CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 25, 2021

The City Commission met in formal session Monday, October 25, 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

Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Director, Financial Services
Todd Grant, Director, Utilities
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

Pastor Billy Amalguer, Awaken City Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Mayor Upchurch 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. Presentation to Ryan Aiple, St. Augustine resident for his involvement in two potentially lifesaving incidents.

Jennifer Michaux, Chief of Police, recognized Ryan Aiple for his heroic actions and humanitarianism on August 3rd and August 16th which potentially saved two members of the community. She acknowledged that years ago Mr. Aiple had also rescued her toddler son from their pool.

Mayor Upchurch thanked Chief Michaux and the St. Augustine Police Department for recognizing Mr. Aiple. He thanked Mr. Aiple for being who he was in the community and noted the City was grateful for his actions.

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

Mayor Upchurch presented the Certificate of Recognition, which was accepted by Chris MacEwan, Limelight Theatre board member.

Mr. MacEwan thanked the Commission and the community, and stated without community support, the theatre would not exist.

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:

- Ed Slavin
- Chris Fulmer
- Shawn Morrison
- Doug Russo
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

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

CONSENT AGENDA – OCTOBER 25, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON NOVEMBER 8, 2021:

(None)

CA.3. Reminder of Upcoming Meetings:

- November 8, 2021, 5:00pm, Regular City Commission Meeting
- December 13, 2021, 5:00pm, Regular City Commission Meeting
- January 10, 2022, 5:00pm, Regular City Commission Meeting

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

- Regular City Commission Meeting, September 13, 2021
- Special Budget Meeting, September 23, 2021
- Special Workshop Meeting, September 27, 2021

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

- Annette Pope - 1009 West 9th Street
- Kimberly Hersey and Matthew Wolhart - 4581 Avenue C

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

- Approval of request from the organizers of the Lincolnville Festival for Certificates of Recognition. *(D. Galambos, City Clerk)*

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

(None)

CA.8. Annual status report from the City Attorney's office. *(I. Lopez, City Attorney)*

CA.9. Approval of invoice in the amount of $928.00 from Cavendish Partners, P.A. for legal services regarding Marlowe v. City matter and invoice in the amount of $413.00 for legal services regarding the MASI General Contractor, Inc. v City matter. *(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 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

(None)

7.C. Other Items Requiring Public Hearing

Public Hearing Required - Resolution 2021-41: Application to the Florida Department of Economic Opportunity for a Community Development Block Grant for renovation of St. Francis Housing Crisis Center.

Denise Radovich, Grant Administration Coordinator, reviewed the Resolution and requested its passage so the City could apply for the Grant. She introduced Judith Dembowski, Executive Director of St. Francis House.

Ms. Dembowski thanked the Commission and asked that they pass the Resolution, as the St. Francis House was seeing more people due to COVID, loss of income, and rental affordability. She stated they were the only full-time emergency shelter between Daytona and Jacksonville, and most of the homeless were unsheltered. She concluded their program promoted housing first and assistance with overcoming obstacles to get housed, and they needed expansion to assist.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-41. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

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

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.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.

Mark Simpson, Director, Financial Services, reviewed the Ordinance and noted the additional fee increases for stormwater, water, and sewer rates for the fiscal year 2022 budget would be discussed at the next Commission meeting.

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

- B.J. Kalaidi

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-24 on second reading, read by title only. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez, City Attorney, 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: Sikes-Kline, Valdes, Horvath, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2021-25: Amends the zoning of 36 Granada Street (CL-1) and 8 DeSoto Place (RG-1) to Planned Unit Development (PUD).

David Birchim, Director, Planning and Building, reviewed the Ordinance which included the PUD allowed uses and limitations. He referenced the updated narrative of Commissioners' comments from the September 27th meeting, which did not include native plant use for landscaping, or one curb cut elimination in the design change. He stated a license agreement would be necessary to allow awnings over the sidewalk on DeSoto Place, palm trees in the sidewalk on Granada Street, and outdoor dining, if requested, which would require separate approval.

Commissioner Sikes-Kline requested further discussion regarding the curb cuts.

Jay McGarvey, applicant with McGarvey Residential Properties, was sworn in by Darlene Galambos, City Clerk.

