

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 28, 2019

The City Commission met in formal session Monday, October 28, 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
Meredith Breidenstein, Assistant 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
Paul K. Williamson, Director, Public Affairs
Reuben Franklin, Director, Public Works
Donna Hayes, Director, Human Resources
Barry Fox, Police Chief
Bob Growick, Fire Marshall
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Father Kuhlman of Cathedral Basilica Parish delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch requested to pull Item CA4, Proposed Proclamation 2019-27 and place on Agenda as Item 3. He requested to pull Item CA6, Notification from FEMA, so that the City Manager could explain in further detail.

Commissioner Sikes Kline requested to pull Item CA13 from the Consent Agenda for review of the 'River to Sea Loop', and add as Item 13.A.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Proclamation 2019-27: Declares October 21-27, 2019 as *Florida City Government Week*.

Mayor Upchurch read the proclamation and presented it to the Student Government Association of Flagler: Gregory Leo, President, Omega Adams, Secretary, and Evan Driscoll, Treasurer

MOTION

Commissioner Horvath MOVED to approve the Proclamation as read. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Ed Slavin
- Chris Fulmer
- Jay Neumark
- Anthony Sexton
- Merrill Roland
- Nancy Nolofoff
- Parrish Jones
- BJ Kalaidi

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda as follows:

CONSENT AGENDA – OCTOBER 28, 2019

CA.1. Preview of upcoming Commission meetings.

a) The following ordinances are tentatively scheduled for second reading on November 12, 2019:

- Ordinance 2019-43

b) Reminder of upcoming meetings:

- 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:

- October 14, 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 2019-26: Proclaiming November 30, 2019 as *Small Business Saturday*. (T. Upchurch, Mayor).
- Proclamation 2019-27: Declares October 21-27, 2019 as *Florida City Government Week*. (T. Upchurch, Mayor).

CA.5. Approval of carry-forward funds in the amount of \$81,146.00 from the 2018-2019 fiscal year. (M. Litzinger, Director, Finance).

CA.6. Notification from FEMA of the increase to a Class 5 rating in the National Flood Insurance Program Community Rating System which will improve the discount rate of property owners in the Special Flood Hazard Area when their insurance is renewed. (R. Schauland, Building and Code Enforcement Manager).

CA.7. Fourth quarter review for the City Attorney's office. (*I. Lopez, City Attorney*).

CA.8. Fourth quarter review for the Public Works department. (*M. Cullum, Director, Public Works*).

CA.9. Ratification of the Memorandum of Understanding between the City and the Florida Carpenters Regional Council, Local 2038 regarding vacation leave. (*D. Hayes, Director, Human Resources*).

CA.10. Approval of the recommended branding style for the City. (*M. Wissel, Public Information Coordinator*).

CA.11. Approval of release of lien for 274 South Matanzas Boulevard. (*D. Birchim, Director, Planning and Building*).

CA.12. Approval of transfer of funds **not to exceed \$37,000.00** from Municipal Marina Reserves to fund work to breakwater dock due to damage by Hurricane Dorian. (*T. Fleming, Deputy Director, General Services*).

CA.13. Fourth quarter review of the mobility program. (*R. Franklin, Mobility Manager*).

End of Consent Agenda

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

- Item CA.6. moved to Item 13: 'Items by City Manager'
- Item CA.4. Proclamation 2019-27 moved to Item 3: 'Special Presentations, Recognitions and Proclamations'
- Item CA.13. moved to Item 13: 'Items by City Manager'

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.

6. Appeals.

(None)

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

A. General Public Presentations

7.A.1. Short-Term Rental Committee Memo: Discussion and direction regarding possible codification of short-term (vacation) rental regulations based on the STR Committee recommendations.

Isabelle Lopez, City Attorney, discussed the Memo and Committee recommendations.¹

Mayor Upchurch noted the parking issue, and opportunity to apply to the Planning and Zoning Board (PZB) for off-site parking within 400 yards of residence.

