

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, September 23, 2019

The City Commission met in formal session Monday, September 23, 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
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Jim Piggott, Director, General Services
Mark Litzinger, Director, Financial Services
Meredith Breidenstein, Director, Budget & Performance Management
Paul K. Williamson, Director, Public Affairs
Barry Fox, Police Chief
Bob Growick, Fire Marshall
Candice Seymour, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Earl Glisson, Anchor Faith Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mr. Regan asked that item 9.B.6. regarding street closures be tabled per staff recommendation.

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 2019-21:
Recognizing September 27, 2019 as "Blessings in a Backpack Day"

Mayor Upchurch read the proclamation and presented it to members of the organization.

- Proclamation 2019-25:
Recognizing October 6-12 as National Fire Prevention Week.

Mayor Upchurch read the proclamation and presented it to Fire Marshall Bob Growick, Firefighters Nate Evans, Rob

Murphy, Chris Chester, and Captain Mike Betts.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- John Reardon
- Catherine DeLeo
- Ed Slavin
- B.J. Kalaidi¹

5. Consent Agenda

Mr. Regan read the Consent Agenda as follows:

CONSENT AGENDA – SEPTEMBER 23, 2019

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for second reading on October 14, 2019:

- Ordinance 2019-15
- Ordinance 2019-23
- Ordinance 2019-38

b) Reminder of upcoming meetings:

- October 14, 2019, 5:00 p.m., Regular Meeting
- October 28, 2019, 5:00 p.m., Regular Meeting
- November 12, 2019, 5:00 p.m., Regular Meeting
- December 9, 2019, 5:00 p.m., Regular Meeting

CA.2. Approval of Minutes from prior commission meetings:

- September 9, 2019 Regular 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).

- Proclamation 2019-22 proclaiming October 2019 as Domestic Violence Awareness Month

CA.5. Notification of Proclamations/Certificates of Recognition issued: None.

CA.6. August 2019 monthly financial update. (M. Litzinger, Director, Finance).

CA.7. Ratification of Collective Bargaining Agreements between the City and the Coastal Florida Police Benevolent Association and between the City and the Florida Carpenters Regional Council, Local 20238. (D. Hayes, Director, Human Resources).

CA.8. Invoice in the amount of \$4,504.20 dated August 31 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. (I. Lopez, City Attorney).

End of Consent Agenda

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

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)

¹ Notes attached to original minutes

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

(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 2019-37: Amends chapter 13 of the City code to conform to statutory changes to the telecommunications permitting process.

John Cary, Assistant City Attorney, presented the ordinance.

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

MOTION

Commissioner Sikes-Kline **MOVED** to pass Ordinance 2019-37 on second reading read by title only. The motion was **SECONDED** by Commissioner Horvath.

Isabelle Lopez read the title as follows:

ORDINANCE NO. 2019-37

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 13-3 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING DEFINITIONS; AMENDING SECTION 13-4 OF THE CODE OF THE CITY OF ST.

AUGUSTINE; PROVIDING REGISTRATION REQUIREMENTS FOR COMMUNICATIONS SERVICES PROVIDERS; AMENDING SECTION 13-8 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING A TIME LIMIT FOR DECISIONS ON APPEAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

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

9.A.1. Ordinance 2019-23: Charter update to Article III, Sections 3.02, 3.04 and 3.05 updating reference to state and federal regulations, removing reference to municipal courts and conforming language to current usage.

Ms. Lopez reviewed the ordinance.²

MOTION

Commissioner Horvath **MOVED** to place Ordinance 2019-23 on first reading, read by title only and passed. The motion

² Commissioner Sikes-Kline took a brief recess from 5:30p.m. to 5:32p.m.

was **SECONDED** by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-23

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE III OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 3.02, TO PROVIDE FOR STATE OR FEDERAL PREEMPTION AND PROVIDE FOR PROPERTY OWNERSHIP FOR A PUBLIC PURPOSE AND ZONING REGULATIONS; AMENDING SECTIONS 3.04 AND 3.05 TO REMOVE OUTDATED LANGUAGE AND TO PROVIDE FOR REGULATION OF TRANSIT; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Valdes, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2019-38: Creates Section 28-355, providing regulations for the cultivation, distribution, and retail sale of hemp and hemp extract.

