

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 11, 2019

The City Commission met in formal session Monday, February 11, 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

Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mr. Regan said staff had one modification to add Item 13.C. under City Manager Comments for an update of 91-93 Coquina Avenue regarding due diligence and other technical matters.

MOTION

Commissioner Sikes-Kline MOVED to approve the Agenda as modified. The motion was SECONDED by Commissioner Freeman 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
- Mary Beth Kelly
- Roger White
- Chris Fulmer
- Martha "Tica" Walley
- James Kelly
- Carolyn Smith
- Eric Smith
- Mark Moscarella
- BJ Kalaidi¹

5. Consent Agenda

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

Mayor Shaver said she would like to pull Item CA.6.

5.B. Approval of Consent Agenda

MOTION

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

CA.6. Nomination of David Nolan for the Adelaide Sanchez award for education and interpretation. (N. Shaver, Mayor).

Mayor Shaver said she nominated David Nolan for the Adelaide Sanchez award for his love and depth for storytelling of the City, in particular the Civil Rights Era. She felt he was a treasure to the City.

MOTION

Commissioner Freeman MOVED to approve Item CA.6. The motion was SECONDED by Commissioner Sikes-Kline 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 25, 2019:

- Ordinance 2019-02

b) REMINDER OF UPCOMING MEETINGS:

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

CA.2. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- January 14, 2019, Regular Meeting

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.

CA.5. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.

CA.7. Acceptance of a grant under the Department of Homeland Security Assistance to Firefighters Grant Program in 2017 for wireless headsets. (C. Aviles, Chief, St. Augustine Fire Department).

CA.8. Review of dockage agreement for the vessel, Santa Maria, for the period from April 17 through May 5, 2019. (J. Regan, City Manager).

¹ Written comments attached to original minutes.

CA.9. Approval of 2019 tentative meeting schedule for budget meetings, monthly updates, quarterly updates and public workshops. (M. Breidenstein, Director, Budget and Performance Management).

CA.10. Invoice in the amount of \$3,101.20 dated January 29, 2019 from Marks Gray, P.A. for legal 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. General Public Presentations

7.A.1. St. Johns County Tax Collector, Dennis Hollingsworth, will discuss vacation rental registrations.

Dennis Hollingsworth spoke about short term vacation rentals, noting that it was a contentious topic from the Governor's office down. He stated that the St. John's County Tax Collector was one of the first counties to collect the Tourist Development Tax locally to ensure payment. He said that his office contracted with Host Compliance, which can provide vacation rental information on properties regardless of which franchise the owner had contracted with. He introduced Ms. Dowler, the Tourist Development Tax Specialist with his office, to answer any questions.

Commissioner Freeman noted that there were 2,322 rental accounts. She asked if the Tax Collector's office was able to determine whether there were more that had not registered.

Ms. Dowler responded that she logs on to Host Compliance daily, and during her last check there were 400 new listings for December. She could also supply

Commissioners with a breakdown of the rentals within City limits.

Commissioner Horvath questioned penalties, and whether unregistered vacation rentals would accrue penalties until they complied with registration.

Ms. Dowling responded yes, the current penalty was \$50 per month. She also added that if a property remained non-compliant a lien could be attached to the property.

Mr. Hollingsworth added that his office was implementing a system for on-line registration.

Mayor Shaver asked for regular reports regarding new rentals within the City.

Commissioner Horvath asked what portion of the business tax receipt the City received.

Mr. Hollingsworth replied for 2018 it was approximately \$21,000.

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 2019-03: Proposed update to the City tree code.

David Birchim presented Ordinance 2019-03.

Commissioner Sikes-Kline clarified that the Planning and Zoning Board unanimously approved the update.

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

- BJ Kalaidi¹
- Ed Slavin

Public hearing was closed.

Mr. Birchim clarified that the preserved tree category had not changed except for by nomenclature. He said it included the same trees, species and size but was called significant, and was listed in chapter 11 of the City Code. He also said the removal of trees without a permit was a Code Enforcement violation and both the property owner and contractor could be fined.

Commissioner Valdes asked what measures were in place to ensure planted tree survival.

Mr. Birchim responded the City Code required that the tree was still healthy and viable after three years.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-03 on second reading. The motion was SECONDED by Commissioner Valdes.

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

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 2019-02: Amends and updates sections of Chapter 24 of the Code of Ordinances relating to personal mobility devices.

John Cary, Assistant City Attorney, presented Ordinance 2019-02.

Mayor Shaver requested clarification on the moratorium of shared mobility devices.

Isabelle Lopez, City Attorney, said there was no moratorium, rather a temporary period where permits were not issued; however, the City did not issue permits for shared mobility devices. She continued that the City had to create the Ordinance prohibiting those devices. She noted that currently they were unregulated by State law and City Ordinance.

Mr. Cary noted that the Ordinance banned shared mobility devices except to the extent that they were under a franchise

agreement or another contract. He said the devices would not be allowed except until such a time that the City wanted to enter into a franchise agreement or contract that allowed them.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-02 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE I OF CHAPTER 24 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING DEFINITIONS; REPEALING PROVISIONS RELATING TO RIDING OR LEADING ANIMALS; REPEALING PROVISIONS RELATING TO SKATEBOARDING AND ROLLER SKATING; AMENDING ARTICLE III OF CHAPTER 24 OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING PROVISIONS RELATING TO BICYCLES; RESTRICTING CERTAIN VEHICLES IN CERTAIN AREAS OF THE CITY; REPEALING PROVISIONS RELATING TO THE SALE OF ROLLER SKATES; REPEALING PROVISIONS RELATING TO THE SALE OF BICYCLES; PROVIDING REGULATIONS RELATING TO THE CITY'S PUBLIC SIDEWALKS AND OTHER NON-STREET RIGHTS-OF-WAY; PROVIDING REGULATIONS FOR SHARED MOBILITY DEVICE PROGRAMS; PROVIDING PRESUMPTIONS; PROVIDING REGULATIONS FOR SHARED MOBILITY DEVICE PROGRAM DOCKING STATIONS; PROVIDING FOR IMPOUNDING OF SHARED MOBILITY DEVICES; PROVIDING PENALTIES; 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, Horvath, Valdes, Freeman, Shaver

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2019-01: Authorizes the City Manager to execute temporary easements related to submerged land leases of the City.