Mayor Upchurch suggested the following changes:

- Property owner/manager 'response time' be specific
- Section 28-194 'Ancillary Use': delete the word "automatically" in 3rd line, to clarify idea that having a short-term rental had nothing to do with being a special event venue
- Change short-term rental curfew time to 10:00 PM, instead of 11:00 PM
- Chapter 28 Zoning, Section 28-150 Life-Safety (ii): First Aid Kit requirement unreasonable, as

¹ Attached to original minutes

hotels and other accommodations did not require this

The Commission furthered discussion with Ms. Lopez and Bob Growick, Fire Marshall:

- Two persons per bedroom OK, but eliminate extra two persons
- Eight persons in a three-bedroom meant four cars, hence parking issue would exist
- Paving yards to park vehicles would promote flooding issues; therefore, ordinances should be strengthened
- Rental period of seven to thirty days required language modification for zoning limitation, to eliminate confusion
- One car per bedroom restriction, to avoid front yards becoming paved lots
- Agreeable to 10:00 PM curfew
- Two means of ingress and egress required: Code allowance for a window or door from sleeping area, whether rental is two story or single per Fire Marshall
- Concern expressed for residential structures being turned into commercial usage could place lives at risk
- Sprinkler system requirement not pursued by the Commission, and other communities threatened with litigation on same subject
- Early warning devices installed per Code; however, second story egress remained a concern
- Addressed the language of Section 28-150 (iv), to make emergency evacuation language more specific, such as clearly marking designated exits, or require EXIT signs such as used in hotels

Mayor Upchurch clarified the consensus of the Commission as follows:

- Inclusion of emergency lighting, egress clearly marked, strike word 'emergency' in Section 28-150 (iv)

and replace with 'fire and emergency evacuation information'

- Intensity of Use: Two people per bedroom maximum, no extra
- Parking issues for existing and any future short and long term residential rentals required code modification
- Placement of an ordinance for off street parking could affect existing rentals that did not have the option
- Potential use of the parking garage if there was limited or no on-site or on-street parking

Mayor Upchurch suggested that the parking issue be left 'as is' for time being, since it was a draft and would come back to the Commission as first and second reading, which would provide the opportunity for additional consideration and public input.

Ms. Lopez stated that no language was included in the draft to address response times for noise or other nuisance violations because of the varying opinions of the committee on how to manage. She said one recommendation was to establish a hotline number through a management company such as Host Compliance to report issues. She requested direction from the Commission to either codify language related to response times or the issue could be handled administratively through property owners or managers prior to law enforcement being contacted.

After brief consideration, it was determined to allow property owners or managers handle matters of minor violations administratively.

B. Items of Great Public Importance

7.B.1. PUBLIC COMMENT:

Amends Sec. 2.01, Sec. 4.09 and Sec. 6.23 of the City Charter to provide for a four (4) year term for the candidate elected to City Commission Seat Three,

to allow the mayor and vice-mayor to be elected by members of the City Commission.

The Commission heard from the following members of the public:

- David Spalding
- Melinda Rakonzay
- Chris Fulmer
- Ed Slavin
- Nancy Nolofoff
- BJ Kalaidi

Public comment was closed.

Commissioner Sikes-Kline stated that there were citizens misunderstanding the purpose of the item. She advised the Commission could only decide if it should be placed on the ballot for the people to decide.

Commissioner Valdez felt that the current form of government for a city with a population of approximately 14,000 residents was appropriate; however, it could be confusing for new residents from cities that had a strong mayor form of government such as Jacksonville.

Commissioner Freeman commented on the confusion that an appointed mayor would somehow be different than an elected mayor, since citizens had option to vote Commissioners out. She felt placing the item on ballot would be a fair process for voters to decide; however, it would not change anything substantively.

Mayor Upchurch stated that Commission's role was to pass judgement on whether Charter amendments go to the ballot or not, and that policy decisions must be made as a Board. He felt a two-year term for mayor ensured the seat was more responsible. He noted his opportunity to meet with mayors from eighteen different cities, and only one of them was appointed by Commission, not elected.

The Commissioners discussed:

- Keep Seat 3 a two-year term
- Provide voters the option to vote via ballot re: elected form vs. appointed form
- Could be disruptive; however, may also be best way for citizens to learn how it works
- All Commissioners were the check for the city manager, not just the mayor

MOTION

Mayor Upchurch MOVED to table Item 7.B. The motion was SECONDED by Commissioner Horvath.

The Commission discussed the Motion to table Item 7.B.

Mayor Upchurch WITHDREW his MOTION. Commissioner Horvath WITHDREW her second.

Ms. Lopez stated that she would need a few clarifications on the details of the ordinance.

MOTION

Commissioner Valdes MOVED to place Item 7.B. on First Reading. The Motion was SECONDED by Commissioner Freeman.

