

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, July 13, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, July 13, 2020 at 5:03 P.M. 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

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Melissa Wissel, Communications Manager
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Cynthia Garris delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch requested discussion of Item 9.B.1. prior to General Public Comment.

MOTION

Mayor Upchurch 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)

Item 9.B.1. discussed here.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

In person:

- Seber Newsome III
- Bruce Maguire
- Jason Davis

- Christopher Paone
- Jill Pacetti
- Vickie Hudnall
- Hugh Washington
- Rachel Kemper
- Rhonda Brennan
- Dustin Acosta
- Doug Russo
- Susan Bolton
- Tabatha Johnson
- Chris Fulmer
- Michael Boen
- Jaime Parham
- Ellaina Parham
- BJ Kalaidi

Via email:

- Nina Lennard
- Anne Pierro
- Dave Cummings
- Susan Graft
- Mark Bailey, Sr.
- Barbara Roach
- Randy Ringhaver
- Eric King
- Not signed
- Mark Billings
- Jason Davis
- Patricia Foust
- Chris Mason

Darlene Galambos, City Clerk, noted that twelve emails received requested the Commission to reconsider the Confederate monument.¹

Public comment was closed.

5. Consent Agenda

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA - JULY 13, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JULY 27, 2020:

(None)

CA.3. Reminder of Upcoming Meetings:

- July 27, 2020, 5pm, Regular City Commission Meeting
- August 10, 2020, 5pm, Regular City Commission Meeting
- August 24, 2020, 5pm, Regular City 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).

(None)

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

(None)

CA.8. Approval of the placement and wording of plaque to be placed at 91 Coquina Avenue. (*R. Franklin, Director, Public Works*)

CA.9. Approval of invoice from Bledsoe, Jacobson, Schmidt, Wright and Sussman for mediation services in the amount of \$1,548.00 and approval of invoice in the amount of \$8,381.00 from Cavendish Partners, P.A. for legal services rendered

¹ Attached to original minutes

in 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 Sikes-Kline 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

7.B.1. COVID update.

Mr. Regan provided an update on the COVID-19 virus:

Case numbers:

- State numbers showed growth difference from yesterday to today of 12,624 positive cases, an increase of 35 deaths
- St. Johns County showed growth difference from yesterday to today of 62 positive cases, and 12 deaths
- St. Johns County positivity rate was greater than 10%, and 11% for the State

- State Report noted most hospitalizations were between ages 35 to 84, and deaths predominantly greater than age 65
- Flagler Hospital recently noted their available capacity

Wastewater testing

Stephen Slaughter, Engineering Manager, updated the Commission on the Wastewater Treatment Plant COVID-19 testing.² He noted the following:

- Tested once a week on Tuesdays
- 24-hour wastewater samples taken from Monday into Tuesday
- Samples sent overnight to a lab
- Results typically received within six days, or the following Monday

KINSA Thermometers:

- Program distributed approximately 300 thermometers, with high standards required for receipt
- Opened with new partners to continue deployment
- Continued to show atypical illness levels in St. Johns and surrounding counties that required awareness and were indicative of COVID moving around

Facemasks:

- Ordered additional 20,000 masks for City gift shop inventory so local businesses could purchase unlimited quantities
- Cloth masks also sold at gift shop

Workforce:

- Press release would be submitted closing City Hall to the public effective July 16, 2020 through August 31, 2020
- Enhanced working from home for City Employees
- Seven employees currently out for testing, in various stages with delayed test results

² Attached to original minutes

- Extreme challenges for a three-person Human Resources department to track employees, off duty travel and ensure protocols followed
- City Hall mandatory indoor standard applied prior to City-wide mandate helped cut transmission
- Dealt with prospect of school re-opening with the workforce and meeting all City services

COVID Testing:

