

CITY OF ST. AUGUSTINE

Regular City Commission Meeting Monday, July 24, 2023

The City Commission met in formal session Monday, July 24, 2023, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Cynthia Garris, City Commissioner
Jim Springfield, City Commissioner

Absent: Barbara Blonder, City Commissioner (excused)

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Amy Skinner, Director, Planning and Building
Jaime D. Perkins, Manager, Office of Neighborhood and CRA
Barry Fox, Manager, Code Enforcement
Jennifer Michaux, Police Chief
Colleen Kuhn, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Dusty Phillips, of Faith Community Church, delivered the invocation, and Commissioner Horvath led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Sikes-Kline requested Item 7.A.1. be moved to Item 3.C.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

3.A. Certificates of Recognition presented to Aviles, Spain participants of the Sister Cities Student Exchange Program. (J. Springfield, Commissioner)

Len Weeks, previous City of St. Augustine Mayor, shared the history of the Student Exchange Program.

Commissioner Springfield presented Certificates of Recognition to the following:

- Alejandro Suarez Junquera
- Ana Patricia Moran Fernandez
- Ramon Ponga Alvarez
- Fernando Martinez Miranda - Chaperone

St. Augustine Exchange Students:

- Aria Dalvi
- Caroline Johnson
- Genevieve Wagnon
- Grant Price
- Joseph Lane
- Valerie Reyes
- Consuelo Lippi – Chaperone

3.B. Certificate of Recognition 2023-10CR: Recognizes and joins in celebrating the opening of the Camino del Mestizaje. (N. Sikes-Kline, Mayor)

Mayor Sikes-Kline presented the Cathedral of de Compostela, Certificate of Recognition to:

- Very Reverend John Tetlow, Rector of the Cathedral Basilica of St. Augustine
- Deacon Michael Elison, Chancellor of the Diocese of St. Augustine
- Jon Carres, Executive Director, National Shrine of Our Lady of La Leche at Mission Nombre de Dios
- Francisco Guitard, President, Nauta Institute

3.C. Presentation from Wayne Sims, former Public Affairs director, of a plaque given to him for the City as a thank you for the gift of the Atocha treasure ship anchor. (D. Birchim, City Manager)

MOVED FROM ITEM 7.A.1.

Wayne Sims, former City Public Affairs Director, presented the City Commission with a recognition plaque from Spain.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Chris Fulmer
- Travis Sheltra
- Shane Sheltra

- Philip Smith
- Warren Merrill
- Jayson - "NoName Bar"
- Lauren Giber
- Jason Gustavson
- Dwight Miller
- Nancy Eisele
- Christopher Holland
- Daniel Brennan
- David Wernicke
- Chip Richard
- Tira Kendler
- Colton McCutcheon
- Kalien Holland
- James Call
- Melinda Rakoncay
- Ronald David Mickler
- Nancy Pellicer
- Martha W. Mickler
- Dustin Hunter
- Jill Nittolo
- B.J. Kalaidi

Public comment was closed.

5. Consent Agenda

David Birchim, City Manager, read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 14, 2023:

NONE.

CA.3. Reminder of Upcoming Meetings:

- August 14, 2023, 3:00pm, Special Commission Meeting (2024 Budget Assumptions and 5-Year Capital Improvement Plan discussion)
- August 14, 2023, 5:00pm, Regular City Commission Meeting
- August 24, 2023, 9:00am, Special City Commission Meeting, (2024 tentative budget and action items)

- August 25, 2023, 9:00am, Special City Commission Meeting (if needed) to further discuss 2024 tentative budget and action items)

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- June 23, 2023, regular City Commission meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- 678 Julia Street - Joycelyn Martin

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

NONE.

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:
NONE.

CA.8. Approval of the nomination of Dr. Susan Richbourg Parker as a recipient of the 2023 Order of La Florida award. (R. Horvath, Vice-Mayor)

CA.9. Approval of the nomination of Kay Burtin as a recipient of the 2023 Order of La Florida award. (N. Sikes-Kline, Mayor)

CA.10. Approval of St. Augustine Public Art Advisory Committee members. (R. Horvath, Commissioner)

End Consent Agenda

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

None.