VOTE ON MOTION

**AYES: Valdes, Freeman, Horvath
NAYES: Sikes-Kline, Upchurch
MOTION APPROVED**

The Commission concluded the following in response to Ms. Lopez's request:

- Phrasing to be a two-year term
- Mayoral selection to be specified for every two years, if appointed by the Commission
- Item would be placed on March 17th referendum for 2020 election; therefore, first reading required in

November, second reading required in December

- Should there not be a Republican presidential primary, then concern for voter turnout, and Commission would revise in December

C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

A. Ordinances – Second Reading

8.A.1. Ordinance 2019-40: Amendment to Sec. 28-37 to modify the defined development permits to conform to state statute and to provide for review and resolution of conflicts between development permit applications and other legal documents.

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

MOTION

Commissioner Freeman MOVED to pass Ordinance 2019-40 on second reading. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-40

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 1 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 28-37 TO AMEND THE DEFINED DEVELOPMENT PERMITS TO CONFORM TO STATE STATUTE; PROVIDING FOR REVIEW AND RESOLUTION OF CONFLICTS BETWEEN DEVELOPMENT PERMIT APPLICATIONS AND OTHER LEGAL DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR

INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

8.B.1. Ordinance 2019-41: Amends Sec. 2.03 of the City Charter to provide for a residence requirement for City Commissioners for a period of one (1) year prior to the date of qualification for election and for continuous physical residency and voter registration within the City for the term of their office.

Ms. Lopez reviewed the Ordinance and noted that it would be open to Public Hearing.

Public comment was opened and the Commission heard from the following:

- Merrill Roland
- Ed Slavin

The Commission requested adding the words 'continuous physical' residency for one year to the ordinance for clarification.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-41 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-41

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE II, SECTION 2.03 OF THE

CHARTER OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR A RESIDENCY REQUIREMENT FOR CITY COMMISSIONERS OF A PERIOD OF ONE YEAR PRIOR TO THE DATE OF QUALIFICATION FOR ELECTION; PROVIDING FOR CONTINUOUS PHYSICAL RESIDENCY AND VOTER REGISTRATION WITHIN THE CITY FOR THE TERM OF OFFICE; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL OR GENERAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

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

9. Ordinances and Resolutions - No Public Hearing Required

A. Ordinances – First Reading

9.A.1. Ordinance 2019-43: Updates Section 28-29 of the zoning code to provide lot coverage variances for handicapped accessibility in zoning districts HP-1, HP-2 and HP-3.

David Birchim, Director, Planning and Building, reviewed the Ordinance.

MOTION

Commission Horvath MOVED to place Ordinance 2019-43 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. 2019-43

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 28-29 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING THAT A LOT COVERAGE VARIANCE MAY BE GRANTED FOR HANDICAPPED ACCESSIBILITY IN HISTORIC PRESERVATION DISTRICTS 1, 2 AND 3; PROVIDING FOR INCLUSION IN 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.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2019-19: Amendment to Sec. 10.54 of the City Charter to extend the terms for police and fire department representatives on the Civil Service Board from one (1) year to three (3) years to provide greater continuity and the ability to discuss and review issues that may require multi-year context.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-19 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO EXTEND THE TERMS FOR POLICE AND FIRE DEPARTMENT

REPRESENTATIVES ON THE CIVIL SERVICE BOARD; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL OR GENERAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Horvath, Upchurch, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY²

9.A.3. Ordinance 2019-24: Charter update to Article IV, Sections 4.01, 4.07, 4.09, 4.10, 4.12, 4.13, 4.14, 4.16, 4.19, 4.21 and 4.44 updating the powers and authority of executive and administrative officers, removing reference to municipal judges and the department of public safety and welfare and conforming language to current usage and policies of the City.

Ms. Lopez reviewed the Ordinance.

