CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Tuesday, November 12, 2019

The City Commission met in formal session Tuesday, November 12, 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
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

Absent: Leanna S. A. Freeman, Vice Mayor/City Commissioner (excused)

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
David Birchim, Director, Planning and Building
Mike Cullum, Director, Public Works
Meredith Breidenstein, Director, Budget & Performance Management
Paul K. Williamson, Director, Public Affairs
Reuben Franklin, Manager, Mobility Program
Melissa Wissel, Public Information Coordinator
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Eliut Alicea, Bridge of Life Church, delivered the invocation, and the Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Commissioner Sikes-Kline requested to move Item 10. 'Staff Reports and Presentations' Items 10.A. and 10.B. to Item 7.B. 'Items of Great Importance' as Items 7.B.1. and 7.B.2.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Presentations to Commissioners Horvath and Sikes-Kline of their 20-years of service awards by Mark Raymond Sittig, Membership Services Manager, Florida League of Cities, Inc.

Mayor Upchurch noted Mark Sittig's absence, and that the Commission would pass on Item 3.; however, they would return to this Item should Mr. Sittig arrive during the meeting.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

Cindy Wasserbauer
Elisa Nevel
Mike Jagielski
Ed Slavin
Diane Ballard
Karen Andes
Parrish Jones
Michael Southerland
Amanda Southerland
Chris Fulmer
Michael Grossman
Jay Neumark
Charles Pappas
Melinda Rekoncay
Heather Neville
BJ Kalaidi

Mayor Upchurch addressed concerns regarding short-term rentals and rental requirements and requested that Isabelle Lopez, City Attorney, provide clarity.

Ms. Lopez discussed the following:

- In 1975 the City adopted the first comprehensive zoning code, Ordinance 1974-37, which was the root of the RS1, RS2 zoning district
- 99% of every jurisdiction in the US adopted '*euclidean zoning*', a type of zoning that included specific permitted land uses that were allowed and not allowed
- The ordinance defined nightly rentals, and long-term rentals
- In 2010, the ordinance was 'softened' to state that an RS1 and RS2 would not consider weekly rentals as motel uses; therefore, they were not prohibited in those zoning areas, which was the target of confusion since those involved had not researched back far enough to realize that RS1 and RS2 since the 1970s had not allowed nightly rentals
- The definition section expressly said nightly rentals were 'motel uses' and motel uses were not allowed in RS1 and RS2 zoning; however, nightly rentals were allowed in other districts
- Weekly rentals have been allowed since 2010, which was the dilemma for this topic

Ms. Lopez noted that an ordinance regarding short-term rentals would be presented for first reading during the December 9th regular Commission meeting.

5. Consent Agenda

Mr. Regan read the Consent Agenda:

CONSENT AGENDA – NOVEMBER 12, 2019

CA.1. Preview of upcoming Commission meetings.

a) The following Ordinances are tentatively scheduled for second reading on December 9, 2019:

- Ordinance 2019-41
- Ordinance 2019-19
- Ordinance 2019-24
- Ordinance 2019-25
- Ordinance 2019-26
- Ordinance 2019-44
- Ordinance 2019-45
- Ordinance 2019-47

b) Reminder of upcoming meetings:

- December 9, 2019, 5 p.m., Regular Meeting
- January 13, 2020, 5 p.m., Regular Meeting

- January 27, 2020, 5 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 and to be read at a subsequent meeting).

(None)

CA.5. Notification of Proclamations/Certificates of Recognition issued:

(None)

CA.6. Approval of the 2020 City Commission meeting and holiday schedule. (D. Galambos, City Clerk)

End of Consent Agenda

<u>5.A.</u> Additions, deletions or modifications to Consent Agenda

(None)

<u>5.B.</u> 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

<u>7.A.</u> General Public Presentations

(None)

<u>7.B.</u> Items of Great Public Importance

'Item 10. Staff Reports and Presentations', 10.A. and 10.B. were moved here as Items 7.B.1. and 7.B.2.

Mayor Upchurch requested that Items in 7.B. that pertained to St. Augustine sewer (Items 7.B.1. and 7.B.2.) be presented together, and then public comment would be opened for both Items.

<u>7.B.1.</u> Request for an amount not to exceed $700,000 to further the mini-grant program for sewer connections in West Augustine as well as requesting authorization for the City Manager to negotiate and execute the necessary agreements on the project.

