

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 26, 2019

The City Commission met in formal session Monday, August 26, 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
John Cary, Assistant 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
Anthony Cuthbert, Assistant Chief of Police
Carlos Aviles, Fire Chief
Candice Seymour, 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

John Regan announced a staff request to remove items 9.B.4, 9.B.5, 9.B.6, 9.B.6, 9.B.7, and 9.B.8 to be heard at a subsequent meeting.

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

- Proclamation 2019-15: Proclaims August 31, 2019 as Overdose Awareness Day.

Commissioner Sikes-Kline announced that she would be reading the proclamation at

an event from 6:30-8:30 on Wednesday, August 28, 2019 in front of City Hall.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Donna Wendler
- Bruce McGuire
- Valerie Roback
- Doug Russo
- Jaime D. Perkins
- Mary Cobb
- Chris Moser
- Ed Slavin
- B.J. Kalaidi
- James Jackson

5. Consent Agenda

Mr. Regan read the Consent Agenda:

CONSENT AGENDA – AUGUST 26, 2019

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS.

a) THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON SEPTEMBER 9, 2019:

- ORDINANCE 2019-11
- ORDINANCE 2019-21
- ORDINANCE 2019-22
- ORDINANCE 2019-33

b) REMINDER OF UPCOMING MEETINGS:

- September 5, 2019, 5:05 p.m., Special Budget Meeting
- September 9, 2019, 5:00 p.m., Regular Meeting
- September 19, 2019, 5:05 p.m., Special Budget Meeting
- September 23, 2019, 5:00 p.m., Regular Meeting

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

- June 24, 2019 Special Meeting
- August 12, 2019 Shade Meeting
- August 12, 2019 Regular Meeting

CA.3. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- James Madden – 348 Venetian Boulevard
- Sue Ellen Fowler – 2866 North 5th Street

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. Update of the City's Comprehensive Plan required to be submitted to the State DEO by November 26, 2019. (A. Skinner, Deputy Director, Planning and Building).

CA.7. Approves the Grant Agreement with Florida Department of Emergency Management and Request for Stormwater Reserves Funding for Local Match for Whitney St. Box Culvert/West King Flood Mitigation. (M. Cullum, Director, Public Works).

CA.8. Authorizes the City to enter into and the City Manager to execute the grant agreement with the Florida Department of Environmental Protection's Florida's Resilient Coastline Program. (M. Cullum, Director, Public Works).

CA.9. Authorizes the St. Augustine Police Department to enter into an agreement with the St. Johns County School Board to share the cost of two police officers while schools are in regular session. (A. Cuthbert, Assistant Chief of Police).

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

Commissioner Sikes-Kline wanted to note the Comprehensive Plan Update letter from staff which included five concerns: Preservation of St. Augustine, impacts on the environment, mobility issues, recognition of development pressures, recognition of the impacts of increased tourism and population growth.

5.B. Approval of Consent Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Consent Agenda. 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. Request for approval of mediated settlement agreement between the City of St. Augustine and Sandy and Mike Wieber, relating to property located at 7 Bridge St.

Mayor Upchurch recused himself, disclosing that a former partner in his law-firm had represented the Wiebers.¹

John Cary, Assistant City Attorney, reviewed the settlement agreement.

Commissioner Sikes-Kline felt that the agreement addressed her concerns regarding the preservation of the historic interior of the property. She asked that any agreement regarding maintenance of the

house would require changes to meet Secretary of the Interior Standards.

Mr. Cary replied that there would be a maintenance agreement drafted and that would be brought back before the Commission for review.

Commissioner Horvath felt that the agreement supported the neighborhood, public access to the building, and lowered the noise level in the area and she voiced her support of the agreement.

Commissioner Valdes also spoke in favor of the agreement noting that it solved an ongoing problem and allowed for the City's involvement in the preservation of the property.

MOTION

Commissioner Sikes-Kline MOVED to APPROVE the mediated settlement agreement. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Freeman

NAYES: None

MOTION CARRIED UNANIMOUSLY

7.A.2 Presentation by Gayle Phillips of the Community Remembrance Committee, St. Augustine requesting placement of a historic marker in the plaza regarding the lynching of Isaac Barrett.

Gayle Philips gave the presentation regarding the historic marker request.

