

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, October 12, 2020

The City Commission met by means of Communications Media Technology (CMT) Monday, October 12, 2020 at 5:00 P.M. The meeting was called to order by Vice-Mayor Leanna Freeman, and the following were present:

1. Roll Call: Leanna S. A. Freeman, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

Absent: Tracy Upchurch, Mayor/City Commissioner

Staff: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
Jim Piggot, Director, General Services
Mark Simpson, Director, Financial Services
Barry Fox, Police Chief
Jenny Wolfe, Historic Preservation Officer
Melissa Wissel, Communications Manager
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Tim Fleming, Christ Church, delivered the invocation, and Vice-Mayor Freeman led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Freeman MOVED to approve the Agenda. The motion was SECONDED by Commissioner Sikes-

Kline and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

3.A. Proclamation 2020-12: Proclaiming the week of October 19-25 as Florida City Government Week.

Vice-Mayor Freeman read the Proclamation.

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- BJ Kalaidi

Public comment was closed.

5. Consent Agenda

CONSENT AGENDA OCTOBER 12, 2020

John Regan, City Manager, read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON OCTOBER 26, 2020:

- Ordinance 2020-26
- Ordinance 2020-27
- Ordinance 2020-28
- Ordinance 2020-29
- Ordinance 2020-30

CA.3. Reminder of Upcoming Meetings:

- October 26, 2020, 5:00pm, Regular City Commission Meeting
- November 9, 2020, 5:00pm, Regular City Commission Meeting
- December 7, 2020, 7:30pm, Special City Commission Meeting
- December 14, 2020, 5:00pm, Regular City Commission Meeting

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

- August 14, 2020, Community Redevelopment Agency Special Meeting
- September 3, 2020, Community Redevelopment Agency Special Budget Meeting
- September 3, 2020, City Commission Special Meeting
- September 17, 2020, City Commission Special Budget 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).

(None)

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

(None)

CA.8. Approval of Interlocal Agreement: Utility Service Area Update. (*T. Grant, Director Utilities*)

CA.9. Approval of grant funds to purchase specific items by the St. Augustine Police Department. (*B. Fox, Chief St. Augustine Police Department*)

CA.10. Fourth quarter 2019-2020 action report by the office of the City Attorney. (*I. Lopez, City Attorney*)

End of Consent Agenda

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

Commissioner Sikes-Kline corrected the November 14, 2020 Commission meeting date read from the Consent Agenda to November 9, 2020.

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda as corrected. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Horvath, Valdes, Freeman,
Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

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.**

8.A. Ordinances – Second Reading

(None)

**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 2020-27: Repeals a
section of the city code that provided**

**for mandatory retirement age and
inconsistent provisions regarding
normal and early retirement age.**

Isabelle Lopez, City Attorney, reviewed the
Ordinance.

MOTION

**Commissioner Sikes-Kline MOVED to
place Ordinance 2020-27 on second
reading, read by title only and passed.
The motion was SECONDED by
Commissioner Valdes.**

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY OF ST.
AUGUSTINE, FLORIDA, REPEALING
SECTION 20-82 OF THE CODE OF THE
CITY OF ST. AUGUSTINE THAT
PROVIDED FOR A MANDATORY
RETIREMENT AGE AND EMPLOYMENT
BEYOND NORMAL RETIREMENT;
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, Valdes, Freeman,
Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

**9.A.2. Ordinance 2020-29: Ordinance
defining professional and occupational
qualifications for HARB membership
and provides for new artisan, trade and
occupational categories.**

Ms. Lopez reviewed the Ordinance, noted
that it was developed due to the continued
struggle to find qualified HARB applicants,
and stated the Board was amiable to
recruit from specialty fields. She asked the

Commission to advise if they were amiable to the suggested categories.

