CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, June 10, 2019

The City Commission met in formal session Monday, June 10, 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
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

Minister Alexius Ferguson, Words of Life Ministries, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

Mayor Upchurch asked for a moment of silence for those employees of Virginia Beach that were murdered.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

Mayor Upchurch noted that the Commission would hear Public Comments on all subjects except the two Public Hearings and Short Term rentals which had a time certain for 6:15 p.m.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

3.A. Proclamation 2019-07: Proclaiming May 8, 2019 as St. Augustine Giving Day.

4. General Public Comments (3 minutes per individual)

Public comment was opened and the Commission heard from the following members of the public:

Ron Rawls
Jen Lumberk
Tom Reynolds
Susan Hill
Jon Hodgin
Michael Jagielsky
BJ Kalaidi[1]

Public comment was closed.

5. Consent Agenda

Mr. Burchfield read the Consent Agenda.

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS.

a) THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON JUNE 24, 2019:

- Ordinance 2019-07
- Ordinance 2019-08

b) REMINDER OF UPCOMING MEETINGS:

- June 24, 3:00 p.m., Special Budget Revenue Meeting
- June 24, 5:00 p.m., Regular Meeting
- July 8, 5:00 p.m., Regular Meeting
- July 22, 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):

- Darlene D. Hobbs and Donna D. Martin, 2830 Collins Avenue

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

- Proclamation 2019-12: Proclaims June 26, 2019 as Greek Landing Day.
- Proclamation 2019-13: Proclaims July 5-7, 2019 as Golden Jubilee Plus XIV in recognition of Richard J. Murray High.

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

CA.6. Confirmation of Meredith Breidenstein as Assistant City Manager effective October 15, 2019 due to the retirement of Timothy A. Burchfield. (J. Regan, City Manager).

CA.7. Approval of Proportionate Share Mitigation Agreement between the St. Johns County School District, the City and The Landing 2, LLC. (D. Birchim, Director, Planning and Building).

CA.8. Approval of Cost Share Amendment No. 2 with the St. Johns River Management District and the City for the Lincolnville Drainage Improvements project. (M. Cullum, Director, Public Works).

CA.9. Approval and authorization to execute Agreement for Use of Property Tax Collections to Fund Homestead Exemption Audit Services between the City of St. Augustine and the St. Johns County Tax Collector for the purpose of identifying improperly claimed exemptions and identifying unclaimed exemptions. (T. Burchfield, Assistant City Manager).

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

[1] Written comments attached to original minutes.

Mayor Upchurch noted that Item CA.9. should read Property Appraiser.

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda as amended. The motion was SECONDED by Commissioner Horvath 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

7.A.1. Wanda Forest, North Florida TPO Transportation Planning Manager will present its Transportation Improvement Program (TIP), which identifies all publicly funded highway, transit and aviation projects within our area, for Fiscal Years 2019/2020 through 2023/2024.

Wanda Forest, Transportation Planning Manager for the North Florida TPO, who gave a PowerPoint presentation of upcoming projects in the City's area.

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

7.C.1. (AT OR AFTER 6:15) Follow up workshop on Vacation Rentals to allow public comment for those not able to attend the May 22, 2019 workshop.
David Birchim, Planning and Building Director, gave an updated PowerPoint presentation regarding vacation rentals.

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

Julio Torres
Brian Funk
Susan McClure
Herbert Gowen
Kyung Bishop-Milo
Dennis Hanks
Bill Conley
Kim Hartwick
Melinda Rakoncay
Cindy Wasserbauer
Michael Jagielsky
Donna Nelson
BJ Kalaidi[1]

Public comment was closed.

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-09: Updates the City's foreclosure maintenance code to mirror the St. Johns County ordinance.

John Cary, Assistant City Attorney, presented Ordinance 2019-09.

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

BJ Kalaidi[1]

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-09 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REQUIREMENTS FOR INSPECTION AND REGISTRATION OF CERTAIN PROPERTIES; PROVIDING MAINTENANCE REQUIREMENTS FOR CERTAIN PROPERTIES; PROVIDING SECURITY REQUIREMENTS; PROVIDING ENFORCEMENT AND 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>8.A.2.</u> Ordinance 2019-10: Dissolution of the Antigua at St. Augustine Community Development District (CDD) as requested by the State of Florida Department of Economic Opportunity (DEO).

Isabelle Lopez presented Ordinance 2019-10.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-10 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:
ORDINANCE NO. 2019-10

AN ORDINANCE BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, REPEALING ORDINANCE 2005-33 AND DISSOLVING A COMMUNITY DEVELOPMENT DISTRICT, KNOWN AS THE ANTIGUA AT ST. AUGUSTINE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 189, FLORIDA STATUTES, PROVING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

<u>8.B.</u> Ordinances – First Reading (only if required by law)

(None)

<u>8.C.</u> Resolutions – Public Hearing (only if required by law)

(None)

9. Ordinances and Resolutions - No Public Hearing Required

<u>9.A.</u> Ordinances – First Reading

(None)

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

<u>9.A.1.</u> Resolution 2019-07: Renewal of the three-year Maintenance Agreement between the Florida Department of Transportation and the City for maintenance of specific turf and landscaped areas listed.

Mike Cullum, Public Works Director, presented Resolution 2019-07.

