

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 24, 2020

The City Commission met in formal session Monday, February 24, 2020 at 5: 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
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

Also Present: John Regan, City Manager
Isabelle Lopez, City Attorney
Candice Seymour, Acting City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Mike Cullum, Chief Resiliency Officer
Jim Piggot, Director, General Services
Reuben Franklin, Director, Public Works
Melissa Wissel, Communications Manager
Barry Fox, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Rabbi Bella Bogart, First Congregation Sons of Israel, delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mr. Regan requested to add Item 13.A. under Section 13. *Items by City Manager*. This was a request for reserve funding to begin immediate repairs to the Municipal Marina breakwater dock which suffered significant damage from the recent nor'easter and Hurricane Dorian.

MOTION

Commissioner Sikes-Kline MOVED to approve the Agenda as amended. The motion was SECONDED by Commissioner Horvath 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:

Richard Marquis¹
Jerry Butterbaugh
Blanche Andrews
Chris Fulmer
Todd Neville
John Reardon
John Long
Tica Walley
Heather Hagy
Trevor Smith
Robert Krainson

Public comment was closed.

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda:

CONSENT AGENDA - February 24, 2020

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS:

(None)

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MARCH 9, 2020:

- Ordinance 2020-01
- Ordinance 2020-10
- Ordinance 2020-15
- Ordinance 2020-16

CA.3. REMINDER OF UPCOMING MEETINGS:

- March 9, 2020, 5pm, Regular Commission Meeting
- March 12, 2020, 2-4 pm, Workshop regarding mobility
- March 17, 2020, Presidential Preference Primary Election (City Referenda)
- March 23, 2020, 5pm, Regular Commission Meeting

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

- January 27, 2020, City Commission Shade Meeting
- January 27, 2020, Regular City Commission Meeting
- February 10, 2020, Regular City Commission Meeting

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

- James Crooms Family Trust - 954 Josiah Street

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. Financial report through January 31, 2020. (*M. Litzinger, Director, Finance*)

CA.9. Proof of notice for the City of St. Augustine Charter Amendments in Special Election to be held in conjunction with the Presidential Preference Primary Election. (*I. Lopez, City Attorney*)

CA.10. Invoice in the amount of \$3,668.00 dated January 31, 2020 from Cavendish Partners, P.A. for legal services regarding the Seavin v. City of St. Augustine matter. (*I. Lopez, City Attorney*)

Invoice in the amount of \$2,536.52 dated January 31, 2020 from Cavendish Partners, P.A. for legal services regarding the Marlow v. City of St. Augustine matter. (*I. Lopez, City Attorney*)

Invoice in the amount of \$243.00 dated February 4, 2020 from St. Augustine Court

¹ Provided at meeting and made part of packet

Reporters for transcription services regarding the Marlowe v. City of St. Augustine 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

7.A.1. Presentation by the Florida Department of Environmental Protection regarding the grant awarded to the City for their Florida Resilient Coastlines Program.²

Mike Cullum, Chief Resiliency Officer, introduced Ms. Whitney Gray, Administrator, Florida Resilient Coastlines Program in the Florida Department of Environmental Protection.

Mr. Cullum noted that Ms. Gray spearheaded a \$155,000 grant to the City for the installation of ten additional tide flex valves for the current fiscal year, which brought the total to forty-one. He noted their importance with mitigating nuisance flooding and used Coquina Avenue as an

example, which remained dry after the recent nor'easter. He recognized Jessica Beach, Engineer, as the project manager, and commended her work on the stormwater program.

Ms. Gray provided the Commission with a 'Florida Adaptation Planning Guidebook' which was a compilation of best practices for adaptation planning and was now used by the Army Corps of Engineers in the South Atlantic Coastal Study. She noted that the City of St. Augustine's Adaptation Plan was used as an example in the Guidebook.³

Ms. Gray delivered the presentation.

Mayor Upchurch noted the following:

- Delighted that appointments had been made for both a Chief Resiliency Officer by Governor DeSantis and a Chief Science Officer, who took the sea level rise and environmental issues seriously
- Appreciated the leadership and expertise coming from Tallahassee to support local communities
- Appreciated the grant money
- Noted the tremendous expense of these projects, which he cautioned, and referenced a recent City multi-million project that was not funded this legislative budget cycle
- City would continue to work at, and be creative with sea level rise, which was most important to constituents

Mayor Upchurch noted his appreciation for Ms. Gray's support and leadership and that she understood a significant amount remained to be accomplished on the topic.