5.B. Approval of Consent Agenda

MOTION

Commissioner Springfield MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

None.

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

7.A. General Public Presentations

7.A.1. Presentation from Wayne Sims, former Public Affairs director, of a plaque given to him for the City as a thank you for the gift of the Atocha treasure ship anchor. (D. Birchim, City Manager)

MOVED TO ITEM C.3.

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

None.

8.A.1. Ordinance 2023-18: Annexation of 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) and contiguous to the city limits. (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director, presented Ordinances 2023-18, 2023-19, and 2023-20 and said they

passed on first reading on June 26, 2023. She noted the applicant had revised the Planned Unit Development (PUD) based on concerns from the Commission. She clarified the PUD was not exempt from future changes to the City Code and Comprehensive Plan.

Brad Wester, Driver McAfee Hawthorne & Diebenow, presented information on the Cats Paw Marina project. He showed maps and photos of the Project area. He noted the water way was a no wake manatee zone. He provided details on how the storm water and noise issues were addressed. He noted they had a phone call with Commissioner Blonder regarding the project.

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

The Commission disclosed ex parte.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2023-18 on second reading. The motion was SECONDED by Commissioner Springfield.

Isabelle Lopez, City Attorney, read the title as follows:

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ANNEXING APPROXIMATELY 0.90 ACRES OF PROPERTY NOW LOCATED IN ST. JOHNS COUNTY, FLORIDA, LYING WEST OF THE EXISTING DEVELOPMENT REFERRED TO AS THE CAT'S PAW MARINA, NORTH OF NIX BOATYARD ROAD, SOUTH AND WEST OF THE SAN SEBASTIAN RIVERINE ENVIRONMENT AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING

FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA AND WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Horvath, Springfield, Garris, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2023-19: Amends the future land use designation of the annexed 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) from St. Johns County Mixed- se District to City Marine Industrial. (A. Skinner, Director Planning and Building)

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2023-19 on second reading. The motion was SECONDED by Commissioner Springfield.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 0.90 ACRES OF PROPERTY LOCATED NORTH OF NIX BOATYARD ROAD AS A PORTION OF THE G.W. PERPALL GRANT ADJACENT TO THE CAT'S PAW MARINA DEVELOPMENT IN THE CITY

OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF ST. JOHNS COUNTY MIXED USE DISTRICT TO A CITY DESIGNATION OF MARINE INDUSTRIAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Horvath, Springfield, Garris, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.3. Ordinance 2023-20: Amends the zoning designation of the annexed 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) from St. Johns County Residential, Manufactured/Mobile Home (RMH) to City Planned Unit Development (PUD) and including amending the existing Cat's Paw Marina PUD at 220 Nix Boat Yard Road (PID 1348300000). (A. Skinner, Director Planning and Building)

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

MOTION

Commissioner Springfield MOVED to pass Ordinance 2023-20 on second reading. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 0.90 ACRES OF PROPERTY LOCATED NORTH OF NIX BOATYARD ROAD AS A PORTION OF THE G.W. PERPALL GRANT ADJACENT TO THE CAT'S PAW MARINA

DEVELOPMENT IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF ST. JOHNS COUNTY RESIDENTIAL MANUFACTURED/MOBILE HOME (RMH) TO THE CITY CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD); THIS INCLUDES THE AMENDING AND RECONSTITUTING OF THE EXISTING CAT'S PAW MARINA PUD INCORPORATING THE PROPERTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Springfield, Horvath, Garris, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.4. Ordinance 2023-22: Amends Chapter 17 of the City Code regarding voluntary certified guides and examination. (I. Lopez, City Attorney)

Ms. Lopez presented Ordinance 2023-22 which created a voluntary program for the certification of tour guides.

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

- Melinda Rakoncay

Public comment was closed.

