

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 23, 2023

The City Commission met in formal session Monday, October 23, 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
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
Corey Sakard, Director, General Services
Barry Fox, Code and Vacation Rental Manager
Morgane Lanni, Code Enforcement Officer
Amy Skinner, Director, Planning and Building
Eric Mauldin, Harbor Master
Melissa Wissel, Director, Communications
Jennifer Michaux, Police Chief
Abby Pedigo, Fire Marshall
Elyse Wiemann, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Eliut Alicea of Bridge of Life Church delivered the invocation, 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 as presented. The motion was **SECONDED** by Commissioner Springfield and **APPROVED BY UNANIMOUS VOICE VOTE.**

3. Special Presentations, Recognitions and Proclamations (N. Sikes-Kline, Mayor)

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

Mayor Sikes-Kline recognized and thanked Representative Cyndi Stevenson, for her continued support of the City of St. Augustine.

3.B. Certificate of Recognition 2023-18CR: Recognizing the 100th Anniversary of Kiwanis of St. Augustine whose members provide meaningful service to our children, homes, schools and

community. (J. Springfield, Commissioner)

Commissioner Springfield presented a Certificate of Recognition for the 100th Anniversary of Kiwanis of St. Augustine. He shared that Kiwanis members provided meaningful service to our children, homes, schools, and community.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Walter Bost
- Melinda Rakoncay
- Nancy Murphy
- Phillip McDaniel
- BJ Kalaidi
- Denise De Clair

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 NOVEMBER 13, 2023:

- Ordinance 2023-33 - Amends General Employee's Pension allocation

CA.3. Reminder of Upcoming Meetings:

- November 13, 2023, 3:00pm, Community Redevelopment Agency Special Meeting
- November 13, 2023, 3:30pm, Special City Commission Meeting (conservation land acquisition discussion)
- November 13, 2023, 5:00pm, Regular City Commission Meeting
- December 11, 2023, 5:00pm, Regular City Commission Meeting

- January 8, 2024, 5:00pm, Regular City Commission Meeting

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

- Special City Commission Meeting, August 21, 2023
- Regular City Commission Meeting, August 28, 2023
- Regular City Commission Meeting, September 11, 2023
- Special City Commission Meeting, September 14, 2023

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

- 1653 Natalie Road - Abraham L. Nelson, Jr.

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 dockage agreement between the City and Nao Victoria Foundation to bring the vessel, Nao Trinidad, to the city. (Eric Mauldin, Harbormaster)

CA.9. Fourth quarter report (FY 2022-2023) for the legal department. (I. Lopez, 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 Commissioner Springfield and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

6.A. Appeal of the Planning and Zoning Board's denial of a rezoning application for a PUD at 115 La Quinta Place. (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director, provided an overview of the appeal regarding the Planned Unit Development (PUD) for 115 La Quinta Place.

Isabelle Lopez, City Attorney, explained the appeal procedures and reviewed the Commission's options for consideration of the appeal.

There was consensus to hear the applicant's presentation prior to public comment.

James Whitehouse, St. Johns Law Group, represented the Applicant, Ryan Dettra. He reviewed details of the project and the appeal application. He stated that he believed the Applicant's right to due process had been violated. He outlined the errors he believed the Planning and Zoning Board (PZB) had made in their decision.

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

- Cheryl Kavanaugh
- Thomas Kavanaugh
- Jane McCutcheon
- Susan O'Toole
- Kerry Nelson
- Melinda Rakoncay
- Frank Bozzaralli

- Bruce Maguire
- Jackie Hird
- Gail Eubanks
- Madeline Wise
- Adrian Dinsmoore
- Alexander Peacock
- Joshua Macheall
- Lauren Giber
- Jeanetta Salyer
- Herbert Gowen
- Phil McDaniel
- Bryan Crowder
- Heather Dettra
- Lisa Kuezlea
- Nancy Pellicer
- Paul Kraft
- Paisley Fodor
- BJ Kalaidi
- Denise De Clair
- Peter Della Vecchia

The public hearing was closed.¹

The Commissioners provided their ex parte communication.

Mr. Whitehouse and Mr. Dettra provided their rebuttal and noted changes that were made to the project based on input from the community and the PZB.

Commissioner Blonder questioned the time the last trolley ran and if the proposed development would be open until midnight. She asked if there was a timeline regarding the development for the San Sebastian parcel.

