

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 26, 2024

The City Commission met in formal session Monday, February 26, 2024 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
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
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Anthony Cuthbert, Assistant Police Chief
Elyse Wiemann, Recording Secretary

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Sikes-Kline requested a moment of silence, and Commissioner Horvath led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

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

3. Special Presentations, Recognitions and Proclamations

3.A. Proclamation 2024-07: Proclaiming March 4-10, 2024, be designated as Flood Awareness Week in the city of St. Augustine. (N. Sikes-Kline, Mayor)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Pastor Delphine Sands
- Scott York
- BJ Kalaidi

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 MARCH 11, 2024:

- Ordinance 2024-04: Amends existing PUD

CA.3. Reminder of Upcoming Meetings:

- March 11, 2024, 5:00pm, Regular City Commission meeting
- March 25, 2024, 5:00pm, Regular City Commission meeting
- April 8, 2024, 5:00pm, Regular City Commission meeting
- April 22, 2024, 4:00pm, Community Redevelopment Agency meeting
- April 22, 2024, 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 the nomination of Regina Gayle Phillips for the 2024 Adelaide Sanchez Award for Historic Preservation Education and Interpretation. (B. Blonder, Commissioner)

CA.9. Release of Code Enforcement Lien: 118 Lincoln Street - Direct Home Buyer 1, Inc.

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 Commissioner Springfield and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

6.A. Review of the existing record and reconsideration of the appeal application in light of the Court's order regarding a retaining wall/landscape feature at 40 Hildreth Way and 0 Hildreth Drive. (I. Lopez, City Attorney)

Ms. Lopez reviewed the appeal at 40 Hildreth Way and 0 Hildreth Drive.

James Whitehouse, attorney for Jessica Shaffer and requested the Commission to grant the permits for both locations per the court order.

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

Carolyn Metterhouse
Laura Stevenson

Public comment was closed.

Commissioner Horvath questioned whether the flooding issues mentioned would be reviewed in the Back Bay study. She asked if those in this neighborhood would be allowed to build a seawall.

Mr. Birchim replied that the Back Bay study would be a more comprehensive study. He said if someone wanted to request a seawall in the neighborhood, they would need to submit an application to the Planning and Zoning Board for Conservation Overlay Zone Development and follow the process.

Commissioner Springfield stated this was his neighborhood and he was aware of the complaints from the past few years. He noted the experts in this case stated the water would not affect other properties as the water would go around the wall; however, there had not been any storm events between the PZB meeting and the court ruling. He said the water impacted the neighbors due to this wall. He said if an expert had been able to conduct an accurate study, it could have helped. He asked if they had options.

Ms. Lopez said to be consistent with the court order, it was virtually impossible unless there was new evidence; however, the judge ruled that the City did not provide enough evidence to rebut the evidence provided by the applicant. She said the court had reviewed the evidence and provided a court order for the commission to issue the permits.

Commissioner Blonder noted the applicant did this without a permit and without following proper procedures. She said moving forward, they should take the necessary steps to ensure this would not happen in the future. She said the judgement was final and felt neighbors were being impacted negatively and she wished there was more they could do.

Commissioner Garris questioned if the application could be remanded back to the Planning and Zoning Board.

Ms. Lopez replied they were unable to do that.

Mayor Sikes-Kline noted they had been in this situation before and understood none of them were in favor of issuing permits; however, there was a court order they had to follow.

MOTION

Mayor Sikes-Kline MOVED to APPROVE the appeal and issue the permits consistent with the court order for 40

Hildreth Way and 0 Hildreth Drive. The motion was SECONDED by Commissioner Horvath.

Commissioner Horvath asked about the City drain and the upkeep so the neighbors were not having water from either the street and inlet.

Mr. Birchim said there was a storm water inlet that needed maintenance and would be taken care of. He said they could contact the property owner to find out more information.