MOTION

Mayor Upchurch MOVED to place Ordinance 2019-24 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. 2019-24

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE IV OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4.01 TO PROVIDE THE CITY MANAGER AUTHORITY TO ESTABLISH DEPARTMENTS WITH EXECUTIVE AND ADMINISTRATIVE POWERS AND TO REMOVE REFERENCE TO MUNICIPAL

JUDGES; AMENDING SECTION 4.07 TO CLARIFY SALARIES SET BY THE CITY COMMISSION AND SALARIES SET ADMINISTRATIVELY IN THE ANNUAL BUDGET; AMENDING SECTION 4.09 TO REMOVE LANGUAGE REGARDING POWERS OF THE MAYOR DURING EMERGENCIES PREVIOUSLY CONFERRED TO THE CITY MANAGER; AMENDING SECTION 4.10 TRANSFERRING EMERGENCY POWERS TO THE CITY MANAGER; REMOVING SECTION 4.12 AS REDUNDANT TO SECTION 4.10; AMENDING SECTION 4.13 PROVIDING FOR COMPLIANCE WITH THE PURCHASING MANUAL; AMENDING SECTION 4.14 PROVIDING FOR UPDATED GENERAL ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER; AMENDING SECTION 4.16 PROVIDING FOR UPDATED DUTIES FOR THE CITY MANAGER; AMENDING SECTION 4.19 PROVIDING FOR UPDATED GENERAL DUTIES OF THE CITY ATTORNEY; AMENDING SECTION 4.21 PROVIDING FOR APPROVAL OF THE MINUTES BY THE CITY COMMISSION; AMENDING SECTION 4.44 TO REMOVE OUTDATED LANGUAGE AND REFERENCE; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested that Ordinance 2019-19 be held for second reading until December.

9.A.4. Ordinance 2019-25: Charter update to Article V, Sections 5.21 and 5.28 providing intent regarding the provisions for ordinances submitted by petition of voters, clarifying the city attorney's responsibility to approve

² Commissioner Valdes took a brief recess and was absent for the vote.

resident petition driven ordinances as to form only prior to consideration before the City Commission and repealing resident petition emergency measures as impracticable due to federal and state emergency procedure requirements.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-25 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. 2019-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE IV OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 5.21 TO PROVIDE THAT THE CITY ATTORNEY IS RESPONSIBLE TO APPROVE RESIDENT PETITION-INITIATED ORDINANCES AS TO FORM ONLY PRIOR TO CONSIDERATION BEFORE THE COMMISSION; AMENDING SECTION 5.28 TO PROVIDE THAT ORDINANCES PASSED AS EMERGENCY MEASURES SHALL BE SUBJECT TO FEDERAL AND STATE REQUIREMENTS AND REMOVING REFERENDUM TYPE PROCEDURES; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.5. Ordinance 2019-26: Charter update to Article VI, Sections 6.14, 6.18,

6.19, 6.201 and 6.26 updating the charter to conform with the Florida Election Code that superseded local rules and regulations regarding electoral procedures and incorporates the procedures found in Chapter 166.21(4) regarding charter amendments by ordinance.

Ms. Lopez noted the inaccuracy of the memo title, since this was a modification required by the Florida Election Code to comply with Florida election dates.

Ms. Lopez reviewed the Ordinance and advised of corrections.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-26 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE V OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 6.14 PROVIDING FOR ELECTIONS FOR CITY COMMISSIONERS TO COINCIDE WITH PRIMARY AND GENERAL ELECTIONS DESIGNATED BY THE FLORIDA ELECTION CODE; AMENDING SECTION 6.18 PROVIDING FOR PROCEDURES FOR CITY ELECTIONS TO CONFORM TO STATE OF FLORIDA LAW; REPEALING SECTIONS 6.19, 6.20, 6.20.1, AND 6.26 REGARDING CANVASSING OF RETURNS, DECLARATION OF ELECTIONS, PAPER BALLOTS, VOTING MACHINE BALLOTS, AND VOTING MACHINES; AMENDING SECTION 6.25 PROVIDING THAT CHARTER AMENDMENTS MAY BE CONFIRMED BY REFERENDUM IF REQUIRED AND ORDINANCES BY

PETITION OF VOTERS MUST CONFORM TO ARTICLE V, DIVISION 2 OF THE CITY CHARTER; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.6. Ordinance 2019-44: Creates Chapter 28, Article II, Division 1, Section 28-29 of the Code to the City of St. Augustine to provide consistency of appeals for all development permits and utilizes the statutory language, provides for uniform lower board procedures for appeals and conforms and clarifies the appeals procedure.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-44 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. 2019-44

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 1, SECTION 28-29 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR LAND DEVELOPMENT PERMIT AND LOWER BOARD APPEALS TO THE CITY COMMISSION; PROVIDING FOR SPECIFIC DOCUMENTATION TO BE INCLUDED WITH APPEALS; PROVIDING FOR COMPLETENESS, COMPLIANCE WITH CODE REQUIREMENTS, AND LEGAL STANDING; PROVIDING FOR SUFFICIENCY HEARINGS FOR

INCOMPLETE FILINGS; PROVIDING FOR INCLUSION IN 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.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.7. Ordinance 2019-45: Creates Chapter 28, Article II, Division 5, Sections 28-126 through 28-134 of the Code of the City of St. Augustine to establish the Corridor Review Committee to interpret the new Design Standards for Entry Corridors.

