

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 11, 2021

The City Commission met in formal session Monday, October 11, 2021 at 5:02 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
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner

Absent: Nancy Sikes-Kline, Vice Mayor/City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Jim Piggot, Director, General Services
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Jennifer Michaux, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Tim Fleming, Christ Church, delivered the invocation, and Mayor Upchurch led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch requested that *Item 3.A. Certificate of Recognition 2021-05CR* be removed from the Regular Agenda, placed on the Consent Agenda for approval, and presented at the next Commission meeting.

MOTION

Mayor Upchurch MOVED to approve the Regular Agenda as revised. The motion was SECONDED by Commissioner

Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Certificate of Recognition 2021-05CR issued to The Limelight Theater in celebration of 30 years as St. Augustine's Community Theatre

Item administratively removed from the Regular Agenda and placed on the Consent Agenda.

3.B. Proclamation 2021-16: Proclaims October 2021 as Domestic Violence Awareness month

Commissioner Horvath read the Proclamation which was accepted by Ms. Peel, Betty Griffin House.

3.C. Proclamation 2021-19: Proclaims October 18-24, 2021 as Florida City Government Week

Mayor Upchurch read the Proclamation which was accepted by Melissa Wissel, Communications Director, City 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:

- Regina Gayle Phillips
- Mary Cobb
- Ed Slavin
- John Grapsas
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda:

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON OCTOBER 25, 2021:

- Ordinance 2021-24
- Ordinance 2021-25
- Ordinance 2021-27
- Ordinance 2021-28

CA.3. Reminder of Upcoming Meetings:

- October 25, 2021, 3:00pm, Special City Commission Meeting (Resiliency)
- October 25, 2021, 5:00pm, Regular City Commission Meeting

- November 8, 2021, 5:00pm, Regular City Commission Meeting

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

- September 9, 2021, City Commission Special Meeting
- September 9, 2021, Special Meeting Community Redevelopment Agency
- August 19, 2021, City Commission Special Budget Meeting
- August 19, 2021, Community Redevelopment Agency Special Budget Meeting
- August 23, 2021, City Commission Regular Meeting

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

- Jeanette Gilmore - 1334 Truman 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 final subdivision plat for Woodward Place (Replat). (*D. Birchim, Director Planning and Building*)

CA.9. Fourth quarter legal report. (*I. Lopez, City Attorney*)

End Consent Agenda

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

Mayor Upchurch restated the change made in Item 2.A.

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda as modified. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Horvath, Upchurch, Valdes

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 2021-17: Places "craft alcohol industry" into certain zoning districts

David Birchim, Director, Planning and Building, reviewed the Ordinance which

included the zoning districts with permissible use as a matter of right, or as use by exception for 'craft alcohol industry.'

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

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

ORDINANCE NO. 2021-17

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTIONS 28-165, 28-167, 28-207, 28-209, AND 28-226 TO ALLOW FOR CRAFT ALCOHOL INDUSTRIES AS A PERMITTED USE; AMENDING CHAPTER 28, SECTIONS 28-184, 28-185, 28-206, AND 28-208 TO ALLOW FOR CRAFT ALCOHOL INDUSTRIES AS A PERMITTED USE BY EXCEPTION; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2021-26: Establishes a maximum impervious surface (ISR) ratio of 70% for Single Family Residential Dwelling development

Mr. Birchim reviewed the Ordinance and the zoning districts affected, which had received a positive recommendation by the Planning and Zoning Board (PZB).

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

- Ed Slavin
- B.J. Kalaidi

Public hearing was closed.

Commissioner Valdes responded to Ms. Kalaidi that previous lot coverage was at 100%, and although 70% was still not small enough, it was a step in the right direction.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2021-26 on second reading, read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-26

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO AMEND THE DEFINITION OF IMPERVIOUS SURFACE; CREATING A DEFINITION OF MASTER PLANNED COMMUNITY; CREATING SECTION 28-160 DIVISION 3 RESIDENTIAL DISTRICTS TO PROVIDE FOR REGULATIONS RELATED TO IMPERVIOUS SURFACES FOR SINGLE FAMILY RESIDENTIAL DWELLINGS NOT WITHIN MASTER PLANNED COMMUNITIES; AMENDING CODE SECTIONS 28-187 AND 28-188 TO CREATE AN IMPERVIOUS SURFACE RATIO (ISR) REQUIREMENT FOR HISTORIC DISTRICTS HP-1, HP-2, HP-3 AND HP-5; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Valdes, Horvath, 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

9.A.1. Ordinance 2021-24: Amends Section 29-5 of the City Code to provide the City with the ability to increase the Single-Family Unit Stormwater Utility Fee by Resolution.

Meredith Breidenstein, Assistant City Manager, reviewed the Ordinance which made the fee increase process consistent with other Funds and ensured adjustments to the Stormwater Utility Fee could not be made without Commission approval through a Resolution.

MOTION

Commissioner Horvath MOVED to approve Ordinance 2021-24 read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-24

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 29-5 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR STORMWATER UTILITY FEE RATE INCREASES BY ADOPTION OF A RESOLUTION; 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, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2021-27: Changes the City Code to reflect changes to state law increasing small scale future land use map changes from 10 acres to 50 acres and conform definitions to state statute.

Mr. Birchim reviewed the Ordinance which included a change to the fees required for PZB applications.

