CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 13, 2020

The City Commission met in formal session Monday, January 13, 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
John Cary, Assistant City Attorney
Candice Seymour, Acting City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Todd Grant, Director, Utilities
Melissa Wissel, Communications Manager
Kim Mayo, Event and Venue Coordinator
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Bishop Demetrios of Mokissos, Saint Photios Greek Orthodox Church, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, and Commissioner Sikes-Kline requested the following modifications to the Regular Agenda that resulted from proposed Tallahassee legislation:

- Add Item *9.B.4. Resolution 2020-05* which supported Representative Cyndi Stevenson on sponsorship of the Office of Resiliency legislation
- Add Item *9.B.5. Resolution 2020-04* which represented the City's position against the State legislation on Airbnb

See Items 9.B.4. and 9.B.5. for Resolution title and content.

MOTION

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

3. Special Presentations, Recognitions and Proclamations

- Certificate of Recognition 2020-01 recognizing Zeta Phi Beta Sorority for 100 years of dedication and support in local communities.

Commissioner Sikes-Kline presented the Certificate and acknowledged January 16, 2020 as the 100th anniversary date of the Sorority's commencement.

The Sorority graciously accepted the Certificate and thanked the City and the St. Augustine community for the opportunity to serve.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

Twila Hudson
Ron Rawls
Brad Preston
Lisa Graham
Stephanie Robinson
Chris Fulmer
Marissa Burrier
Ellen Waldend
Troy Blevins
Tigenia Taylor

At the request of Mr. Regan, Mayor Upchurch clarified that this Commission meeting did not have any items on second reading with public hearing; therefore, that time was the only opportunity for the general public to speak regarding any matters on the agenda.

Tom Dreisbach
Ben Stevenson
E. Patrick Butler
Kenneth McClain
Byron Cohem
Javar Collier
Nichol Sparrow
Rosalind Mason
Roger Everett

Public comment was closed.

Commissioner Sikes-Kline stated that she had listened to the citizens and was on the record as favoring to move the Confederate monument. She felt that it was a problem when the citizens of St. Augustine hurt when visiting downtown, and she stated that everyone should feel welcome in the most symbolic civic space.

Commissioner Sikes-Kline asked Mayor Upchurch what it would take for the Commission to see the need to make a change and move the Confederate monument to a more appropriate place.

Mayor Upchurch welcomed the conversation; however, he noted that he was not prepared to discuss at this meeting. He suggested that the Commission schedule a workshop as an opportunity to have these conversations, which were not action items and could be discussed in a less formal setting.

5. Consent Agenda

Mr. Regan read the Consent Agenda:

CONSENT AGENDA - JANUARY 13, 2020

CA.1. Preview of upcoming Commission meetings:

THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR 2ND READING ON JANUARY 27, 2020:

- Ordinance 2019-50
- Ordinance 2019-51
- Ordinance 2019-52
- Ordinance 2020-02
- Ordinance 2020-03
- Ordinance 2020-04
- Ordinance 2020-05
- Ordinance 2020-06

CA.2. Reminder of upcoming meetings:

- January 27, 2020, 5pm, Regular Commission Meeting
- February 10, 2020, 5pm, Regular Commission Meeting
- February 24, 2020, 5pm, Regular Commission Meeting

CA.3. Approval of Minutes from prior Commission meetings:

(None)

CA.4. Releases of Lien for Unit Connection Fee Mortgage(s):

- James V. Lee for The New Jerusalem Worship Ministries, Inc - 1075 West King Street
- Lisa Pendleton - 1178 West King Street Ext.
- Whetstone Properties, LLC - 2740 Stratton Boulevard

CA.5. Proposed Proclamations, Certificates of Appreciation/Recognition. (Commission approval required and to be read at a subsequent meeting).

(None)

CA.6. Notification of Proclamations/Certificates of Recognition issued:

(None)

CA.7. License for Use of City Property approving the construction a sign at the southeast corner of Woodlawn Street and West King Street. *(R. Franklin, Director, Public Works)*

CA.8. Approval of license agreement for City right-of-way allowing an existing wood fence, stairs and block wall to remain in a portion of the City right-of-way. *(T. Grant, Utility Director)*

CA.9. Approval of release of easement and refunding of the cash bond amount of $17,800.00 to D.R. Horton, Inc. - Jacksonville. *(T. Grant, Utility Director)*

CA.10. Invoice in the amount of $7,248.00 from Cavendish Partners, P.A. dated December 26, 2019 regarding the Seavin, Inc. v City of St. Augustine matter.

