

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, December 9, 2019

The City Commission met in formal session Monday, December 9, 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
John Valdes, City Commissioner

Absent: Nancy Sikes-Kline, City Commissioner (Excused)

Also Present: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Melissa Wissel, Communications Manager
Kim Mayo, Event and Venue Coordinator
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, 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

Mayor Upchurch suggested, in an effort to expedite the meeting, that the Commission hear comments related to the short-term rental ordinances under General Public Comment.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

3.A. 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.

- Mr. Sittig presented the 20-year service award to Commissioner

Horvath for her dedication and leadership as an outstanding public servant.

- Mayor Upchurch accepted the 20-year service award for Commissioner Sikes-Kline in her absence.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

Michael Jagielski
Tom Reynolds
Michael Gallagher
Dennis Hanks
Thomas Day
Ronnie May
Jay Neumark
Pam Linder
Michael Southerland
Parrish Jones
Elliot Rubnich
Blake Souder
Earl Stratton
Keith Oatman
Christina Candler
David Goldstein
Ed Slavin
Pat Dobosz
Gene Griffin

5. Consent Agenda

Mr. Regan read the Consent Agenda:
CONSENT AGENDA - DECEMBER 9, 2019

CA.1. Preview of upcoming Commission meetings:

- a) The following Ordinances are tentatively scheduled for second reading on January 13, 2020:
 - Ordinance 2019-50
 - Ordinance 2019-51
 - Ordinance 2019-52

b) Reminder of upcoming meetings:

- January 6, 2020, 7 p.m., Lincolnville CRA Steering Committee, Galimore Center
- 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:

- October 28, 2019, Regular Commission Meeting
- November 12, 2019, Regular Commission Meeting

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 license agreement between the City and Green Our Planet, LLC regarding a farmer's market in Lincolnville at Eddie Vickers Park. (J. Piggott, Director, General Services).

CA.7. Acceptance of Petition for Voluntary Annexation and Pre-Annexation Agreement for the retail store located at 1830 A1A South. (D. Birchim, Director, Planning and Building)

CA.8. Authorization of a letter to the County supporting proposed projects by the St. Johns County Transportation

Advisory Group (TAG). (R. Franklin, Director, Public Works)

CA.9. Authorizing the City Manager to execute the agreement between the City and the Lightner Museum updating the 1967 agreement consistent with the terms of the 1947 Trust setting out the mutual responsibilities for management and maintenance of the property. (I. Lopez, City Attorney)

CA.10. Authorizes the Intergovernmental Agreement implementing Section 365.179, Florida Statutes, mandating direct radio communication between 9-1-1 first responders. (I. Lopez, City Attorney)

CA.11. Invoice in the amount of **\$4,760.00** dated November 1 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. (I Lopez, City Attorney).

Invoice in the amount of **\$1,008.00** dated November 1 from Cavendish Partners, P.A. for legal services regarding the Parker L. Doan Revocable Trust litigation matter. (I. Lopez, City Attorney).

End of Consent Agenda

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

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Valdes.

Mayor Upchurch noted, as per the City attorney, that a conflict of interest did not exist for his vote on Item CA.9. He stated that according to the 1947 Trust document, the mayor was an ex officio voting member of the Board of Trustees.

VOTE ON MOTION

AYES: Horvath, Valdes, Upchurch, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

6. Appeals

(None)

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 2019-41: Amends Sec. 2.03 of the City Charter to provide for a residency requirement for City Commissioners of 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 read the ballot question as follows:

- "Shall the City of St. Augustine Charter be amended to require continuous physical residency and voter registration in the City of St. Augustine for candidates for election or appointment to the City Commission for one year prior to

qualification for election or appointment and maintain continuous physical residency and voter registration in the City of St. Augustine during officeholding?"

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

MOTION

Commissioner Freeman MOVED to pass Ordinance 2019-41 on second reading and read by title only. 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 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, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.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 and read the ballot question as follows:

- *"Shall the City of St. Augustine Charter be amended to extend the terms for police and fire department representatives on the Civil Service Board from one year to three years, to provide greater continuity and the ability to discuss and review issues that may require multi-year context?"*

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

MOTION

Commissioner Freeman MOVED to pass Ordinance 2019-19 on second reading and read by title only. The motion was SECONDED by Commissioner Valdes.

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

VOTE ON MOTION

AYES: Freeman, Valdes, Upchurch, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.3. Ordinance 2019-46: Vacates the street rights-of-way in the Antigua Phase One residential subdivision.

Reuben Franklin, Director, Public Works, reviewed the ordinance.

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

MOTION

Commissioner Freeman MOVED to pass Ordinance 2019-46 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-46

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, VACATING, DISCONTINUING AND ABANDONING THAT CERTAIN PORTION OF LEEWARD ISLAND DRIVE, ANCIENT ISLAND DRIVE, SAINT BARTS AVENUE, AND BIRD ISLAND DRIVE LOCATED WITHIN THE CITY LIMITS OF ST. AUGUSTINE AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Upchurch, Valdes, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.4. 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.

