

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 28, 2019

The City Commission met in formal session Monday, January 28, 2019 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Shaver, and the following were present:

1. Roll Call: Nancy Shaver, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

John Regan, City Manager
Timothy A. Burchfield, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Jim Piggott, Director, General Services
Mike Cullum, Director, Public Works
Mark Litzinger, Director, Financial Services
Meredith Breidenstein, Director, Budget & Performance Management
Paul K. Williamson, Director, Public Affairs
Reuben Franklin, Manager, Mobility Program
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Robin DiAngelis, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Cynthia Garris delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification of Agenda

Mr. Regan requested removal of Item 7.B.2. He said the Florida Power and Light representative was unable to attend.

Mayor Shaver asked to hear public comment after Item 7.A.1.

MOTION

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

3. Special Presentations, Recognitions and Proclamations.

(None)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Ed Slavin
- LuAnn Allen
- Sandra Motyl
- Marth "Tica" Walley
- BJ Kalaidi¹
- Maria Alvarez

5. Consent Agenda

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

(None)

5.B. Approval of Consent Agenda.

MOTION

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

Mr. Regan read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for 2nd reading on February 11, 2019:

- Ordinance 2019-03

b) Reminder of upcoming meetings:

- February 11, 2019 - 5:00 p.m. – Regular Meeting
- February 25, 2019 - 5:00 p.m. – Regular Meeting

CA.2. Approval of Minutes from prior commission meetings:

- December 10, 2018 – Regular Meeting

CA.3. Releases of Lien for Unit Connection Fee Mortgage(s):

- Philip E. Fair - 2999 North First Street

- Vanessa Ajayi – 862 Avery Street

CA.4. PROPOSED Proclamations, Certificates of Appreciation/Recognition. (Commission approval required). (To be read at a subsequent meeting).

CA.5. Notification of Proclamations/Certificates of Recognition issued:

- Proclamation 2019-01: Proclaiming January 18, 2018 as Arbor Day
- Certificate 2019-02CR: St. Augustine Art Association's 95th Anniversary

CA.6. Invoice in the amount of \$3,312.50 dated January 8, 2019 from Lampe, Roy & Associates for appraisal services regarding the Wendler v. City of St. Augustine matter. (I. Lopez, City Attorney).

6. Appeals.

(None)

7. General Public Presentations, items of Great Public Importance, and other items requiring Public Hearings

7.A. Items of Great Public Importance

7.A.1. Presentation regarding the progress of the Continuum of Care and challenges relating to homelessness and challenges in our City.

Mayor Shaver gave a PowerPoint presentation regarding Continuum of Care and the challenges to homelessness in the City.

Public Comment was opened and Commissioners heard from the following members of the public.

- Autumn Stanish
- Sheri Goodwin
- Desiree Baker
- Kristin Thomas
- Ed Slavin
- Brittany Coronado

¹ Written comments attached to original minutes.

7.B. General Public Presentations

7.B.1. Presentation to introduce Operation New Hope to the community.

Commissioner Sikes-Kline said she was sponsoring a presentation for Operation New Hope. She noted that Karen Goldman, a community sponsor for Compassionate St. Augustine, was present to facilitate the presentation.

Kevin Gay, Founder & CEO of Operation New Hope, gave a PowerPoint presentation regarding the Ready4Work program, designed to assist men and women who had been released from detention, prison or jail and faced the challenges of returning to the workforce.

Commissioner Sikes-Kline questioned what the City could do to support the endeavor, and asked if the City could implement "ban the box" on City employment applications which asked applicants if he/she had ever been convicted, sentenced or pleaded Nolo Contendere to a felony.

Mr. Regan stated that the City hired felons, and the City employment application asked if he/she had ever been convicted of a felony, but did not preclude being hired. He said the City's Labor Counsel advised not to remove the "box", however; that would be a Commission decision. He also noted there were reasons to remove the box, including the City's need to fill positions, and to improve employee diversification.

Commissioner Sikes-Kline said she wanted to sponsor a Resolution for the Commission supporting state funding and "ban the box."

Commissioner Valdes said he strongly supported the program and endorsed the Resolution Commissioner Sikes-Kline proposed.

Commissioner Horvath questioned whether St. Johns County had been approached to participate in the program.

Commissioner Freeman said she had experience working in the area of criminal law and said that St. Johns County asked about convictions and arrests on their employment applications which could prevent employment in some positions. She felt that if the County would support the City's position it could have a greater impact for prospective employees.

Mayor Shaver also supported the program.

Mr. Regan clarified that Commissioner Sikes-Kline was proposing a Resolution that adopted the City's position to help the effort in Tallahassee for funding and would be placed on a future agenda, and that Commissioners were in agreement to support the program.

7.C. Other Items Requiring Public Hearing

David Birchim, Planning and Building Director, said there would be one presentation for Items 7.C.1., 7.C.2., 7.C.3. and 7.C.4. with Public Hearing after each item.

7.C.1. Ordinance 2018-18: Annexes the property known as St. Augustine Shipyards from St. Johns County into the City of St. Augustine.