Invoice in the amount of $728.00 from Cavendish Partners, P.A. for December 2019 work regarding the Parker Doan Revocable Trust litigation matter. *(I. Lopez, City Attorney)*

End of 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 Valdes 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

(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

(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 2020-02: Creates Article VII of Chapter 22, Sections 22-521 through 22-533 providing terms of use for city parks, Venues and facilities.

John Cary, Assistant City Attorney, reviewed the Ordinance.

Mayor Upchurch stated that the Commission was provided copies of four amendments; however, he noted the lack of opportunity for the Commission to review them and that he preferred to table the Proposed ordinance for a meeting or two, so they could be reviewed.

The Commission discussed:

- More time was needed to understand the amendments
- More public input was needed
- How would large group permits effect current activities
- The City should consider the Counties' ordinances and their relation to the City parks
- The County was only involved with certain City athletic fields, not parks
- There was no cost in the Ordinance for large group feeding permits; however, a future resolution could impose fees
- The fees would be at the discretion of the Commission; however, intentions were not to have a cost for permit
- The City needed awareness of activity location so appropriate City presence and resources could be provided
- 'Feedings' numbers were limited per park to ensure that no one single park bore the burden of the entire activity 365 days a year
- Activity was to be spread around to other parks so that the area residents were not burdened with the activity

MOTION

Mayor Upchurch MOVED to table Ordinance 2020-02 for the February 10, 2020 Commission meeting. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

9.A.2. Ordinance 2020-03: Addresses the zoning for both artistic expression tattoo studios and esthetic procedures such as micropigmentation.

Mr. Cary reviewed the Ordinance.

MOTION

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

Mr. Cary 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: Upchurch, Sikes-Kline, Freeman, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY[1]

<u>9.A.3.</u> Ordinance 2020-04: Creates Chapter 7, Section 7-94 enacting regulations and penalties for dockage at the Lighthouse Park.

Mr. Cary reviewed the Ordinance.

Mayor Upchurch narrated the language in Article V, Sec. 7-94., subparagraph (b), last sentence, 'This provision does not apply to any dinghies stored under the terms of a valid and applicable lease' and noted that this was the exception that allowed the Sailing Center to use the floating dock and continue their activities.

[1] Commissioner Valdes took a brief recess and was absent for the vote

Mr. Cary advised that discussions had taken place with the Sailing Center to ensure they were comfortable with the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-04 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Mr. Cary 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: Sikes-Kline, Upchurch, Freeman, Horvath, Valdes
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>9.A.4.</u> Ordinance 2020-05: Amends Chapter 25, Section 25-26 codifying and implementing the Tree Mitigation Fund.

Mr. Cary reviewed the Ordinance.

Mayor Upchurch inquired about whether the mitigation cost would be brought to the Commission in the form of a resolution, or if it would be set at the staff level.

Mr. Cary noted that a resolution was passed in 2019, and this was a clean-up to codify the ability to perform this measure in the Ordinance.

Commissioner Sikes-Kline expressed her appreciation and thanked the City staff for moving this forward, thus allowing the Commission to implement fund use.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-05 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Horvath.

Mr. Cary 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: Sikes-Kline, Horvath, Valdes, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY[2]

<u>9.A.5.</u> *Ordinance 2020-06*: Amends Section 24-46, Section 27-23 and creates Section 27-88 allowing Transportation Network Company vehicles to purchase a medallion.

Mr. Cary reviewed the Ordinance.

MOTION

Commissioner Horvath MOVED to place Ordinance 2020-06 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Mr. Cary 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: Horvath, Upchurch, Valdes, Sikes-Kline, Freeman
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>9.B.</u> Resolutions

<u>9.B.1.</u> Interlocal Agreement and Resolution 2020-01: Approval of Interlocal Agreement between the City and the St. Augustine Port, Waterway and Beach District to provide for the funding of dredging of the Salt Run Channel and Resolution 2020-01

[2] Commissioner Freeman took a brief recess and was absent for the vote

authorizing the City Manager to apply for grant assistant under the Florida Inland Navigation District's Waterways Assistance Program for said dredging.

Jim Piggot, Director, General Services, reviewed the Interlocal Agreement and the Resolution.

Mayor Upchurch expressed his appreciation for the work that Mr. Piggot had done with this matter.

