

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 25, 2019

The City Commission met in formal session Monday, February 25, 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
- Absent:** Nancy Sikes-Kline, City Commissioner (excused)
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

Pastor Eliut Alicea, Bridge of Life Assembly of God, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Commissioner Freeman requested to hear Item 10.A., the City Manager's report on 91-93 Coquina Avenue, as Item 7.B.1., and to have additional public comment after the presentation.

MOTION

Commissioner Freeman MOVED to approve the Agenda as amended. The motion was SECONDED by Mayor Shaver 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:

- Martha Mickler
- Nancy Pellicer
- Leonard Pellicer
- Ed Slavin
- BJ Kalaidi¹
- Casey Welch
- Martha "Tica" Walley
- Ron Rawls

5. 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 Freeman 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 MARCH 11, 2019: NONE.

b) REMINDER OF UPCOMING MEETINGS:

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

CA.2. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: NONE.

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):
• Kenneth Wood and Gloria O'Neal – 268 JACKSON BLVD.

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.6. Nomination of Les Thomas for the Adelaide Sanchez award for Historic Preservation and Restoration (J. Valdes, Commissioner).

CA.7. Invoice in the amount of \$1,537.00 dated January 31, 2019 from Cavendish Partners, P.A. for legal services regarding the Marlowe 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

(None)

7.B. Items of Great Public Importance

7.B.1. 91-93 Coquina Avenue due diligence findings.

Mr. Regan addressed the Commissioners regarding the January 14, 2018 Commission decision to proceed with a due diligence for the purchase of 91-93 Coquina Avenue. He divided the report into three sections as follows:

¹ Written comments attached to original minutes.

1. Property Appraisal

Mr. Regan said the City was under contract for the purchase of the property in the amount of \$459,000, and the appraisal was valued at \$600,000.

2. Condition of Structure on Property

Mr. Regan said the structure was tested for lead and asbestos and mold, which was necessary for reconstruction or demolition. He noted there was no mold, a small amount of asbestos floor tile and some lead paint, all not uncommon for the time period the structure was built.

3. Property Survey and Title Search

Mr. Regan pointed out significant elements of the survey. He stated that the survey was for the property and the wetlands delineation and determined that the property consisted of three buildable lots. He continued that as part of the title search and survey research, important property transactions and easements were discovered. He said there was a ten foot easement to the City for the creek; however, the creek today was identified further south than it was originally.²

Isabelle Lopez, City Attorney, spoke about deeds and easements.

Mr. Regan said he spoke with the owners to the north of the property and they were not opposed to the City's purchase; however, their concern was to protect the northern bank from alterations.

Mr. Regan addressed comments circulating regarding the City's ownership of other properties on Coquina Avenue that could be used for a park including:

- Where Menendez Road met Coquina Avenue with a dimension of 95 feet wide
- Where Old Quarry Road turned into Coquina Avenue where the City had a

culvert that supported the ecosystem behind the Alligator Farm and the City had a right-of-way 80 feet wide with a small sliver of land that was .07 acres that belonged to the City

- A lot on Ferdinand Avenue that was platted in wetlands which had 4 feet of road embankment with .15 acres, all wetlands

He noted that none of the lots were park appropriate due to right-of-ways, traffic patterns and safety issues, and submerged lands.

Mr. Regan continued that when the City reviewed the property for a park, the Engineers looked for greater opportunities than the proposed use for City improvements. He said for stormwater purposes, including nuisance and sunny day flooding, natural resources could be developed while maintaining the beauty of the land.

Public comment was opened and Commissioners heard from the following:

- Lee Geanuleas
- Cameron Moyer
- Mike Pius
- Marilyn Butts
- Allan Lauro
- Elisa Nevel
- Thomas Day
- Susan Rathbone
- Carol Burtin
- Denise Evans
- Richard Thompson
- Eric Smith
- Carolyn Smith
- William Flaman
- Linda Winkel
- Ed Slavin
- Jill Nicolina
- Heather Call
- Noel Barnwell
- Chuck Meide
- Nancy Pellicer
- Karen Fluman
- Martha "Tica" Walley

² Transactions included in Property Information Report.