- Partnered with Flagler Hospital's drive-thru testing program, main issue was open access testing for those without health insurance, and issue with CARES Act money from St. Johns County
- St. Augustine Fire Department, St. Johns County Fire Rescue, St. Johns County Emergency Management and Flagler Hospital all partnered to work the drive-through testing site
- Site had limited capacity and performed an estimated 1,000 tests per week, or 200 – 300 daily
- Hours 7:00 a.m. to 11:00 a.m.
- Heavy demand on labs across country, causing a problematic 5 to 7-day delay for results
- Several 'by appointment' and 'walk-in service' private sector testing locations throughout the County
- Florida Department of Health (FDOH) took appointments for contact tracing
- Continued seeking answers to capacity limits, and worked to push more testing with more locations

Fire Rescue Actions:

- Fire operations re-established at Florida School for the Deaf and Blind, to ensure crew isolation within shifts, avoid entire crews hindered by infection, and reduce employees who required isolation after potential exposure
- Mayo Clinic offered testing with results in nine hours for first

responders and the first City employee was tested July 13, 2020

Indoor Mask Policy:

- Indoor mask policy provoked 15 calls for clarification and approximately 11 calls on social distancing standards
- Only 1 person was asked to leave a business by the St. Augustine Police Department for not wearing a mask
- Policy enforcement showed most people were law abiding
- No citations had yet been issued

Carlos Aviles, Fire Chief, continued discussion with the Commission:

- Waiting 10-14 days for test results was a demand issue, since testing labs were limited
- FDOH sent tests to State labs
- Some hospitals had internal labs that offered faster results
- Vast majority of state-wide testing sites utilized state contract with the lab; therefore, expected a delay
- On July 11, 2020, Florida recorded 142,000 people tested daily, with low number at 43,000 based on open testing sites
- State university labs also worked on testing, as they were utilizing every lab available in state and out of state
- Test kits shipped out of state in effort to speed up turnaround time

The Commission and Mr. Regan discussed:

- Between 130,000 - 140,000 masks had been dispersed
- Mask requirement inside buildings going well and most people followed rules
- Social distancing in most downtown areas was impossible; therefore, revisit mask requirement in locations such as Spanish and St.

George Streets where virus could spread quickly

- COVID numbers would continue to climb
- Improve visitor education at parking garage with flyers or message from attendant about the City's indoor mask standard, encouraging outdoor mask usage, and advising mask availability at the gift shop
- Encouraged good behavior in outdoor public space with signs reminding of social distancing at either end of St. George and busy traffic areas

Mayor Upchurch noted his appreciation for the leadership of Chief Aviles and Mr. Regan on this topic.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2020-22: Amends Section 11-89 of the City Code to correct a scrivener's error conforming lettering from numeric to alpha. (I. Lopez, City Attorney)

Item administratively removed.

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.B. Resolutions

9.B.1. Resolution 2020-25: Modifies Communications Media Technology (CMT) public comment rules.

Item was discussed prior to Item 4. General Public Comments.

Isabelle Lopez, City Attorney, reviewed the Resolution, noted the intent for efficient meetings and stated what changed were action items that did not require separate public hearings and generic public comment on non-agenda items.

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

In person:

- BJ Kalaidi

Via email:

- Ann Pierro (need email)

Public hearing was closed.

The Commission discussed:

- Designated voice message line for callers to leave public comment prior to meetings, which would eliminate call lag, shorten time and permit consecutive playback of messages by the Clerk
- City responsible for reasonable public accommodations for safe participation at meetings which had been accomplished during the pandemic, and a message line may further technical issues
- Commission had worked diligently to increase public participation through community workshops, charrettes, various special advisory committees, neighborhood walks
- Importance of public input because of different perspective
- Call-in comments did not work and lost control of last Commission meeting due to repeated callers,

unknown caller que, and callers responding to non-topic items

- Email comments were an expressive form of communication and should be encouraged
- Uncomfortable with in-person meetings in Alcazar Room until COVID-19 case numbers declined; therefore, suggested Flagler auditorium and County Commission room for social distancing accommodations
- COVID-19 would be around for a while and adaptation and exploration of all aspects of providing call-in comment for meetings was required

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-25, effective immediately upon passage and instruct the City Clerk to explore other methods of receiving public comment by telephone. The motion was SECONDED by Commissioner Horvath.