MOTION

Commissioner Freeman MOVED to pass Resolution 2020-01. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Freeman, Upchurch, Sikes-Kline, Valdes, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY

MOTION

Mayor Upchurch MOVED to approve the Interlocal Agreement for the Salt Run Channel. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Upchurch, Valdes, Horvath, Freeman, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2020-02: Authorizing the City Manager to apply for Grant Assistance under the Florida Fish and Wildlife's Conservation Commission's derelict vessel removal grant program.

Mr. Piggot acknowledged Corey Sakryd, Grants Administration Coordinator, for discovering the grant, and reviewed the Resolution.

Mr. Regan clarified that although the boats were located outside the City boundaries, the City owned the bottom lands outside the boundary past 312. He explained that in the 1920's the City was larger before the boundaries were redefined; however, the bottom lands were maintained outside what were commonly thought of as the City boundaries. He noted that this was the reason the City was the applicant for the grant program.

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-02. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Sikes-Kline, Freeman
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.3. Resolution 2020-03: Updates the Equal Employment Opportunity (EEO) Plan providing equal employment opportunity to all persons.

Donna Hayes, Director, Human Resources, reviewed the Resolution and noted the following:

- EEO plan was updated every two years
- Only major change in the document was the utilization review for the current work force
- There was under-utilization in certain categories; however, the numbers had improved
- First time that sworn police officers were not under-utilized in the minority category

Ms. Hayes noted that the Resolution approved the updated plan, and that all future updates would be approved on the Consent Agenda.

Commissioner Sikes-Kline noted that this was great news and for Ms. Hayes to keep up the good work.

Mayor Upchurch stated that the City had struggled with this issue since the 1960s; however, the City was making progress, which was a reflection of many things.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-03. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Freeman, Valdes, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

The following Resolution 2020-05 was added (see Item 2.A. Modification and Approval of Regular Agenda).

9.B.4. Resolution 2020-05: Supporting House Bill 1073 and matching Senate Bill 7016, establishing a state-wide Office of Resiliency in the Governor's office, appointing a Chief Resiliency Officer at the State level, creating a Sea-level Rise Task Force, and requiring an Environmental Regulation Commission.

Commissioner Sikes-Kline reviewed the Resolution and noted that the State legislature session was starting Tuesday, January 14, 2020; therefore, she was requesting the Commission's support for the Ordinance and for Representative Cyndi Stevenson for sponsorship of the Office of Resiliency legislation.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-05. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Freeman, Horvath, Valdes
NAYES: None
MOTION APPROVED UNANIMOUSLY

The following Resolution 2020-04 was added (see Item 2.A. Modification and Approval of Regular Agenda).

9.B.5. Resolution 2020-04: Supporting House Bill 1011 and matching Senate Bill 1128 regarding short-term rental properties.

Commissioner Sikes-Kline reviewed the Resolution and discussion ensued with the Commission and Mr. Cary:

- The Bill was slightly different; although it pre-empted the City's ability to regulate short-term rentals
- Prohibited local governments from short-term regulation, except to the extent that all residential properties were regulated the same
- Some members who voted to pass the Bill expressed reservations about the bill; therefore, an amendment was anticipated

Commissioner Sikes-Kline commented that the City legal staff, Mr. Regan and the Florida League of Cities kept an excellent watch on the Florida legislative process.

Mr. Regan added that the City's legislative consultants should also be acknowledged, and that he had recently asked the consultant to provide the best forecast of every draconian bill that may surface, an estimate on schedules, and where and when the City should be there.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-04. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Upchurch, Freeman, Valdes
NAYES: None
MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

10.A. Discussion regarding the proposed License Agreement for the construction of a dock across unopened portion of Alaminos Avenue / Inlet Place.

Reuben Franklin, Director, Public Works, reviewed the item and noted that that the applicant, Scott Patrou, was present at the meeting to answer questions. Mr. Franklin noted that Public Works reviewed the application from an infrastructure standpoint, such as no underground utilities, stormwater or physical construction that would interfere with the dock.

Mr. Franklin stated that the Commission would need to decide on whether to grant the License Agreement as it provided access to a waterway in the City.