VOTE ON MOTION:

AYES: Sikes-Kline, Horvath, Garris, Springfield

NAYES: Blonder

MOTION CARRIED 4/1

6.B. Appeal of approval by the Planning and Zoning Board of a Conservation Overlay Zone Development Permit regarding a dock modification at 11 Magnolia Avenue. (A. Skinner, Planning and Building Director)

Amy Skinner, Planning and Building Department reviewed the appeals for Conservation Overlay Zone Development permit regarding a dock modification at 11 Magnolia Avenue.

Ms. Lopez provided a brief overview of the procedure and informed the Commission that the second appellant, Michael Ingram, was not present and there had been limited communication since the filing of the appeal.

The Commission provided their ex parte communication.

James Whitehouse, representative for the appellants, John and Elise Kulaga, presented their request. He said there was no substantial evidence provided to support the approval of the application. He explained the applicant had failed to meet the seventeen criteria as established in the City Code. He stated this could unduly

affect Hospital Creek and encouraged the Commission to uphold the appeal.

Mayor Sikes-Kline advised Michael Ingram was not present nor have representation available, therefore would not speak at this hearing.

Sid Ansbacher, representative for the respondent the Fountain of Youth. He said they had over 1300 linear frontage fee and some of that went in front of the condominiums and fronts on the Kulaga's property making them adjacent to the property and proposed dock site. He noted the Commission was required to review competence substantial evidence to make an informed decision. He acknowledged the boat decks would be used for private use; however, the observation deck would be open to the public as discussed in the initial application. He said these were low profile and would not block any scenic vistas. He said there were six docks between this property and the Kulaga's therefore the vista would not change. He noted the application met the seventeen criteria in the City Code and had been addressed. He said the record was filled with competence substantial evidence.

Commissioner Blonder agreed there was no seagrass but pointed out there was emergent vegetation salt marsh grasses and mangroves throughout the City they had been subject to erosion. She questioned if he was referring to submerged aquatic vegetation and why those were omitted.

Mr. Ansbacher replied that the record reflected that Ryan Carter, professional wetland scientist noted there was no vegetation in the area, only mud and sand. Public Comment was opened.

BJ Kalaidi

Public Comment was closed.

Mr. Whitehouse provided the rebuttal for the appellant.

Mr. Ansbacher provided the rebuttal for the applicant.

Commissioner Garris asked for a brief explanation of why the application was granted.

Ms. Skinner said the Planning and Zoning Board (PZB) reviewed the application, listened to testimony, and felt that the application met the Conservation Overlay Zone Development seventeen criteria in the City Code.

Commissioner Blonder asked if there was a residence on the property or if it was commercial. She asked if in the future if the applicant decided to rent out the boats, would that require a commercial license or since they were a commercial entity would they be allowed to rent them out.

Ms. Skinner replied that in order for the applicant to rent them out they would have to return for further review as the application was only for the applicant with stipulations.

Commissioner Horvath felt there was an expert witness, Ryan Carter, staff provided findings, and an expert on the PZB. She was in support of the decision of the PZB. She said it should be clearly stated that the observation deck would be for public use, whereas the docks were private.

Commissioner Springfield agreed but thought the confusion was there had been two requests in the initial application, one was for the commercial dock and the other was for private boat slips.

Mayor Sikes-Kline asked for clarification regarding the three previsions that had been approved in the permit.

Ms. Skinner advised the three conditions for approval were:

- The four boat slips were for private use only

- City Archeologist evaluate the impact based on the proposed development
- Staff would determine the need for a submerged land lease

Mayor Sikes-Kline noted the four boat slips were to be low profile and not exceed 12,000 pounds. She asked if the language in the conditions referred to the slips and dock or the whole facility for personal use.

Ms. Lopez advised it was for the docks. She said the view platform was for commercial and public use.

Ms. Skinner said the language on the order was the boat slips were for personal use for the property owners only.

Mayor Sikes-Kline said she would like more reassurance that the boat slips would be for personal use only; however, she supported the decision made by PZB.

