

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 10, 2020

The City Commission met in formal session Monday, February 10, 2020 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy W. Upchurch, Mayor/City Commissioner
Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Nancy Sikes-Kline, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Manager
Barry Fox, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Matt McCloghry, Colonial Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

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

3. Special Presentations, Recognitions and Proclamations

(None)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

Chris Fulmer
BJ Kalaidi

Public comment was closed.

5. Consent Agenda

CONSENT AGENDA - February 10, 2020

Mr. Regan, 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 FEBRUARY 24, 2020:

- Ordinance 2020-09
- Ordinance 2020-10
- Ordinance 2020-11
- Ordinance 2020-12
- Ordinance 2020-13
- Ordinance 2020-14

CA.3. Reminder of Upcoming Meetings:

- February 19, 2020, 2-4pm, Workshop regarding sustainability
- February 24, 2020, 5pm, Regular Commission Meeting
- March 9, 2020, 5pm, Regular Commission Meeting
- March 12, 2020, 2-4pm, Workshop regarding mobility
- March 17, 2020, Presidential Preference Primary Election
- March 23, 2020, 5pm, Regular Commission Meeting

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

- January 13, 2020 Regular Commission Meeting

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. FINAL SUBDIVISION PLAT APPROVAL OF VILLA CALISSA TOWNHOMES SUBDIVISION. (D. Birchim, Director Planning and Building)

End of Consent Agenda

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

Commissioner Sikes-Kline recused herself from Item CA.8.¹

5.B. Approval of Consent Agenda

MOTION:

Commissioner Freeman MOVED to pull Item CA.8. from the Consent Agenda and approve Items CA.1. through CA.7. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Freeman, Horvath, Valdes, Upchurch, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

MOTION:

Commissioner Horvath MOVED to approve Item CA.8. on the Consent Agenda. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Horvath, Valdes, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

¹ Form attached to original minutes

Ms. Lopez, City Attorney, reminded the Commission that the March 17th election was also the City's referendum on the two Charter questions.

6. Appeals

(None)

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 2020-03: Addresses the zoning for both artistic expression tattoo studios and esthetic procedures such as micropigmentation.

Ms. Lopez reviewed the ordinance.

Public comment was opened and the Commission heard from the following:

BJ Kalaidi ²

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-03 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 28-2 TO MODIFY THE DEFINITION OF TATTOO PARLOR OR STUDIO AND TO CREATE A NEW DEFINITION FOR MICROPIGMENTATION CLINIC; AMENDING SECTIONS 28-187, 28-206, 28-207, 28-208, 28-209, 28-226, 28-311 AND 28-312 TO ADD TATTOO PARLOR OR STUDIO TO THE LIST OF PERMITTED USES IN THE HP-5, CL-1, CL-2, CM-1, CM-2, IW, MUD AND MUD-A ZONING DISTRICTS; AMENDING SECTION 28-206 TO ADD MICROPIGMENTATION CLINIC AS A PERMISSIBLE USE BY EXCEPTION IN THE CL-1 ZONING DISTRICT; AMENDING SECTIONS 28-207, 28-208 AND 28-209 TO ADD MICROPIGMENTATION CLINIC TO THE LIST OF PERMITTED USES IN THE CL-2, CM-1, AND CM-2 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

**AYES: Sikes-Kline, Upchurch,
Freeman, Valdes, Horvath**

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2020-04: Creates Chapter 7, section 7-94 enacting regulations and penalties for dockage at Lighthouse Park.

Ms. Lopez reviewed the ordinance.

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

² Provided documents, attached to original minutes

MOTION

Mayor Upchurch MOVED to pass Ordinance 2020-04 on second reading and read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 7, ARTICLE V OF THE CODE OF THE CITY OF ST. AUGUSTINE; CREATING SECTION 7-94 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING REGULATIONS FOR THE DOCKAGE OF VESSELS; PROVIDING PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Freeman, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.3. Ordinance 2020-05: Amends Chapter 25, section 25-56 codifying and implementing the Tree Mitigation Fund.

Ms. Lopez reviewed the ordinance.

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2020-05 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 25, SECTION 56 OF THE CODE OF THE CITY OF ST. AUGUSTINE; CODIFYING THE TREE MITIGATION FUND; PROVIDING THAT COST OF TREE MITIGATION SHALL BE DETERMINED BY RESOLUTION; SPECIFYING THE PURPOSE OF THE TREE MITIGATION FUND; LIMITING WHEN A PERMIT MAY BE ISSUED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Upchurch, Sikes-Kline, Valdes, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.4. Ordinance 2020-06: Amends section 24-46, section 27-23 and creates section 27-88 allowing Transportation Network Company vehicles to purchase a medallion.

