CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, September 25, 2023

The City Commission met in formal session Monday, September 25, 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
Barbara Blonder, City Commissioner (via Teams)
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
Amy Skinner, Director, Planning and Building
Mark Simpson, Director, Finance
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Elyse Wiemann, Recording Secretary

Mayor Sikes-Kline announced special previsions had been made for Commissioner Blonder as she was unable to physically be present. She asked the City Attorney to explain.

Ms. Lopez explained that there were two reasons why a vote had to take place to allow for Commissioner Blonder to participate via electronic technology which were the Reorganization Resolution and the Attorney General's Opinion which required a physical quorum and if there was a serious medical condition that would not allow in-person participation, the Commission was allowed to vote to include the use of electronic technology.

MOTION

Commissioner Horvath MOVED to allow Commissioner Blonder to participate via electronic technology as stated by the City Attorney. The motion was SECONDED by Commissioner Springfield.

VOTE ON MOTION:
AYES: Horvath, Springfield, Garris, Sikes-Kline
Nayes: None
MOTION APPROVED UNANIMOUSLY

Commissioner Blonder was present and participating via zoom.

Mayor Sikes-Kline read the Rules of Decorum

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Rich Barrett of Access 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 announced that Representative Stevenson was unable to attend. She said the presentation would be rescheduled, or they could find another opportunity to honor her for her support of St. Augustine.

MOTION

Mayor Sikes-Kline MOVED to remove item 3.A. from the Agenda otherwise approve the agenda as presented. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

3.A. Presentation to the Honorable Cyndi Stevenson, Representative, for her continued support of the City of St. Augustine. (N. Sikes-Kline, Mayor)

See motion under item 2.A. Item removed from agenda.

3.B. Certificate of Recognition 2023-14CR: Recognizing the 50th Anniversary of EPIC Behavioral Healthcare. (N. Sikes-Kline, Mayor)

3.C. Proclamation 2023-36: Proclaims the month of September 21, 2023 - October 20, 2023, as Compassionate Action Month. (N. Sikes-Kline, Mayor)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Elizabeth Smith
- Dianya Markovits
- Harold George
- Marta Hahn[1]
- Maureen Long[2]
- Susan Creek
- Vicki Pepper
- Carol Hilton
- Gina Burrell
- Tawny Lee Kern
- John Pilecki
- Marsha Daniels
- Edward McGinley
- Claudia Jacob
- Denise De Claire
- Gail Wisler
- Arthur Culbert
- Debra Ingrahm
- Lauren Giber[3]
- Chris Fulmer
- Warren Merrill
- Jeanetta Cebollero
- Marcell Vizcarra
- Tira Kindler
- David Wernicke
- Emery Russell
- Melody Smith
- Kerry Lilly
- Bruce Maguire
- Ashlyn Johnston
- Harris Nussbaum
- Karol Wolberg
- Ellie Schultze
- Rachel Mills
- Aaron Wendler
- Ryan Wendler
- Tyrone Bennett
- BJ Kalaidi

David Birchim, City Manager requested a presentation on Short Term rentals and a Code enforcement update scheduled for a subsequent meeting.

5. Consent Agenda

David Birchim, City Manager, read the Consent Agenda.

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[1] Photos attached to packet
[2] Photos attached to packet
[3] Document attached to packet

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON OCTOBER 9, 2023: NONE

CA.3. Reminder of Upcoming Meetings:
• September 28, 2023, 5:05pm, Special Meeting and Public Hearing for 2024 budget and final millage rate adoption
• October 9, 2023, 5:00pm, Regular City Commission Meeting
• October 23, 2023, 4:30pm, Community Redevelopment Agency Meeting
• October 23, 2023, 5:00pm, Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: NONE

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S): NONE.

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 order releasing code enforcement lien on 95 Evergreen Avenue. (K. Traynor, Assistant City Attorney)

End 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 Mayor 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

7.A. General Public Presentations

7.A.1. Presentation by Lynne Cason, Florida State Society Daughters of the American Revolution (FSSDAR) Historian, requesting the placement of a Revolutionary War Patriot marker in the City. (N. Sikes-Kline, Mayor)

Lynne Carson presented the topic to the Commission.