Commissioner Blonder disagreed with the PZB decision and noted it was not unanimous. She felt four boat slips were not a public benefit, and she was concerned that dredging would need to be done at this park of Hospital Creek in low tide as no boat of this size would be able to exit. She was in favor of upholding the appeal and denying the permit.

MOTION

Commissioner Horvath MOVED to DENY the appeal and confirm the PZB approval of the Conservation Overlay Zone Development permit. The motion was SECONDED by Commissioner Springfield.

VOTE ON MOTION:

AYES: Horvath, Springfield, Garris Sikes-Kline

NAYES: Blonder

MOTION CARRIED 4/1

Ms. Lopez requested a decision regarding Mr. Ingram's appeal application. She said

he was not present but wanted to provide him with a resolution.

MOTION

Commissioner Horvath MOVED that Mr. Ingram did not have standing. The motion was SECONDED by Mayor Sikes-Kline.

VOTE ON MOTION:

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

NAYES:NONE

APPROVED UNANIMOUSLY

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 Second Reading

(None)

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 2024-04: Amends the existing design of the building for the existing Planned Unit Development (PUD) at 36 Granada Street and 8 DeSoto Place to enclose a courtyard. (A. Skinner, Director Planning and Building)

Ms. Skinner reviewed the Ordinance.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2024-04 on first reading and moved to second reading. The motion was SECONDED by Commissioner Springfield.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE ZONING FOR APPROXIMATELY .75 ACRES OF PROPERTY LOCATED AT 36 GRANADA STREET (PID# 203240-0000) AND 8 DE SOTO PLACE (PID# 203230-0000), AS MORE PARTICULARLY DESCRIBED HEREINAFTER, TO AMEND ITS CURRENT PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION ADOPTING A NEW PLANNED UNIT DEVELOPMENT (PUD) INCLUDING A REVISED FLOOR PLAN AND ELEVATION DRAWINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

(None)

10. Staff Reports and Presentations

10.A. Review of memorial plaque for former Mayor George Gardner at Herbie and Annette Wiles Park on East Park Avenue and its proposed location. (D. Birchim, City Manager)

Mr. Birchim provided a brief overview of the memorial plaque that had been approved at a previous City Commission meeting for the former Mayor George Gardner at Herbie and Annette Wiles Park on East Park Avenue. He provided a rendering of the plaque and stated how it would be mounted, and showed the exact location of where it would be installed. He thanked Gina Burrell and the Fullerwood neighborhood association for their hard work on this project.

MOTION

Mayor Sikes-Kline MOVED to APPROVE the memorial plaque for former Mayor George Gardner at Herbie and Annett Wiles Park on East Park Avenue. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION :

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

NAYES : NONE

10.B. Noise Ordinance update. (A. Cuthbert, Assistant Police Chief)

Anthony Cuthbert, Assistance City of St. Augustine Police Chief provided an overview of the noise ordinance. He advised he had been in contact with consultant Eric Zwerling who was an internationally known expert on noise. He said a contract with Mr. Zwerling had recently been sent to the City and the Police Department would be assisting in the process. He discussed how noise was

measured currently in the City and how it could possibly change and be measured from the source. He said with the change the noise limits would have to be increased and Mr. Zwerling would provide that in his analysis.

Commission Horvath felt the noise could be measured from either location of the source or the complainants.

Mr. Cuthbert replied that many times when there was a complaint it was given anonymously. He said the current issue now was the measurement had to be done from the complaint's location.

Commission Blonder said there were other locations throughout the country using sensors throughout the community that could be monitored. She asked if this was a possibility that could be considered by the consultant.

Chief Cuthbert said once it was reviewed it would come before the Commission and if approved, they would immediately start training.

Mayor Sikes-Kline was encouraged and said she hoped they could stay on track.

Public comment was opened.

Scott York

Public comment was closed.

At the request of Mayor Sikes-Kline, Chief Cuthbert advised the project was underway and information had been provided to Mr. Zwerling and they were awaiting his analysis and report.