Ms. Lopez reviewed the Ordinance.

Mayor Upchurch commented on the possible challenge to find two architects for the board.

Discussion ensued about having flexibility for meetings, a review board, and that planners, contractors and design and landscape architects should be included. The consensus was that should it not work, it would be revisited.

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-45 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-45

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING CHAPTER 28, ARTICLE II, DIVISION 5,

SECTIONS 28-126 THROUGH 28-134 OF THE CODE OF THE CITY OF ST. AUGUSTINE ESTABLISHING THE CORRIDOR REVIEW COMMITTEE; PROVIDING FOR MEMBERSHIP AND MINIMUM QUALIFICATIONS CRITERIA; PROVIDING FOR ATTENDANCE, MEETING RULES, RESPONSIBILITIES, AND PROCEDURES; PROVIDING FOR APPEALS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN 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.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.8. Ordinance 2019-47: Creates Chapter 2, Division 3, Sections 2-340 through 2-343 creating the office of the special magistrate for code enforcement violations.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2019-47 on second reading, read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-47

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING DIVISION 3 OF CHAPTER 2, ARTICLE VI SECTIONS 2-340 THROUGH 2-343 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING THE OFFICE

OF SPECIAL MAGISTRATE; PROVIDING QUALIFICATIONS AND COMPENSATION; PROVIDING AUTHORITY, DUTIES, AND POWERS; PROVIDING THAT PROVISIONS OF THIS ORDINANCE ARE SUPPLEMENTAL; 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

B. Resolutions

9.B.1. Resolution 2019-41: Establishes the City Manager's authority to close city streets for certain events.

Paul Williamson, Director, Public Affairs, reviewed the Resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-41. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.2. Resolution 2019-42: Allows for the extension of the 2019-2020 *Nights of Lights* program.

Mr. Williamson reviewed the Resolution. He stated that the purpose was the lights were not turned off on a Friday or Saturday night.

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-42. 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.

12. ITEMS BY CITY CLERK

12.A. Notification of board term expirations and vacancies on the Code Enforcement Adjustments and Appeals Board (CEAAB) and St. Augustine Firefighters' Pension Trust Fund Board of Trustees advising that advertisements will be placed requesting applications.

Ms. Galambos presented the following items:

- One vacancy and two term expirations upcoming for the Firefighters' Pension Board
- One vacancy and one term expiration upcoming for the Code Enforcement Board
- Maurice Morissette resigned position from P&Z Board effective immediately, applications were being sought for replacement

13. ITEMS BY CITY MANAGER

Mr. Regan presented the first item moved from the Consent Agenda for discussion:

C.A.6. Notification from FEMA of the increase to a Class 5 rating in the National Flood Insurance Program Community Rating System which will improve the discount rate of property owners in the Special Flood Hazard Area when their

insurance is renewed. (R. Schauland, Building and Code Enforcement Manager).

Mr. Birchim discussed the program highlights:

- Community rating improved from Class 7 to Class 5 (a rarity)
- An additional 10% discount applied to federally backed flood insurance premiums, for a discount total of 25%
- Higher regulatory standards adopted
- All elevation certificates transmitted directly to FEMA to show compliance
- Tied Flex Valve Program by Public Works to reduce flooding in Davis Shores and Downtown
- Public outreach included on annual basis
- Point system goes along with Federally backed program that City had participated in since 1972

Reuben Franklin, Director, Public Works, presented the second item moved from the Consent Agenda for discussion and presented the highlights of the program.