Ms. Gray stated that the Florida Chief Resiliency Officer, Julia Nesheiwat, would be moving to another position; however, the Governor was committed to that position and the issues. She noted there

² Attached to Commission packet

³ Provided at meeting and made part of packet

was legislation in place that looked favorable for establishing a statewide 'Office of Resilience'.

Commissioner Sikes-Kline inquired about the cities that had been funded for adaptation action area studies and the impactful consequences.

Ms. Gray stated the following:

- Saw both hesitation and embracing of moving forward with adaptation action areas
- If areas being considered were not already in trouble because of infrastructure needs, then they would not be considered for placement into an adaptation action area
- Purpose of the designation was to prioritize that localized area for additional funding and move up in the queue
- Grant applications received extra points when trying to create an adaptation action area, which was a highly useful tool

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 2020-07: Amends the Columbia Restaurant PUD to allow for Maximum Lot Coverage for installation of an Outdoor Walk-in-Cooler.

David Birchim, Director, Planning and Building, reviewed the Ordinance.

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

Mayor Upchurch noted that Mr. Len Weeks provided the Commission with a written letter of support for the application.⁴

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-07 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Isabelle Lopez, City Attorney, read the title as follows:

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, MODIFYING ORDINANCE 2011-03, THE COLUMBIA RESTAURANT OF ST. AUGUSTINE PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTION 28-289 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR TERMS AND CONDITIONS OF THE PUD; PROVIDING FOR SEVERABILITY; 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 2020-09: 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.

Ms. Lopez reviewed the Ordinance.

⁴ Provided at meeting, made part of packet

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2020-09 on second reading and read by title only. The motion was SECONDED by Commissioner 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 MOTION⁵

AYES: Horvath, Upchurch,
Sikes-Kline, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.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.

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

MOTION

⁵ Commissioner Freeman took a brief recess and was absent for the vote

Mayor Upchurch MOVED to pass Ordinance 2020-11 on second reading and read by title only. The motion was SECONDED by Commissioner Sikes-Kline.

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 MOTION⁶

AYES: Upchurch, Sikes-Kline,
Horvath, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.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.

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

MOTION

Commissioner Horvath MOVED to pass Ordinance 2020-12 on second reading

⁶ Commissioner Valdes took a brief recess and was absent for the vote

and read by title only. The motion was SECONDED by Mayor Upchurch.

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 MOTION⁷

AYES: Horvath, Upchurch,
Sikes-Kline, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.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.

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

MOTION

Mayor Upchurch MOVED to pass Ordinance 2020-13 on second reading

⁷ Commissioner Valdes took a brief recess and was absent for the vote

and read by title only. The motion was SECONDED by Commissioner Sikes-Kline.

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 MOTION⁸

AYES: Upchurch, Sikes-Kline,
Horvath, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.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.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-14 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-14

⁸ Commissioner Valdes took a brief recess and was absent for the vote

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: Sikes-Kline, Upchurch, Valdes, Horvath, 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

9.A.1. Ordinance 2020-01: Modification of Fence and Wall Regulations within Municipal Code.

Mr. Birchim reviewed the Ordinance.

At the request of Commissioner Valdes, Mr. Birchim defined 'alleyway':

- Alleyways were platted and categorized in our road inventory
- They were typically behind the frontages of a residential property
- They were a back access, primarily used for trash pickup
- They existed in Davis Shores and in the Model Land Company Historic District

The Commission and Mr. Birchim discussed:

- Privacy concerns for back yard fence height requirements existed
- Topic was result of a property in Davis Shores with three street frontages
- Restriction of fence height to four-feet did not make sense in alleyways because they were rear portions of residential properties
- An eight-foot fence could be erected at a setback of fifteen feet onto your property
- Intention was to limit the type of fence in the front setback area and was originally done for aesthetic reasons, and so the police and fire departments could see the house when driving down the street
- Corner properties required four-feet across front and four-feet to setback
- 'Intersection visibility rule' stated that no obstruction over thirty inches of height, including landscaping, can be within twenty-five feet of an intersection, (measured from the curb) so people stopped at an intersection could see across a corner for cars coming through the intersection

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-01 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Freeman.

The Commission discussed:

- Concerns raised about privacy, fence height and how the Ordinance was written
- Could not articulate every scenario where a corner property could have a six-foot fence

- Requested language to create a variance process that would go to the Planning and Zoning Board (PZB) which would provide people an opportunity to make their case
- Every property was unique, especially the odd shaped or corner lots, and property owners needed an avenue to contest issues
- With the new rule, problems were created: 'it was not a problem until it was a problem'

Mayor Upchurch requested Ms. Lopez' insight on whether the Commission should table the Ordinance or pass it.

