

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, March 9, 2020

The City Commission met in formal session Monday, March 9, 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 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
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Mike Cullum, Chief Resiliency Officer
Reuben Franklin, Director, Public Works
Melissa Wissel, Communications Manager
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Ted Voorhees, St. Cyprian's Episcopal 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, requested the following:

- Continuance of item 6.A.
- Addition of Item under 7.B. '*Items of Great Importance*' to provide information on the planning and preparedness of coronavirus (COVID-19)

- Addition of *Item 9.B.2.* 'Emergency Declaration Resolution 2020-10' associated to the COVID-19 issue

Mayor Upchurch noted that Resolution 9.B.2. was simply to authorize the City Manager to act in the event it was necessary.

Isabelle Lopez, City Attorney, noted that the Item 6.A. appeal would be re-scheduled to April 13, 2020 with the acceptance of the Commission.

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:

Jill Pacetti
Chris Fulmer
BJ Kalaidi

Public comment was closed.

5. Consent Agenda

Mr. Regan read the Consent Agenda.

CONSENT AGENDA - MARCH 9, 2020

CA.1. PREVIEW OF UPCOMING COMMISSION MEETINGS:

(None)

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

- Ordinance 2020-02
- Ordinance 2020-17

CA.3. REMINDER OF UPCOMING MEETINGS:

- March 12, 2020, 2-5pm, 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:

(None)

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

(None)

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

- Proclamation recognizing April 10, 2020 as the 100th anniversary of the St. Augustine Rotary Club. (T. Upchurch, Mayor)

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. 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)

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 Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

6.A. Appeal of an action by the Planning and Zoning Board denying approval of a dock at 5 Lighthouse Avenue (David

Birchim, Director Planning and Building).

Item was administratively continued. See Item 2.A.

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

7.A.1. Kevin Gay, Operation New Hope CEO and Founder will advise the community about the Operation New Hope Ready4Work program and the location recently opened in St. Augustine. Certificate of Recognition to be presented.¹

Mr. Gay announced the opening of the Ready4Work location in St. John's County, acknowledged the groups and individuals who made it possible, and thanked the City for the support and leadership with the program's efforts. The City of St. Augustine was named 'The City of Second Chances'.

Mr. Gay closed his presentation with a quote by Coretta Scott King which embraced what the City offered: *"the greatness of a community is most accurately measured by the compassionate action of it's members"*

Commissioner Sikes-Kline presented a Certificate of Recognition to Mr. Gay and noted the appreciation for his effectiveness and the great change the program would bring to the St. Augustine community.²

7.B. Items of Great Public Importance

Mr. Regan provided an update to the Commission on the actions taken by the City for COVID-19 preparedness:

- Melissa Wissel, Communications Manager, and Carlos Aviles, Fire

Chief had collaborated with key partners in the area:

- Florida Department of Health
- Flagler Hospital
- Flagler Health Plus
- St. John's County School District
- St. John's County Emergency Management
- City of St. Augustine Beach
- All emergency management plans were being reviewed and updated as necessary
- Custodial staff was sanitizing frequently touched surfaces
- Hand sanitizer was provided at public buildings and customer service counters for employees and visitors
- Police, Fire, and Public Works Departments were following protocols for sanitary conditions in vehicles, trucks and workplace
- Reviewed inventory on personal protective equipment in key departments to ensure supplies were on hand
- Ensured all new staff was trained on industry best practices in wastewater
- Reviewed and revised sick-leave policy to avoid overloading the healthcare system
- Distributed an internal memo and flyer that included virus symptoms, prevention, and important contact information for assisting agencies³
- Encouraged employees to use the "tele-doc" services provided with the City's health insurance plan
- Chief Aviles implemented a cross functional training program to assist within the agency (example the protocols for Fire department more detailed than wastewater)
- Briefed all front-line customer service and administrative staff on

¹ Attached to Commission Packet

² Attached to Commission Packet

³Commission received for inclusion in packet

handling incoming phone calls, with goal that first contact would be able to assist the caller

- Critical and key information may come in through frontline service providers, therefore, the City wanted to ensure that the providers were sensitive to it and knew how to quickly elevate important information
- Any anomaly would be raised and elevated to Chief Aviles for further consideration
- Stressed all precautions listed on the flyer and memo for prevention

Mr. Regan noted that St. John's County had an emergency plan in place and advised that should there be a confirmed case of COVID-19 in the County, the local health officials would provide guidance for any necessary response. He concluded that COVID-19 should be taken seriously and was ensuring that all departments were best prepared to serve the City's residents and protect themselves while doing so.

Mayor Upchurch noted his appreciation for Mr. Regan and the City staff for taking the virus seriously, but also calmly and rationally, which he felt were pieces missing from the mainstream information.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2020-10: Charter update to Article X.5, Section 10.05.08 removing the Mayor's control of the police department during an emergency.