Ms. Skinner replied that the last pick-up for the trolley was at 4:30 p.m. and ended at 5:00 p.m. She confirmed some of the operations would be open until midnight. Regarding the San Sebastian parcel, she said the first hotel was going through the permitting process, but she was not aware of any other timeline.

Mayor Sikes-Kline asked for confirmation that the PZB and Commission approved

¹ Break from 7:12p.m.-7:22p.m.

the Ice Plant with no Letter of Intent for parking.

Ms. Skinner said she was unfamiliar with how the PUD for the Ice Plant was approved at that time. She said they do have off-site parking now. She indicated it was zoned PUD and went through a process.

Mayor Sikes-Kline and Ms. Skinner discussed PZB's approval of other agreements for offsite parking, as well as whether the Applicant had addressed a buffer for sound.

Mayor Sikes-Kline asked if there had been expert testimony on behalf of the City regarding possible impacts due to a lack of parking.

Ms. Skinner noted the Applicant had submitted a transportation analysis addressing potential trips generated. She said the theory was that walking would reduce the trip requirements, but it did not address parking issues. She said the report had been analyzed by the City's Mobility Coordinator and Manager.

Mayor Sikes-Kline asked if the report had been provided to the PZB prior to their decision.

Ms. Skinner confirmed the Applicant's report had been submitted to PZB, but the City's analysis had not.

Mayor Sikes-Kline clarified that there was no Letter of Intent provided, but there was a provision that stated there would be parking provided prior to a Certificate of Occupancy.

Ms. Skinner confirmed that was correct; however, PZB had requested specifics regarding a parking plan.

Commissioner Horvath said offsite parking could be lost unless there was a very lengthy lease in place. She said the concept was great, but the location was

not. She asked for clarification on whether other businesses were out of compliance with parking.

Ms. Skinner said each location had its own conditions. She indicated there may be some that were non-conforming, but those had been grandfathered-in to an extent.

Commissioner Garris said it appeared PZB reviewed the information and decided on the best solution for the property. She appreciated Mr. Dettra's excitement about the Project; however, she felt the location could overwhelm the neighborhood. She noted that rideshare and offsite parking were not working for the current businesses. She agreed that the Project was great, but the location was not.

Commissioner Springfield appreciated the work PZB had done and commended Mr. Dettra on projects he had been involved with around the City. He indicated the main issue was parking and for that reason he could not support the Project at this time.

Commissioner Horvath said the zoning was CL-1 and should be a buffer with low intensity use. She felt the Project had evolved since it was first presented.

Mayor Sikes- Kline stated the Commission was to decide on the criteria. She said a PUD was the appropriate instrument to be used and that the Project was unique. She said the PZB determined the application did not meet the burden of proof and no parking plan was provided as requested. She shared her concern that the City did not have their own expert testify on parking but agreed that PZB made the right decision.

MOTION

Commissioner Blonder MOVED to affirm the PZB's denial of the application for a PUD and to deny the appeal. She said specific references to City Code tied back to several of Code provisions that she wanted to highlight.

She reviewed Section 28-286 subsection D and subsection G particularly with regard to neighborhoods; Section 28-287, the definition a PUD established pursuant to Ordinance of the City Commission must also include an attached final development plan and project narrative with specified development conditions and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof; Section 28-288 there were no formal written agreements for the long term maintenance for all sections of the project proposal included particularly with regard to offsite parking; Section 28-289 she noted three highlighted portions: 28-289 A number 7 on page 29, identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement; Section 28-289 subsection B number 4 will be compatible with the adjacent neighborhood; Section 28-289 subsection C it does not meet the requirements; and section 28-292 does not meet the requirements.

Ms. Lopez asked if Commissioner Blonder was including Commissioner Horvath's findings on the public purpose of maintaining the existing zoning. Commissioner Horvath suggested that it be kept to the PUD as that was what had been requested by the applicant. She said the purpose of the CL-1 zoning was the buffer, and what was proposed was no longer a buffer due to the intensity.

Ms. Lopez asked for confirmation that the Commission agreed that maintaining the existing zoning did further a public purpose.

The Commission confirmed their agreement.

The motion was seconded by Commissioner Horvath.