Mr. Patrou discussed his research of the property and his intentions with the License Agreement for the dock construction. He noted the following:

- Originally dock was drawn on northern corner of boundary line representing 435 Flagler Boulevard
- When the property was purchased, the prior owners had previously obtained Army Corps of Engineer and the Department of Environmental Protection (DEP) permit for a dock in that location
- Concerns were expressed about access from Corona del Mar and the end of Flagler Boulevard
- On the proposal, the dock was shifted another 32' down, which left a 60' right-of-way, plus an additional 30'
- There was still over 90' between northern boundary of Flagler Boulevard down to the dock
- Due to the way the area platted, the lots were under water
- Eight lots to the south were all vacated along Alaminos Avenue and subsequently deeded to the respective Property owners on the western border
- Public access was still a 95' clear shot into the intercoastal

Mr. Patrou stated that he was just seeking a License Agreement for a dock across one section that would not prevent public access, and that he had spoken with, and desired to cooperate with neighbors regarding the dock.

Mayor Upchurch inquired about the Lot 120 ownership, and it was noted that Lot 119 and 120 were owned by the City. He asked about the dock details, how it was constructed, the public's ability to walk underneath, and whether these would be matters of the Planning and Zoning Board (PZB).

Mr. Cary noted that the Commission was to decide on whether they would grant a License and that PZB wanted their decision first before they reviewed the conservation overlay development, which was a lengthy process.

Commissioner Horvath requested to hear from David Birchim, Director, Planning and Building, regarding the Comprehensive Plan and how it figured into the issue.

Mr. Birchim noted the following:

- The Comprehensive Plan (CP) language stated that the City would provide access to water bodies for the citizens
- Due to the language, the City never entertained a vacation that led to a water body, with exception of Cherokee Street

- The City vacated a right-of-way where Cherokee dead ended into the San Sebastian River only when an unobstructed access easement was granted back to the City
- This was also tied to a dredging spoil site that the City accepted when they applied for the road vacation at the end of Cherokee
- The CP stated the City could not deny public access to a water body, and in this case that unopened right-of-way was still dedicated to the City for public access
- Access was marginal if the property was submerged with the wetlands and mangroves

Mr. Birchim concluded that he believed this was why the applicant had asked for a License Agreement, because that portion of the un-opened right-of-way remained publicly owned.

The Commission discussed the following:

- The community desired to keep the space open with public access along Flagler Boulevard
- The public's intention was to preserve the area; however, it would be unfair to not allow this License Agreement when there were docks everywhere
- The dock must be constructed where there was still public access
- The City would have ninety (90) feet of access with the dock; however, would that be enough space for dredge purposes, should they ever be needed
- The right-of-way had not been evaluated as a dredge unloading site
- Most of the dredge sites had concrete seawalls and designated larger areas for trucks to load and unload
- This was a License Agreement and could be revoked
- Areas without riparian rights had not previously been approved
- Granting the easement across a City right-of-way could pose a problem with denying a future applicant wanting an open right-of-way
- The difference in properties was there was public use of those areas, no vehicular traffic, no actively used right-of-way and the adjacent properties were vacated
- Although wetlands, this was a street that was not abandoned and was still City property and allowing this License Agreement to transverse it for the first time may cause issues down the road
- Provided access for those not wealthy enough to live on the water

Mayor Upchurch noted that this had been a controversial issue for the Commission between 1988 and 1990 in the Lighthouse Park area, and although he did not recall if the request was to vacate the unopened right-of-way or to create a License Agreement, there was clear evidence of the neighborhood's unobstructed daily use of the water access. He noted that this was a different configuration.

Mr. Regan stated that in the case referenced, the dock was denied by the City and the Rakovick's won the right to construct the dock in Circuit Court.

The Commission did not want to set a precedence with a decision and sought the insight of Mr. Cary.

Mr. Cary stated the following:

- A full legal analysis had not been done, nor a title search to analyze riparian rights; should that become an issue, the City would need to retain outside counsel
- From what information the City had, this was a platted property where the City reserved the easement over Flagler Boulevard, which was essentially under water and no road would be made there

- There were lots on the other side of Flagler Boulevard reserved to the City, so the ability was there to license
- From the application, it was understood that this was a City right-of-way that led into a City lot, both of which the Commission had the legal ability to provide a License Agreement for the use
- The License Agreement would not transfer ownership or provide any property rights to the applicant, other than ability to build over the City property
- Applications like this would not set a binding precedent; however, they could be used as a marker that was placed in order to create a situation where all properties are treated equitably
- Approval of the License Agreement did not allow anyone the right to a License Agreement, whether similarly situated or not; however, it may present an opportunity for someone to say they were treated differently
- This was a road that was platted and therefore, legally easy to distinguish from an active ROW such as Avenida Menendes
- The City retained full ownership rights with the License Agreement and there was no legal requirement to have a cause for revocation
- With a 3/2 Commission vote in the future, the License Agreement could be revoked, and could essentially give thirty days to remove the dock

The Commission and Mr. Cary discussed the specificity as to the regulation and requirements needed for the dock ie. elevation, public ingress and egress.