Reuben Franklin, Director, Public Works, discussed his presentation on the West Augustine sewer program.[1]

- Additional funding requested was already available for sewer improvements in the West Augustine area
- The request involved a mini-grant program for sewer conversions along St. Johns and Duval Street
- Approximately forty conversions had taken place to date, thirty had been done, and ten or eleven required completion
- Additional funding requested for up to $400,000 to complete remainder of conversions
- Requested $300,000 for expansion of the grant program outside the limits of the St. Johns and Duval

[1] Attached to Commission Packet

Street areas, for total not to exceed $700,000

- Drain fields had been removed and areas leveled, which provided more livable space for the homes and community

7.B.2. Request for additional funding not to exceed $96,000 for the West Second Street sewer expansion and connections project from the West Augustine sewer set-aside fund.

Mr. Franklin discussed his presentation on the West Second Street sewer expansion.[2]

- $400,000 was received for the West Second Street expansion through a grant from the FDEP, sponsored by State Representatives, Cyndi Stevenson and Travis Hutson
- Project was put out for bid, and the project costs showed an additional $96,000 was needed for completion, which made the total project for sewer expansion $796,000
- The expansion monies were to come from a fund with slightly more than $1 million, and the monies used specifically for sewer conversions in West Augustine

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

Laverne March
Brennan Mitchell Gagnon
Henry Dean
David Williamson
Bethann Hamann Vidmar
Katrina Mayers
Kenneth McClair
Norsalos Jackson
Dwala Willis
Gregory White
Ed Slavin

Public comment was closed.

Mr. Regan expressed appreciation for local and state representative's dedication and initiatives to ensure West Augustine had the available services to improve the community.

He acknowledged two members of the City's staff for their upstanding commitment and work on the projects and commented that they had taken things to a new level with putting these programs together:

- Bobby Jo Manning, Development and Management Support Manager
- Jonathan Foster, Project Engineer

Mayor Upchurch acknowledged Mr. Regan's leadership, compassion and his ability to think progressively and proactively. He also noted his appreciation for the leadership of the Commission, the work of the City staff, the support of the community, and the partners at the County and State levels.

MOTION

Commissioner Sikes-Kline MOVED to approve the request for $796,000 to move the sewer expansion project forward. The motion was SECONDED by Roxanne Horvath.

VOTE ON MOTION

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

Commissioner Sikes-Kline acknowledged the positiveness and affirmation for the years of hard work that had been done by all involved on this project, and she noted that support had been requested, and given, at every visit with State Representatives. She also thanked St. Johns County Commissioner Henry Dean.

[2] Attached to Commission Packet

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-43: Provides lot coverage variances for handicapped accessibility in specific zoning districts.

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

- The ordinance was an update to Section 28-29 of the zoning code, that allowed existing buildings in HP1, HP2, and HP3 to apply for a lot coverage variance if improvements were related to handicap accessibility
- There was no current mechanism to do this, therefore, this was simply an update to the Code

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

BJ Kalaidi

Public comment was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-43 on second reading and read by title only. 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 AMENDNING 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: Sikes-Kline, Upchurch, Horvath, Valdes
NAYES: None
MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested a brief recess.[3]

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

8.B.1. Ordinance 2019-49: Review and discussion of the updated Comprehensive Plan which is projected to the year 2040 in order to transmit to Florida's reviewing agencies. See the complete Comprehensive Plan at http://www.citystaug.com/204/Comprehensive-Plan *(A. Skinner, Deputy Director, Planning and Building)*

Amy Skinner, Deputy Director, Planning and Building, reviewed the Plan:[4]

- 'Comprehensive planning' determined community goals and aspirations, established broad goals, achievable objectives, and implemented policies
- Existing plan was adopted in 2011
- Long-term planning had looked out twenty years with the hope to set a direction for the City (vs. short-term or 'day-to-day' planning)
- By statute, every seven years the City was required to review their

[3] Recess taken from 6:31 PM until 6:41 PM.
[4] Attached to Commission Packet

Comprehensive Plan, called the 'Evaluation and Appraisal Report' process

Ms. Skinner noted that in 2018, the City determined that the following three issues required statutory change in the Comprehensive Plan:

1. Mobility planning
2. Water supply planning
3. Recognizing perils of flooding and sea level rise

Ms. Skinner said the process of updating the Plan was through one and one-half years of hearings, local workshops, citizens boards, neighborhood meetings, and a Chamber of Commerce meeting. She stated that the goal was to preserve community character and maintain the City's authenticity, viable economy and vital community and options were looked at for transition to an urban environment.

