CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 10, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, August 10, 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
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Hunter Camp of Memorial Presbyterian Church delivered the invocation, and Mayor Upchurch led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch noted the addition of Item 7.B. to the agenda which provided a monument update.

MOTION

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

In person:

- Sandra Parks
- Seber Newsome
- BJ Kalaidi
- Jason Davis
- James Fulgium
- Evelyn Hammock
- Christine Humphries
- Janine (last name not provided)
- Wade Ross
- Hugh Washington
- Doug Russo
- Michael Boen
- Jaime Parham
- Elaina Parham
- Luis Miguel
- David Hines
- Shawn Morrison
- Jennifer Chaplin
- Chris Fulmer
- Dave Heimgold
- Richard White
- Rhonda Brennan
- Jenna Bernstein
- Deborah Rachel Kemper
- BJ Kalaidi

Darlene Galambos, City Clerk, summated emails received by the Clerk's Office regarding the City Manager's recommendation for monument relocation. She noted the emails stating opposition echoed the sentiments spoken today during public comment.[1]

Emails supporting:

- Drew Burchenal
- Ed and Lynn Richardson
- Denise Rohdin
- Maureen Winkler

Emails opposing:

- Robin Green
- Ann Pearrow
- Brianne Sanders
- Barbara Beals Shapiro
- William C. McRea
- Ladies Memorial Association of Florida
- Lunelle McCallister
- 'Save Their Honor' group
- Jay and Marlene Piriz
- Carl Ferraro
- Bill Schlegel

5. Consent Agenda

Mr. Regan read the Consent Agenda.

CONSENT AGENDA - AUGUST 10, 2020

CA.1. Preview of upcoming Commission meetings.

(None)

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 24, 2020:

(None)

CA.3. Reminder of Upcoming Meetings:

- August 14, 2020, 8:30am, Special CRA Meeting, Discussion regarding FY 2021 LCRA and HACRA tentative budgets
- August 14, 2020, 9:30am, Special Meeting, Discussion FY 2021 tentative budget
- August 24, 2020, 5:00pm, Regular City Commission Meeting
- September 3, 2020, 5:05pm, Public Hearing for FY 2021 tentative millage rate, budget adoption
- September 3, 2020, 6:00pm, CRA Public Hearing FY 2021 tentative millage rate and budget adoption for HACRA and LCRA

[1] Attached to original Minutes

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

- June 8, 2020, Regular City Commission Meeting
- June 22, 2020, Regular City Commission Meeting
- June 26, 2020, Emergency City Commission Meeting

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 2020-10: Designates August 26, 2020 as Women's Equality Day. *(R. Horvath, Commissioner)*

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

(None)

CA.8. Public Works and Utilities report for the third quarter. *(R. Franklin, Director Public Works and T. Grant, Director Utilities)*

CA.9. Approval of license agreement for a neighborhood community garden at Lighthouse Park. *(J. Piggott, Director General Services)*

End of Consent Agenda

<u>5.A.</u> Additions, deletions or modifications to Consent Agenda

(None)

<u>5.B.</u> Approval of Consent Agenda

MOTION

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

6. Appeals

(None)

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

<u>7.A.</u> General Public Presentations

(None)

<u>7.B.</u> Items of Great Public Importance

Progress report and recommendation regarding the relocation of the Confederate memorial from the Plaza de la Constitucion to the Trout Creek Fish Camp, accepting the proposal from Mr. Randy Ringhaver

Mr. Regan reviewed the topic and relocation options. He stated it was in the community's best interest to accept Mr. Ringhaver's offer, as the memorial would be relocated to private land allowing public access, and ownership with the means and desire to preserve the memorial consistent with the City Commissions' will.

Mr. Regan requested discussion of the Commission's preference to either transfer ownership through a Bill of Sale or to execute an Artifact Loan Agreement with Mr. Ringhaver.

Commissioner Sikes-Kline noted the following:

- Mr. Ringhaver's offer was very generous, he was well respected in community, monument would be in trustworthy hands and treated with respect and public access granted

- Supported moving the monument to Trout Creek Fish Camp with discussion of deaccession or Artifact Loan Agreement

Commissioner Horvath requested for Mr. Regan to answer the public's inquiry regarding a mason's structural study, and discuss the mover's qualifications, contract and liability coverage.

Mr. Regan discussed the mover, Jeremy Patterson of Progressive Construction:

- Fourth-generation structural mover, arguably the largest in the country, experienced in moving fragile large structures, buildings, towers and monuments
- Physically reviewed the structure and developed a detailed plan for a steel cage framing system with compression and technologically advanced industry equipment
- Carried a one million-dollar Riggers Liability Insurance Policy for care, custody and control of cargo
- Company at higher competency level and skill than others, knowledgeable of project and knew how to proceed
- Would take approximately two weeks to build system and engage onto memorial
- Goal was to move the memorial week of August 31st
- Monument was brick and mortar, requiring careful pick-up and moving with minimum vibration; therefore, it was difficult for a structural engineer to provide a good analysis

Commissioner Horvath inquired about President Trump's official order regarding monuments.