VOTE ON MOTION:

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

6.B. Appeal of City Manager decision to deny application for an animal drawn carriage permit by Teresa A. Henegar, Celebration Carriage. (D. Birchim, City Manager)

Mr. Birchim reviewed the appeal. He said the total number of carriages by City Code was not to exceed 30. He indicated that most recently 15 permits were issued by the City and one of those was not renewed this fiscal year. He shared that three companies applied for that permit and noted the letter he provided them was included in the Commission's packet. He said after reviewing the Comprehensive Plan, specifically the transportation and mobility elements, he felt that approving more horse drawing touring vehicles was contrary to the Plan. He commented that current and upcoming redevelopments would result in increased traffic and congestion, and approval was contrary to the public safety. He stated these reasons were the basis for the denial at this time.

Commissioner Springfield asked for confirmation that the previous City Commission agreed to 15 permits even though the Code allowed for thirty.

Mr. Birchim replied in the affirmative.

Ms. Lopez discussed the type of appeal being heard and the process the Commission could use.

Teresa Henegar, Appellant, provided information regarding the appeal.

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

- Aaron Jockers

The public hearing was closed.

Commissioner Blonder asked if this was an additional license or a replacement license.

Mr. Birchim replied that there were fourteen active permits and there could be a total of 15. He noted they were not transferable.

Commissioner Garris asked if Ms. Henegar worked for the person who held the license.

Ms. Henegar replied that her previous boss was sick and had turned the permit back into the City. She stated she had worked for the previous company for four years and other local companies for many years.

Commissioner Garris said she believed the decision should be overturned and the Appellant allowed to obtain the license based on her background and existing obligations.

Mayor Sikes-Kline asked the City Manager how many licenses were in place six months ago.

Mr. Birchim said that there had been 15. He confirmed the denial was based on the amount of construction and traffic that would occur over the next few years.

Commissioner Horvath suggested that the Appellant be operational only during the Nights of Lights based on obligations made.

Ms. Lopez said a limited franchise could be created if agreed to by both parties.

Ms. Henegar said she would operate during Nights of Lights but asked that the decision be revisited after the event ended.

Commissioner Springfield asked the City Manager if other carriage license requests would be denied because of the traffic.

Mr. Birchim said if other licenses became available, he would not renew them until after the construction was complete.

Ms. Lopez said the Commission had the authority to regulate the licenses through the City Code.

Mr. Birchim advised the franchises would renew automatically unless the franchisee chose not to.

Commissioner Springfield suggested the process should ensure all three of the applicants were considered if the decision of the City Manager was overturned.

Ms. Lopez noted the Appellant had filed a formal appeal within the time limit per City Code and was the one in front of the Commission for a decision.

Commissioner Blonder said she believed the horse carriages were an incompatible use on the roadways based on the amount of traffic in the area. She said it was a reasonable compromise to allow the Appellant to use the license through Nights of Lights as suggested.

Mayor Sikes-Kline said she would support Commissioner Garris' suggestion to issue the license with no provision and keep 15 carriages on the streets.

MOTION

Commissioner Garris MOVED to overturn the City Manager's decision to deny the application for the animal drawn carriage permit for Teresa Henegar, Celebration Carriage. The motion was SECONDED by Mayor Sikes-Kline.

Commissioner Blonder said she would not support the motion and thought they should build in time to revisit safety and compatibility.

VOTE ON MOTION:

AYES: Garris, Sikes-Kline, Springfield

NAYES: Blonder, Horvath
MOTION APPROVED 3/2

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 2023-31: Charter amendment to remove the police pension section and codify it in the municipal code. (I. Lopez, City Attorney)

Ms. Lopez presented Ordinance 2023-31.

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

MOTION

Commissioner Blonder MOVED to accept and pass Ordinance 2023-31 on second reading read by title only. The motion was SECONDED by Mayor Sikes-Kline.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2023-31

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF ST. AUGUSTINE TO REMOVE ARTICLE IX FROM THE CHARTER OF THE CITY OF

ST. AUGUSTINE TO INSTEAD BE CODIFIED WITHIN THE CITY OF ST. AUGUSTINE MUNICIPAL CODE; CREATING CHAPTER 20, ARTICLE VI, SECTIONS 20-220 THROUGH 20-236 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CODIFY THE POLICE OFFICERS RETIREMENT SYSTEM; PROVIDING FOR A REFERENDUM PROPOSITION FOR THE NEXT SPECIAL ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE)

VOTE ON MOTION:

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

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)

8.C.1. Resolution 2023-35 - SECOND PUBLIC HEARING - Designates properties (Parcel ID Nos. 111225-0120, 111225-000, 111220-0000, 11130-0000, 111110-0000, 111220-0000 known as the Broudy properties) as Brownfield areas. (I. Lopez, City Attorney)

Ms. Lopez presented Resolution 2023-35.

