

CITY OF ST. AUGUSTINE

City Commission Special Meeting
Monday, August 21, 2023

The City Commission met in formal session Monday, August 21, 2023, at 9:00 A.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
Barbara Blonder, City Commissioner
Cynthia Garris, City Commissioner
Jim Springfield, City Commissioner

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Barry Fox, Code Enforcement Manager
Todd Grant, Director, Public Works
Amy Skinner, Director, Planning and Building
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Anthony Cuthbert, Assistant Police Chief
Abby Pedigo, Fire Marshall
Elyse Wiemann, Recording Secretary

Commissioner Horvath suggested having public comment after the presentation and discussion to allow the public to respond to any proposed changes.

Ms. Lopez advised the Commission to reorganize their agenda.

Commissioner Garris asked for the public comment to be prioritized by individuals who may need to leave to be heard first.

MOTION

Commissioner Horvath MOVED to reorganize the agenda to hear the presentation prior to public comment. The motion was SECONDED by Commissioner Springfield and

APPROVED by UNANIMOUS VOICE VOTE.

2. General Public Comments

Heard as item 4

The Commissioners heard from the following members of the public:

- Jayson Befort
- Thomas Day
- Tracey Kaufman
- Warren Merrill
- Jeanna Cebollero
- Scott York
- Jackie Hird
- Virginia Whetstone
- Melinda Rakoncay
- Steven Hutson

- Martha Mickler
- Martin Clary
- Rob Crabtree
- Tira Kindler
- Bruce McGuire
- BJ Kalaidi

3. Proposed Nightlife Ordinance

3.A. Overview (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director, reviewed the topic. She provided the history, overview of the ordinance and the proposed changes.

Commissioner Blonder clarified the maps being shown for clarity. She said the smaller dots identified licensed alcohol locations and the overlay was the heat map identifying the police calls.

Ms. Skinner noted this was for a two-year time frame between midnight to 2:30 a.m. She said all the licenses shown were related to alcohol but not all were open from midnight to 2:30 a.m.; package stores or retail licenses were not included. She reported the number of police calls between the hours of midnight and 2:30 a.m.

Ms. Skinner added the ordinance would establish that businesses that sold alcohol would have to obtain a permit to sell alcohol between the hours of midnight and 2:00 a.m. and had certain requirements they had to meet and would have to be renewed annually. She said the fire department submitted additional information related to fire inspections and crowd management training.

At the request of Mayor Sikes-Kline, Abby Pedigo City Fire Marshall, said the Florida Fire Prevention Code required a certified crowd manager for all assembly occupancies, which was anything over fifty occupants. She said their role was to keep the peace in emergencies.

Commissioner Springfield asked if having a crowd manager and annual fire inspections was a requirement in the code.

Ms. Pedigo replied both were in the code; however, having a crowd manager was not enforced, except in establishments exceeding 250 occupants.

Todd Grant Public Works Director discussed the interactive maps, which were available online for the public, concerning the businesses that served alcohol. He reiterated there were a total of 188 license holders for consumption of alcohol on premises, and twenty-seven open past midnight. He said the maps would identify these locations.

Commissioner Springfield noted the ordinance would cover more than the bars downtown and it would incorporate all those located in the City as well as Arnold's and Anastasis Island.

4. DISCUSSION AND RECOMMENDATION(S) RELATED TO THE DRAFTED NIGHTLIFE ORDINANCE LANGUAGE AND ACTION MOVING FORWARD

Commission Discussion:

- Provided data showed the complaints between a range of time; however, felt not all were alcohol related
- Patrons should be responsible and mindful of their alcohol consumption
- Neighbors concerned with the noise level
- Felt DUI's could not be solely blamed on bars
- Unsure if an ordinance should be passed if it was not in the best interest of the entire community
- Felt most establishments regulated themselves and had training programs in place
- Noise should not be included in the ordinance as it was already in the code