She noted the goals as follows:

- Balance cultural and economic resources, while protecting others and preserving the City
- Look at heritage issues
- Quality of life
- Conservation issues
- Mobility issues
- Sea-level rise
- Traffic, wear and tear on the City, and alternative forms of transportation
- Infrastructure improvement
- Development pressures, capability, affordability, re-development and how it had increased intensity
- Implications of change with population growth in St. Johns County

Ms. Skinner requested that the Commission transmit the proposed Plan to the State and the reviewing agencies for their review.

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

BJ Kalaidi
Ed Slavin

Public comment was closed.

Commissioner Horvath questioned the reason height and maximum coverage were removed from the Plan and moved to zoning.

Ms. Skinner replied that the Comprehensive Plan and land use definitions helped set the tone for the zoning districts. She said the Zoning Code was adopted in the land development regulations and included lot coverage and height limitations in zoning; therefore, specificity was not needed in the Comprehensive Plan. She noted that the State could push back because of the requirement for density and intensity in the Comprehensive Plan; however, they wanted to submit without it because the limitation in the Zoning Code were what governed the stipulations.

Commissioner Sikes-Kline discussed the following:

- The process had been made longer and more difficult in the Comprehensive Plan
- The Zoning Code was easier to change, and noted that they opted for more flexibility
- Appreciation for the historic preservation element being expanded, and that it went far beyond what plans they had seen in the past
- She discussed the issue of 'new' building materials within the historic districts from page 30
- Historic Preservation 10.5.7 'administrative review of authority of staff' and that there was no change to anything, as it said 'with consideration and public hearing it can be changed"

- Mobility Plan provided important framework and expressed pride in the work that had been done on the plan
- Perils of Flooding, Adaptation Plan
- Storm Water Master Plan would be in budget for next year and she recommended that it be updated every five years

Ms. Skinner advised that the Comprehensive Plan had to be submitted before November 26, 2019. She said the State agencies had sixty days to review the document, with comments expected back by mid-January. She stated that the City had one-hundred-eighty days to respond to the State's comments before adopting the Plan.

Ms. Skinner stated that after the process was completed, the City intended to update the land development regulations and the Zoning Code.

The Commission thanked and commended Ms. Skinner for her hard work and noted that her expertise was truly presented in this document.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-49 on first reading and transmit to Florida's reviewing agencies. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-49

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN TO INCORPORATE CHANGES RECOMMENDED IN THE EVALUATION AND APPRAISAL REPORT; AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT, HISTORIC PRESERVATION ELEMENT, CONSERVATION AND COASTAL MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT TO CREATE A TRANSPORTATION AND MOBILITY ELEMENT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN 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, Horvath, Valdes, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

<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

<u>9.A.1.</u> Ordinance 2019-42: Places on the March 2020 Presidential Preference Election the question of election of the candidate for Seat 3 (Mayoral seat) to the City Commission.

Mayor Upchurch reviewed the Ordinance.

Commissioner Sikes-Kline did not understand why a voter would give up their option or choice to elect a mayor.

Commissioner Valdes commented that he wanted to provide the people a choice by placing the question on the ballot, as it had created a situation over years past that could have been avoided. He had no desire to remove any rights away from anyone and wanted to direct the energies to other things.

Commissioner Horvath stated that without Commissioner Freeman at the meeting, the decision was difficult. She had observed that the local majority did not want to give up their vote for mayor and believed if placed on the ballot, that it would not pass.

Mayor Upchurch remained opposed to the ordinance and believed that the issue was disruptive and distracted from more important community issues, such as the Comprehensive Plan.

MOTION

Commissioner Sikes-Kline MOVED to table Ordinance 2019-42 indefinitely. The motion was SECONDED by Mayor Upchurch.

Commissioner Sikes-Kline commented that the issue had been mis-characterized and felt it should be noted there was no ill intent by anyone involved.

VOTE ON MOTION

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

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

<u>9.B.1.</u> Resolution 2019-43: Grants an ad valorem tax exemption for property located at 9 Milton Street which has been deemed an historic property.

Jenny Wolfe, Historic Preservation Officer, reviewed the resolution.