Isabelle Lopez, City Attorney, reviewed the Ordinance.

Public hearing was opened; however there was no response.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-10 on second reading and read by title only. The motion was SECONDED by Commissioner Freeman.

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. 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.

Public hearing was opened, and the Commission heard from the following:

Charles Pappas

Public hearing was closed.

David Birchim, Director, Planning and Building, responded to Commissioner Valdes' inquiry about an applicant's appeal process for a binding opinion by the Commission. He stated that there was a threshold of review, and most large projects would automatically go to the Corridor Review Committee (CRC) and not a staff level review. He stated that staff would only review minor changes and pre-approved things of similar manner as done in the historic districts.

Commissioner Sikes-Kline agreed with Mr. Pappas, that the more voices the better, and although she did not wholeheartedly support it, she sensed this was the direction the Commission desired.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-15 on second reading and read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-15

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.3. 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.

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

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2020-16 on second reading and read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-16

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, Upchurch,
Freeman, Horvath, Valdes

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

Ms. Lopez stated the Commission had been provided a revised version of the Ordinance.⁴

Mayor Upchurch requested that Ms. Lopez provide an explanation of the revisions:

Ms. Lopez noted:

- Section 22-525 (u) change was made to the language in the last sentence to limit amplified sound at the skating event to 'announcement only', with no amplified music allowed
- Section 22-525 (w) change was made to the language in the last few sentences where the

Commission would consider any impact to the skating infrastructure to avoid a nuisance creation to the adjacent neighborhood

Commissioner Sikes-Kline stated that she was amenable to the language changes and believed the revisions would solve issues, based on the input received.

Mayor Upchurch noted the following:

- He preferred the original language that required these matters to return to the City Commission
- The Skate Park was the only City park being treated differently
- Requiring pre-approval from the Commission tied the City Manager's hands
- The language change was overly broad, and the original draft put in sufficient safeguards
- He was empathetic to the neighborhood concerns, which was why the additional protections were included; however, this was a public space and neighborhoods already coexisted with the amphitheater and Francis Field
- This clamped down on the utility of the park space, particularly on the community youth

Commissioner Freeman was favorable to the changes and that the Ordinance recognized the skate park was built next door to residences. She stated that although the amphitheater was next to residential areas, there were still issues, whether parking or noise.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2020-02 on second reading, read by title only and passed as amended. The motion was SECONDED by Commissioner Freeman.

Ms. Lopez read the title as follows:

⁴ Provided to Commission, attached to original minutes

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING ARTICLE VII OF CHAPTER 22 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING DEFINITIONS; DESIGNATING CITY PARKS, VENUES, AND FACILITIES; PROVIDING TERMS OF USE; PROVIDING PENALTIES; PROVIDING THE CITY MANAGER THE AUTHORITY TO DECLARE SPECIAL CONDITIONS AND EMERGENCIES; LISTING PROHIBITED ACTIVITIES IN CITY PARKS, VENUES, AND FACILITIES. PROVIDING REGULATIONS FOR LARGE GROUP FEEDINGS IN PARKS; REQUIRING A PERMIT FOR CERTAIN EVENTS IN THE CITY; REQUIRING AN APPLICATION FOR CERTAIN EVENTS IN THE CITY; PROVIDING REQUIREMENTS FOR THE CITY MANAGER UPON APPROVAL OR DISAPPROVAL OF A PERMIT; PROVIDING A PROCEDURE FOR APPEAL; PROVIDING DUTIES FOR A PERMITTEE; PROVIDING AUTHORITY FOR THE CITY MANAGER TO REVOKE A PERMIT UNDER CERTAIN CONDITIONS; PROVIDING PENALTIES; 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.

Mayor Upchurch inquired about this amendment's affect to the regular group that administered large group feedings.

Ms. Lopez noted that the Ordinance provided for the group to obtain a long-term license, which was suggested by them, for continuing the same operations and same locations.

Mayor Upchurch noted that he was willing to take Ms. Lopez' recommendation on the revisions, with the same reservations as noted.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2020-17: Renames Bravo Street between Riberia and Sanford Streets to Carrie Johnson Way to honor Miss Carrie Johnson who was known as "The Voice of Lincolnvile".

Mr. Franklin reviewed the Ordinance.

MOTION

Commissioner Horvath MOVED to place Ordinance 2020-17 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. 2020-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-167 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF BRAVO STREET AS "CARRIE JOHNSON WAY;" 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: Horvath, Sikes-Kline, Upchurch, Valdes, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2020-09: Required by the Florida Department of Transportation, supports renaming the San Juan Street extension in Anastasia State Park to Nona and Popa Road.

Mr. Franklin reviewed the Resolution.