Ms. Lopez stated that for transparency, it was better to table the ordinance and bring back for another first reading, as it would provide a better opportunity to be familiarized with what would be amended.

Commissioner Sikes-Kline WITHDREW her MOTION. Commissioner Freeman WITHDREW her second.

Commissioner Valdes noted his discomfort with passing an ordinance regarding zoning regulations that did not have an appeals process.

Mr. Birchim stated that theoretically this did have a variance process; however, the one that currently existed and applied to all land development regulations was the 'hardship criteria' which could be applied to the ordinance and require no further action. He did, however, understand the request was for an exception variance.

Mayor Upchurch noted the direction of the Commission was to bring the ordinance back for first reading at the meeting of March 9, 2020 with additional language providing for an exception variance.

9.A.2. Ordinance 2020-10: Charter update to Article X.5, Section 10.05.08 removing the Mayor's control of the police department during an emergency.

Ms. Lopez reviewed the Ordinance.

Mayor Upchurch MOVED to place Ordinance 2020-10 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. 2020-10

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING ARTICLE X.5 OF THE CHARTER OF THE CITY OF ST. AUGUSTINE AMENDING SECTION 10.5.08 REMOVING THE MAYOR'S EMERGENCY CONTROL OF THE CHIEF OF POLICE; PROVIDING FOR CONSISTENCY WITH SECTION 4.09 AND SECTION 4.10; 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, Freeman, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2020-15: Amending Sections 28-126 and 28-127 of the Code of the City of St. Augustine to modify the number of members and to revise the minimum qualification criteria for members of the Corridor Review Committee.

Ms. Lopez reviewed the Ordinance and noted the challenge with finding qualified members. She stated that the committee was originally formed requiring five members: two architects or landscape architects and three members that resided as either a commercial or residential tenant along the Anastasia, San Marco or King Street corridors.

Candice Seymour, Acting City Clerk, noted that the Clerk's office had received two applications: one architect, and the other a citizen that lived just off the corridor.

The Commission and Ms. Lopez discussed:

- Difficulty in finding a tenant on corridor and no one had applied
- Problematic for creation of another Board; therefore, discussed use of an existing Board
- Concerned about tenants without a long-term commitment to the area
- In the past, corridor language had been re-written with concept of a dedicated corridor review committee that would meet on an as-needed basis, and with the intent that the items drafted would go to a corridor review
- Community was promised representation for the corridors; therefore, the committee should remain
- Citizens only attended meetings when there was an interest or an affect to their property
- Suggested a moderator who would step in when there was a need versus having a standing committee
- Suggested use of an expert design professional to 'adjudicate' decisions and review applications
- A good faith effort should be made to implement what was promised

Mayor Upchurch suggested to redouble efforts for advertising and recruiting since the issue was not incredibly time specific.

MOTION

Mayor Upchurch MOVED to place Ordinance 2020-15 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Sikes-Kline.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II, DIVISION 5, SECTION 28-127 OF THE CODE OF THE CITY OF ST. AUGUSTINE MODIFYING THE NUMBER OF MEMBERS OF THE CORRIDOR REVIEW COMMITTEE FROM FIVE TO THREE; REVISING THE MINIMUM QUALIFICATIONS FOR MEMBERS OF THE CORRIDOR REVIEW COMMITTEE BY REDUCING THE NUMBER OF SEATS DESIGNATED FOR PROPERTY OWNERS OR TENANTS OF PROPERTIES LOCATED WITHIN THE RESPECTIVE ENTRY CORRIDORS FROM THREE TO ONE; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.4. Ordinance 2020-16: Renames San Juan Street extension in Anastasia State Park to Nona and Popa Road honoring all grandmothers and grandfathers who take their grandchildren to celebrate Florida's state parks.

Reuben Franklin, Director, Public Works, reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-16 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. 2020-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-166 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF SAN JUAN STREET EXTENSION IN ANASTASIA STATE PARK BETWEEN SANTANDER STREET AND ANASTASIA PARK ROAD AS "NONA AND POPA ROAD;" PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

(None)

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Legislative bill tracking. No Presentation

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

12. ITEMS BY CITY CLERK

12.A. Discussion for City's liaison to the Continuum of Care.

Ms. Seymour noted that the St. John's County Continuum of Care requested a liaison for their Board, and Barry Fox, Chief of Police, had volunteered for the position.