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

- Ed Slavin

Public comment was closed.

MOTION

Commissioner Freeman MOVED to pass Ordinance 2019-47 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-47

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: Freeman, Upchurch, Valdes, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.5. 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.

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

MOTION

Commissioner Freeman MOVED to pass Ordinance 2019-24 on second reading and read by title only. The motion was SECONDED by Commissioner Horvath.

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: Freeman, Horvath, Upchurch, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.6. 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 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.

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

- Ed Slavin

Public comment was closed.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2019-25 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-25

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE V 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: Valdes, Upchurch, Horvath,
Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.7. 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 reviewed the ordinance.

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

MOTION

Commissioner Valdes **MOVED** to pass Ordinance 2019-26 on second reading

and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE VI 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: Valdes, Upchurch, Horvath,
Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.8. 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.

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2019-44 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-44

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: Horvath, Upchurch, Valdes, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.9. 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.

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

MOTION

Mayor Upchurch MOVED to pass Ordinance 2019-45 on second reading and read by title only. The motion was SECONDED by Commissioner Freeman.

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: Upchurch, Freeman, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY¹

¹ Commissioner Valdes took a brief recess and was absent for the 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

Ms. Lopez referred the Commission to her memorandum dated November 13, 2019 which summated the three ordinances in this section.²

Ms. Lopez and Mr. Birchim fielded Commissioner questions and facilitated discussion regarding the following:

- Differences between the State and City definitions of "hotel"
- Determination of registration fees to recuperate costs associated with enforcing the ordinances
- Host Compliance services to enforce regulations through monitoring online listings
- Information required for registration may not be required within the online listing; however, the information online must be consistent with what was submitted during the registration process
- Thirty-minute response-time obligation after Host Compliance received a complaint and concern that the requirement may not be feasible for listing owners
- Occupancy limitations may be too strict for families traveling with children
- Fire safety regulations should be the same as hotel guidelines
- Inability to modify existing rental regulations per State Statute at the

risk of having to remove them entirely

Ms. Lopez and Mr. Birchim stated they would bring back clarification of Commissioners' questions at second reading.

9.A.1. Ordinance 2019-50: Provides regulation of short-term rentals including registration, annual inspection, intensity of use, ancillary use, life-safety, parking, solid waste, effects on existing contracts and violations and penalties.

MOTION

Mayor Upchurch MOVED to place Ordinance 2019-50 on first reading, read by title only and passed. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-50

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-145 THROUGH SECTION 28-154 REGULATING VACATION RENTALS; PROVIDING FOR REGISTRATION; PROVIDING FOR ANNUAL INSPECTIONS; PROVIDING FOR MAXIMUM INTENSITY OF USE; PROVIDING FOR LIMITATIONS ON ANCILLARY USE; PROVIDING FOR LIFE-SAFETY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR SOLID WASTE REMOVAL; PROVIDING FOR VALIDITY OF CONTRACTS PREDATING THIS ORDINANCE; PROVIDING FOR PRELIMINARY COMPLIANCE COMPLAINT SYSTEM; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS;

² Attached to Commission Packet

AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Valdes, Freeman, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

Ms. Lopez advised ordinances would require Planning and Zoning Board review and recommendation, prior to coming back to the Commission for second reading.

9.A.2. Ordinance 2019-51: Codifies the findings, intent, purpose and interpretation found in Ordinance 2010-24 that established regulations for registration and permissible activities for short-term rentals in RS-1 and RS-2 categories.

The Commission discussed the ordinance as an attempt to balance resident and rental owner interests with concern for the preservation of neighborhoods while still allowing property-owners to gain additional income.

MOTION

Mayor Upchurch MOVED to place Ordinance 2019-51 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. 2019-51

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-155 WHICH CODIFIES THE FINDINGS, INTENT, PURPOSE, AND INTERPRETATION FOUND IN ORDINANCE 2010-24 THAT ESTABLISHED REGULATIONS FOR REGISTRATION AND PERMISSIBLE ACTIVITIES FOR SHORT-TERM RENTALS IN RS-1 AND RS-2 CATEGORIES; PROVIDING FOR

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

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2019-52: Confirms regulations requiring monthly rentals for HP-1 zoned properties and submerged land leases for commercial use of docks that effect short-term rentals as previously enacted in Ordinance 1995-35 and Ordinance 1989-51.

Commissioner Valdes recused himself from the item.³

MOTION

Commissioner Freeman MOVED to place Ordinance 2019-52 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. 2019-52

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA CREATING SECTION 28-156 CONFIRMING REGULATIONS THAT AFFECT SHORT-TERM RENTALS AS PREVIOUSLY ENACTED IN ORDINANCE 1995-35, REQUIRING SUBMERGED LAND LEASES FOR COMMERCIAL DOCKS, AND ORDINANCE 1989-51 LIMITING RENTAL PERIODS TO MONTHLY OR LONGER RENTALS IN HP-1 ZONING; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST.

