CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, April 22, 2019

The City Commission met in formal session Monday, April 22, 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

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
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

Reverend Mr. Tim Fleming, Deacon of Christ Church, Episcopal Missionary Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Proclamation 2019-05 – Proclaiming April as National Child Abuse and Neglect Prevention month.
- Proclamation 2019-08 – Proclaiming May 11 as Letter Carriers Food Drive Day.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Ed Slavin
- Cindy Newsome
- Seber Newsom III
- Thomas Whitcomb
- Hugh Washington
- John Mountcastle
- Alicia Ann McWhorter
- Jill Pacetti
- Jenna Bernstein
- Ray Quinn
- Ron Birchall
- Bill Dudley
- Katherine Owens
- Susan Williams
- Robert Frawley
- Glenda Frawley
- Beverly Kilmore
- David Heimbold
- Carol Lively
- Ellaina Parham
- Ron Rawls
- Doug Russo
- BJ Kalaidi[1]

5. **Consent Agenda**

Mr. Regan read the Consent Agenda.

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS.

a) THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON MAY 13, 2019: NONE.

b) REMINDER OF UPCOMING MEETINGS:

- May 2, 2019, 8:30 a.m., Mid-Year Budget Analysis
- May 13, 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): NONE.

CA.4. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

- PROCLAMATION 2019-06 PROCLAIMING MAY 2019 AS OLDER AMERICANS MONTH. (T. UPCHURCH, MAYOR).

- PROCLAMATION 2019-07 PROCLAIMING MAY 8, 2019 AS ST. AUGUSTINE GIVING DAY. (T. UPCHURCH, MAYOR).

- PROCLAMATION 2019-09 PROCLAIMS MAY 2019 AS NATIONAL DRUG COURT MONTH. (N. SIKES-KLINE, COMMISSIONER).

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

CA.6. Acceptance of the Commission's second quarter 2019 Action Items, amounts spent and/or encumbered through March 31, 2019. (M. Breidenstein, Director, Budget and Performance Management).

CA.7. Invoice in the amount of $4,708.75 dated April 1, 2019 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. (I. Lopez, City Attorney).

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

(None)

[1] Written comments attached to original minutes.

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

Property Appraiser Eddie Creamer will make a brief presentation detailing the attainment of a third party auditing service. These efforts are pursuant to enhance homestead compliance and ensure qualified business owners pay proper tangible personal property taxes with the use of a third party firm, while staying ahead of the county's growth curve to generate a tax roll that is fair, equitable and accurate.

Mr. Creamer spoke about an initiative his office was undertaking an audit of over 70,000 homestead exemptions within St. Johns County. He noted there were tools built into the application process to assure that the homestead exemption was property claimed; however, after approval of an exemption it could become out of date because of circumstances that happened post application.

Commissioner Valdes asked if approval was required from all taxing authorities to proceed.

Mr. Creamer stated that approval was not required; however, all entities must sign the Memorandum of Understanding. He said the audit would be performed by a third-party company who would be compensated using the penalties, interest and taxes collected from improperly claimed tax exemptions. He also said that no exceptions would be made for property owners who said they were unaware of the violation.

It was the consensus of the Commission to agree with the Memorandum of Understanding.

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 2019-05: 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.

Isabelle Lopez, City Attorney, presented Ordinance 2019-05.

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

- BJ Kalaidi[1]

Public hearing was closed.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2019-05 on second reading. The motion was SECONDED by Commissioner Valdes.

Isabelle 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

8.A.2. Ordinance 2019-06: Addresses inconsistencies between the land development code and the corridor design standards.

Isabelle Lopez presented Ordinance 2019-06.

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

MOTION

Commissioner Valdes MOVED to pass Ordinance 2019-06 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 28, ZONING, TO ADDRESS INCONSISTENCIES BETWEEN THE LAND DEVELOPMENT CODE AND THE CORRIDOR DESIGN STANDARDS, AND TO PROVIDE FOR MODIFICATIONS CONSISTENT WITH THE CRITERIA AND PROCEDURES OF THE ENTRY CORRIDORS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

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. Presentation of the 2018 Comprehensive Annual Financial Report (CAFR) by the City's independent auditor, Gary Huggett of Masters, Smith and Wisby.