MOTION

Mayor Upchurch MOVED to approve Chief Barry Fox to serve as the City's liaison to the Continuum of Care. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

13. ITEMS BY CITY MANAGER

Item 13.A. added to Agenda

13.A. Request for reserve funding to begin immediate repairs to the Municipal Marina Breakwater Dock.

Mr. Regan noted the recent nor'easter that occurred over the weekend changed the urgency with regards to the work in progress on the dock, already damaged from Hurricane Dorian. He provided a memo to the Commission from Jim Piggot, Director, General Services which discussed the specifics of the damages and the monetary requirements.⁹

Mr. Piggot sought the Commission's approval for use of the reserve funding for repair work not to exceed \$300,000 to fix the breakwater dock. He noted that the amount was requested to avoid additional Commission approval for funds, and to avoid the replacement cost of a new dock, which was \$1.5 Million. He also stated that FEMA would reimburse the City a portion of the funds if a grant was administered.

Meredith Bredenstein, Assistant City Manager, provided discussion on the topic:

- Historically the City applied for Public Assistance (PA) grants

⁹ Provided at meeting and made part of packet

- 75% of grants were from FEMA
- 12.5% of grants were from the State of Florida
- Grants were for eligible expense reimbursement
- The City matched the State at 12.5% which would come from the Marina reserves
- If the City saw an opportunity for hazard mitigation, specialists would run a benefit cost analysis to determine whether it would mitigate future damages (lift station repairs were an example)

MOTION

Commissioner Sikes-Kline MOVED to approve the distribution of unrestricted Marina reserve fund monies, not to exceed \$300,000. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

14. Items by Mayor and Commissioners

14.A. Update on Aviles, Spain trip.¹⁰

Mayor Upchurch and the Commission discussed the trip:

- Memo from Mr. Regan outlined the trip and the topics discussed
- Interacted with the Mayor of Aviles, the City Government and the Mayor of Minorca
- Meeting was positive and folks were anxious to implement various aspects of the items they discussed
- One item was a desire to renew the youth student exchange for the summer, which had been dormant for a few years due to storms
- Aviles was working hard to share the exchange idea and recruit students to attend
- Role of majority of this was for the City to serve as a facilitator to connect re-enactor groups, music

groups and educational institutions, very few were City projects

- Attempted to make the connections and to fertilize and encourage the relationships
- Previous lack of support existed for the Sister Cities program; therefore, steps taken to establish relationships
- Most cities with 'Sister Cities' programs spent hundreds of thousands in employing Directors and full departments; therefore, it was fantastic that the nation's oldest city could do this without the expense

Mr. Regan noted that should the City of Aviles resurrect the exchange program, they requested a youth exchange sponsorship of \$12,500 which he supported.

There was Commission consensus to the sponsorship.

Commissioner Valdes brought the topic of mental illness to the Commission and discussion ensued:

- What the City could do to assist
- Many City problems that revolved around homelessness and panhandling were the result of those individuals not taking medication
- It was suggested that the issue be discussed with the County
- Mental illness did not discriminate, and applied to neighbors and family members
- Flagler Hospital Continuum of Care that Chief Fox would serve on would be the community group most able to assist with the issue
- The group needed financial resources

Commissioner Valdes brought up the topic of the absence of flags in certain areas of the City and Commission discussion ensued:

¹⁰ Provided at meeting and made part of packet

- Illuminated flags at the National Guard property were very moving, could City do the same
- Perhaps restrict to the City flag and American flag
- Past discussion was 'all or nothing', but could Spanish flags or historic flags be flown
- Flags displayed at City Hall were: Arbor Day flag, Florida flag, American flag and the City's flag
- On certain holidays the Spanish Flag and the oversized American Flag were flown at City Hall
- There was no prohibition of government speech on government property; however, various groups could not tell the City what flags to display, as this was a slide into group speech and not government speech
- Technical issues existed for certain poles, as some were owned by the City, and others by FPL
- FPL had technical requirements on the structural brackets and banner or flag material, which required the approval of an engineer
- The Commission needed to determine what their speech was on the flag issue, and not allow others or groups to dictate
- Bridge of Lions flag scenario was noted and City wanted to avoid those situations
- FPL wanted assurances for liability purposes due to the maintenance of flags, how installed, and removed

The Commission directed City staff to return with a flag program that would be manageable for specific national holidays.

There was Commission consensus that the Sustainability Workshop on February 19th was incredible, informative and that the enthusiasm was wonderful.

15. Adjournment

There being no further business, the meeting was adjourned at 6:54 P.M.¹¹

T.W. Upchurch

Tracy W. Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK



¹¹ Transcribed by Laura Morse