Mr. McGarvey addressed the following issues:

- Confirmed window heights complied with the Historical Architecture Review Board's (HARB) requests
- Confirmed they would comply with the native plants request
- Questioned the benefit to close one curb cut from the three that existed for numerous years based on the logistics of the sidewalk, oak trees, and parking garage in the surrounding area
- Parking spaces would be lost, which directly affected allowable restaurant seating which affected the restaurants' financial viability

Mayor Upchurch mentioned curb cuts reduced the walkability of sidewalks, the applicant was asked for a parking lot redesign that eliminated one of three curb cuts to increase walkability, and it appeared two parking spots would be lost.

Mr. McGarvey indicated that City staff had confirmed the building was not in the historic district, nor was it historic; therefore, he questioned why it was subject to HARB.

In response to Mayor Upchurch regarding the historic value of the building and any changes over time, Mr. Birchim advised that 36 Granada Street was a historic structure listed on the Florida Master Site File, which was the State of Florida's inventory of historic structures. He continued it was not in a historic district, nor adjacent to a district that would require HARB approval for a Certificate of Appropriateness, HARB reviewed and approved partial and full demolition of all structures 50 years and older in the City, and HARB reviewed this on October 21st.

Mayor Upchurch stated a significant portion of the structure was historic and would be meshed with the renovated building.

Commissioner Blonder reviewed previous comments she made at the Ordinance's first reading:

- Questioned the specific public benefits: Applicant's narrative stated the project created uses to enhance the sense of community, and providing justification of interior degradation was not a benefit for renovation, since there were no design elements that made the building and surrounding area resilient to flooding
- Updated application only contained minor word changes with clearer parking update requirements; however, it lacked many of her requests and she questioned why this was even a PUD
- Only one native species was provided, along with no sustainability element in the landscape plan, such as raingardens
- Site Plan was absent a seating chart which should be available since parking was finalized in the plan
- Questioned enforcement of an employee Ride Share Program that reduced parking impacts to employees in neighboring area
- Size of historic sign was not specified and could be small enough to negate the intended historic character, and the application noted 'the size and scope may be limited by other architectural features'
- Curb cuts reduced mobility, pedestrian, and bicycling safety whether or not a sidewalk existed; therefore, reducing the enhanced safety
- Revised Site Plan and Landscape Plan conflicted: Site Plan showed three curb cuts on DeSoto, and Landscape Plan showed a five-foot sidewalk with ingress seen, but no egress

Commissioner Blonder felt the application was incomplete based on the omission of the suggestions provided by herself and other Commissioners during first reading, and discrepancies between the Site and Landscape Plans; therefore, she would vote against it.

Mr. McGarvey responded that he was not in attendance at the first reading to hear the comments, and he stated the following:

- Landscape plan would be redrawn relative to the native plant concept
- 'Feed Store' historic sign placement description would be provided, and elevation shown; however, they tried to avoid pushing the signage back further than necessary to be more visible, and the architects were working on this, and moving a door for visibility
- Unaware a seating chart required for a PUD application or approval, since they stated the seat number would comply relative to allowable parking spaces
- Supported sidewalks and would close one curb cut with suggestion it be the one farthest east

Commissioner Horvath noted that parking would not be lost by closing a curb cut, and she suggested the center one which allowed ample room to make the turn.

Mr. McGarvey stated this was addressed with his engineers, and he would close the curb cut that lost the fewest parking spaces.

Mr. McGarvey advised Commissioner Sikes-Kline there was a bike rack provision which the plans would show. He noted that all their Jacksonville stores had one, and the coffee shop was intended to be a gathering place.

Commissioner Valdes stated he supported the project, it was an improvement and good use of structure, it would make a fantastic restaurant, it was on a fringe and not in residential area, and Mr. McGarvey constructed quality buildings. He expressed perplexity about the request for native plants since St. Augustine was populated with citrus and plants brought by the Spaniards from Europe, and arguably there were many non-native plants.

Commissioner Blonder indicated native plants were in Florida since the Ice Age and adaptive to conditions, she was speaking to the public benefit of the PUD process, and one benefit was demonstrating to others the ability to landscape with native plants which reduced fertilizer, pesticides, and water use.

Mayor Upchurch expressed support for the project for many of the reasons articulated by Commissioner Valdes; however, there were loose ends that required correction.

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

- B.J. Kalaidi
- Ed Slavin

Public hearing was closed.