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

- BJ Kalaidi

The public hearing was closed.

Ms. Lopez noted the parcel numbers were listed in the Resolution and within Exhibit

1. She said all parcels would be included in the site.

MOTION

Mayor Sikes-Kline **MOVED** to pass Resolution 2023-35. The motion was **SECONDED** by Commissioner Blonder.

VOTE ON MOTION:

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9.A.1. Ordinance 2023-33: Amends the 1977 City Employees' Retirement System pension allocation of investments to allow for greater diversification. (I. Lopez, City Attorney)

Ms. Lopez presented Ordinance 2023-33.

MOTION

Mayor Sikes-Kline **MOVED** to pass Ordinance 2023-33 on first reading and be moved to second reading. The motion was **SECONDED** by Commissioner Blonder.

Ms. Lopez read the Ordinance.

ORDINANCE NO. 2023-33

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, ARTICLE IV, SECTION 20-124 OF THE CODE OF THE CITY OF ST. AUGUSTINE REGARDING INVESTMENT OF RETIREMENT SYSTEM ASSETS FOR THE 1977 CITY EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY

OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

None.

10. Staff Reports and Presentations

10.A. Petition for Voluntary Annexation and Pre-Annexation Agreement - Four parcels of land adjacent to the Cat's Paw Marina on Nix Boatyard Road (199 and 200 Nix Boatyard Road). (A. Skinner, Director Planning and Building)

Ms. Skinner presented the Petition for Voluntary Annexation and Pre-Annexation agreements. She showed the Commission maps of the areas in question.

Commissioner Blonder asked if the County zoning area was more intensive than the potential PUD and if there had been a tree inventory.

Ms. Skinner said that part of the site would be under more intensive County zoning requirements. She noted that some trees had been removed but if annexed, the area would be subject to City requirements and limitations.

MOTION

Mayor Sikes-Kline **MOVED** to approve the voluntary annexation and pre-annexation agreement. The motion was **SECONDED** by Commissioner Springfield.

VOTE ON MOTION:

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

MOTION

Commissioner Horvath MOTIONED to move the presentation on the City's Code Enforcement Program to a future meeting. The motion was SECONDED by Commissioner Blonder and APPROVED BY UNANIMOUS VOICE VOTE.

10.B. Update regarding the City's Code Enforcement Program and Short-Term Rental Program. (A. Skinner, Director Planning and Building)²

11. ITEMS BY CITY ATTORNEY

None.

12. ITEMS BY CITY CLERK

12.A. Notification of three term expirations on the Code Enforcement, Adjustment and Appeals Board (CEAAB). (D. Galambos, City Clerk)

12.B. Notification of two term expirations on the St. Augustine Firefighters' Pension Trust Fund Board. (D. Galambos, City Clerk)

Darlene Galambos, City Clerk, notified the Commission of two vacancies on the Firefighter Pension Trust Fund Board. She said the openings would be advertised appropriately. She noted that both current board members were eligible for reappointment.

Ms. Galambos shared that the Code Enforcement Adjustments and Appeals Board had three upcoming term expirations. She said that two current members were eligible for reappointment. She noted the opportunities would be advertised accordingly.

13. ITEMS BY CITY MANAGER

² Item 10.B. moved to another meeting.

None.

14. Items by Mayor and Commissioners

Mayor Sikes-Kline shared that Walter Bost who had spoken during Public Comment wanted to move forward with a Commemorative Coin project, which may require a Resolution or a Letter of Support. She said any profits would go to a nonprofit, 501c (3).

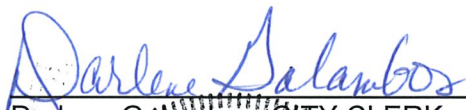
Commissioner Springfield shared his appreciation of the Business Impact Statements.

15. Adjournment

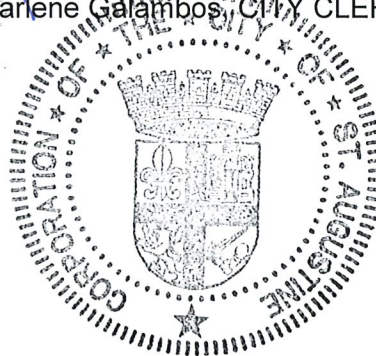
There being no further business, the meeting was adjourned at 9:00 P.M.³



Nancy Sikes-Kline, MAYOR



Darlene Galambos, CITY CLERK



³ Transcribed by Elyse Wiemann