MOTION

Mayor Upchurch MOVED to pass Ordinance 2021-27 on first reading, read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-27

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 TO AMEND THE DEFINITIONS OF COMPREHENSIVE PLAN, COMPREHENSIVE PLAN AMENDMENT, LARGE SCALE COMPREHENSIVE PLAN AMENDMENT, SMALL SCALE; AMENDING CHAPTER 28, SECTION 28-59 NOTICE OF PUBLIC HEARINGS BY PLANNING AND ZONING BOARD; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

(None)

10. STAFF REPORTS AND PRESENTATIONS

10.A. Eddie Vickers Park basketball courts renovation plan.

Jim Piggott, Director, General Services, reviewed the topic which included a request for Commission consensus on City staff recommendations to St. Johns County for repair or renovation of the four basketball courts using ARPA funds, which the County allocated at \$211,000 for the project.

Commission discussion ensued with Mr. Piggott and Ryan King, St. Johns County Director of Parks and Recreation, regarding the difficulty in gauging the courts use due to the disrepair, decreased youth population in area, lighting courts to create activity (not currently included in funding), and staff's suggestion to repair two courts and add two paddle / tennis courts.

MOTION

Mayor Upchurch MOVED to recommend the refurbishment of two of the basketball courts and accept staff's recommendation that the balance of the space be used for paddle / tennis courts with the understanding they would also function as pickleball courts. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

10.B. Julia's (Bird) Island presentation by Jean Olbert, Regional Shorebird Biologist with the Florida Fish and Wildlife Conservation Commission and J.B. Miller, Land Management Coordinator.

Mr. Miller reviewed the history of Bird Island and introduced Ms. Olbert.

Ms. Olbert discussed the five species of shorebirds and seabirds that nested on Bird Island and the Island's importance to their existence. She reviewed habitat loss from erosion, vegetation, predators, and humans, and the efforts made by Florida Shorebird Alliance, Florida Wildlife Commission, volunteers, and non-profits to protect the birds. She concluded the primary goal was to increase the species population 10% in ten years.¹

Mayor Upchurch confirmed with Ms. Olbert that the Commission required no action.

Commissioner Valdes cited northeast Florida's tremendous growth, and he asked Ms. Olbert if natural environment impacts could be projected based on other locations, such as Tampa Bay or Charlotte Harbor.

Ms. Olbert advised the impacts could not be projected; however, alternate solutions were sought to protect the habitat, along with working Statewide to ensure they were apprised of any issues with other areas.

Mr. Miller concluded the presentation and noted there were plans to manage, monitor, investigate, protect, and improve the nesting habitat qualities for the birds.

Commissioner Horvath expressed her pleasure for these efforts.

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Regan reviewed his memorandum to the Commission which thoroughly highlighted departmental performances and achievements during fiscal year 2020/2021 and would assist the Commission with his performance evaluation. He acknowledged the City's elected leaders for their guidance, and department Directors and staff for their professionalism, tenacity, hard work, and influence, despite significant societal complications. He noted the privilege to work with a fantastic group of people and stated the civility of the Commission set the standard for the entire City.

Mr. Regan requested remembrance of City employees, friends, and family members who had suffered or passed during the Covid-19 pandemic.

Mayor Upchurch expressed appreciation for Mr. Regan's summary and the memorandum. He noted past attempts at providing a composite review of Mr. Regan's performance were unsuccessful; therefore, he urged the Commissioners to individually communicate with Mr. Regan. He stated it was a joy to work with Mr. Regan, and a performance grade of 97 or 98 would be given based on his intelligence, ethics, character, energy, kindness, compassion, professional expertise, and ability to adapt and continue forward during trials and unforeseen events. He thanked Mr. Regan for his service to the City.

Commissioner Horvath concurred with Mayor Upchurch's comments, appreciated Mr. Regan's humor, and thanked him for the synopsis of accomplishments and current events which made her extremely proud of City staff.

Commissioner Valdes echoed everything spoken by Mayor Upchurch and Commissioner Horvath, commended Mr. Regan for his problem-solving ability and proactive approach, and acknowledged what a pleasure it was to work with him.

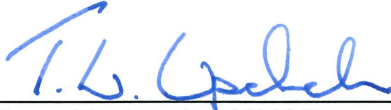
¹ Presentation included with original Commission packet

14. ITEMS BY MAYOR AND COMMISSIONERS

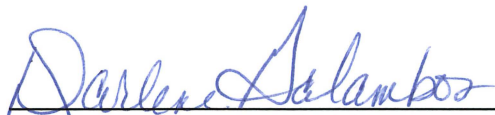
(None)

15. ADJOURNMENT

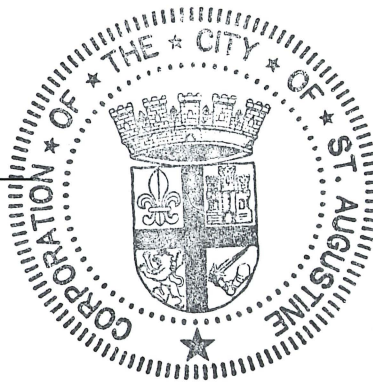
There being no further business, the meeting was adjourned at 6:27 P.M.²



Tracy Upchurch, MAYOR



Darlene Galambos, CITY CLERK



² Transcribed by Laura Morse