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-09. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

9.B.2. Resolution 2020-10: Amends emergency powers of the City Manager's ability to move forward with any and all administrative decision making necessary in the event of a state of health emergency.

Ms. Lopez reviewed the Resolution and noted this was a simple amendment to the existing Resolution to add a 'state of health emergency' along with 'state of emergency', so that Mr. Regan was empowered to do whatever necessary to preserve public health in the event there was a declaration by the Florida Governor.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-10. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.

Ms. Lopez discussed an issue that arose during the February Planning and Zoning Board (PZB) meeting with regards to the Sebastian Inlet Harbor PUD hearing as follows:

- Statements were made and documents presented regarding the underlying zoning of the winery
- The PZB requested that the attorneys attempt a resolution of the matter
- The attorneys requested certification pursuant to the City Code, which stated when documents or statements were discrepant in terms of the language in one document versus another, there was a provision that required a development permit applicant to certify the veracity and truth of the statements
- The City attorneys received responses from the attorneys for both parties, and they declined to certify

Ms. Lopez requested consensus that the direction of the Commission was that neither Ms. Lopez, Mr. Regan nor staff would schedule any further public hearings until the issue was resolved on the Sebastian Inland Harbor.

The Commission provided consensus to Ms. Lopez' request.

12. ITEMS BY CITY CLERK

12.A. Advising that the deadline to submit applications for upcoming board appointments to the Historic Architecture Review Board (HARB) is March 11, 2020.

Darlene Galambos, City Clerk, noted that the deadline was 5:00 p.m. on Wednesday, March 11, 2020.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Commissioner Sikes-Kline requested a discussion regarding the metering campaign topic that related to the homeless/panhandling issue brought up during public comment.

The Commission discussed:

- Topic had re-surfaced several times over the years with the Commission
- Removed heads from old meters, placed them onto countertops to receive coins to support the homeless
- The meters were a lot of maintenance
- Topic was dropped in favor of a brochure which was produced to educate people about giving to panhandlers
- Money collected was better given directly to service providers
- Resistance from business owners to install meters, as they did not want to take time to discuss with customers
- Brochures stated to text donations to a certain number, which went directly to United Way
- A few signs placed in well selected locations could provide the panhandlers notice that the City was tackling the issue
- Signs could have a barcode for texting donations
- Signs could be placed at the garage, one or two on St. George, public restrooms, garbage areas
- People were inclined to react to giving when in front of the homeless; therefore, perhaps merit

with access for when people are compelled

- A highly colored meter in street was better than inside a business
- Could not place an organizations' fundraising in a City right-of-way; however, the City could do their own
- There was not a surplus of the coin operated meters

There was Commission consensus for City Staff to work on the issue, find areas of improvement and address any code changes or complications.

Commissioner Sikes-Kline thanked Mayor Upchurch for the letter he had written to Governor DeSantis regarding House Bill 1011. She noted that the bill had been temporarily postponed by the House, the Senate had not had the Rules Committee hearing, this was the last week of session, and it was being monitored for a possible attachment to a bill already in movement.

Ms. Lopez noted that so long as a bill had been heard by any committee of the House or Senate, it could be tacked on to appropriations.

Commissioner Freeman provided an update on the Florida Forever funds use to purchase Fish Island. She noted that last years' total budget was \$33 million for the entire State, although hundreds of millions more were available. She stated that it looked as though this year they would get \$100 million, which was great for the entire State, and that other places would be able mirror what the City was doing.

Commissioner Horvath noted that the Sadowski Affordable Housing Act was anticipated to be funded this year.

Mayor Upchurch noted that the Fullerwood Neighborhood Association had endorsed renaming a small park area. He encouraged the Commission to name the park after Herbie and Annette Wiles, as spouses support our opportunities for

success, and that Annette was a significant part of the admiration for Herbie and his wonderful public life.

Mr. Regan requested that the record reflect the 5-0 Commission consensus to rename the Park.

Mayor Upchurch noted that Tuesday, March 10, 2020, representatives from the American Flood Coalition would visit the City. He said this was an opportunity for City staff to enlighten the Coalition on certain projects and move the conversation to a more technical, project focused and financially based focus.

15. Adjournment

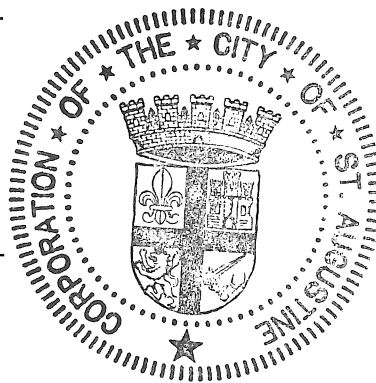
There being no further business, the meeting was adjourned at 6:18 P.M.⁵



Tracy Upchurch, MAYOR



Darlene Galambos, CITY CLERK



⁵ Transcribed by Laura Morse