Board Discussion:

- In support and thought the City Manager could help with the details
- In support of the marker but thought the location should be determined
- Suggested City staff provided alternative locations before one was selected

MOTION

Mayor Sikes-Kline MOVED to instruct the City Manager to work with the Florida State Society Daughters of the American Revolution and bring back alternative locations to work through the process. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:
AYES: Sikes-Kline, Horvath, Garris, Springfield, Blonder
NAYES:
MOTION APPROVED UNANIMOUSLY[4]

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 2023-26: Amends Section 1.04 of the City Charter to correct a scrivener's error in the legal description of the annexed property of Cat's Paw Marina. (I. Lopez, City Attorney)

Isabelle Lopez, City Attorney, presented Ordinance 2023-26.

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2023-26 on second reading and read by title only. The motion was SECONDED by Mayor Sikes-Kline.

Ms. Lopez read the title as follows:

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2023-18 RELATING TO ANNEXING APPROXIMATELY 0.90 ACRES OF PROPERTY 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Horvath, Sikes-Kline, Garris, Springfield, Blonder
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2023-30: Amends Section 1.04 of the City Charter to correct a scrivener's error in the legal description of the annexed property of the Shipyards. (I. Lopez, City Attorney).

Isabelle Lopez, City Attorney, presented Ordinance 2023-30.

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

MOTION

Commissioner Springfield MOVED to pass Ordinance 2023-30 on second reading and read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2023-10 RELATING TO ANNEXING APPROXIMATELY 14.79 ACRES OF PROPERTY LYING SOUTH OF THE EXISTING DEVELOPMENT REFERRED TO AS THE SHIPYARDS, EAST OF ARAPAHO AVENUE, NORTH

[4] Break from 7:01p.m.-7:22p.m.

AND WEST OF THE SAN SEBASTIAN RIVER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Springfield, Horvath, Garris, Blonder, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

8.A.3 Ordinance 2023-29: Designates the Code Enforcement Board as the local nuisance board as required by Section 893.138, Florida Statutes. (I. Lopez, City Attorney)

Isabelle Lopez, City Attorney, presented Ordinance 2023-29.

Commissioner Springfield pointed out this ordinance was not in association with the Nightlife Ordinance.

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

MOTION

Commissioner Springfield MOVED to pass Ordinance 2022-29 on second reading and read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2023-18 RELATING TO ANNEXING APPROXIMATELY 0.90 ACRES OF PROPERTY 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:
AYES: Springfield, Horvath, Garris, Blonder, Sikes-Kline
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

8.A.4. Ordinance 2023-27: Amends Chapter 4 of the Code creating a process and regulations for alcoholic beverages on site between the hours of midnight and two o'clock in the morning. (I. Lopez, City Attorney).

David Birchim, City Manager, presented Ordinance 2023-27.

Ms. Lopez noted the typographical errors and minor edits.

Amy Skinner, Planning and Building Director reviewed the history of the ordinance.

Chief Michaux provided an update regarding the data that had been shown at the prior commission meeting. She discussed the data and noted it could be subjective with how it was used and applied. She reviewed the downtown zone with the disposition codes and how it correlated to the area.

Mayor Sikes-Kline asked if downtown was one third of zone one.

Chief Michaux identified the location specifically classified as zone one; however, the downtown area was in the zone and included the Bayfront, slightly down Cathedral, down Cordova Street, and back down Orange Street. She said this specific information was provided at the workshop. She said there had been no change between midnight and 2:00 a.m. in

the downtown core and a slight decrease for the entire zone one.

Mayor Sikes-Kline asked how many alcohol permits were issued in 2018 and how many were issued in 2023.

Mr. Birchim replied there was no specific information on that particularly; however, there was a GIS map of all the current alcohol licenses, how long they had the license, the type of licenses and which ones were open from midnight to 2:00a.m.

Commissioner Blonder thanked Chief Michaux for the clarification. She said the narrative that persisted regarding establishments closing at midnight was incorrect and urged that comments should be kept to facts and not hearsay.