MOTION

Commissioner Springfield MOVED to pass Ordinance 2023-22 on second reading. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2023-22

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 17 ARTICLE V SECTION 17-121 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING THE DEFINITION OF "VOLUNTARY CERTIFIED GUIDE"; AMENDING SECTION 17-122 "EXAMINATION-RULES GOVERNING"; CREATING SECTION 17-123 ESTABLISHING THE VOLUNTARY CERTIFIED GUIDE AND EXAMINATION; REMOVING SECTION 17-124 REQUIRING EXAMINATION FOR GUIDES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Springfield, Horvath, Garris, Sikes-Kline

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 2021-18: Establishes regulations and procedures requiring business establishments that are serving alcohol to participate in certain programs, meet certain requirements and to obtain a "permit" to sell alcohol after midnight. (A. Skinner, Director Planning and Building)

Ms. Skinner reviewed Ordinance 2021-18. She noted the Commission received the original Ordinance and the updated Ordinance noting changes since 2021. She

said the City engaged the Responsible Hospitality Institute (RHI) to work with stakeholder groups to develop recommendations. She clarified the updated Ordinance had been scaled back from the original and was being brought to the Commission for first reading. She said a public workshop would be held before the second reading.

Mayor Sikes-Kline confirmed this was a first reading and did not require public hearing. She indicated if the Ordinance passed on first reading there would be a public workshop before it would come to the Commission for second reading.

Commissioner Horvath appreciated the participation during public comment and confirmed that businesses could stay open until 2:00 a.m. if they were permitted.

Commissioner Garris said she would like the workshop to be held prior to considering the Ordinance.

Commissioner Springfield suggested the Ordinance needed modifications and wanted more statistics and facts. He agreed the public workshop should be held before considering the Ordinance.

Mayor Sikes-Kline said there were taskforces created during the RHI assessment. She showed a map highlighting where businesses with alcohol licenses were located and talked about a visitor who had been injured when a patron had been overserved. She said the City had met with businesses prior to the RHI survey.

The Commission and staff continued to discuss nightlife challenges, requirements of the proposed Ordinance, examples of other cities that had passed similar ordinances, and timelines for holding a public workshop.

MOTION

Mayor Sikes-Kline MOVED to pass Ordinance 2021-18 on first reading, read

by title only, and moved to second reading. The motion was **SECONDED** by Commissioner Horvath.

Ms. Lopez, read the title as follows:

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4-1 PROVIDING DEFINITIONS; AMENDING SECTION 4-3 PROVIDING FOR RESTRICTED HOURS OF SALE AND OPERATION; PROVIDING FOR EXTENDED HOURS OF OPERATION PERMITS; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING VIOLATIONS; PROVIDING FOR HEARINGS; AMENDING SECTION 4-5 PROVIDING FOR CONSISTENT TERMINOLOGY; 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

NAYES: Springfield, Garris

MOTION FAILED 2/2

The Commission confirmed they would like to hold a workshop before deciding whether to bring the Ordinance back for consideration.

9.B. Resolutions

9.B.1. Resolution 2023-16: Establishes the estimated rates for fire protection assessments for the fiscal year beginning October 1, 2023. (M. Simpson, Director Finance)

Meredith Breidenstein, Assistant City Manager, reviewed Resolution 2023-16 setting Fire Assessment rates per square footage at \$0.0776 for residential customers and \$0.1391 for non-residential. She said the Resolution required a Public

Hearing which was scheduled for August 14, 2023. She shared that a notice would be sent to all property owners.

MOTION

Mayor Sikes-Kline MOVED to pass Resolution 2023-16. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

10. Staff Reports and Presentations

10.A. Request for the establishment of a third Community Redevelopment Area to be referred to as West City Community Redevelopment Area. (J. Perkins, Neighborhood Services and CRA Manager)

Jaime D. Perkins, Neighborhood Services and Community Redevelopment Agency Manager, proposed a third Community Redevelopment Area (CRA) be established and named West City CRA. She presented the following information:

- Proposed area/boundaries
- Information from the "draft" Findings of Necessity
- Reasons for the recommendation
- Statutes that guide the establishment of the CRA
- Steps to take if third CRA were approved

Ms. Perkins requested the approval of \$100,000 through the FYE 2023-2024 to hire a consultant to produce the Community Redevelopment Plan. She explained that the Commission could request reimbursement of the monies from the CRA after it was established.

Commissioners and staff continued to discuss the CRA proposal, funding request, boundaries, and needs in the area.

Mayor Sikes-Kline MOVED to approve the establishment of a third CRA, West City CRA. The motion was SECONDED

by Commissioner Garris and
APPROVED BY UNANIMOUS VOICE
VOTE.

