CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, March 25, 2019

The City Commission met in formal session Monday, March 25, 2019 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 W. Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner

Absent: John Valdes, City Commissioner (excused)

John Regan, City Manager
Timothy A. Burchfield, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Mike Cullum, Director, Public Works
Paul K. Williamson, Director, Public Affairs
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Robin DiAngelis, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Ken Wilcox, Center for Spiritual Living, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, said that staff had one modification to add Item 12.C., a discussion to confirm Todd Neville on the City's Audit Review Committee.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Proclamation 2019-03: Proclaims March as Women's History Month.
- Proclamation 2019-04: Commemorates the 70th anniversary of the St. Augustine Community Chorus.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Bruce Maguire
- Ed Slavin
- Ralph Hayes
- Ron Rawls
- BJ Kalaidi[1]

5. Consent Agenda

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

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. 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 APRIL 8, 2019:

- Ordinance 2019-05

b) REMINDER OF UPCOMING MEETINGS:

- April 3, 2019, 1:30 p.m., Charter Review
- April 8, 2019, 5:00, Regular Meeting
- April 22, 2019, 5:00 p.m., Regular Meeting
- May 2, 2019, 8:30 a.m., Mid-Year Budget Meeting

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

- March 4, 2019, Special 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.6. Updated task tracking list. (J. Regan, City Manager).

CA.7. Approval of License for Use of City Right-of-Way at 58 Lemon Street for the installation and maintaining landscaping. (T. Grant, Deputy Director, Public Works).

6. Appeals.

6.A. Appeal of Planning and Zoning Board recommendation not to amend the zoning of 7 Bridge Street from HP-1 to PUD.

Mayor Upchurch recused himself from Agenda Item 6.A.[2]

David Birchim, Planning and Building Director, reviewed the history that led to the appeal before the Commission. He said the Planning and Zoning Board heard the application on January 8, 2019 and unanimously recommended denying the application based on the traffic intensification of the proposed use, and they felt there was a clear lack of justification for the rezoning. He noted that the property was currently allowed to be used as a small wedding venue.

[1] Written comments attached to original minutes.

[2] Form 8B attached to original minutes.

Mr. Birchim stated that no new evidence could be considered and the Commission could affirm, reverse or modify the appeal. He noted the Commission could accept modifications and remand to the Planning and Zoning Board with instructions for further review.

Isabelle Lopez, City Attorney, reminded Commissioners of the procedures for the appeal.[3]

Commissioners disclosed ex parte.

Darlene Galambos, City Clerk, advised that thirteen notices were mailed and two responses were returned opposed to overturning the Planning and Zoning Board decision.

Sid Ansbacher, Attorney for the applicants, Mike and Sandy Wieber, said the primary issue of the appeal was that at a certain point, a property could be so surrounded by disparate uses that it could rise to the level of reverse spot-zoning, which was the issue in question. He said there were commercial properties to the north and south and the applicant was asking for a use commiserate with the area hosting events concluding by 8:00 p.m. He felt the use was within HP-1 (Historic Preservation-1) guidelines.

Public comment was heard from the following in support of the zoning change:

- Tom Day
- George Jacunski
- Pat DeBosz

The following were opposed:

- Ed Slavin
- BJ Kalaidi[1]
- Judith Fox Fliesser
- Debra Callahan

Public comment was closed.

Mr. Ansbacher said that the property would not likely return to residential use and, as a historic property, required meticulous maintenance. He also said that the applicants lived and operated a business directly adjacent to the property, were good stewards of historic property, and were asking for a use consistent with neighboring properties.

Commissioners discussed:

- Historic interior preservation
- Limiting the number of rental events
- Parking
- Public purpose
- Resale of the property and negative impacts
- Preserving HP-1 neighborhoods from commercial sprawl

Commissioner Freeman felt a very clear decision had been made by the Planning and Zoning Board. She said there was an application, a due process meeting was held and everyone was heard, the law was applied and PZB did the job assigned to them.

MOTION

Commissioner Sikes-Kline MOVED to uphold the PZB decision and deny the appeal. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

<u>7.A.</u> General Public Presentations

(None)

<u>7.B.</u> Items of Great Public Importance

(None)

[3]Included with Agenda packet.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

(None)

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

(None)

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

8.C.1. Resolution 2019-05: Designates property at 409 Anastasia Blvd. as a "brownfield" property pursuant to requirement by Florida statute.

Ms. Lopez presented Resolution 2019-05, noting that the Brownfield designation referred to properties that were contaminated, generally former industrial properties, and the State of Florida policy facilitated the cleanup and reuse of those properties. She said the owner had requested the designation and it was a statutory process that would not adversely affect the City.

Public hearing was opened and Commissioners heard from the following:

- BJ Kalaidi[1]
- Ed Slavin

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2019-05. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2019-05: Updates the City's nuisance code to include defined terms, remove redundant procedures, and provide the City Manager and Building Official authority to immediately abate life safety nuisances.

Ms. Lopez presented Ordinance 2019-05.

MOTION

Commissioner Horvath MOVED to place Ordinance 2019-05 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING DEFINITIONS; PROVIDING FOR DECLARATION OF NUISANCES AND ABATEMENT OF NUISANCES; PROVIDING THAT THE KEEPING OF UNSHELTERED HOUSEHOLD GOODS IS A VIOLATION; REPEALING DUPLICITIVE PROVISIONS; AMENDING THE CHAPTER TO MAKE VARIOUS MINOR AND TECHNICAL CHANGES; PROVIDING PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

<u>9.B.</u> Resolutions

<u>9.B.1.</u> Resolution 2019-06: Updates the King Street Design Standards as approved by the Planning and Zoning Board.