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

- Kyle Edwards Showalter
- Chris Fulmer
- Mark Alexander
- Jeannet Cebollero
- Rosalie Cocci
- Michael Alexandar
- Martha Mickler
- Shane Sheltra
- Ronald Mickler
- Daniel Brennan
- Nancy Pellicer
- Jason Gustavson
- James Call
- Jason Befort
- Travis Sheltra
- Len Weeks
- Jeff Jabot
- Lauren Giber
- Matt Morrison
- James Whitehouse

MOTION

Mayor Sikes-Kline MOVED to extend the meeting by half an hour. The motion was SECONDED by Commissioner Horvath and approved by UNANIMOUS VOICE VOTE.

Commissioner Blonder noted second reading had initially been set for October 11, 2021, but was not on the agenda. She said in the packet for this meeting the RHI Transformation team was established in November 2021. She felt the delay was to allow the transformation team to develop. She asked for clarification regarding what had taken place.

Mr. Birchim replied that the RHI process included various individuals of the community, City staff, business owners, hospitality workers, and the RHI consultants. He noted the consultants met with these subgroups and recommendations were made by RHI. He said one of those was making physical improvements such as lighting, trash cans, restrooms, and having a better relationship between the City and the hospitality industry; however, the City was unable to mandate the creation of a private organization, although the City was willing to participate with any other private business organization. He said the RHI study was completed, and the committee was dissolved.

Commissioner Garris asked if the business district had been spoken to regarding the ordinance.

Mr. Birchim replied he had spoken to the business coalition committee and met with RHI.

The Commissioners provided their ex parte communication.

Board Discussion:

- Chamber of Commerce felt this should be delayed and more defined
- Had not had an increase in the crime rate
- Felt the noise ordinance was the issue and should be addressed

- Should work on the recommendations from RHI
- Understood it was a small fee of $140; however, thought more expenses could hurt small businesses
- Concerned with the misinformation in the press and in the community
- Felt the ordinance was incomplete and thought the City could be a passionate viable City without the ordinance
- Major concerns mentioned were noise and safety
- Had an issue with the allowing a special magistrate to decide how long a business was in violation
- Felt the ordinance was being rushed and not enough time had been implemented
- People were very concerned about their businesses
- Code Enforcement was limited but had voted to add an additional employee for third shift
- Did not feel any businesses were in favor of the ordinance
- Operation budget for the City had 15% that was from the businesses and 34% from residents
- Intent was to provide a safe environment and keep the downtown area livable
- Did not feel the ordinance would have the outcome it was trying to achieve
- Felt most items such as security and proper training was already established
- Did not feel the ordinance would do anything to make the nightlife better
- Crowd management had been complied with and felt it could be added to the fire prevention code
- Did not feel this would add to the safety of the City
- Should follow though with the noise ordinance
- Felt this was more about the quality of life and how it reflected on the vision statement
- Amount of visitors had grown rapidly and it was burdensome for residents
- Should work to retain the quality of life in the downtown area
- Should advocate to the county for help with enforcement
- Business owners in the community took pride in their businesses
- Wanted to have an alliance or stakeholders group that was self-managed with City input and involvement
- Recommendation from RHI was to have easier access to downtown for emergency services
- Have a venue alliance for weddings and special events
- Work with businesses and educate visitors regarding open containers
- Other recommendations were to encourage more original live music, track special events, provide ride-share hubs, and provide parking for employees even though that was a challenge

MOTION

Mayor Sikes-Kline MOVED to extend the meeting to complete the agenda. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

MOTION

Mayor Sikes-Kline MOVED to DENY Ordinance 2023-27 suspending any further consideration of the ordinance The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:
AYES: Sikes-Kline, Horvath, Garris, Springfield, Blonder
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)

8.D. Resolution 2023-28: Increases the water and sewer rates for the Fiscal Year 2023- 2024 budget. (M. Simpson, Director Finance)

Mark Simpson reviewed Resolution 2023-28.

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

- BJ Kalaidi

Mr. Birchim replied to public comment and advised there was a $60 payment provided to City employees for their water bill that was eliminated when he became City Manager. He said that payment was to help incentivize City employees to live in the City; however, employees were unable to afford living in the City. He reiterated the program had been eliminated.