Isabelle Lopez, City Attorney, noted the following:

- Monument was on City property, not federal; therefore, President Trump's recent decree was not applicable and was directed more towards vandalism
- U.S. Supreme Court deemed public park monuments as government speech with rights on how, when, and when not to utilize speech

Commissioner Valdes expressed the following concerns:

- Should remove plaster and determine mortar's condition, since his experience with structures dating 1890 to 1910 proved common for mortar powdering out since mixture comprised of local sand and water
- There was a 30% chance that the mortar was compromised, based on his restoration of 140 buildings; however, could not opine condition until mortar examined
- Planned to wrap obelisk in plywood encased in a steel frame; however, vibration during move would compromise the mortar and brick
- If unable to move because mortar compromised, needed a budget for brick by brick disassembly and reconstruction, which should be addressed in mover's contract
- Best location for monument was the current one, and it should be repurposed into a Civil War memorial
- Name changes were occurring and justified, like Robert E. Lee High School in Jacksonville; however, the high school was not bulldozed
- Black lives do matter and change was needed in the country; however, as former Commissioner Parks suggested, removing the plaques from the monument left it just a masonry structure of coquina
- The Civil War was a huge hole in our historic fabric; however, to spend $230,000 or more of taxpayer money, depending on mortar condition, was not the right decision

- Although much of our history was wrong, two wrongs did not make a right, and moving monument versus repurposing was wrong
- Appreciated Mr. Ringhaver's offer, but could not support the move

Mr. Regan noted the following:

- Careful planning and analysis involved with the move, hence reason it would take two weeks
- Unforeseen circumstances with any job
- Contractor pursued a plan which was part of preservation architect Herschel Shepard and the assessment team
- Mortar would be checked the following day, and if the problems presented by Commissioner Valdes existed, the process would be halted

Commissioner Sikes-Kline stated the following:

- Experienced with brick and mortar from Lightkeeper's House project and Waterworks building
- Possibility existed that monument would require re-assembly after moving; however, was not convinced it would collapse
- Movers were experts and once disassembly started, necessary actions would be revealed
- Could not answer to cost of disassembly and reassembly, but should move forward with current information; and handle what came forward as necessary

Mayor Upchurch requested that Mr. Regan discuss conducting a mortar test with Mr. Patterson at the first opportunity.

Mayor Upchurch noted the following:

- Mover aware of political environment, had seen monument and was an expert on historic structure relocation
- This was the best opportunity to accomplish the Commission's original intentions to relocate, not destroy or hide the monument
- Relocation proposal was excellent, Trout Creek was beautiful and park-like, and Mr. Ringhaver's offer gracious

Commissioner Horvath noted the following:

- Shared same sentiments and points as Commissioner Valdes
- Plaza was an open-air museum and removing monument removed a large part of our history
- Missing an opportunity to honor the African American community by placing Union soldier names who fought for St. Augustine on monument hence making it a Civil War monument
- Shared appreciation for Mr. Ringhaver's offer
- Requested 'Artifact on Loan' agreement

Commissioner Horvath expressed concern with the installation of a lynching monument representing something that never occurred in the City of St. Augustine. She stated this caused confusion and requested the Commission to reconsider the decision.

There was Commission consensus to discuss the lynching monument topic during a subsequent meeting.

MOTION

Commissioner Sikes-Kline MOVED to relocate the monument to the Trout Creek Fish Camp into the capable hands of Mr. Randy Ringhaver. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Freeman
NAYES: Horvath, Valdes
MOTION APPROVED 3/2

Commissioner Sikes-Kline requested discussion of a Loan Artifact Agreement.

The Commission discussed:

- Artifact Loan Agreement was needed to ensure the monument was a loan and not a gift
- Agreement was a standard document that would not need to return to the Commission
- Mr. Regan's office worked with Mr. Ringhaver, who was comfortable with a Memorandum of Agreement
- Should a substantial issue occur during monument relocation, it was expected that Mr. Regan would notify the Commission

MOTION

Commissioner Sikes-Kline MOVED that moving the monument should require an Artifact Loan Agreement. The motion was SECONDED by Commissioner Freeman and APPROVED BY UNANIMOUS VOICE VOTE.

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2019-01: Corrects technological scrivener's error in amendment to the City's Animal Code.

Ms. Lopez reviewed the Ordinance.

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

- BJ Kalaidi

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2019-01 on second reading. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 5, ARTICLES I AND II, OF THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING CHAPTER 5, ARTICLE III OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICIBILITY AND PENALTIES; PROVIDING PROHIBITIONS ON CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR KEEPING ANIMALS; ALLOWING PIGS WITHIN THE CITY AS HOUSEHOLD PETS; PROVIDING MINOR AND TECHNICAL CHANGES TO THE ANIMAL CODE; REPEALING PROVISIONS THAT CONFLICT WITH AN INTERLOCAL AGREEMENT; REPEALING THE DOG AND CAT PET REGISTRATION PROGRAMS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; REPEALING SECTION 5-139 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO REMOVE A PROVISION PROHIBITING FISHING IN MARIA SANCHEZ LAKE; AMENDING SECTION 28-206 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ELIMINATE STABLES AS A PERMITTED USE IN ZONING CATEGORY CL-1; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS;

AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, 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

(None)

9.B. Resolutions

9.B.1. Resolution 2020-06: Honors Herbie and Annette Wiles by dedicating a park to be known as Herbie and Annette Wiles Park.