CA.13. Fourth quarter review of the mobility program. (R. Franklin, Mobility Manager).³

- St. Johns River Sea Loop study funded by State, given to St Johns County to administer
- County in planning study, which included two public meetings
- First public meeting unveiled alternative routes and gained public feedback
- Second public meeting unveiled preferred alignment and a secondary route
- Route planned to tie into existing trail by SR207 into Palatka, with overall 260-mile loop going through multiple counties, including City of

³ Attached to Commission Packet

St. Augustine and City of St. Augustine Beach

- Each jurisdiction would be asked to pass a Resolution, adopting support for preferred alignment, that would permit next steps: funding for preliminary design and engineering
- November 12th Commission meeting would provide the resolution, along with acknowledgement of entering into a maintenance agreement for trail construction costs for trail within our own boundary
- December would be deadline for application, therefore, the County, Beach and City need resolutions passed, to keep project moving forward

Mayor Upchurch requested further detail on the route plan and maintenance construction coming through the City of St. Augustine, which was visually clarified with the map shown to the Commission by Mr. Franklin.

Mayor Upchurch expressed concern for constructing 'separated' path on Anastasia without removing parking and to include a dedicated bike lane.

After a brief discussion it was determined that a resolution would be presented during the next meeting.

13.A. Discussion regarding right-of-way use permit application by the Diocese of St. Augustine, Inc. to allow a fence to remain on Pine Street.

Application withdrawn by applicant.

14. Items by Mayor and Commissioners

14.A. Briefing on the mayor to mayor meeting with the Mayor of the City of Aviles and the representative for the mayor of the Island of Menorca recently held in St. Augustine.

Tracy Upchurch discussed the meeting and commended all persons involved:

- Discussion of exhibit being moved to St. Augustine and placed into the VIC
- Continuance of Sister City student exchange program and desire to expand into other high schools
- Expanded college adult internships and exchanges, particularly in hospitality tourism industry
- Aviles interested in a needed business to business enterprise engagement, and they were re-developing sites and moving into more high-tech industry

The Commission expressed appreciation for Mayor Upchurch's attendance and the success of the City's participation.

Mayor Upchurch discussed the Representative from Island of Menorca and the knowledge possessed about the history of Menorcans, their intent for being gastronomy focused in the community and excitement to actively work with the City.

Mr. Regan commented that the Menorcans have been working on proposals on how to bring an understanding of their gastronomy to our community. He felt that their trip ignited a positive government to government connection.

14.B. Briefing on attendance at the Florida Mayors Summit on Flooding and Sea Level Rise and legislative meetings recently held in Washington, DC.

Mayor Upchurch discussed the American Flood Coalition:

- Non-partisan group of political, military, business, and local leaders who drive adaptation of higher sea levels, stronger storms, and more frequent flooding
- Newly developed as not-for-profit, with a full-time staff of twelve

- Sought to advance national solutions supporting flood affected communities and protect our nation's residence economy and military installations
- Consistent thought of new and required creative ways to live with water
- The City of St. Augustine wonderfully positioned to take the lead on the issue
- Our brand as Nation's Oldest City has promoted a recognition and a platform
- Shared effort needed by the Commission and future Commissions

Mayor Upchurch discussed a meeting with Senator Rubio and Senator Scott and Congressman Rutherford and Congressman Waltz, who were members of Coalition to discuss concerns, and the grant cycle with Army Corp of Engineers.

Commissioner Sikes Kline requested an adaptation plan. She said all residents and business owners were intimately impacted.

Commissioner Sikes-Kline discussed a recent meeting with the Florida League of Cities in Washington, D.C. for an outreach effort. She was accompanied by Mr. Regan, and Mike Cullum at that meeting, along with fifty elected official representatives from around the State. There was discussion of these items:

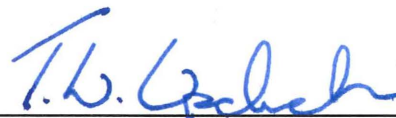
- Risk Rating
- Cyber Security
- ADA Compliance for municipal websites
- Federal pre-emption of small wireless infrastructure employment
- Re-authorization and Investing in infrastructure bill
- Advanced re-funding on municipal bonds
- Request for supplemental emergency declaration

- National Flood Insurance Program approved Resolution sent to Congressmen

Commissioner Sikes-Kline stated that she also met with Congressman Rutherford to seek support for the West Augustine free standing medical clinic.

15. Adjournment

There being no further business, the meeting was adjourned at 7:57P.M.⁴



Tracy W. Upchurch, MAYOR



Darlene Galambos, CITY CLERK



⁴ Transcribed by Laura Morse