10.B. Approval of the Land Exchange Agreement exchanging 800 Plantation Island Drive (City land) for 90 and 92 South Dixie Highway (Spadaro Holdings, LLC) for a homeless day center.

And

Resolution 2023-22: Authorizes the entering into of the Land Exchange Agreement between 800 Plantation Island Drive and 90 and 92 South Dixie Highway and authorizes David Birchim, City Manager as agent for the transaction. (D. Birchim, City Manager)

Mr. Birchim presented Resolution 2023-22 allowing the City to enter into a Land Exchange Agreement with Spadaro Holdings LLC. He shared photos and provided the following considerations:

- Even swap of the City's property at 800 Plantation Island Drive with 90/92 South Dixie Highway property
- New property was a good location for a homeless drop-in day center
 - Bring into city sewer
 - Easy biking and walking to downtown area
 - Relocation of Dining with Dignity
 - Partnerships with local agencies for wrap-around services
- City's property was on a landfill that would need to be cleaned up

MOTION

Mayor Sikes-Kline MOVED to pass Resolution 2023-22. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:

AYES: Sikes-Kline, Horvath, Garris, Springfield

NAYES: None

MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY ATTORNEY

11.A. Third quarter legal department update. (Information Only - No Presentation) (I. Lopez, City Attorney)

Ms. Lopez asked for clarification on the Arts Committee and their interaction and work with the Commission. She suggested the Committee be ad hoc for each specific location to avoid issues with Sunshine.

Commissioner Horvath suggested providing a stipend to develop concepts and then bringing three or four concepts to the Commission for consideration. She said the meetings would be held at City Hall, advertised, and open to the public.

Mayor Sikes-Kline suggested that updates go on the Consent Agenda.

12. ITEMS BY CITY CLERK

12.A. Notification of two term expirations on the Planning and Zoning Board. (D. Galambos, City Clerk)

Darlene Galambos, City Clerk, notified the Commission of two vacancies on the Planning and Zoning Board. She said that the existing Board members would be eligible to reapply, and openings would be advertised according to the City's policy.

12.B. Request for one appointment to the St. Augustine Audit Review Committee. (D. Galambos, City Clerk)

Ms. Galambos requested the appointment of Thomas Gilboy to the Audit Review Committee.

MOTION

Mayor Sikes-Kline MOVED to approve the appointment of Thomas Gilboy to the Audit Review Committee. The motion was SECONDED by

**Commissioner Horvath and APPROVED
BY UNANIMOUS VOICE VOTE.**

13. ITEMS BY CITY MANAGER

13.A. Discussion of legislative priority items for the upcoming legislative session. (D. Birchim, City Manager)

Mr. Birchim outlined the following priorities that would be sent to St. Johns County for inclusion in the County's Legislative Action Plan:

- Support of Home Rule
- Construction of museum exhibits
- Conservation land acquisition
- Support for continuing construction of SR 313
- Support for commuter rail between Jacksonville and St. Augustine
- Repeal of the statute exempting government from permitting tree trimming and removal on residential property

Mayor Sikes-Kline shared that administrative fines for demolition after the fact were capped at \$5,000. She suggested asking for a carve out to get the fine raised.

Ms. Lopez detailed Statute 162.09 which capped the fines. She said the Statute allowed populations of 50,000 or more to enforce more severe fines. She suggested the City's legislative consultant provide a concept to drop the population threshold or offer another option to address the concern.

14. Items by Mayor and Commissioners

Commissioner Garris thanked the Commission for voting for westside CRA.

Commissioner Springfield asked if staff could provide the amount of income the City received from bars between midnight and 2:00 a.m.

Ms. Lopez noted most of the tax the City received was ad valorem and sales tax went to the County and State. She said she could explore a legislative carve out for the City to receive sales tax.

Mayor Sikes-Kline requested a presentation on the Sister Cities Program, structure, and how requests to become a Sister City should be handled.

15. Adjournment

There being no further business, the meeting was adjourned at 8:18 P.M.¹



Nancy Sikes-Kline, MAYOR



Darlene Galambos, CITY CLERK



¹ Transcribed by Colleen Kuhn