Mark Litzinger introduced Gary Huggett, who presented the 2018 Comprehensive Annual Financial Report (CAFR).

Discussion was held regarding the City's year end close out performance and recommendations were made for a more timely and accurate close out target date 2019.

MOTION

Commissioner Freeman MOVED to pass the 2018 CAFR. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

10.B. Audit committee report by Todd Neville, committee chairman.

Mr. Regan introduced Todd Neville, Certified Public Accountant and former City Commissioner, who had volunteered to serve on the Audit committee for the past two years.

Mr. Neville stated that the responsibility of the Audit committee was to provide independent governance between the City and the auditor. He gave a brief overview of what the committee did during the audit preparation process. He said the committee recommended that the City retain Masters, Smith and Wisby as auditor; however, they felt the City could benefit from a different partner in the firm performing the audit.

MOTION

Mayor Upchurch MOVED to retain Masters, Smith and Wisby as the City's auditing firm with the request for a new partner assigned to the City's audit. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

10.C. Discussion regarding audit committee membership for next fiscal year.

Ms. Lopez advised the Commission that at their April 3, 2019 meeting, the Audit committee recommended some changes to its composition for Commission approval as follows:

1. The committee should maintain three members.
2. Two out of the three members should be financial experts.
3. Two of the members should be independent of City staff.
4. Member terms should be staggered two year terms that coincided with the CAFR presentation.

After discussion, it was the consensus of the Commission that the Audit committee consist of three financially proficient people, two of whom were chosen by the Commission. Todd Neville was appointed for a one year term for the 2019 Audit committee, with one vacancy yet to be filled. The third committee member would be a financially proficient member of City staff and appointed by the City Manager for a two year term.

MOTION

Mayor Upchurch MOVED to approve the consensus decisions of the Commission. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

The City Clerk was instructed to advertise for the second Commission appointed position.

10.D. Public Works update for second quarter of fiscal year 2018-2019.

Mike Cullum, Public Works Director, provided a Power Point presentation updating the Commission on Public Works second quarter accomplishments.

10.E. Mobility update including Bridge of Lions opening analysis for second quarter of fiscal year 2018-2019.

Reuben Franklin, Mobility Program Manager, gave a PowerPoint presentation and discussed the various mobility programs within the City and providing updates. He touched on popular topics such as:

- Median beautification on US Highway 1
- Electric vehicle charging stations
- Spring park and ride shuttle
- Bridge of Lions opening analysis
- Tall ships
- Bicycle share program
- River-to-Sea Loop

Mr. Regan requested Commission consensus to renew the tall ship leases. He said the ship owners had made a good faith effort to reduce the number of bridge openings caused by tall ships.

MOTION

Commissioner Valdes MOVED to renew the annual leases of the tall ship tenants at the Municipal Marina with the inclusion of a 30-day "out" clause and that bridge monitoring would continue. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

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. Legal department update for the second quarter of fiscal year 2018-2019.

Ms. Lopez read the report submitted in the agenda packet.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Regan said that the short term vacation rental legislation had failed in the legislature and the City should move forward with what could be done at the local level.

Mr. Regan also said that Commissioner Sikes-Kline had asked him to relay to the Commission that local business owner Joe Tringali had voluntarily moved his late night beer sales time from 2:00 a.m. to 1:30 a.m. in an effort to partner with the City to change the late night downtown vibe.

14. Items by Mayor and Commissioners

Commissioner Horvath noted the upcoming Keeping History Above Water conference sponsored by Flagler College to be held in May.

Commissioner Valdes felt it was time to schedule a short term rental vacation workshop. The City Clerk would provide possible dates during a future meeting.

15. Adjournment

There being no further business, the meeting was adjourned at 8:00 P.M.[2]

T.W. Upchurch

Tracy W. Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[2] Transcribed by Robin DiAngelis