MOTION

Commissioner Horvath MOVED to pass Resolution 2023-28. The motion was SECONDED by Commissioner Horvath and APPROVED by UNANIMOUSLY VOICE VOTE.

8.E. Resolution 2023-29: Increases the stormwater fee for the Fiscal Year 2023-2024 budget. (M. Simpson, Director Finance)

Mark Simpson reviewed Resolution 2023-29.

Commissioner Garris questioned how much the average bill would increase for residents.

Mr. Simpson replied that it would increase by a net 4.4%. He said there were three separate utilities: stormwater, trash and garage, and water and sewer.

Commissioner Springfield suggested providing a reward system for customers that remained below the minimum or offering a rebate as it was an incentive to save water.

Mr. Simpson noted this had been tried before and was unsuccessful and tremendously difficult to do.

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

- BJ Kalaidi

MOTION

Commissioner Springfield MOVED to pass Resolution 2023-29. The motion was SECONDED by Mayor Sikes-Kline.

VOTE ON MOTION:
AYES: Springfield, Sikes-Kline, Garris, Blonder, Horvath
NAYES: NONE
MOTION APPROVED UNANIMOUSLY

8.F. Resolution 2023-30: Increases the fees for solid waste disposal for the Fiscal Year 2023-2024 budget. (M. Simpson, Director Finance)
Mark Simpson reviewed Resolution 2023-30.

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

MOTION

Commissioner Horvath MOVED to pass Resolution 2023-30. The motion was SECONDED by Mayor Sikes-Kline.

VOTE ON MOTION:
AYES: Horvath, Sikes-Kline, Garris, Springfield, Blonder
NAYES: None
MOTION APPROVED UNANIMOUSLY

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. Discussion of the offer to purchase undeveloped land near Florida Avenue and Julia Street (Parcel Numbers 107790 0110 and 107790 0010). (D. Birchim, City Manager

Mr. Birchim reviewed the topic with the Commission and identified the parcel for purchase. He said an appraisal was completed and the owner was willing to sell the property for the appraised value plus closing cost. He said the funds could be taken from the general fund reserves. He said if $2 million dollars were moved from general fund reserves for the purchase of the property, an additional $1 million could be moved out of reserves for the seed money for the Conservation Land acquisition, and there would be $1.5 million left after the end of year accounts were reconciled for the budget cycle. He said there were two title companies to choose from and the City had used both prior.

Commissioner Blonder spoke in favor of the purchase in this particular location as it had been under much threat. She commended staff for working with the seller and the neighbors. She said the neighbors were very compassionate and felt it was important for the City, and there had been a lot of support. She said the two important precedence were purchasing the property at the assessed value and condition the purchase of the property to have a conservation easement over the property within a reasonable amount of time.

Commissioner Garris spoke in favor of obtaining the property. She said saving the canopy would be beneficial for the citizens.

Commissioner Springfield was in support of purchasing the land. He said property values had increased, which provided the City with the resources to buy the land. He said the Commission had the foresight to not lower the millage, which provided the funds to do these types of activities.

Ms. Lopez advised this should comply with the paramount public purpose in the code. She cautioned adding the condition for the conservation easement as that had to do be done with another entity.

Mayor Sikes-Kline thought this was a great opportunity as St. Augustine was a tree city and this could help with repetitive flooding. She agreed with wanting a conservation easement on the property and a management plan. She noted her support for a historic marker was suggested to be very similar to Fish Island.

MOTION

Commissioner Blonder MOVED support the purchase of undeveloped land near Florida Avenue and Julia Street as described in item 10.A. finding that it meets the paramount public purpose requirement for real estate acquisitions in the code and hoped for every effort to initiate a management plan and secure a conservation easement. The motion was SECONDED by Mayor Sikes-Kline.

VOTE ON MOTION:
Ayes: Blonder, Sikes-Kline, Garris, Springfield, Horvath
Nayes: NONE
MOTION APPROVED UNANIMOUSLY

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Commissioner Blonder felt the Sing Out Loud event was a success.

15. Adjournment

There being no further business, the meeting was adjourned at 10:13 P.M.[5]

Nancy Sikes-Kline, MAYOR

Darlene Galambos, CITY CLERK

[5] Transcribed by Elyse Wiemann