Isabelle Lopez, City Attorney, clarified Section 22-9, which outlined the process wherein the Commission could approve monuments in the Plaza.

Commissioner Sikes-Kline felt the Plaza was an appropriate location for the marker. She did not have a specific location to

¹ Form attached to original minutes

recommend and looked to staff for a recommendation. She felt it was important to shine light on the darker history of the City as a means of educating the community.

Mayor Upchurch noted that there were no tax funds going toward the marker and it was within the purview of the Commission to consider it. He added that the marker was not meant to honor Isaac Barrett but to use his experience as an example of those who were denied due process because of acts of vigilante justice. He felt that downtown St. Augustine was the spiritual center or heart of the St. Augustine community which made the Plaza an appropriate location for the marker.

Commissioner Horvath spoke in favor of the marker and said the plaque would help with the healing process and the Plaza was an appropriate location as it was well-protected and part of the community.

Commissioner Valdes spoke in favor of the marker as a means to ensure history did not repeat itself.

Commissioner Freeman said she had originally struggled with the proposed location in the Plaza; however, after Ms. Philips' presentation and comments from fellow Commissioners she felt that the request was appropriate and spoke in favor of the marker.

Mayor Upchurch added, in response to concerns that approval of the marker would set a negative precedence, that the Commission reviewed requests for monuments in the Plaza case-by-case and it would be up to future commissions to consider what would be appropriate.

MOTION

Commissioner Sikes-Kline MOVED to approve the historic marker with the request that staff consider the design, language, and location of the marker in the Plaza and bring a recommendation

back for Commission review. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Freeman

NAYES: None

MOTION CARRIED UNANIMOUSLY

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 2019-15: Updating the City Charter, this ordinance amends all sections to include both genders and use gender neutral terminology.

Isabelle Lopez, City Attorney, presented the ordinance.

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

Mayor Upchurch asked whether the Commission would wish to consider further gender-inclusive language.

MOTION

Mayor Upchurch MOVED to table Ordinance 2019-15 to allow the City Attorney to return with more gender-neutral language. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

8.A.2. Ordinance 2019-16: Updating the City Charter, this amendment removes the procedure for street vacations and

codifies a procedure in the code consistent with other ordinance noticing and hearings.

Isabelle Lopez, City Attorney, presented the ordinance.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-16 on second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE THE PROCEDURE FOR VACATING STREETS; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION CARRIED BY UNANIMOUS VOICE VOTE.

8.A.3 Ordinance 2019-17: Amends Chapter 22 of the Code to clarify the procedures for vacating roads.

Isabelle Lopez, City Attorney, presented the ordinance.

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2019-17 on second reading. The motion was SECONDED by Commissioner Sikes-Kline.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING ARTICLE V, SECTION 22-176 TO PROVIDE THE CITY COMMISSION AUTHORITY TO SET PETITION FEES BY RESOLUTION; AMENDING ARTICLE V, SECTION 22-177 TO PROVIDE THE CITY COMMISSION AUTHORITY TO WAIVE THE WAITING PERIOD FOR PREVIOUSLY DENIED PETITIONS; CREATING ARTICLE V, SECTION 22-178 TO ESTABLISH REQUIREMENTS FOR ROAD VACATION PETITIONS; CREATING ARTICLE V, SECTION 22-179 ESTABLISHING REVIEW, NOTICE AND HEARING PROCEDURES FOR ROAD VACATION PETITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION CARRIED BY UNANIMOUS VOICE VOTE.

8.A.4. Ordinance 2019-18: Updates the City Charter amending procedures regarding annual Christmas bonuses and codifies the procedure consistent with state statute and current policy.

Isabelle Lopez, City Attorney, presented the ordinance.

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

- B.J. Kalaidi

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-18 on second reading. The motion was SECONDED by Mayor Upchurch.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE PROCEDURES FOR ANNUAL CHRISTMAS BONUSES; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION CARRIED 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

9.A.1. Ordinance 2019-11: Updates two sections of the city zoning code that regulate the waivers of time periods between submitting board applications for the same property.

David Birchim, Director, Planning and Building Department reviewed the ordinance.

Commissioner Freeman suggested that when reference was made to the same applicant that the language include "or their agent or representative or related entity."

Commissioner Valdes asked whether the problem addressed by the ordinance occurred often enough to utilize staff time.

There was commission consensus to move forward with the ordinance.