Commissioner Sikes-Kline noted her inability to support the Motion, since it affected the current meeting and significant public input was expected; however, she appreciated her fellow Commissioners' intentions.

Mayor Upchurch stated there were no action items on the agenda for which the Commission was limiting public comment and they were not avoiding public comment, but attempting to create an orderly mechanism in going forward.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Freeman

NAYES: Sikes-Kline

MOTION APPROVED 4/1

Item 4. General Public Comments discussed here.

9.B.2. Resolution 2020-24: Schedules an initial public budget hearing and sets the 2020/2021 proposed millage rate.

Mark Simpson, Director, Finance, reviewed the Resolution.

Mr. Simpson noted that further discussion of the item would take place at the August 18, 2020 Budget Workshop. He stated that two public hearings would take place in September 2020, and the first hearing was scheduled for September 3, 2020.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-24. The motion was SECONDED by Commissioner Freeman.

VOTE ON MOTION

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

NAYES: None

MOTION APPROVED UNANIMOUSLY

The Commission discussed:

- August 18, 2020 Budget Workshop meeting conflicted with a few schedules
- Date of August 18 was not mandatory; however, the September 3, 2020 budget millage was and required posting with the Property Appraiser
- Prior meetings lasted 2 to 3 hours
- Finance personnel would resolve the Budget Workshop date and advise

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

(None)

13. ITEMS BY CITY MANAGER

13.A. Approval of Quit Claim Deeds, Temporary Construction Easement and Permanent Maintenance Easement for 83 Coquina Avenue.

Mr. Regan reviewed the Agreement necessary between the Morrows and the City and noted the following:

- Four documents were part of the Agreement
- Commission approval of Agreement needed, subject to form and correctness, which included the Morrows signing first
- Quit Claim Deed from the City to the Morrows had a six-month reverter clause stating in the event of their failure of work performance, the City could take back property ownership
- This had been a work in progress since the time of property acquisition

Ms. Lopez clarified that at the time of the transaction, the City was aware that the City's claim was to the center line of the platted Coquina Creek, and not to the existing creek. She noted that the legal position was solid throughout.

MOTION

Commissioner Sikes-Kline MOVED to approve the Agreement as described by Mr. Regan. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath,

Upchurch, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch noted the hard work required to obtain the Agreement, and his appreciation for Mr. Franklin, Mr. Regan and Ms. Lopez for their efforts.

13.B. Notice and discussion regarding 2021 St. Johns County Legislative Action Plan.

Mr. Regan reviewed the topic and noted the following:

- Requested by St. Johns County annually
- Topics listed in plan did not limit other subjects, it was a starting point on goals with Tallahassee, for the City and support of other agencies, such as North Florida Regional Planning Council
- Items listed carried from year to year, particularly topics associated with home rule
- Mental health position a large success and Representative Stephenson successfully defended the money
- COVID would vastly reduce budgets; therefore, should spend time on 'bread and butter' smaller items, and not improbable ones

Commissioner Sikes-Kline noted the following items:

- Continue funding of State Road 313 bypass
- Bring Resolution 2016-42 forward concerning write-in candidates for municipal elections
- Bring Resolution 2010-10 forward, which banned offshore drilling
- Bring Resolution on seismic testing forward

Commissioner Horvath noted that funding West Augustine improvement items should

be on the list since this had been vetoed by the State Legislature.

Mayor Upchurch requested that Mr. Regan provide copies of the last few years of legislative requests, adding the items requested by the Commissioners. He noted the County administrators requested the information by July 24, 2020.

Mr. Regan acknowledged the request and noted that information provided by the City would not preclude future action items.

14. Items by Mayor and Commissioners

14.A. Discussion regarding granting permission for the general use of the City seal.

Commissioner Leanna Freeman reviewed a letter received by Ancient City Art requesting use of the City seal. She requested guidance from the Commission.

The Commission discussed:

- Current policy required writing a letter requesting sponsorship with Commission review
- Requests to use seal were rare
- Suggested extending seal use to local artists producing artwork with historic value
- City seal should be restricted to official City programs
- Use must establish a greater public benefit
- City Charter noted there must be written permission which reflected the State statute
- Make seal more restrictive

There was Commission consensus to direct Ms. Lopez to draft a simple criteria for Commission consideration, to use when evaluating requests for City seal usage.