The Commission discussed:

- Citizen residency preference preferred; however qualified candidates could be appointed
- Easier to sustain legal challenges with experts on the HARB Board
- Required one architect on Board, despite other positions
- Architectural historian preferred but difficult to find, although goal was to obtain the best qualified people in their respective field
- Consider 'construction and trades' with a restoration contractor with proven and timely track record
- Suggested language 'at a minimum require construction trades, historian and architect'
- Better communication needed between HARB, historic districts and real estate community because of misinformation
- Intent of real estate was to market property and the intent of HARB was to preserve property in specific historic attributes
- Commission had ultimate approval of members; therefore, were they hindering their flexibility with the appointee's qualifications
- Commission would select the best candidate from applicants and should not condition on specificity

There was Commission consensus that *'Item (9) Construction'* would include verbiage that contractors would require a minimum of five years of experience.

MOTION

Commissioner Horvath MOVED to place Ordinance 2020-29 on second reading, read by title only and passed with an amendment that included the five-year requirement on construction. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-29

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 2, ARTICLE II, DIVISION 3, SECTIONS 28-81 AND 28-82 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO DEFINE SPECIFIC PROFESSIONAL AND OCCUPATIONAL QUALIFICATIONS FOR MEMBERSHIP IN HARB; 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: Horvath, Valdes, Sikes-Kline, Freeman

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2020-30: Creates HARB alternate members and provides for standards and procedures for their participation.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Horvath MOVED to place Ordinance 2020-30 on second reading, read by title only and passed. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-30

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 2, ARTICLE II, DIVISION 3, SECTION 28-81 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO CREATE ALTERNATE MEMBERS OF HARB AND

TO PROVIDE STANDARDS AND PROCEDURES FOR THEIR PARTICIPATION; 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: Horvath, Valdes, Freeman, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions

9.B.1. Resolution 2020-37: Management and stewardship of Fish Island.

Ms. Lopez reviewed the Resolution.

Vice-Mayor Freeman stated the Resolution re-iterated the City's core values, the vision plan goals, and the effort and work completed to save Fish Island.

MOTION

Commissioner Freeman MOVED to pass Resolution 2020-37. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Freeman, Horvath, Valdes, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2020-38: Grants ad valorem tax exemption for the historic property located at 127 Oneida Street.

Jenny Wolfe, Historic Preservation Officer, reviewed the Resolution.

There was Commission consensus for appreciation of the excellent work,

perseverance and dedication completed by the property owners, Joe and Theresa Segal.

Mr. and Mrs. Segal thanked the Commission and Ms. Wolfe for their consistent support throughout the project's challenges.

MOTION

Commissioner Horvath MOVED to pass Resolution 2020-38. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Freeman, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

Vice-Mayor Freeman conveyed that these types of projects requiring the creation of ordinances and exemptions were the excitement of being part of the City.

10. Staff Reports and Presentations

10.A. Discussion regarding the creation of a citizen advisory committee to review and consider amendments to the city's building code, flood mitigation code and land development code.

David Birchim, Director, Planning and Building, reviewed the topic and noted that it originated from Commission discussions regarding flood protection, new home construction and impervious surface ratios.

Mr. Birchim stated the following:

- Several public meetings necessary to gather broad input with open debate on key issues
- A final report would be created for the Commission, and if accepted, the following would occur:
 - Proposed zoning code changes would pass to PZB

- Proposed building code changes would pass to the Code Enforcement Board
- Proposed building and flood mitigation code changes would be presented before the State Building Commission
- Once lower boards had public hearings, topic would return to the Commission with formal recommendations

Mr. Birchim requested the Commission's input on holding Committee meetings in December 2020 or waiting until 2021, since the holidays were a risky time to promote new initiatives. He advised that more than three hearings may be required for optimal input, due to social distancing measures.

The Commission discussed:

- Commission would ultimately select the focus of the Committee
- Allow Committee members to work on scheduling, but suggested a December 2020 meeting and January 2021 meeting
- 60 day goal to have public meetings was restrictive during COVID and it could take up to a year; however, there was flexibility without a specific deadline
- Meeting topic examples could profoundly change the character of historic neighborhoods
- Amiable to suggested specialties list for Committee, with emphasis on experts in historic preservation
- Amiable to idea Committee was a short-term 'task force' which dissolved after achieving goals
- Create incentives for building techniques which limited flooding
- Create impervious surface ratios tied to building height or lot coverage
- Mandatory requirement needed for constructing suspended floor systems in historic areas which would assist with flooding issue, as monolithic slabs were destroying