MOTION

Commissioner MOVED to place Ordinance 2019-11 on first reading, read by title only and passed with the recommended language change. The motion was SECONDED by Commissioner.

John Cary read the title as follows:

ORDINANCE NO. 2019 - 11

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-29(5) ZONING EXCEPTIONS, VARIANCES AND APPEALS; CLARIFYING THE APPLICATION PROCESS TO APPLY FOR TIME LIMIT WAIVERS FOR ZONING EXCEPTIONS AND VARIANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

MOTION CARRIED BY UNANIMOUS VOICE VOTE.

9.A.2. Ordinance 2019-21: Removes Section 1.04 identified as obsolete, not consistent with state law nor with current City policy.

Isabelle Lopez reviewed the ordinance.

Mayor Upchurch recommended that the ordinance not be passed to maintain language within the charter that reflected the history of the City.

MOTION

Mayor Upchurch MOVED to table ordinance 2019-21 in perpetuity. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE SECTION 1.04: RIGHTS AND LIABILITIES OF OLD MUNICIPALITY VESTED IN NEW; PROVIDING FOR REMOVAL FROM THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION CARRIED BY UNANIMOUS VOICE VOTE.

9.A.3. Ordinance 2019-22: Amends Article to update procedures utilized by the Commission regarding majority votes, deadlines to fill vacancies and removal of city officials.

Isabelle Lopez reviewed the ordinance.²

MOTION

Commissioner Horvath MOVED to place Ordinance 2019-22 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Upchurch.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-22

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE 11 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 2.02 TO PROVIDE FOR A SIMPLE MAJORITY VOTE AND TO REMOVE LANGUAGE REGARDING PENALTIES; AMENDING SECTION 2.06 TO PROVIDE THIRTY (30) DAYS TO FILL VACANCIES ON THE CITY COMMISSION; REPEALING SECTION 2.11 REGARDING REMOVAL OF CITY

² Commissioner Sikes-Kline took a brief recess from 6:38p.m. to 6:40p.m.

OFFICIALS TO CORRECT A REDUNDANCY WITH ANOTHER SECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION CARRIED BY UNANIMOUS VOICE VOTE.

9.A.4. Ordinance 2019-33: Updates the Outdoor Cafes on Aviles Street and on Artillery Lane ordinance to provide for outdoor retail seating.

David Birchim reviewed the ordinance.

Commissioner Horvath said she had observed a seating area across from the proposed retail seating location on Aviles street and Mr. Birchim responded that he would investigate the issue. She asked who would approve seating styles and Mr. Birchim responded that it was outlined in the lease agreement and Jenny Wolfe, Historic Preservation Officer, reviewed and approved the outdoor seating.

Commissioner Sikes-Kline asked whether there were advertising regulations which staff responded was regulated via the commercial sign ordinance.

MOTION

Mayor Upchurch MOVED to place Ordinance 2019-33 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. 2019-33

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE VI. OUTDOOR CAFES ON AVILES STREET; SECTION 22-500 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE A DEFINITION FOR "RETAIL SEATING AREA ON

ARTILLERY LANE"; AMENDING CODE SECTION 22-501 TO INCLUDE RETAIL SEATING AREA; AMENDING CODE SECTION 22-502 TO INCLUDE RETAIL SEATING AREA; AMENDING CODE SECTION 22-503 TO INCLUDE RETAIL SEATING AREA; AMENDING CODE SECTION 22-504 TO INCLUDE RETAIL SEATING AREA; TO CLARIFY DUPLICATIVE TERMS AND REFERENCES AND TO CORRECT TERMINOLOGY; TO PROVIDE FOR INCLUSION IN CHAPTER 22, STREETS, SIDEWALKS, PARKS, AND MISCELLANEOUS PUBLIC PLACES OF 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.

MOTION CARRIED BY UNANIMOUS VOICE VOTE.³

9.B. Resolutions

9.B.1. Resolution 2019-06: Amends and updates the King Street Design Standards.

Commissioner Freeman recused herself as a property owner along West King Street.⁴

David Birchim and Jeremy Marquis reviewed the updated design standards.

Mayor Upchurch recommended creating a separate corridor review committee with representatives from each corridor once all the Entry Corridor Design Standards had been finalized.