Mr. Birchim confirmed the contract had been signed and once finalized, Mr. Zwerling would be working on the issue. He said he did not want to provide an artificial timeline as everything had to be vetted legally.

Mayor Sikes-Kline confirmed Mr. Zwerling developed the current sound ordinance.

Chief Cuthbert replied that was correct and Mr. Zwerling had been to St. Augustine many times and trained the St. Augustine Police Officers and trained in various locations throughout the area.



Commissioner Springfield agreed there needed to be a compliant decibel and a non-complain decibel. He said they needed to have more equipment to assist with training the officers and Code Enforcement.

10.C. Request for approval of License Agreement between the City and St. Johns County Cultural Events Inc. regarding the Sing Out Loud festival. (M. Breidenstein, Assistant City Manager)

Meredith Breidenstein, Assistant City Manager reviewed the license agreement between the City and St. Johns County Cultural Events Inc. regarding the Sing Out Loud festival. She said the agreement would be for four years from 2024-2028 with the ability to extend for an additional five years, and detailed the other items in the agreement including the estimated reimbursement cost and the proceeds. She asked if there was any feedback and advised they were requesting approval.

Mayor Sikes-Kline proposed having feedback from the St. Johns Cultural Council regarding the proceeds even though each commissioner may have their own idea.

Commissioner Horvath questioned if the St. Augustine Amphitheater had the same capacity as Francis Field.

Commissioner Springfield said Francis Field held more than the Amphitheater. He disagreed that the \$1.00 proceeds should be mutually agreed upon as it was more of a publicity item for the Amphitheater. He said the Commission represented the citizens and the businesses; however, for

the residents this could cause many issues and thought the rental monies collected should be increased as there was minimal collected for the field and a loss of revenue for the municipal parking garage. He felt those costs should be reimbursed. He expressed his concern for the five-year extension to the contract and said it should be renewed annually.

Mayor Sikes-Kline noted the agreement's length of time was to help form a partnership and bring in the talent to make it a world class event with the music signature for the City.

Daniel Hilbert, St Johns Cultural Events attorney, said they wanted a partnership, and it was helpful to have a public private partnership as they were a non-profit. He said they wanted to connect with the local resources and local residents. He said the goal for the agreement and the proceeds was to contribute back to the City community.

Commissioner Blonder said, previously when presented, the commission approved the timeline. She questioned if that was being voted on again and hoped that was not up for debate.

Mr. Hilbert acknowledged they were asking for a five-year extension; however, understood it was not automatic, but it would be negotiable.

Commissioner Horvath ask for the capacity at Francis field. She said her concern was as the event grew, they may have to go to the county.

Mr. Hilbert advised that was not the intent as they were a nonprofit and wanted to align themselves with the history and identity of the City.

Commissioner Springfield clarified he was not against the agreement but wanted to make sure the residents were in support as they would be the ones inconvenienced.

Commissioner Garris agreed the agreement terms had been voted on. She said these events were very nicely done and she was in support. She said in September, the City did not have any events and this was a way to increase revenue in the City during a slow period of the year. She said the event used the parking garage as a safety plan.

MOTION

Commissioner Garris MOVED to APPROVE the License agreement with the St. Johns County Cultural Council Inc. The motion was SECONDED by Commissioner Blonder.

Commissioner Horvath asked if the motion could be amended to add more revenue for the parking garage. She said this would be an inconvenience to the residents and more compensation should be provided to the citizens.

Commissioner Blonder commented that this was a slower time of year and it was a way to obtain compensation.

VOTE ON MOTION:

AYES: Garris, Blonder, Sikes-Kline

NAYES: Springfield, Horvath

MOTION PASSED 3/2

11. ITEMS BY CITY ATTORNEY

(None)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Birchim announced there was a presidential preference primary on March 19, 2024 and there would be a City referendum on the ballot. He explained this was to move the St. Augustine Police Pension from the City charter into the Municipal Code, which was where the General Pension and the Firefighters

Pensions were; thereby making it easier to make changes when necessary.