MOTION

Commissioner Freeman MOVED to pass Resolution 2019-07. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

<u>9.A.2.</u> Resolution 2019-10: Petition to Vacate a portion of North St. Augustine Blvd.

Darlene Galambos, City Clerk, presented Resolution 2019-10.

Todd Grant, Deputy Public Works Director, said he met with the petitioner to discuss utilities for access or relocation. He said an easement could be created for the City to reach any utilities.

Mayor Upchurch felt it was important that City sidewalks and greenspace were maintained. He also did not want anything to be constructed in the greenspace and that there be no signage.

Commissioner Sikes-Kline shared the Mayor's concerns; however, she was primarily focused on the approach to the bridge and the vista.

Commissioner Freeman felt that vacating the land was not necessary and the applicant could make use of the property without the City vacating the land.

Ms. Lopez said the applicant wanted to be certain before making any improvements. She pointed out that the applicant had submitted a petitioned for the vacation and the Resolution was the first step in the process, and that there would be public hearings should the commission wish to move forward.

Mayor Upchurch said he was apprehensive about the project and felt the Commission should move forward cautiously.

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-10. The motion was SECONDED by Commissioner Valdes motion was carried 3/2 with Commissioner Freeman and Commissioner Sikes Kline dissenting.

Commissioner Freeman requested a roll call for the vote.

VOTE ON MOTION
AYES: Upchurch, Valdes
NAYS: Freeman, Sikes-Kline, Horvath
MOTION FAILED 2/3

9.A.3. Resolution 2019-11: Authorizes the City Manager to apply for a Derelict Vessel Final Removal Program with the Florida Fish and Wildlife Conservation Commission and upon approval administer the grant.

Cory Sakryd, Grants Administration Coordinator, presented Resolution 2019-11.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-11. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

9.A.4. Resolution 2019-12: Annual renewal of the Traffic Signal Maintenance and Compensation Agreement between the Florida Department of Transportation and the City for the fiscal Year 2019-2020.

Reuben Franklin, Mobility Program Manager presented Resolution 2019-12.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-12. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

9.A.5. Resolution 2019-13: Supports the grant application by the St. Augustine Historical Society for the Llambias House Historic Preservation Management Plan.

Nancy Sikes-Kline presented Resolution 2019-13 in lieu of a letter of support.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2019-13. The motion was SECONDED by Commissioner

Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

10. Staff Reports and Presentations

10.A. Request for direction from the Commission regarding taking corrective action to abate 52 Spring Street to correct a Code Enforcement roof repair not to exceed $30,000.

David Birchim, explained that there were three homes with unsafe metal roofs. He said the roofs had partially blown off the structures during storms and damaged adjacent homes and cars. He also said the owner was being fined $250 per day until the violation was corrected. He stated that the fine was currently $45,000.

Mr. Birchim continued that the agenda item was the Code Enforcement Boards notice to the Commission regarding the abatement order and requested funding to make repairs. He said that an estimate for $20,000 had been received for all three homes on the property; however, there was no contingency plan for additional repair costs should further issues be discovered.

Commissioners discussed:

- Liens, foreclosure and auction
- Demolition
- Danger to adjacent properties
- Preservation of the original farmhouse

MOTION

Mayor Upchurch MOVED to authorize staff to remove the metal roofing that was creating a hazard to the community, perform minimal work to secure the dangerous conditions of the roof, lien the property, and start foreclosure proceedings as soon as possible. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Horvath requested that when the roof was removed, a tarp would be placed over the structure for minimal stabilization.

Commissioner Freeman wanted to amend the motion to include that staff would update the Commission on any actions taken.

Mayor Upchurch AMENDED his motion to correct the condition of the dangerous roof and the roof tarped, lien the property and start foreclosure as soon as possible, and a report placed on the tracking list. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE. [2]

10.B. Update and request for action on the Fish Island property.

Meredith Breidenstein, Budget and Performance Management Director, requested direction from Commissioners regarding a commitment to manage the property on Fish Island as a passive recreation park. She said the City would seek and work with potential partners to manage the park. She requested a letter sent by the Mayor to the Division of State Lands expressing the City's intent to manage the property.

It was the consensus of the Commission to support management of Fish Island and for the Mayor to send a letter to the State.

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. Review of City Charter for determination of revisions to be made in the form of ordinances.

[2] There was a brief recess from 6:13 to 6:21 p.m.

Isabelle Lopez, discussed routine changes to the Charter that could be made by Ordinance and residency requirements for those who wished to be an elected official.

It was the consensus of the Commission to make changes by Ordinances during a future meeting.

Mayor Upchurch noted that any changes required by ballot needed to be submitted to the Supervisor of Elections by April 2020.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

<u>13.A.</u> Designation of official to be voting delegate at the Annual Florida League of Cities Conference August 15-17, 2019 in Orlando, Florida.

It was the consensus of the Commission to designate Commissioner Sikes-Kline, who had been the voting delegate for many years.

14. Items by Mayor and Commissioners

Commissioner Horvath reminded fellow Commissioners that financial disclosure forms were due on July 1.

Mayor Upchurch urged Commissioners to consider a four hour maximum time limit for Commission meetings.

Commissioner Valdes felt that time limits for other City Boards could also be beneficial.

15. Adjournment

There being no further business, the meeting was adjourned at 7:20 P.M.[3]

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[3] Transcribed by Robin DiAngelis