Commissioner Horvath noted a few specific points of public opposition which Mr. Marquis addressed, having met with each of the individuals who had voiced the concerns.

³ There was a brief recess from 6:45p.m. to 6:52p.m.

⁴ Form attached to original minutes

The Commissioners confirmed that changes could be made to the document at any time in the future.

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-06. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Valdes, Horvath

NAYES: None

MOTION CARRIED UNANIMOUSLY

9.B.2. Resolution 2019-16: Establishes fees for costs related to any petition for vacation or abandonment of any street, alley or other public way.

Isabelle Lopez reviewed the resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-16. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.3. Resolution 2019-30: Authorizes the City Manager to execute necessary agreements between the City and the School Board of St. Johns County to share the cost of two police officers while schools are in regular session.

Isabelle Lopez reviewed the resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-30. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.4. Resolution 2019-31: Authorizes a temporary easement to the State of

Florida Department of Transportation for King Street drainage construction work along parcel number 700.1.

Item tabled to a subsequent meeting. See Modification and Approval of Regular Agenda for discussion and motion to table.

9.B.5. Resolution 2019-32: Authorizes a temporary easement to the State of Florida Department of Transportation for King Street drainage construction work along parcel number 702.1.

Item tabled to a subsequent meeting. See Modification and Approval of Regular Agenda for discussion and motion to table.

9.B.6. Resolution 2019-33: Authorizes a temporary easement to the State of Florida Department of Transportation for King Street drainage construction work along parcel number 703.1.

Item tabled to a subsequent meeting. See Modification and Approval of Regular Agenda for discussion and motion to table.

9.B.7. Resolution 2019-34: Authorizes a temporary easement to the State of Florida Department of Transportation for King Street drainage construction work along parcel number 800.1.

Item tabled to a subsequent meeting. See Modification and Approval of Regular Agenda for discussion and motion to table.

9.B.8. Resolution 2019-35: Authorizes a temporary easement to the State of Florida Department of Transportation for King Street drainage construction work along parcel number 803.1.

Item tabled to a subsequent meeting. See Modification and Approval of Regular Agenda for discussion and motion to table.

9.B.9. Resolution 2019-36: Authorizes applying for a Small Cities Community Development Block Grant for Disaster Recovery from Hurricane Irma and

authorizes the City Manager to execute all documents with the filing of the application.

Tim Fleming, Deputy Director, General Services, reviewed the resolution.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2019-36. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

10. Staff Reports and Presentations

(None)

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. No Presentation: Update regarding Styrofoam, plastics and preemption. (J. Cary, Assistant City Attorney).

11.C. No Presentation: Post-legislative session and their impact on the City. (J. Cary, Assistant City Attorney).

Commissioner Sikes-Kline noted the section regarding the communications bill and legal staff's continued review of the bill and ways the city can mitigate impacts.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Mayor Upchurch asked about disrepair to the Civil War monument and monies set aside for repairs.

Commissioner Valdes said plaster needed to be removed and sealed. He had staff willing to do the work at no cost to the City.

Mr. Regan added that Jim Piggot, Director, General Services, had a schedule prepared for the maintenance of the City's monuments.

Commissioner Horvath announced the Spanish Film Festival on October 3, 2019 and the Women's Film Festival on September 21, 2019.

Ms. Freeman announced the Sister Cities luncheon was September 10, 2019 at 11:45a.m. at Amici's.

Commissioner Sikes-Kline spoke regarding the continuing nightlife plan process. She stated that Wednesday, August 28, 2019 there would be a public meeting regarding the alcohol nightlife plan in the Alcazar Room from 3:00p.m. to 5:00p.m.

15. Adjournment

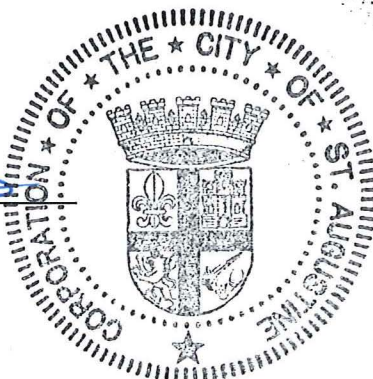
There being no further business, the meeting was adjourned at 7:15 P.M.⁵



Tracy W. Upchurch, MAYOR



Darlene Galambos, CITY CLERK



⁵ Transcribed by Candice Seymour