Mayor Sikes-Kline said the Commission was supportive of the change.

Mr. Birchim said the Florida Communities Trust awarded the City a grant in the amount of \$887,000 to reimburse the City for the purchase of the Florida Avenue property.

14. Items by Mayor and Commissioners

Mayor Sikes-Kline said the past weekend was very difficult with two major events taking place at the same time. She proposed when the Catholic Parrish School Festival took place could Francis field be blocked off to help benefit the community.

Commissioner Springfield and Blonder agreed.

Ms. Lopez cautioned the Commission not to limit what could take place on the field and not limit the content; however, they were able to establish perimeters.

Commissioner Horvath said the venue could be open, but dates could be blocked out.

Commissioner Garris voiced her concerns with two emails received. She asked how a citizen became a liaison for the King Street Project.

Mr. Birchim said he was unaware but wanted to get clarification on the same issue.

Reuben Franklin Assistance City Manager, he said Melinda Rakocay helped disburse information to the neighborhood associations and had been working as a liaison since 2018. He said she provided an overview of the outreach that had taken place at the workshop.

Mr. Birchim advised that was an honorary title and not approved by the City Commission.

Commissioner Garris noted her second concern about City employment, job terminations, and the Human Resources Department and a brief discussion ensued. She requested a special committee to investigate the issues.

Mayor Sikes-Kline advised this was a personnel issue and that fell under the purview of the City Manager, Mr. Birchim. She said the Commission was able to hire the City Manager, City Attorney and the City Clerk. She suggested following up with the City Attorney to understand the legalities of the situation.

Commissioner Horvath said this was a concern and they should follow through.

Commissioner Springfield recognized Gina Burrell, Ms. Metterhouse and Ms. Webber who served on the Fullerwood committee as they did great work.

Commissioner Blonder agreed Francis field should have a higher rental rate for events. She noted items 6(a), and 6(b) appeals were prime examples that environmental experts should be hired when environmental impacts could take place to understand the impact completely. She said in 2020, the wetland lost over the past six decades was 14% lost due to development. She asked for support from the Commission in hiring outside experts in the future.

Mayor Sikes-Kline thought during the budget funding had been added.

Mr. Birchim said it was in the budget for professionals. He said they would return to the Commission with ways that professional services could be engaged.

Commissioner Blonder discussed Senate bill 1624 a preemptive energy policy and after July 1st any municipality would have to include a resiliency facility as a permanent and allowable in many of the zoning designations. She said she was concerned with the environmental risk that

these could cause. She asked how this could be addressed.

Mr. Birchim replied it required sponsorship to have a code amendment changed. He said this would have to go before the Planning and Zoning Board and they would be able to make a recommendation to the City Commission.

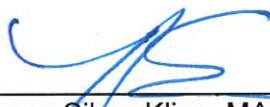
Mayor Sikes-Kline noted state committee meetings would end tomorrow and this could be a dead bill; however, it was good to have a plan if it were to pass or come back and recommended informing their lobbyist.

Mr. Birchim said it could not be prohibited from the City Code but it could be limited to certain areas.

Commissioner Blonder showed some photos from the Flagler soccer team that held a cookout for the city firefighters who were also the ones who recently helped the women on the Bayfront.

15. Adjournment

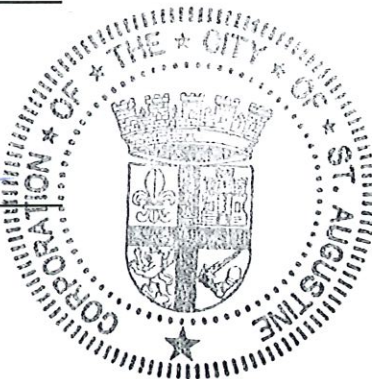
There being no further business, the meeting was adjourned at 7:57P.M.¹



Nancy Sikes-Kline, MAYOR



Darlene Galambos, CITY CLERK



¹ Transcribed by Elyse Wiemann