John Cary presented Resolution 2019-01.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-01. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.2. Resolution 2019-02: Supports state and federal funding for Operation New Hope and the need for a satellite facility in the City and County.

Commissioner Sikes-Kline said the intention of the Resolution was to provide a copy to the local New Hope initiation, and to include it with the City's legislative agenda.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2019-02. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

10. Staff Reports and Presentations

10.A. Financial update for period ending January 31, 2019.

Mark Litzinger, Financial Services Director, provided the financial update.

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. Notification of statutory extension of demolition order for 18 St. George Street.

Ms. Lopez said the extension was granted by operation of law and was simply a notification.

12. ITEMS BY CITY CLERK

12.A. Notification that applications are being accepted to fill two term expirations and one alternate position on the Historic Architectural Review Board.

Darlene Galambos notified the Commission that two terms would expire at the end of March and both members were eligible for reappointment. She also said the vacancies would be advertised.

12.B. Request to schedule a workshop to discuss the City of St. Augustine's Adaptation Plan and a date for the City's Charter review.

Ms. Galambos provided several dates for Commission consideration. After discussion, the Commission set the following schedule:

Adaptation Plan
March 13, 2019 8:30 am – 12:00 noon

Charter Review
April 3, 2019 1:30 pm – 4:00 pm

13. ITEMS BY CITY MANAGER

13.A. Review of UF/CoSA Partnership Agreement.

Mr. Regan reviewed the Memorandum of Agreement between the City and the University of Florida executed in 2010.² He said that the University would be meeting individually with Commissioners and he was providing the information as background.

Mayor Shaver requested a summary of past and current issues that should be addressed.

13.B. Updated task tracking list.

Mr. Regan noted that during the next meeting there would be a presentation regarding recycling and what the City was and could be doing.

Commissioner Sikes-Kline requested adding an update on bridge openings to the list. She also asked for a report on the noise ordinance and how it was working.

13.C. Update for 91-93 Coquina Avenue.

Mr. Regan said there were currently five parts of due diligence in process:

1. Appraisal, which was completed, and the property appraised at \$600,000.
2. Structure on the property was being evaluated for mold, lead and asbestos.
3. A property survey and an easement to the current owner which could be finished shortly.
4. A wetlands survey.
5. Finalizing the title search.

Mr. Regan noted the end of the due diligence process ended on February 25, 2019.

Mr. Regan said the City owned the right-of-way from the culvert head wall that went toward the marsh; however, to install

² Included with Agenda Packet.

valves on the pipes would require more space than the right-of-way allowed, and the City needed to go downstream to have adequate space to work.

Commissioner Valdes clarified that after the backflow preventers were installed and the head wall modified, when the City owned the property it would allow access for continued maintenance.

Commissioner Freeman asked if there would be further benefit for the Utility Department.

Mr. Regan responded that owning the property would allow for large utility work, particularly for the water and wastewater pipes that run beneath the river.

Mayor Shaver felt that it was not credible that the City should buy property to perform maintenance on outfalls. She said if it were, the City would spend over \$50 million buying property throughout the City. She noted that other neighborhoods were hurricane weary and could also benefit from a park, and she looked at the total greenspace within the City, not just one neighborhood. She asked if Commissioners would reconsider the purchase.

Commissioner Valdes stated that he supported the purchase and would continue to do so because it was a unique property with access to marshrun, kayaking, and birdwatching. He said he had broken it down and it would cost each resident approximately \$.64 per year to have the park. He also felt it was a wise investment, and that if nothing worked out as outlined, the City could place it back on the real estate market. He thought it was a win/win situation.

Commissioner Sikes-Kline said the City should pursue public assistance from FEMA for hazard mitigation. She also said it was approved with a 5-0 vote, and that it was a good decision.

Commissioner Horvath supported the decision to purchase 91-93 Coquina Avenue and to look at other areas the City could use for a park.

14. Items by Mayor and Commissioners

Commissioner Sikes-Kline reminded fellow Commissioners that Friday, March 15, 2019 was the date for the University of Florida Direct Support Organization meeting at 9:00 a.m. at the Government House.

Commissioner Freeman said she was thinking of ways to show appreciation to the City's volunteer Boards and asked fellow Commissioners to do the same.

Commissioner Valdes said he had been thinking about short term vacation rentals and how they were affecting affordable and low income housing in the City. He said he would prefer to accelerate the process.

15. Adjournment

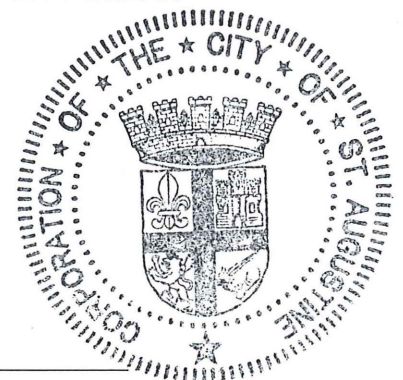
There being no further business, the meeting was adjourned at 7:38 P.M.³



Leanna S.A. Freeman, VICE MAYOR



Darlene Galambos, CITY CLERK



³ Transcribed by Robin DiAngelis