David Birchim presented Resolution 2019-06, which updated the King Street Design Standards. He said the design standards were a zoning overly district that only applied to private properties abutting the corridor, and did not apply to county, city or state rights-of-way. He noted that the updated Standards had been reviewed and approved by the Planning and Zoning Board (PZB) and the Historical Architecture Review Board (HARB).

Commissioner Horvath was concerned that merchants said they had not seen or had time to review the update.

Mr. Birchim said that the Florida Department of Transportation held a King Street right-of-way meeting that confused some folks, and deferred to Jeremy Marquis of Marquis, Latimer + Halback, the City's consultant for the project.

Mr. Marquis advised that a public open house, PZB and HARB workshops, and a presentation to the St. Augustine Historic Area Council of the St. Johns County Chamber of Commerce had been held. He also said many properties owners had been met with one-on-one.

Commissioners questioned the term "legacy building" and why it caused concern.

Mr. Marquis responded that legacy buildings created a sense of place for the area, through form and character to the existing environment that retained some measurable authenticity but not necessarily a high degree of architectural or historic integrity. He advised approximately 35-40 percent of properties were legacy buildings.

Commissioner Sikes-Kline said she was fine with moving forward on the Design Standards, that many meetings had been held and it had been made very public.

MOTION

Commissioner Sikes-Kline MOVED to approve Resolution 2019-06. The motion was SECONDED by Commissioner Horvath.

Commissioner Freeman questioned the number of legacy property owners and considered giving them formal notification to protect the City.

Mayor Upchurch suggested amending the motion to approve design standards with the exception of legacy structures

MOTION

Mayor Upchurch MOVED to approve an amended Resolution 2019-06 Items 1-9, except for Item 10, Legacy Buildings, which would be discussed during a subsequent meeting. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez asked Commissioner Sikes-Kline whether she approved the amended motion, which she did not.

Mayor Upchurch withdrew his motion.

Commissioner Freeman disagreed with separating Resolution 2019-06 between two meetings and she preferred to pass it in its entirety during one meeting.

MOTION

Commissioner Sikes-Kline AMENDED THE MOTION to move Resolution 2019-06 to the June 24, 2019 meeting to vet it with the public for feedback. The amended motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.[4]

[4] There was a brief recess from 7:30 to 7:40 p.m.

10. Staff Reports and Presentations

10.A. Executive summary presentation regarding the City's Resiliency and Adaptation program.

Mike Cullum, Public Works Director, gave a PowerPoint presentation regarding the City of St. Augustine Resiliency and Adaption Program.

Discussion ensued regarding the Stormwater Master Plan, working with the Florida Department of Transportation for road improvements, the Capital Improvement Plan, City reserves, and the water treatment plant.

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. 2019 Legislative Bill Tracking information.

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

11.C. Discussion regarding the passing of a property registration ordinance by St. Johns County Board of County Commissioners.

Ms. Lopez addressed the Commission regarding an Ordinance passed by the St. Johns County Board of County Commissioners that required the registration by banks who owned homes in foreclosure to keep them minimally maintained. She said the City could pass a sister Ordinance, then piggy-back or enter an inter-local agreement with the County which would allow the City to utilize any negotiated services. She requested consensus from the Commission to proceed.

It was the consensus of the Commission for the City Attorney's office to proceed with an Ordinance and any negotiations.

12. ITEMS BY CITY CLERK

12.A. Request for workshop date regarding Vacation Rental ordinance.

Ms. Galambos advised the Commissioners that she included several workshop meeting date options; however, she deferred to the City Attorney regarding bill tracking and dates.

Ms. Lopez noted there were two bills, one in the House of Representatives, and one in the Senate regarding vacation rentals. She said the Legislative Session ended May 3, 2019 and suggested postponing the workshop until after that date.

It was the consensus of the Commission to wait until the Legislative Session ended to plan a workshop meeting.

12.B. Review of applications received to fill a term expiration and vacancy on the Historic Architectural Review Board.

Ms. Galambos said she had received five applications for two vacancies from the following:

- Barbara Wingo (current board member)
- Madie Martin
- Ian Gaere MacDonald
- Roger White
- Dr. Chris Balaschak

After the ballots were tallied, it was determine that Barbara Wingo was re-elected and Ian Gaere MacDonald was elected to the vacant position.

13. ITEMS BY CITY MANAGER

Mr. Regan requested confirmation for Todd Neville to continue to serve on the Audit Committee.

MOTION

Commissioner Horvath MOVED to confirm Todd Neville's service on the Audit Committee. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

14. Items by Mayor and Commissioners

Commissioner Sikes-Kline referenced the Tree Mitigation Fund the Commission previously established and suggested setting guidelines and/or policy on how the funds could be used or dispersed.

Mayor Upchurch thanked Commissioner Sikes-Kline and Mr. Regan for taking time to travel to Tallahassee and appear before the legislature on behalf of the City.

15. Adjournment

There being no further business, the meeting was adjourned at 8:10 P.M.[5]

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[5] Transcribed by Robin DiAngelis