North City, Lincolnville and Davis Shores neighborhoods

- Fast track solving the flooding issues, since dozens of homes would be constructed during the next year and citizens demanded flooding solutions
- Add landscape architect to Committee member list
- Committee was sufficient with only five members, not seven
- Goal was modifying building code to allow maximum permeable surface to remain
- Actual flooding problem numbers requested, such as unbuilt lots and new construction numbers in Davis Shores
- Although very costly, suggested lifting homes from concrete slabs in lieu of tearing homes down
- Every house in Davis Shores with elevation of 6' or less would require reconstruction in the future

There was Commission consensus to proceed with advertising for the Committee.

Mr. Birchim noted he would advertise for citizen volunteers and return with more precise key issues at the November 9, 2020 City Commission meeting.

Commissioner Valdes volunteered to Chair the Committee.

MOTION

Commissioner Horvath MOVED to appoint Commissioner Valdes as Chair of the Citizen Advisory Committee. The motion was SECONDED by the Commission and APPROVED BY UNANIMOUS VOICE VOTE.

11. ITEMS BY CITY ATTORNEY

11.A. Announcement of rescheduled Brownfields Area designation for West San Sebastian by applicant CLDG Hendricks Commercial, LLC per F.S.

376.80, to the October 26th, 2020 City Commission meeting.

Ms. Lopez reviewed the item and advised that she was required to inform the Commission and the public regarding the upcoming Resolution on the topic.

12. ITEMS BY CITY CLERK

12.A. Request for one appointment to the St. Augustine Police Officers' Retirement Board of Trustees.

Darlene Galambos, City Clerk, reviewed the topic and noted one application was received for the two available positions.

There was Commission consensus to re-appoint Douglas Hernandez.

12.B. Request for two appointments to the Lincolnville Community Redevelopment Area Steering Committee.

Ms. Galambos reviewed the topic and the applicants and stated that Sue Agresta withdrew her application. She requested the Commission's decision whether to appoint applicant Julie Risenhoover, or to postpone the vote to allow the positions to be re-advertised.

Commissioner Sikes-Kline noted the great opportunity for Jaime Perkins, newly hired CRA Administrator, to obtain more applications through community outreach.

Vice-Mayor Freeman advised Ms. Galambos to re-advertise the position with a hopeful return of multiple applicants.

13. ITEMS BY CITY MANAGER

Mr. Regan advised the October 26 Commission meeting would be virtual, as the Governor extended the ability to hold virtual meetings through October 31, 2020.

14. Items by Mayor and Commissioners

Vice-Mayor Freeman acknowledged Abby Pedigo, Fire Safety Inspector, for her involvement in the successful *Fire Prevention Week* video.

Vice-Mayor Freeman requested the re-instatement of a City-wide mask mandate and the feedback Commissioners had received. She noted that local businesses and employees were getting customer backlash for requiring masks, and they felt isolated without a City mandate.

Commissioner Horvath stated she had received similar feedback and that businesses were on the front line.

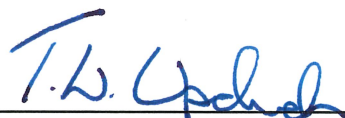
Commissioner Valdes concurred with the other comments, believed a mask mandate should be re-instated and that the City should stand behind local businesses.

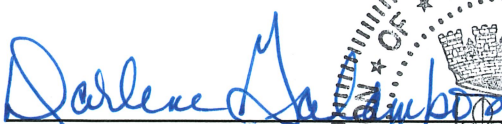
Commissioner Sikes-Kline stated this topic was another example of why the City needed Home Rule.

Vice-Mayor Freeman stated the Governor previously handed the Commission a leadership role with ability to impose a mandatory mask mandate, that COVID-19 numbers should be monitored, and available legal options explored.

15. Adjournment

There being no further business, the meeting was adjourned at 6:29 P.M.¹


Tracy Upchurch, MAYOR


Darlene Galambos, CITY CLERK

¹ Transcribed by Laura Morse