Public hearing was opened and Commissioners heard comments from the following members of the public:

- BJ Kalaidi¹
- Ed Slavin

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2018-18 on second

reading. The motion was SECONDED by Mayor Shaver.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2018-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ANNEXING APPROXIMATELY 20.36 ACRES OF PROPERTY IN ST. JOHNS COUNTY, FLORIDA LYING EAST OF ARAPAHO AVENUE SOUTH OF DIESEL ROAD, AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Shaver, Valdes, Horvath, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.C.2. Ordinance 2018-19: Amends the future land use map designation for the St. Augustine Shipyards from St. Johns County Mixed Use to City of St. Augustine Residential Medium Density/Mixed Use.

Public hearing was opened and Commissioners heard comments from the following members of the public:

- Ed Slavin
- BJ Kalaidi¹

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2018-19 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2018-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN AND ASSIGNING LAND USE CLASSIFICATIONS FOR APPROXIMATELY 20.36 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF ARAPAHOE AVENUE, SOUTH OF DIESEL ROAD, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF ST. JOHNS COUNTY MIXED USE TO THE CITY OF ST. AUGUSTINE CLASSIFICATIONS OF RESIDENTIAL MEDIUM DENSITY/MIXED USE AND OPEN LAND; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Freeman, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.C.3. Ordinance 2018-20: Amends the zoning designation for the property known as St. Augustine Shipyards from county designation to Residential General Office (RGO) and Open Land.

Public hearing was opened and Commissioners heard comments from the following members of the public:

- BJ Kalaidi¹
- Ed Slavin

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2018-20 on second reading. The motion was SECONDED by Commissioner Valdes.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2018-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 20.36 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF ARAPAHOE AVENUE, SOUTH OF DIESEL ROAD, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF ST. JOHNS COUNTY INDUSTRIAL WAREHOUSE (IW) and OPEN RURAL (OR) TO THE CITY OF ST. AUGUSTINE CLASSIFICATION OF RESIDENTIAL GENERAL OFFICE (RGO) AND OPEN LAND (OL); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Freeman, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.C.4. Development Agreement providing the City's responsibilities for the construction of water, sanitary sewer, stormwater and associated roadway infrastructure upon the annexation of a 20-acre property on Arapahoe Avenue and Diesel Road.

Commissioners disclosed ex parte communications.

Public hearing was opened and Commissioners heard comments from the following members of the public:

- BJ Kalaidi¹
- Ed Slavin

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass the Development Agreement as presented.. The motion was SECONDED by Mayor Shaver.

VOTE ON MOTION

AYES: Sikes-Kline, Shaver, Valdes, Horvath, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY²

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – First Reading

(None)

8.B. Ordinances - Second Reading

8.B.1. Ordinance 2019-01: Amends, updates or repeals multiple sections of the City's Animal Code, Chapter 5.

John Cary, Assistant City Attorney, presented Ordinance 2019-01.

Commissioner Horvath felt the City should allow current owners of pigs and roosters to keep them by applying the amnesty policy.

Discussion ensued adding the amnesty program for currently existing pigs and roosters since the Ordinance would zone them out of the City.

² There was a brief recess from 7:11 p.m. to 7:23 p.m.

Mr. Cary read language that could be added to the Ordinance as an amnesty policy.

Ms. Lopez clarified that the policy would make roosters and pigs not legal to have in the future. She said it would create an amnesty period of 45 days to register a rooster or pig currently owned and it could live out its natural life span.

Mayor Shaver wanted to allow miniature pigs. She said they were good pets for people who had allergies.

Public hearing was opened and Commissioners heard comments from the following members of the public:

- BJ Kalaidi¹
- Ed Slavin

Public hearing was closed.

Ms. Lopez asked for clarification on whether there was consensus of the Commission on limiting the number of pigs specifically.

Commissioner Sikes-Kline said there was a consensus for not allowing pigs.

Ms. Lopez read Sections 5-12 and 5-10 with changes regarding roosters and pigs.³

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-01 on second reading as amended. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 5, ARTICLES I AND II, OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING CHAPTER 5,

ARTICLE III OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY AND PENALTIES; PROVIDING PROHIBITIONS ON CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR KEEPING ANIMALS; ALLOWING PIGS WITHIN THE CITY AS HOUSEHOLD PETS; PROVIDING MINOR AND TECHNICAL CHANGES TO THE ANIMAL CODE; REPEALING PROVISIONS THAT CONFLICT WITH AN INTERLOCAL AGREEMENT; REPEALING THE DOG AND CAT PET REGISTRATION PROGRAMS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING SECTION 5-139 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO REMOVE A PROVISION PROHIBITING FISHING IN MARIA SANCHEZ LAKE; AMENDING SECTION 28-206 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE STABLES AS A PERMITTED USE IN ZONING CATEGORY CL-1; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Freeman, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.C. Resolutions

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2019-03: Proposed update to the City tree code.

³ Language changes included with original minutes.

David Birchim presented Ordinance 2019.03.

MOTION

Commissioner Horvath MOVED to place Ordinance 2019-03 on first reading, read by title only and passed. The motion was SECONDED by Mayor Shaver .

