corrected upcoming meeting schedule:

- April 26, 2021, 5pm, City Commission Meeting
- May 10, 2021, 5pm, City Commission Meeting
- May 24, 2021, 5pm, City Commission Meeting

Commissioner Sikes-Kline MOVED to pass the corrected meeting schedule and accept it into the Consent Agenda. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

Ms. Galambos suggested that dates would be presented to the Commission at the April 26, 2021 meeting.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Blonder reminded the Commission of the fifth-cent tourist tax mayoral letter and noted the recent spring break crowd caused traffic gridlock which affected quality of life, tourist experience and economic productivity. She requested to go on record as imploring the County

Commissioners to support the City's request for the half cent to combat this issue.

Mayor Upchurch stated the tax direction should be monitored in the event the Commission required a more pro-active approach to individually address County Commissioners to ensure the City's position was well known and understood.

Commissioner Blonder advised she received a letter from Dr. Markus Naser, Lord Mayor of Rothenburg in Germany, who did three exchange academic semesters between the University of Wurzburg and Flagler College. She read his letter, distributed a book sent for each of the Commissioners, and advised of his request to meet with the Commission in the future.[4] She noted that Rothenburg shared a keen focus on historical preservation, was a famous tourist destination similar in size to St. Augustine, and was the inspiration for the German pavilion at Disney's Epcot Center.

Commissioner Sikes-Kline stated the roar of spring break brought things back to life in the City and that her recent ride along with Chief Fox on St. Patrick's Day reminded her of the night life issue placed on hold due to COVID. She reminded the Commission that staff had worked quietly on an ordinance and she requested the Commission's consent for a presentation to bring the topic back on track, since the issue would only increase.

Mayor Upchurch noted that Commissioner Sikes-Kline had championed the topic, he appreciated that she brought it forward, and he was favorable to a staff presentation once prepared.

There was Commission consensus to place the night lift topic on an upcoming Agenda.

Mr. Regan advised a presentation would be scheduled as soon as possible.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:21 P.M.[5]

T.W. Upchurch

Tracy Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK

THE CITY OF ST. AUGUSTINE CORPORATION

[4] Provided to Commission at meeting

[5] Transcribed by Laura Morse