- Should clarify the time allowed to be open
- Did not feel the establishments could control what people did outside or before entering
- Should enforce the crowd management as it was a requirement from the state
- Monies collected from businesses opened from midnight to 2:00a.m. was minuscule and would not affect the City budget
- Supportive of the changes being proposed; however, should enforce the ordinances that were already in place
- Felt some items included in the ordinance were impossible to enforce
- Should follow-up with the lighting, rideshare and employee parking for safety
- Suggested a reduced permit fee for individual events or nights along with the staff recommended holidays
- Suggested having the City recognize establishments that have met certain standards in security, training, crowd training, met fire codes etc.

Commissioner Blonder asked for an explanation regarding DUI's and how long it took for processing. She noted a monthly report with yearly comparisons, and she asked for a brief summary regarding the change in DUI's.

Chief Michaux, City of St. Augustine Police Chief, replied that a DUI stop could range in between one to four hours depending on the level of intoxication. She said traffic warning and citations had increased significantly, crashes had decreased, and DUI's had increased. She said that could be contributed to having specialized individuals that worked in the evenings hours that focused on DUI's. She said over the last year, there had been a significant increase.

Commissioner Blonder noted the graphs showed different times period and there was an increase in DUI's by 84% after midnight. She said there could be a

possible relationship between DUI's and bars closing.

Chief Michaux clarified that the chart for the past two years showed in the downtown area there had been forty-two DUI's alone.

Discussion continued:

- Felt there were three different economies in the City: daytime, evening, and late night
- Each had separate needs and should have their own rules and regulations
- Was challenging to create a balance
- Should create a safe nightlife for everyone
- Nightlife study by results provided many safety concerns
- Downtown businesses were to create an alliance to work with the City; however, that had not been created
- Ordinance should be clear and not overreaching

Discussion after Public Comment:

At the request of Commissioner Springfield, Chief Michaux replied between the hours of midnight and 2:00 a.m. there was one sergeant and six officers for the entire City.

Mayor Sikes-Kline asked how many zones the City had and how many the City would have.

Chief Michaux replied there were a total of four permanent zones and a bike unit was added for a total of five. She said the hours the bike units worked were from noon to midnight or 10:00a.m.-10:00p.m. depending on the day.

At the request of Commissioner Springfield, Ms. Breidenstein advised the cost of an entry level police officers salary was around \$78,000, which included benefits; however, that did not include

vehicle, weapons, uniforms, and other items needed to perform the position.

Commissioner Blonder questioned the cost of the permit if the ordinance passed.

Ms. Skinner responded the cost had not been discussed but they were unable to charge more than the administrative cost to administer the program. She said most of the fees were nominal. She said there had been discussion about connecting the fee to the business tax receipt or renewal of business tax receipts process. She said there may not be an associated fee but there would be an application that would be associated with the business tax receipts. She advised if there was a fee, it would range between \$25-\$100 depending on staff processing.

Mayor Sikes-Kline noted previous City Manager John Regan met with the community in March 2022 and discussed it could be \$250 but it would have to be determined.

Commissioner Blonder advised if the ordinance was heard on first reading the associated fee should be noted.

Commissioner Garris questioned if noise complaints could be improved by hiring two more officers.

Assistant Chief Anthony Cuthbert provided an overview of what had to take place in order to enforce the noise ordinance. He said there was a program with Rutgers University which certified officers. He said they had two noise readers and thought if they had more officers certified it could help. He said noise complaints took time to investigate.

Commissioner Blonder questioned how the ordinance would be enforced. She asked if there would be a need to increase the staff in code enforcement.

Mr. Birchim replied it would be a combined effort between code enforcement and the police. He said if the current staff was used, it would take one away from their current daily duties.