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

Commissioner Sikes-Kline thanked Mr. Franklin for his successful work on the Park, and she also thanked the neighborhood association and Kathy Brown who initiated the idea.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2020-06. The motion was SECONDED by Commissioner Freeman.

Mayor Upchurch noted the Commission would have the opportunity to speak about the Wiles' family during the Park dedication.

VOTE ON MOTION

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

10. Staff Reports and Presentations

10.A. Request to amend the boundaries of Commercial Sign Zone 4 to include properties on Prawn Street allowing signage above the ground floor.

David Birchim, Director, Planning and Building, provided a presentation and a staff report on the topic.

Mayor Upchurch clarified that the proposed action was for Ms. Lopez to draft an appropriate Ordinance that would go to the Planning and Zoning Board (PZB) for input and comment, then return to the Commission.

The Commission discussed:

- Requested PZB's suggestions in the City's best interest, as they worked well through issues
- Concerned PZB would think the already drafted ordinance was approved by the Commission
- Sending to PZB for review may affect the timeline on approval
- Submit Mr. Birchim's presentation to PZB for review prior to drafting the Ordinance
- Comfortable with staff's ability to convey that PZB provide an objective opinion

The Commissioners MOVED to refer this topic to the Planning and Zoning Board for review and the motion was APPROVED BY UNANIMOUS VOICE VOTE.

11. ITEMS BY CITY ATTORNEY

11.A. Discussion regarding pending foreclosure on property at 52 Spring Street.

Ms. Lopez reviewed the topic.

Commissioner Valdes noted the following:

- Visited site on four occasions over the years and rapid building deterioration had occurred
- Saving the building required replacing 75% of structure with zero interior remaining except possible small staircase portion
- Looked at separating and selling two lots; however, one lot required expensive removal of two buildings
- Splitting Lot 11 into two lots required expensive removal of a portion of the historic house
- Private sector investor would not see enough margin and renovating and restoring property would exceed $200,000
- Only possibility was for a building contractor who loved old buildings to purchase the property
- Lien would never be satisfied since City was listed third on a piece of property that would not find a buyer
- Purchase offer considered at $.50 cents on the dollar; however, this placed acquisition costs of the property at about $102,000
- Numbers did not work, and the City should back away from the deal

Ms. Lopez noted the following:

- Inquired about St. Johns County Community Redevelopment Agency (CRA) interest, whose West Augustine area of CRA was adjacent to property
- St. Johns County CRA planned to recommend the location back to their Historic Resources Review Board for listing as a local landmark, with potential tax credits
- Unsure if numbers would work

Irene Arriola, Real Estate Broker, provided an assessment of the property:

- Numerous active leaks noted
- Compromised ceilings
- Black mold present
- One-third of house required removal to release vacant lot and to restore original part of building
- Two other buildings on property in equally poor condition
- Rehabilitation was impossible, based on the time property had been neglected
- Cost to remove the buildings was $40,750:
  - $16,000 for house
  - $8,500 for concrete block garage which encroached onto the Julia Street parcel
  - $8,500 for concrete block house on Julia Street
  - $7,750 for the other house
- Total investment into property would be $142,000 to get return of $75,000 to $90,000
- Recent lot sales were from $25,000 to $35,000
- Concluded the math did not work
- Only optimistic option was the property being sold at auction on the courthouse steps

There was Commission consensus to direct Ms. Lopez to dismiss the property foreclosure with the liens remaining.

MOTION

Commissioner Freeman MOVED to follow the recommendations of the City Attorney. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

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

Mayor Upchurch expressed his appreciation for Commissioner Valdes' evaluation of the property.

12. ITEMS BY CITY CLERK

<u>12.A.</u> Notification of Board Term Expirations and Vacancies for the Civil Service Board, Board of Trustees 1977 City Employees' Retirement System of the City of St. Augustine, Florida and the Planning and Zoning Board.

Darlene Galambos, City Clerk, reviewed the topic.

13. ITEMS BY CITY MANAGER

(None)

14. Items by Mayor and Commissioners

Mayor Upchurch noted his recent personal experience with a large water leak that led to a substantial water bill. He suggested that for these unfortunate situations, in addition to allowing the customer to pay an excessive bill over several months, that the City forego profits by charging the wholesale price of the water usage.

There was Commission consensus in favor of the suggestion.

Ms. Lopez stated she needed to review the bond covenants, which were strict as to the available actions.

The Commission directed Mr. Regan and Ms. Lopez to review the topic and if possible, move forward under the bond covenants, then return to the Commission with a Resolution or appropriate measure.

15. Adjournment

There being no further business, the meeting was adjourned at 7:38 P.M.[2]

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

CORPORATION OF THE CITY OF ST. AUGUSTINE

[2] Transcribed by Laura Morse