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA; AMENDING CHAPTER 11 ENVIRONMENTAL PROTECTION, SEC. 11-27 DEFINITIONS "PRESERVED tree", SEC. 11-28(c) AND 11-28(d) ISSUANCE OF BUILDING PERMITS, SEC 11-29 STANDARDS FOR REVIEW, INCLUDING SEC. 11-29(d), SEC. 11-29(d)(1)(e), SEC. 11-29(e) and SEC. 11-29(e)(4). SEC. 25-52 DEFINITIONS "PRESERVED tree", and SEC. 25-58 VARIANCES AND CONSERVATION OVERLAY ZONE DEVELOPMENT REVIEW, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Shaver, Valdes, Freeman, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. First quarter Public Works update.

Mike Cullum, Public Works Director, gave a PowerPoint presentation focusing on three key projects:

- Wastewater Treatment Plant Options for Resiliency
 - a. Relocating the plant
 - b. Hooking up into the St. Johns County system
- West Augustine Septic to Sewer
 - a. Expanding successful programs to other areas in West Augustine
 - b. Applying for CDBG disaster recovery
- Paving Data
 - a. Lincolnville
 - b. West Augustine

Mr. Cullum spoke about an evaluation of different options that could provide cost effective alternative to moving the plant, which could cost approximately \$63 - \$80 million.

After a brief discussion, it was the consensus of the Commission to schedule an Adaptability workshop and dates would be presented during the February 11, 2019 meeting.

10.B. First quarter Mobility update.

Reuben Franklin, Mobility Program Manager gave a Power point presentation and discussed the City's new parking app, ParkStAug, and what to do with the ParkNow card.

Mr. Franklin also updated Commissioners on the bike share program and an Ordinance banning electronic scooters.

10.C. Cuna Street Beautification partnership opportunity.

Mr. Franklin said that staff had been working with John Arbizzani on a proposal that would accelerate a portion of Cuna Street in the Capital Improvement Plan (CIP). He said it could create a curbless street that had on street dining but would also be a flexible street; certain hours of the day it could be a commercial loading

zone and other times it could be a pedestrian oriented street.

Mr. Arbizzani and his design team, Marquis, Latimer + Halback, Inc., presented a PowerPoint slide show of a possible design for Cuna Street that included an on street dining restaurant proposed from 10:00 am to 2:00 am.

Commissioners discussed:

- Mr. Arbizzani was a great contributor to our City
- Citizens and tourists would both benefit from the restaurant development
- The success of Aviles Street
- Difference between sidewalk dining and street dining
- Limiting pedestrian traffic
- Concerns that patrons would drift from the restaurant with open alcoholic containers
- Noise complaints from Davis Shores
- Pedestrian traffic at 2:00 a.m. when all City bars close
- Changes that would have to be made in the City Code
- A probationary period for the on street dining

Miss Lopez clarified that it was the consensus of the Commission to draft Ordinance changes that addressed noise issues, spacing and hours, outdoor dining and open containers for consideration during a future meeting.

10.D. Discussion regarding the Commission's first quarter 2019 Action Items, amounts spent and/or encumbered through December 31, 2018.

Meredith Breidenstein discussed 2019 Action Items status.

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

11.B. Quarterly status report. No Presentation.

12. ITEMS BY CITY CLERK

12.A. Review of Commission assignments to intergovernmental boards.

- Commissioner Horvath - Northeast Florida Regional Council
- Commissioner Sikes-Kline - St. Johns County Tourist Development Council, North Florida Transportation Planning Organization
- Mayor Shaver - Visitors Convention Bureau, Guana Tolomato Matanzas National Estuarine Research Reserve
- Commissioner Freeman - Sister Cities
- John Valdes - Intergovernmental Committee

13. ITEMS BY CITY MANAGER

13.A. Updated task tracking list.

Mr. Regan notified Commissioners that he received a telephone call from the owner's representative of Fish Island and from the North Florida Land Trust, who asked him to convey that the intention of the owner to enter into a contract with the North Florida Land Trust to possibly conserve the property.

Mr. Regan also said the City the Coquina property was under contract with the City. He said there was a thirty day due diligence period for an appraisal, survey,

title search, and wetlands survey. He also noted the property appraised for \$594,930.

14. Items by Mayor and Commissioners

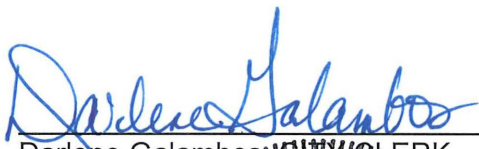
Commissioner Sikes-Kline asked that AirBnB's be addressed during a future meeting and for Dennis Hollingsworth, the St. Johns County Tax Collector speak with the Commission about the same subject.

Mayor Shaver said she would be visiting Aviles, Spain at the end of May.

15. Adjournment

There being no further business, the meeting was adjourned at 10:08 P.M.⁴



Leanna S.A. Freeman, VICE MAYOR

Darlene Galambos, CITY CLERK

⁴ Transcribed by Robin DiAngelis