CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, July 27, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, July 27, 2020 at 5:00 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

Mayor Upchurch delivered the invocation, and Commissioner Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Sikes-Kline MOVED to approve the Agenda. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

(None)

4. Public Comment

4.A. Public comment on agenda action items not requiring a separate public hearing (In person in the Alcazar Room, 3 minutes per individual), (Email/written comments summary and tally support/oppose by Clerk)

Item heard with Item 4.B.

4.B. General public comment on items not on the agenda (In person in the Alcazar Room, 3 minutes per individual), (Email/written comments

tally by clerk if identifiable common issue)

The Commission heard from the following members of the public:

- John Voelkel
- Seber Newsome III
- Sandra Parks
- Dustin James Acosta
- Christina Pacetti
- Catherine Paulsen
- Christina Pacetti
- Melody Ziegler
- Michael Boen
- David Hines
- Evelyn Powell Parker
- Jaime Parham
- Chris Fulmer
- BJ Kalaidi

Public comment was closed.

5. Consent Agenda

Mr. Regan read the Consent Agenda.

CONSENT AGENDA – JULY 27, 2020

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 10, 2020:

(None)

CA.3. Reminder of Upcoming Meetings:

- July 27, 2020, 4pm, Shade Meeting (Marlowe)
- August 10, 2020, 5pm, Regular City Commission Meeting
- August 24, 2020, 5pm, Regular City Commission Meeting
- September 3, 2020, 5:05pm, Special Budget Meeting

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

- April 27, 2020, Regular Commission Meeting
- May 11, 2020, Regular Commission Meeting

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

KMB Asset Solutions, LLC - 24 Arenta 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. Approval to dismiss pending foreclosure for property at 52 Spring Street. *(D. May, Assistant City Attorney)*

CA.9. Release of School concurrency proportionate share mitigation agreement between St. Johns County School District, the City and Antigua Apartments. *(D. Birchim, Director Planning and Building)*

CA.10. Approval of the Proportionate Share Mitigation Agreement between the St. Johns County School District, the City and the Whispering Creek development. *(D. Birchim, Director, Planning and Building)*

CA.11. Third quarter report for the legal department. *(I. Lopez, City Attorney)*

CA.12. Approval to begin the process to officially designate the property located at

91 Coquina Avenue a city park. *(M. Wissel, Communications Manager)*

End of Consent Agenda

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

Mayor Upchurch requested to remove Item CA.8. from the Consent Agenda.

5.B. Approval of Consent Agenda

MOTION

Mayor Upchurch MOVED to approve the Consent Agenda with the exception of Item C.A.8. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Mayor Upchurch requested the Commission's review of *Item CA.8. 'Approval to dismiss pending foreclosure for property at 52 Spring Street'.* He questioned the historic significance of the structure and was not amiable to walking away and leaving the structure to fall down.

Isabelle Lopez, City Attorney, reviewed the status of Code Enforcement's lien foreclosure. She advised the Commission to decide on whether to foreclose, with the knowledge of a substantial mortgage, back taxes and a CE's lien, which would remain on the property. She noted the building inspector determined the structure was not salvageable; therefore, the property value was in the vacant land, and if the City foreclosed, it would lose money.

The Commission discussed:

- First mortgage with interest totaled $175K, back taxes totaled $14,500, Code Enforcement lien totaled $59K
- A Trust represented the lien, and the City's legal department had connected with the Trust's attorney
- When roof was fixed, it was a safety hazard from storms; however, prior to investing money, a structural assessment should have been completed
- Structure was one of the last farmsteads in West Augustine
- Structure was unique, on several lots and worth more than lien amount; therefore, City should consider keeping property
- Review buildable lot value, since structure was a tear down years ago

The Commission directed Ms. Lopez to obtain further information on the property:

- Number of buildable lots
- Comps from a Real Estate Agent on land value
- Commissioners look at structure

The Commission discussed whether to table the meeting to the following scheduled date or the next month.

Mayor Upchurch MOVED to table the item until the August 24, 2020 meeting. The motion was SECONDED by Commission 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

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

<u>8.A.</u> Ordinances – Second Reading

<u>8.A.1.</u> Ordinance 2019-49: Adopts the City's updated Comprehensive Plan 2040.

Amy Skinner, Deputy Director, Planning and Building, reviewed the Ordinance and provided a presentation on the topic.[1]

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

- BJ Kalaidi

Mayor Upchurch inquired about the procedure if the proposed revisions submitted by staff, and pending Commission approval, were not acceptable to the State.