Mayor Sikes-Kline commented in her experience with Responsible Hospitality Institute (RHI) that most communities wanted a vibrant, regulated, and safe nightlife and most had night managers. She said that would include a manager, public works, code enforcement, police, and public safety. She said there would be additional costs associated with this industry. She noted there were seventeen speakers with ten in favor, six opposed or provided suggestions, and one neutral.¹

Mayor Sikes-Kline clarified that the City did not promote itself; it was the statutory responsibility of the Tourism Development Council and the Board of County Commissioners to use bed tax to advertise the City. She explained moving forward the ordinance would be heard without public hearing on first reading but that would allow the commission to provide feedback and discussion; second reading would have a public hearing with discussion, and any changes.

Discussion continued:

- Should enforce problems at night with ordinances the City had control over
- Should follow up with the RHI recommendations for lighting, and ride share
- Felt the more the police could enforce the calls and arrest would increase which was good as businesses and people were held accountable
- Asked for clarification regarding the trained staff member that had to be on site during business hours or just one that was trained

¹ Petition provided by citizen attached to original packet

- Wanted justification and clarification on the holiday waiver
- Felt the wedding industry was problematic between short-term rentals, trash, and intoxicated individuals
- Felt people needed to be more responsible and respectful of the entire community
- Felt training would make establishments be more responsible and not allow individuals to be over served
- Was a permit that required training and would provide a balance with a livable community and nightlife
- Permit would not be revoked if a business did not comply with the ordinance and would have opportunities to fix the issues
- Should move forward with the Social Economic Alliance as a mixed committee with staff and businesses
- Difficult to hear that safety was an issue
- Noise ordinance should be addressed
- Did not want to change hours for establishments but felt there was a need for structure
- Crowd manager was essential to an establishment and could help contain the crowd and implement safety
- Concerned with patrons leaving one establishment for another and entering venues with open drinks
- Concerned with people coming to town to party

Ms. Lopez advised it would be very helpful to have any recommendations for staff prior to the first reading. She felt there had been conflicting information reading noise and asked for clarification. She said the noise ordinance was written to where a noise control officer was able to help implement the code and did not require a police officer as it was a civil citation.

Commissioner Springfield asked if a business was allowed to be shut down due to a sound violation.

Ms. Lopez replied no; it was a civil citation. She explained Code Enforcement was done through county court and separate from the Code Enforcement Board. She noted the data regarding enforcement could be reviewed on the City website.

Mayor Sikes-Kline said residents and businesses were affected by the noise and she felt the noise portion of the ordinance should be kept at least through the first reading for additional discussion.

Commissioner Springfield and Commissioner Blonder agreed.

Mayor Sikes- Kline stated the prevision for the waiver of requirements should be added up to three times a year for a venue. She said there were locations that could benefit from it for fundraisers or venues that wanted to host a holiday event. She said it needed to be clearly stated that businesses could operate after midnight with a permit if alcohol were being sold. She agreed with staff that an establishment should be held responsible for behavior outside their location; however, was unsure how that would be enforced. She asked the City to reexamine the penalties regarding definitions.

Commissioner Springfield thanked staff and everyone for coming and providing feedback and data.

MOTION

Mayor Sikes-Kline MOVED with the proposed change the ordinance should be moved to first reading. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION:

AYES: Sikes-Kline, Blonder, Garris, Springfield, Horvath

NAYES: NONE

MOTION APPROVED UNANIMOUSLY

5. Adjournment

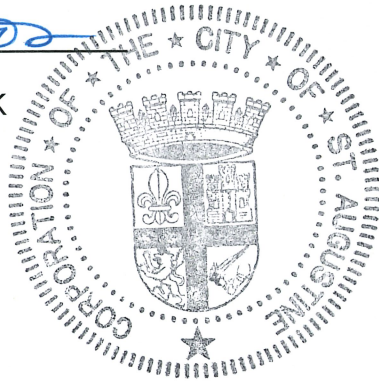
There being no further business, the meeting was adjourned at 11:42 A.M.²



Nancy Sikes-Kline, MAYOR



Darlene Galambos, CITY CLERK



² Transcribed by Elyse Wiemann