³ Form attached to original minutes

AUGUSTINE; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Upchurch, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY⁴

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. Mobility Update

10.A.1. Bridge of Lions update⁵

Mr. Franklin presented the update, asked the Commissioners for input, and, along with Mr. Regan, facilitated discussion regarding the following:

- A college intern to input data on an annual basis
- One complete year of data needed for analysis, and three years of data in total desired
- Quarterly bridge update not necessary, unless deemed otherwise
- Annual update would be provided to the Commission, with any interim data updates emailed to them
- Desire for data to be shared with the public

10.A.2. San Marco sidewalk⁶

Mr. Franklin presented the update, asked the Commissioners for input, and, along with Mr. Regan, facilitated discussion regarding the following:

- Palm tree mitigation plan by the City to replace 31 palm trees being removed by FDOT for sidewalk widening
- Space on Pine Street was not specifically looked at and a potential sidewalk was reviewed which would prohibit palms
- Relocating palm trees onto Mission Ground

Mayor Upchurch was uneasy about removing thirty-one palms from San Marco Avenue, but stated that the City needed a safer, landscaped and preserved sidewalk; however, the conversation must be continued. He requested to table this Item for future discussion.

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. Review of applications and appointment of one board member to the Planning and Zoning Board.

Darlene Galambos, City Clerk, provided ballots to the Commission for their vote, with the following names:

- William Masson
- Charles Pappas
- Matthew Shaffer
- Janet Cragg
- Carl Blow

The Commission elected Carl Blow, who received three of the four votes cast.

⁴ Recess taken from 7:13 PM until 7:24 PM.

⁵ Attached to Commission Packet

⁶ Attached to Commission Packet

12.B. Notification of extension of time for accepting applications to the Code Enforcement Adjustment and Appeals Board for two board members to fill vacancies to expire on December 27, 2019.

Ms. Galambos requested the Commission's permission to advertise for the vacancies and the Commission approved.

12.C. Request for appointments to fill two term seat expirations on the St. Augustine Firefighters' Pension Fund Board of Trustees.

Ms. Galambos requested the Commission's permission to accept the two applications received from current board members who were eligible to serve.

MOTION

Mayor Upchurch MOVED to re-appoint Richard Hernandez and Jim Springfield to the Board. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

13. ITEMS BY CITY MANAGER

Mr. Regan stated that the \$1.2 million for Maria Sanchez Lake project, and an estimated \$400,000 appropriation request for West Augustine septic to sewer conversion passed the House Agriculture Natural Resources Appropriations Subcommittee with the assistance of Florida House Representative Cyndi Stevenson.

14. Items by Mayor and Commissioners

14.A. Review of City Manager's annual evaluation synopsis.

The Commission noted their deep satisfaction with the synopsis, and Mr.

Regan stated that he was privileged to be the City Manager.

14.B. Discussion regarding the creation of a citizen advisory committee regarding building code and land development code amendments.

Commissioner Valdes suggested the formation of a committee resembling the one for vacation rentals to address the following:

- Building codes and how they were applied to drainage issues and resiliency
- City areas with in-fill construction, vacant lots, demolished homes and new construction
- Slab construction
- Ground hindrance from water absorption
- Standing water and rain issues
- Water drainage issues
- Formulating suggestions to the Commission regarding modifying building and zoning codes
- 100% impervious paving allowed in residential zones
- Construction of homes over a crawl-space to allow for easier removal or lifting in the future

Commissioner Horvath fully supported committee formation. She said she had recently returned from the Southeast Florida Regional Climate Summit in Key West, with Mike Cullum, Chief Resiliency Officer. She gave a brief overview of information she and Mr. Cullum had gained at the summit.

Mayor Upchurch thanked Commissioner Horvath for her time and for attending the summit. He supported the appointment of a committee and with consensus of the Board requested that Ms. Galambos advertise for the committee.

Ms. Galambos clarified committee member qualifications per the provided memo.

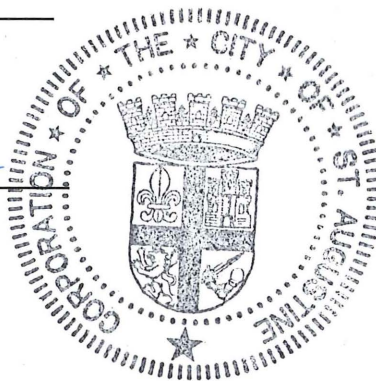
Mr. Regan said that a recommended schedule for the committee would be provided at a future meeting.

15. Adjournment

There being no further business, the meeting was adjourned at 7:59 P.M.⁷


Tracy W. Upchurch, MAYOR


Darlene Galambos, CITY CLERK



⁷ Transcribed by Laura Morse