Ms. Skinner stated that negotiations would begin with the State to resolve any issues they had, and the City would offer to tweak the language or provide alternate responses to amend the Plan.

Commissioner Sikes-Kline noted her appreciation for staff's efforts with the Plan and her satisfaction with the incorporation of mobility framework, the City's vision, historic preservation, cultural resources, neighborhood character studies and community character.

Mayor Upchurch noted his appreciation for the tremendous hard work from Ms. Skinner, David Birchim, Director, Planning and Building, and their department.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-49 on second reading. The motion was SECONDED by Commissioner Horvath.

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

ORDINANCE NO. 2019-49

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN TO INCORPORATE CHANGES RECOMMENDED IN THE EVALUATION AND APPRAISAL REPORT; AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT, HISTORIC PRESERVATION ELEMENT, CONSERVATION AND COASTAL MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT TO CREATE A TRANSPORTATION AND MOBILITY ELEMENT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN 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

<u>8.A.2.</u> Ordinance 2020-22: Amends Section 11-89 of the City Code to correct a scrivener's error conforming lettering from numeric to alpha.

Ms. Lopez reviewed the Ordinance.

Public hearing was opened; however there was no response.

[1] Attached to Commission packet

MOTION

Mayor Upchurch MOVED to pass Ordinance 2020-22 on second reading. The motion was SECONDED by Commissioner Sikes-Kline.

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

ORDINANCE NO. 2020-22

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 11-89 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CORRECT A SCRIVENER'S ERROR IN ORDINANCE NO. 2000-16 RELATING TO NOISE CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

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

(None)

9.B. Resolutions

9.B.1. Resolution 2020-27: Establishes fees for Short Term (Vacation) Rentals.

Mr. Birchim reviewed the Resolution and noted the following:

- 'Vacation rental ordinance' was effective July 1, 2020
- A Short-term Rental Committee (STRC) comprised of citizen stakeholders publicly vetted the issue from residents, short-term rental owners and local businesses, held well attended public meetings in August 2019, and presented a final report to the Commission on September 9, 2019
- Both the Planning and Zoning Board (PZB) and the City Commission held well attended public hearings
- Legal fees were not covered, other than those specified in the Resolution
- Traditional Code Enforcement model was complaint driven, this was enforcement driven
- Enforcement included registration and two compliance inspections per unit (zoning and safety) that would be compared to registration items like bedrooms, parking and safety
- Properties monitored for consistency with registration and the Code, changing the City's code enforcement posture into pro-active, rather than reactive
- Host Compliance was the company contracted with the City, and also used by County Tax Collector office
- STVR units considered a home, apartment, or condo, including a homeowner rented room
- Fee would be revisited after program established for potential up or down adjustment
- Fees required a rational connection to costs of administering the program and could not be more than administration costs for the unit, but could charge less fees and subsidize the program

The Commission discussed:

- Fee structure for homesteaded Airbnbs should be less than those investment owned
- Inspection of smaller properties took less time; therefore, assess fee structure based on square footage tiered assessment, easily accessible from property appraiser website, eliminating need for discretion and potential legal issues
- Code enforcement complaints were not typically from homesteaded property or 'hosted' Airbnbs, but from investment properties, and complaint history might justify a cost difference
- Base fee on how property advertised, such as number of bedrooms, to determine inspection time needed
- Could not base fee on amount of money the Airbnb made, as this would look like a tax
- Use data from other municipalities to establish the rate structure, so long as proportionate and rationally related
- Ft. Lauderdale had a non-occupied vacation rental renewal registration fee, which was half of the owner-occupied vacation rental, and an escalating fee structure based on inspections required

There was Commission consensus to send the topic back to staff to research a tiered rate system.

Mayor Upchurch questioned the timing of launching one of the largest City regulatory actions during a time when STVRs, businesses and tax revenue had been pummeled, and the community, State and Nation faced larger issues. He stated his preference was to postpone this topic to a later date.

The Commission discussed:

- Some STVRs failed to address parking issues, an important issue that should be enforced
- Commissioners should prepare to pass complaint emails to staff to be resolved
- The City's value was in maintaining low intensity, stability, and livable residential neighborhoods; therefore, hindering these core values was not good
- Bed & breakfast owners struggled with property tax bills for their property zoned to host others
- Should compromise and look at larger picture on what happened to the community with the rentals
- Airbnb business was thriving, so should carefully determine an equitable pricing structure and move forward
- Bed & breakfast business suffered because of COVID-19 and people avoided close proximity to others
- Real estate investment market had slowed because of existing regulations and investors waited on Commission decisions

MOTION

Commissioner Horvath MOVED to return this proposed Resolution to staff requesting them to advise and suggest a tiered fee approach. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

<u>9.B.2.</u> Resolution 2020-28: Establishes the criteria for evaluating requests to use the City seal.