Mr. Regan noted that the License Agreement needed to be approved, tabled or denied. He stated that if the Commission wanted to approve the License, but list a height, that could be added. He noted the discussion could be tabled and brought back with specific language. He continued that a condition could be made that the license come back after a full review by PZB on the dock that conceptually the Commission did not have a problem crossing the right-of-way but wanted to see the elevation. He added that if concerns existed regarding riparian rights, then there was no information that had been provided for a full review.

Mayor Upchurch requested that the City Attorney's office, Mr. Regan and staff return to the Commission with legal and historical information about the City and past actions and provide an analysis to understand how the proposal fits within.

Mr. Regan planned to follow through with all case law and other topics pertinent to the final decision.

MOTION

Mayor Upchurch MOVED to table the License Agreement with directions and request to City Staff to provide the Commission both legal and historical information about previous vacations, License Agreements that will help guide the Commission's decision. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

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. Reminder of upcoming Board appointments.

Mayor Upchurch confirmed that the City would re-advertise for both positions, and

he noted that the Commissioners needed to 'beat the bushes' a bit on the Corridor Review Committee, because it was new and unfamiliar to people.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Mayor Upchurch noted that more workshops should be used regularly. He believed that Mr. Regan was pressured to ensure each Commissioner was getting the same information.

The Commission discussed the following pertaining to workshops:

- Workshops would be more efficient use of time
- Allowed Commissioners to hear one another
- One-hour workshop prior to a Commission meeting suggested
- Pressure during Commission meetings to move agenda along quicker and deal with hot items
- Mindful of not imposing another meeting on the Commission as a standing obligation
- City of Saint Augustine Beach was discussing many of the same issues as the City
- Transportation and ideas about Kings Street needed discussion
- Consent agenda for the January 27th, could have proposed topics and a schedule
- Would schedule a specified time and certain day each month with a topic to discuss, if no topic, then no meeting
- Workshop environment would allow collaboration with the Commission to help guide staff from a policy point of view

Mr. Regan suggested topics under consideration based on time sensitive matters, and matters with the DOT:

- Mobility topics associated with King Street and policy questions about the downtown CRA
- Sustainability Master Plan, and engagement at all levels of sustainability and resiliency, parallel processing solutions with Federal Programs, and financing instruments for climate change
- City growth and the Comprehensive Plan and how they fit together with development
- Details about growth, and even a perspective from the County

Commissioner Sikes-Kline noted that the City of Saint Augustine Beach consented to have a joint meeting.

Mayor Upchurch requested that staff return with a proposed standing workshop time and a list of workshop topics.

Commissioner Freeman noted House Bill 6043 and Senate Bill 192, the use of single use plastic bags and that municipalities were being asked to pass ordinances supporting the reversal of the preemption.

Mr. Cary noted that plastic bags and polystyrene had been the subject of a preemption several years back, and the State preemption was deemed valid over past few months; therefore, any sort of local ordinance banning plastic bags or polystyrene would be invalid.

After a brief discussion, it was determined that staff would draft a resolution for consideration during a subsequent meeting.

Commissioner Sikes-Kline requested the following:

- Naming a small triangular park located in Fullerwood after Herbie Wiles
- Memorial plaque on a bench for an individual who recently passed away

- Re-naming a street after Ms. Carrie Johnson

Commissioner Horvath noted an Ordinance that restricted back to back events on Francis Field. She had the 'Pirates' request to utilize the field in November for an entire Saturday and then Sunday morning they would remove set-up and leave. She noted that there was a race in November the weekend prior to the Pirates proposed event and asked if they could provide a presentation to the Commission.

There was Commission consensus to not allow the back to back event at Francis Field, as it was not the will of the Commission to make exceptions.

15. Adjournment

There being no further business, the meeting was adjourned at 7:42 P.M.[3]

Tracy W. Upchurch, MAYOR

Darlene Galambos, CITY CLERK

THE CITY OF ST. AUGUSTINE CORPORATION

[3] Transcribed by Laura Morse