Ms. Lopez reviewed the ordinance.

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

MOTION

Mayor Upchurch MOVED to pass Ordinance 2020-06 on second reading and read by title only. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 24-46 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING

FOR REGULATION OF TAXI STANDS; AMENDING CHAPTER 27, SECTION 23 OF THE CODE OF THE CITY OF ST. AUGUSTINE; ADDING AND MODIFYING DEFINITIONS; CREATING CHAPTER 27, SECTION 88 OF THE CODE OF THE CITY OF ST. AUGUSTINE; ALLOWING MEDALLIONS FOR TRANSPORTATION NETWORK COMPANY VEHICLES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Valdes, Horvath, Sikes-Kline, Freeman

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

Ms. Lopez noted that these Ordinances were the last six of the City Charter changes.

9.A.1. Ordinance 2020-09: Charter update to Article IX, Sections 9.06, 9.08, 9.09 and 9.10 revising outdated language regarding the powers and duties of the Chief of Police and providing compliance with Florida law concerning the disposition of property. (I. Lopez, City Attorney)

Ms. Lopez reviewed the ordinance.

MOTION

Commissioner Freeman MOVED to place Ordinance 2020-09 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE IX OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 9.06 TO AMEND LANGUAGE REGARDING POWERS OF THE CHIEF OF POLICE; AMENDING SECTIONS 9.08, 9.09, AND 9.10 PROVIDING FOR COMPLIANCE WITH FLORIDA LAW FOR THE DISPOSITION OF PROPERTY; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Upchurch, Horvath, Sikes-Kline, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2020-10: Charter update to X.5, Section 10.5.08 providing the City Manager or their designee the authority to take charge of the City Police Department when the City Commission determines that an emergency exists.

Ms. Lopez reviewed the ordinance.

Mayor Upchurch recommended amending Section 10.5.08. of the Ordinance to delete the last sentence that began "When the City Commission of the City shall determine....". He noted that the City Manager was inherently in charge of the Police and Fire Departments and had the ability and power to remove either Chief to

act in their behalf, and that the language implied an exception.

Ms. Lopez noted that the ordinance short title also required modification, and that it would be placed on first reading for the February 24, 2020 meeting.

There was Commission consensus to modify the ordinance language.

9.A.3. Ordinance 2020-11: Charter update to Article XIII, Section 13.05 providing for compliance with Florida law regarding the dedication of public streets.

Ms. Lopez reviewed the ordinance.

MOTION

Mayor Upchurch MOVED to place Ordinance 2020-11 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-11

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XIII OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 13.05 TO PROVIDE FOR COMPLIANCE WITH FLORIDA LAW REGARDING THE DEDICATION OF PUBLIC STREETS; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Sikes-Kline, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.4. Ordinance 2020-12: Charter update to Article XIV, Section 14.13 removing reference to the St. Augustine Restoration and Historical Commission as it is no longer in existence, providing for the purchase of buildings through appropriations and repealing redundant sections regarding budgetary appropriations.

Ms. Lopez reviewed the ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-12 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows

ORDINANCE NO. 2020-12

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XIV OF THE CHARTER OF THE CITY OF ST. AUGUSTINE REPEALING SECTION 14.13 TO REMOVE THE ST. AUGUSTINE RESTORATION AND HISTORICAL COMMISSION NO LONGER IN EXISTENCE; AMENDING SECTION 14.19 TO PROVIDE FOR APPROVAL OF EXPENDITURES FOR THE PURCHASE OF BUILDINGS THROUGH APPROPRIATIONS; REPEALING SECTIONS 14.20 AND 14.21 AS REDUNDANT TO BUDGETARY APPROPRIATIONS; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Freeman, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.5. Ordinance 2020-13: Charter update to Article XVI, Sections 16.01

through 16.18 removing sections regarding slum clearance and urban renewal as redundant to existing Florida Law.

Ms. Lopez reviewed the ordinance.

MOTION

Commissioner Freeman MOVED to place Ordinance 2020-13 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-13

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XVI OF THE CHARTER OF THE CITY OF ST. AUGUSTINE REPEALING SECTIONS 16.01 THROUGH 16.18 REGARDING SLUM CLEARANCE AND URBAN RENEWAL; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Freeman, Horvath, Valdes, Sikes-Kline, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.6. Ordinance 2020-14: Charter update to Article XX, Section 20.01 removing the ratification requirement for powers and authority regarding pensions.

Ms. Lopez reviewed the ordinance.