- Teri Pinson
- Isabel Dickson
- BJ Kalaidi¹
- Janet Cragg
- Roy Barnes
- Judith Seraphin
- JD Hodgins
- Robyn Pope
- Nicole Nettles

Public comment was closed.³

Commissioner Freeman said she believed in the project, and noted that the Commission had voted 5-0 to approve the purchase. She felt it was a unique opportunity for preservation and flood control.

Commissioner Horvath supported the purchase of the property and to use it for its highest and best use. She said whether or not it was used for a park, the City would have the easements it needed for flood control.

Commissioner Valdes said the Commission unanimously authorized the City Manager to move forward with the purchase so that due diligence could be performed. He felt the City acted responsibly and he was in favor of the purchase.

Mayor Shaver stated that she had not felt comfortable with the purchase process. She felt the way it was originally presented was misleading. She said the park was important to the people who lived in Davis Shores; however, she had reconsidered her vote. She felt that the City would be spending half a million dollars from reserves that could be better used to serve all citizens by hiring additional law enforcement personnel, paving City streets and installing flood control valves in other areas. She did not feel the purchase was the best use of City funds.

After further discussion, the Commission upheld its decision to move forward with the purchase.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-02: 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. He said the Ordinance could make the City more bicycle friendly. He noted concerns received from bicyclists and additional draft language that would allow bicycles and non-motorized devices on sidewalks in Section 24-106.

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

- Adam McAlmont
- BJ Kalaidi¹

Public hearing was closed.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2019-02 on second reading. The motion was SECONDED by Mayor Shaver.

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.

³ There was a brief recess from 7:26 to 7:35 p.m.

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: Horvath, Shaver, Valdes, Freeman

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

10.A. 91-93 Coquina Avenue due diligence findings.

(Heard as Item 7.B.1.)

10.B. Recycling Strategy – “Reduce and Reuse” update.

Todd Grant, Deputy Public Works Director, gave a PowerPoint presentation regarding the City's Solid Waste Department.

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. 2018 Legislative Bill Tracking information. No Presentation.

Mr. Cary made a Public Announcement to the Commission required by Florida Statue for the intent of an applicant to bring an application to designate 409 Anastasia Boulevard as a brownfield. He said there was no action required by the Commission.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

13.A. Updated task tracking list.

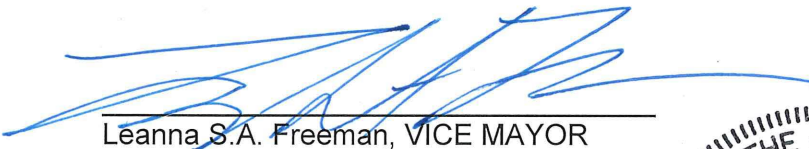
Mr. Regan noted that during the next meeting there would be discussion of the Noise Ordinance and the downtown area nightlife.

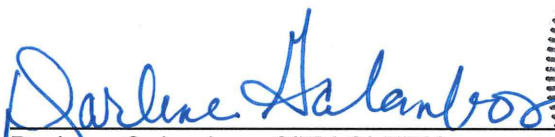
14. Items by Mayor and Commissioners

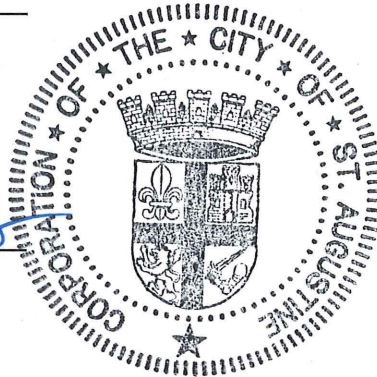
(None)

15. Adjournment

There being no further business, the meeting was adjourned at 8:46 P.M.⁴



Leanna S.A. Freeman, VICE MAYOR

Darlene Galambos, CITY CLERK

⁴ Transcribed by Robin DiAngelis