MOTION

Mayor Upchurch MOVED that Ordinance 2021-25 be tabled until the November 8th meeting to allow the applicant an opportunity to more fully respond to the concerns raised by the Commission. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Sikes-Kline requested the following:

- Curb cuts should be seen in Site Plan
- Sign plan element needed to avoid unexpected future issues
- Bike racks needed in the Site Plan and circulation plans were required for pedestrian, cycling, and automobiles in the PUD ordinance
- Landscape materials should be climax vegetation wherever possible
- Clear public benefit noted in the PUD with deviation (alcohol sales)
- Address the Ride Share Program which reduced emissions and congestion; an important component to resiliency

At the request of Commissioner Horvath, Mr. Birchim stated the second vacant property was a commercial coquina parking lot and the owner submitted civil engineering plans for grading and drainage of the lot.

Commissioner Blonder requested the applicant go above and beyond, and she encouraged a determined effort to demonstrate the public benefit with examples of the Ride Share Program, curb cuts, pervious pavers option, and other sustainable elements.

VOTE ON MOTION

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

The Commissioners acknowledged there was no ex parte communication.

<u>8.A.3.</u> 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 the updates and modifications to the City's zoning code.

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

MOTION

Mayor Upchurch MOVED that Ordinance 2021-27 be read by title only and passed on second reading. The motion was SECONDED by Commissioner Horvath.

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, Sikes-Kline, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

(None)

10. STAFF REPORTS AND PRESENTATIONS

(None)

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

12.A. Notification of board terminations and vacancies.

Ms. Galambos updated the Commission on the following:

- Code Enforcement, Adjustment and Appeals Board had one vacancy and two term expirations
- Police Officers' Retirement System had one vacancy
- Firefighters' Pension Trust Fund had two term expirations

13. ITEMS BY CITY MANAGER

Ms. Breidenstein advised the Commission the Saint Augustine Music Festival and the Beaches Fine Arts Series requested use of the City Seal to promote a piano concert on December 11th at Flagler College. She stated the groups asked the City to co-sponsor the event by providing security and shuttle services.

Ms. Breidenstein advised Commissioner Sikes-Kline, per her request, that the City was asked to pay for an off-duty police officer for the event, and she suggested the Commission approve the request, then John Regan, City Manager, would finalize the details, and the mobility department would work with the group's shuttle request.

Commissioner Sikes-Kline proposed approving the request to use the City seal, but noted they should wait for details on the request for security and shuttle service.

Mayor Upchurch agreed to approve use of the City seal, and to serve as a co-sponsor for the event. He stated that granting use of the City seal did not award permission for the other requests, and Mr. Regan would work through the details with the group.

MOTION

Mayor Upchurch MOVED approval of the City Seal. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Ms. Breidenstein stated there were no Commission workshops currently on the calendar, and she asked for feedback on dates and topics. She stated a workshop could be scheduled before the November or December meetings, a date irrespective of those meetings, or they could wait until January 2022. She suggested these topics: cultural center, workforce housing, homelessness, sustainability, and additional resiliency workshops.

Mayor Upchurch was amiable to a January 24th workshop at 3:00 p.m. and he requested discussion of the Cultural Center with the duration left for staff to set.

Commissioner Sikes-Kline was agreeable to discussion of the Cultural Center.

Commissioner Blonder suggested workforce and affordable housing as topics and noted the proposed location of the performing arts center was discussed for use as workforce and affordable housing; therefore, those topics should take place prior to the discussion on the Cultural Center.

Commissioner Valdes stated workforce housing dovetailed into the City's homeless situation, and a workshop on the topic was necessary. He continued the homeless issue was huge and required immediate action, as merchants, residents, and visitors continuously complained which affected the immediate future. He concluded this was his last year in office and he would push the topic.

Ms. Breidenstein confirmed the next workshop would take place on January 24, 2022, at 3:00 p.m. with discussion of workforce housing and homelessness.

14. ITEMS BY MAYOR AND COMMISSIONERS

Mayor Upchurch told a personal story of his friend's handicapped adult son who used a large-motorized wheelchair for all his mobility and who relayed how handicap accessible the entire downtown St. Augustine area was, and how kind staff was to them. He concluded that much of the success was due to the complete streets that eliminated barriers and curbs.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:23 P.M.[1]

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

[1] Transcribed by Laura Morse