Ms. Lopez reviewed the Resolution and noted that at the Commission's request, additional criteria could be added.

The Commission discussed:

- Public benefit must exist to use the City seal

- Requestor should complete a form with minimum requirements
- Whether applicant furthered the public purpose and goals of the City's vision plan
- Should have something to hand people when they requested use of the City seal
- Include language that request was official or government nature
- Sponsorship required by a Commissioner
- Assign someone to process the applications and place on the Commission agenda for discussion
- Future Commissions would be served with more of a cut and dry form, but the application was enough guidance to start
- Resolution was well written and person requesting seal had plenty of information to make their case
- The Commission still had discretion on granting the application

MOTION

Commissioner Horvath MOVED to pass Resolution 2020-28 with modification to remove requirement of sponsorship by a Commissioner. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

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

10. Staff Reports and Presentations

(None)

11. ITEMS BY CITY ATTORNEY

<u>11.A.</u> 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

Mr. Regan advised that since the agenda publication, the following meetings had been scheduled:

- Community Redevelopment Agency (CRA) budget meeting, August 14, 2020 at 8:30 a.m.
- Special budget meeting, August 14, 2020 at 9:30 a.m.

Meredith Breidenstein, Assistant City Manager noted the following:

- Budget meetings typically lasted from one-half to a full day, and anticipated one-half day for the budget workshop
- Meeting was advertised for both an in-person meeting and via CMT, and would take place via Zoom should Governor DeSantis extend his Executive Order on virtual meetings

14. Items by Mayor and Commissioners

Commissioner Valdes invited discussion regarding Homewood Suites by Hilton Hotel (Homewood) located at 10 Prawn Street. He noted the following:

- Neared construction completion and encountered PZB issue with the sign location on the building
- James Whitehouse, Esq., counsel for Homewood requested the property be designated 'Commercial Sign Zone 4' of City's Sign Code which changed the elevation of sign
- Identical measure taken for Flagler College's dorms and parking
- Needed Commissioner to place on the Commission meeting agenda

- Homewood would bring drawings for Commission review
- Signage not visible from US-1 or King Street based on location of hotel, which prompted the request

The Commission discussed:

- Required an amendment to the City's Sign Code
- Send to PZB first for recommendation, then back to the City Commission for first and second reading
- Not anticipated that Homewood's sign was up for review, but shifting them into their requested commercial sign category
- Commission was only agreeing to consider the idea to change Homewood's category within the City's Sign Code
- Should look at the adjacent hotel signage

Commissioner Horvath noted the following:

- Flagler signage was approved because it was once historic
- Not amiable to signs all over building tops like Jacksonville, as it did not fit the City's character
- Was not endorsing at the time; however, open to reviewing Homewood's signage

Commissioner Sikes-Kline noted the following:

- Unfamiliar with Homewood topic, did not want to write an ordinance until further information available
- Large development was directly across river that would more than likely ask for the same request

There was Commission consensus to direct Mr. Birchim to make a presentation at the next Commission meeting confirming the relevant sign ordinances and zones along the San Sebastian River.

Commissioner Freeman mentioned the Commission's consistent attempt to obtain active community involvement and participation in problem solving. She requested recognition of Mark and Alecia Bailey, who reached out to the Commission for the goal of bringing unity and healthy change to the community regarding the memorial, and although their goal was not achieved, the Baileys should be applauded for bringing forth their ideas.

Commissioner Sikes-Kline noted her discussion with Mr. Birchim regarding the struggle to use future land use and zoning maps and the finer details of the property location on the map. She suggested that once the State process with the Comprehensive Plan was completed, they return to the document before it was published and obtain usable maps.

Commissioner Horvath agreed with Commissioner Sikes-Kline's request on the map topic. She also requested Commission consideration of Sandra Parks' idea for a community committee, which made sense, was good timing, and would include a lot of knowledgeable people.

15. Adjournment

There being no further business, the meeting was adjourned at 7:00 P.M.[2]

T. L. Upchurch

Tracy Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK

THE CITY OF ST. AUGUSTINE CORPORATION

[2] Transcribed by Laura Morse