- The tax exemption came from Article 7, Section 2 of Code of City Ordinances, which was an incentive for property owners to "do the right thing" to rehabilitate a property they might not otherwise be required to
- It provided incentive by giving a reduction on property taxes which would have increased resulting from qualified re-habilitation
- Property taxes were still paid, the exemption was only for ten years from their qualified re-habilitation up to the value invested in the property
- Qualification requirements and processes were reviewed by HARB, who had supported property tax exemptions based on review of the application materials and the standards of rehabilitation
- The Commission had final approval and the applicant had option to go forward to the Board of County Commissioners
- The City would work with the applicant to ensure the process

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-43. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

<u>9.B.2.</u> Resolution 2019-44: Grants an ad valorem tax exemption for property located at 34 Granada Street which has been deemed an historic property.

Ms. Wolfe reviewed the resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-44. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

<u>9.B.3.</u> Resolution 2019-45: Supports the proposed alignment and complimentary route of the St. Johns River to Sea Loop. [5]

[5] Attached to Commission Packet

Mr. Franklin collectively reviewed Resolution 2019-45 and 2019-46:

- The Resolution allowed the City to take the next steps
- In 2017 the County entered into an agreement with the DOT to conduct a planning study
- As a result, existing conditions were looked at for the River to Sea Loop, and the northern part of the two-hundred-sixty-mile loop was to be completed through St. Johns County
- Two public meetings were held, and the final recommended route was presented
- The first resolution was to adopt the route
- The second resolution was to acknowledge that if a facility was constructed, a landscape maintenance agreement would be required to provide similar maintenance as the King's Street and Anastasia Boulevard agreements
- Authorization was needed to move forward with 'easiest' applications along the trail targeted for December
- All funded through Suntrails, which provided a mechanism to fund these projects

MOTION

Commissioner Horvath MOVED to pass Resolution 2019-45. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

<u>9.B.4.</u> Resolution 2019-46: Authorizes the City to enter into a future maintenance agreement with the Florida Department of Transportation and authorizes the City to apply for funds available for the design and construction of the proposed trail.

Mr. Franklin reviewed this Resolution under Item 9.B.3.

MOTION

Mayor Upchurch MOVED to pass Resolution 2019-46. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

10. Staff Reports and Presentations

Items 10.A. and 10.B. were moved to 'Item 7.B. Items of Great Public Importance' as 7.B.1. and 7.B.2.

<u>10.A.</u> Request for an amount not to exceed $700,000 to further the mini-grant program for sewer connections in West Augustine as well as requesting authorization for the City Manager to negotiate and execute the necessary agreements on the project. (R. Franklin, Director, Public Works)

<u>10.B.</u> Request for additional funding not to exceed $96,000 for the West Second Street sewer expansion and connections project from the West Augustine sewer set-aside fund. (R. Franklin, Director, Public Works)

11. ITEMS BY CITY ATTORNEY

<u>11.A.</u> Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

13.A. Appointment of Commissioner Roxanne Horvath as co-chair of the Resiliency Florida Coalition.

Mr. Regan discussed the history of the Resiliency Florida Coalition, which was a state-wide coalition to effect sea level rise and climate change policy at the State level. He noted that former Mayor Nancy Shaver had previously held the co-chair position; however, the position was vacant because of her retirement. He believed that Commissioner Horvath had kept well informed with the Coalition, and that she would fit the capacity well.

MOTION

Mayor Upchurch MOVED to appoint Commissioner Horvath to serve on the Resiliency Florida Coalition. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

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

Mr. Regan mentioned that this was the last meeting for Paul Williamson, Director, Public Affairs. Mr. Williamson was commended for his incredible work ethic, job performance and tenacity at the City, and all his colleagues thanked him for his twenty years of service and bid him farewell.

14. Items by Mayor and Commissioners

Mayor Upchurch requested that Mr. Williamson light the City Christmas tree at the annual Night of Lights and deemed this a perfect farewell and thanked him for his years of service.

Ms. Lopez noted that Mark Sittig, Florida League of Cities, did not arrive at the meeting; therefore Item 3. 'Presentations to Commissioners Horvath and Sikes-Kline of their 20-years of service awards' would be scheduled for a subsequent meeting.

Commissioner Valdes noted his opportunity to tour the City's religious sites and explore the City's religious history that revolved around the churches and the depth of the history that was such a part of the City.

Commissioner Horvath mentioned the CRA, Lincolnville, and the educational programs that would show how the institutional buildings would be brought back to their original condition.

Mayor Upchurch noted this was a season of reflection and thanksgiving and expressed his thankfulness for the opportunity to work with his fellow commissioners, and staff, and his pride and gratitude of the progress made for our City.

15. Adjournment

There being no further business, the meeting was adjourned at 7:42 P.M.[6]

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[6] Transcribed by Laura Morse