Commissioner Valdes addressed the war memorial topic:

- Once the monument was gone, it was gone, a deeply troubling issue
- Would possibly be destroyed and could not be replaced
- The course taken by the Commission was not helping race relations, but exacerbating
- Understood the attempt to get past troubling part of history, but it was troubling when efforts were reduced to a 140-year mortar structure, since his business for 35 years was saving structures
- Cost to remove memorial was \$160K to \$170K, and would total \$300K to \$400K of taxpayer money to relocate, which was money he preferred to spend on building sewers or clinics in West Augustine
- Unsure when COVID would end, so was this a good time for destruction of something that could be repurposed into a true need, a Civil War monument in the City that could not be 'plucked' from history
- Wanted the Commission to reconsider their decision

Commissioner Horvath requested an update on the relocation of the monument, and noted the following:

- Pressure from numerous people in community for a Commission reconsideration on decision and take it to a referendum
- Suggested placing the item on the ballot before August deadline, so the citizens could vote
- Great ideas received from Dr. Parker on re-purposing the monument
- The Bailey's sent letter offering to close gap on cost of monument relocation, and put in a clinic or utilities in West Augustine
- Much had changed since last meeting on the topic, such as the denial of \$450K for utilities in West Augustine
- Her position was always to place names of Union soldiers on the

monument, could not deny the war happened

- Topic was uncomfortable, but felt it was ripping community apart and was a very bad mistake
- No harm to think about a possible ordinance put in place with time before the deadline, which could go along with the lawsuit
- Wanted the Commission to reconsider their decision

Commissioner Freeman requested an update on the location and the company that would move the monument.

Ms. Lopez advised the Commission of the following:

- The City was currently under litigation and public discussion should be limited
- At the suggestion of a scheduled shade meeting by Mr. Regan, she noted that discussion would be limited to litigation strategy and cost
- Certain items the Commission discussed were strategic and would impact the City's response on its' position to the Court, other items were general public policy
- Commission could reconsider its' decision on monument without a shade meeting
- Unsure of Supervisor of Elections' deadline date to place a question on referendum which required a fully signed Ordinance
- Required Commission direction to draft an Ordinance and schedule two readings and it was a tight deadline

Commissioner Sikes-Kline agreed that the Commission should conduct shade meetings whenever lawsuits were filed.

Mayor Upchurch noted the following:

- The Commission considered the decision carefully and deliberately

and made what was believed the best decision for the community

- All Commissioners were receiving pushback from those unhappy with decision, and that was their right
- Compelling arguments existed on both sides which each Commissioner had opportunity to consider and discuss with the City Manager to shape an agenda in going forward
- Pending litigation made him uncomfortable with saying much more

Ms. Lopez stated she would determine if shade meetings could be conducted through CMT, due to their nature and the necessity of a court reporter.

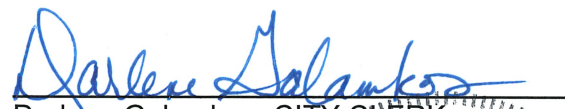
There was Commission consensus to have a shade meeting, at the first reasonable opportunity and at a location that accommodated social distancing, should the meeting not be allowed through CMT.

15. Adjournment

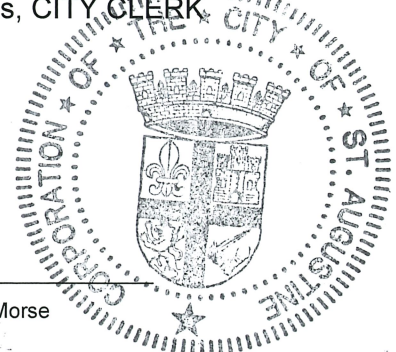
There being no further business, the meeting was adjourned at 7:41 P.M.³



Tracy Upchurch, MAYOR



Darlene Galambos, CITY CLERK



³ Transcribed by Laura Morse