Mr. Cary presented the ordinance and noted that comments from the Planning and Zoning Board would be brought to the Commission during second reading.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-38 on first reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-38

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 28-355 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REGULATIONS FOR THE CULTIVATION, DISTRIBUTION, AND RETAIL SALE OF HEMP PRODUCTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

Discussion with City of St. Augustine Archaeologist, Dr. Andrea White regarding concerns relevant to construction on Charlotte Street.

Andrea White gave an overview of concerns related to construction on Charlotte Street and clarified the following in response to Commission questions:

- Most of the human remains were at a depth lower than two feet
- There were opportunities for historical interpretation and documentation; however, the priority was to respectfully handle human remains
- Archeological monitoring mentioned in the memo was done by the City's Archeology office
- Corrections to dates within the memo: Late fall of 2018 and Reference to future Commission meeting
- Archeological survey may take approximately two months and Ms. White would work with Public works to try and complete work prior to Nights of Lights
- Parameters of the burial area move east to west under Heritage House,

through Charlotte Street, and all the way to Aviles Street

- The archeology department would provide further updates at the Commission's request
- Total length of waterline project was between sixty and eighty feet
- Installation of new water lines was complete, and removal of old waterlines was ongoing
- Necessity of removing old lines to keep from damaging resurfacing equipment and to avoid decay and collapse of the pipes
- Unsupervised excavation area was small, but would undergo review
- Protocols for found bone shards included collection and reburial on-site.
- Top foot of soil would be removed and screened off-site

9.B.1. 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.

Meredith Breidenstein, Director, Budget and Performance Management, reviewed resolutions 2019-31, 2019-32, 2019-33, 2019-34, and 2019-35.³

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2019-31. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Freeman, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.2. 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.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-32. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Freeman, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.3. 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.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2019-33. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Freeman, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.4. Resolution 2019-34: Authorizes a perpetual easement to the State of Florida Department of Transportation for King Street drainage construction work along parcel number 800.1.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-34. The motion was SECONDED by Commissioner Sikes-Kline.

³ Commissioner Valdes took a brief recess from 5:54p.m. to 5:56p.m.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.5 Resolution 2019-35: Authorizes a perpetual easement to the State of Florida Department of Transportation for King Street drainage construction work along parcel number 803.1.

MOTION

Commissioner Sikes-Kline **MOVED** to pass Resolution 2019-35. The motion was **SECONDED** by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.6. Resolution 2019-41: Authorizes the City Manager to close a street and/or interrupt traffic in order to accommodate a special event.

See Modification and Approval of Regular Agenda for motion to table the item.

10. Staff Reports and Presentations

10.A. Petition to Vacate rights-of-way in Antigua Phase One subdivision.

Isabelle Lopez reviewed the petition.

MOTION

Commissioner Horvath **MOVED** to **APPROVE** the petition to vacate. The motion was **SECONDED** by Commissioner Sikes-Kline 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.

Ms. Lopez gave a brief update regarding the City's Opioid Litigation.

12. ITEMS BY CITY CLERK

12.A. Request for three appointments to the Planning and Zoning Board.

Ms. Galambos reviewed the item.

MOTION

Commissioner Freeman **MOVED** to **REAPPOINT** Grant Misterly and Sarah Ryan to the Planning and Zoning Board. The motion was **SECONDED** by Mayor Upchurch and **APPROVED BY UNANIMOUS VOICE VOTE.**

Ms. Galambos distributed ballots for the third vacancy.

After ballots were tallied it was determined that Mike Davis was unanimously appointed to the Board.

13. ITEMS BY CITY MANAGER

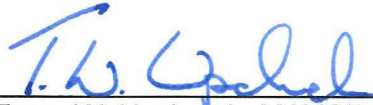
(None)

14. Items by Mayor and Commissioners

(None)

15. Adjournment

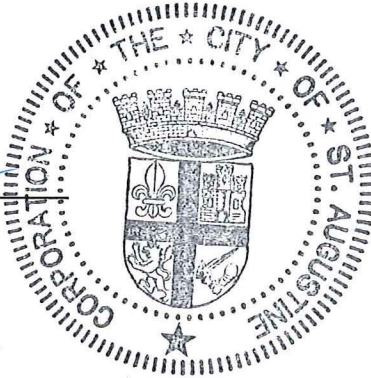
There being no further business, the meeting was adjourned at 6:03 P.M.⁴



Tracy W. Upchurch, MAYOR



Darlene Galambos, CITY CLERK



⁴ Transcribed by Candice Seymour