MOTION

Mayor Upchurch MOVED to place Ordinance 2020-14 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE XX OF THE CHARTER OF THE CITY OF ST. AUGUSTINE REPEALING SECTION 20.01 REMOVING THE RATIFICATION REQUIREMENT FOR THE POWERS AND AUTHORITY REGARDING PENSIONS; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Upchurch, Valdes, Horvath, Sikes-Kline, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch noted the Commission's appreciation for the tedious and hard work that Ms. Lopez and Mr. Cary, Assistant City Attorney, had done with the City Charter revisions.

9.B. Resolutions

(None)

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

12. ITEMS BY CITY CLERK

12.A. Notification of applications being accepted to fill one term expiration and

one alternate member term on the Historic Architectural Review Board.

12.B. Request to confirm appointment to fill one term expiration on the St. Augustine Firefighter's Pension Fund Board of Trustees.

Ms. Galambos, City Clerk, requested Commission approval for the appointment of Jolinda Leveck to the Board.

MOTION

Commissioner Horvath MOVED to approve Jolinda Leveck as a member of the Firefighter's Pension Fund Board. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Freeman, Upchurch, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

Ms. Galambos noted that Dr. Lindsey Smith, the recently appointed Code Enforcement Adjustment and Appeals Board member, had declined her appointment due to a family medical emergency. She requested the Commission's direction to appoint Karen Valachovic, who was the third applicant that had applied for the Board and had received two votes, or to re-advertise the position.

After a brief discussion it was determined that Lindsey Smith had not been sworn in; therefore, procedurally the Commission was permitted to appoint Ms. Valachovic.

MOTION

Mayor Upchurch MOVED to appoint Karen Valachovic to the Code Enforcement Adjustment and Appeals Board. The motion was SECONDED by Commissioner Sikes-Kline and

APPROVED BY UNANIMOUS VOICE VOTE.

Mr. Regan mentioned the newly formed Corridor Review Committee, which had a membership of five, and his request to reduce the size to three members. He suggested that the members be two professionals in the field of architecture and landscape architecture, and another resident or business owner on the corridor.

The Commission discussed the following:

- Members were on call when an application could not be approved administratively
- Many of the same property owners were along corridor roads; therefore, it was a struggle to get applicants
- Concern with the level of care and detail that should be applied to corridor reviews since a lot of hard work had been done developing the guidelines
- Unsure if less or more people would provide better quality
- Item should be placed on the agenda to obtain community insight
- Quality and expertise should be sought first
- Should look for those outside the City who own land or have a business in the City
- Preference was given to architects and landscape architects who lived in the City; however, it was not a requirement
- The only residency requirement was that the property owner or tenant must be along one of the corridors

Mayor Upchurch requested that Ms. Lopez bring this item back for review at the February 24, 2020 Commission meeting in an appropriate draft form.

13. ITEMS BY CITY MANAGER

13.A. Discussion on possible events for the 200th Anniversary Florida Territorial Celebration.

Mr. Regan discussed the memo provided to the Commission on the topic.

The Commission discussed:

- Flagler College could assist with the academic component
- Confident that the Historical Society and the Historic St. Augustine Research Institute would participate
- Anticipated that Governor DeSantis would attend
- Predicted as a modest community celebration
- County's plan level and initiative was requested to determine City's role
- It was believed that no other celebrations in the State were at that time
- The Tourist Development Council (TDC) had not shown interest in celebration participation; however, there was a lack of awareness
- A concrete idea was needed from the City before seeking TDC participation and assistance
- TDC could assist with fireworks since the celebration was around July 4th
- The downside for TDC participation was that time of year they were very busy
- Academic component would benefit kids
- Partnership with the Navy, Saint John's County School Board and the National Guard was suggested
- A detailed re-enactment of historical events for the celebration would be informative and interesting

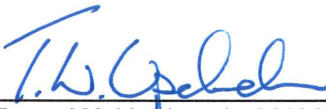
Mayor Upchurch noted the topic would come back to the Commission in the future.

14. Items by Mayor and Commissioners

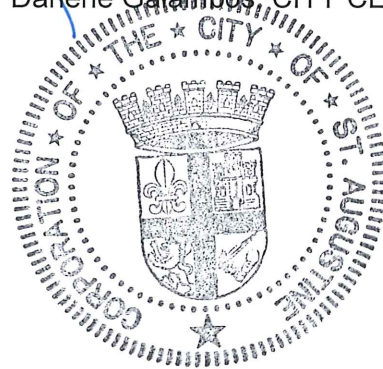
(None)

15. Adjournment

There being no further business, the meeting was adjourned at 5:49 P.M.³


Tracy W. Upchurch, MAYOR


Darlene Galambos, CITY CLERK



³ Transcribed by Laura Morse