CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, April 26, 2021

The City Commission met in formal session Monday, April 26, 2021 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
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Todd Grant, Director, Utilities
Jessica Beach, Chief Resiliency Officer
Todd Neville, Audit Review Committee Board Member
Barry Fox, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Cynthia Garris, City of St. Augustine, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

Commissioner Horvath MOVED to approve the Regular Agenda. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Gail Wisler
- Harold W. Brown
- Lee Geanuleas
- Shaun Morrison
- Doug Russo
- Johanna L. Councilor
- Bruce Bates
- Melinda Rakoncay
- Lauren Giber

- Chris Fulmer
- Charles Pappas
- Bruce Maguire
- Gregory Bernard White, Sr.
- Dwala Willis
- Robert Nimmons
- Anthony Britton
- BJ Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA – APRIL 26, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MAY 10, 2021:

- Ordinance 2021-04
- Ordinance 2021-06
- Ordinance 2021-08
- Ordinance 2021-09

CA.3. Reminder of Upcoming Meetings:

- May 10, 2021, 5pm, City Commission Meeting
- May 11, 2021, 8:30am, Strategic Planning and Mid-Year Budget Analysis Meeting
- May 24, 2021, 5pm, City Commission Meeting

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

- March 8, 2021, Regular City Commission Meeting

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

- 1431 Masters Drive - Rebecca Petersen for Stonecutters 77, LLC
- 401 Rodriquez Street - Roots Woodworking, LLC

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:

- Proclamation 2021-08: Proclaims May 2021 as Garden for Wildlife Month. *(B. Blonder, Commissioner)*

CA.8. Approval of ResilientStAug and Resilient Heritage branding. *(M. Wissel, Director Communications)*

CA.9. Approval of use of City Seal by the Tax Collectors Association Spring Conference per request from St. Johns County Tax Collector, Dennis Hollingsworth. (*D. Galambos, City Clerk*)

CA.10. Second quarter legal report. *(I. Lopez, City Attorney)*

CA.11. Second quarter Public Works and Utilities Update. (*R. Franklin, Director Public Works and T. Grant, Director Utilities*)

CA.12. Approval of statement in the amount of $6,637.50 from Cavendish Partners, PA for legal services in the MASCI General Contractor, Inc. matter.

End of Consent Agenda

<u>5.A.</u> 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 Valdes.

VOTE ON MOTION

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

7.B.1. Review of the findings of the City's audit committee and presentation of the Comprehensive Annual Financial report (CAFR) by David Howie, CPA of Masters, Smith & Wisby, P.A.

Mark Simpson, Director, Finance, reviewed the topic and introduced Todd Neville, Audit Review Committee, and Gary Howie, CPA Partner, Masters, Smith & Wisby, P.A.

Mr. Neville discussed the Commission and auditor's responsibilities with regards to the CAFR. He stated the auditors cleared the previous year's findings and he commended Mr. Simpson and his team for the task. He noted that 13 journal entries were made, down from 36 the previous year, with zero as the ultimate goal.

Mr. Neville advised the Commission of the Audit Committee recommendations:

- Retain an outsourced internal auditor who reported to the Audit Committee
- Accept audit as presented and let the record show the audit was clean

Mayor Upchurch noted his appreciation for Mr. Neville's leadership and assistance with the topic.

Mr. Howie reviewed the CAFR and highlighted the following:

- Expected City to get Certificate of Achievement in Financial reporting for the year
- Unmodified opinion and healthy balance sheet with $38 million in cash at year end, $53 million in long term debt and $137 million total net position
- General Fund budget versus actual variance was $358,000
- Utility Fund had a $9 million net increase
- Stormwater and Solid Waste Funds broke even
- Visitor Center lost $500,000 due to COVID

Mayor Upchurch substantiated that there were no specific recommendations for the City requiring the Commission's attention, other than the suggestion of an internal auditor. He noted his appreciation for Mr. Howie's professionalism and attention to the topic.

MOTION

Mayor Upchurch MOVED that the Commission accept the CAFR. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

NAYES: None
MOTION APPROVED UNANIMOUSLY

Mayor Upchurch MOVED that the Commission direct the City Manager to prepare an RFP to seek out an independent firm who would serve as an internal auditor for the City. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

Mayor Upchurch thanked Mr. Howie, Mr. Simpson, and Mr. Neville.

Mayor Upchurch clarified the internal auditor findings would be presented to the Audit Committee, then to the Commission.

<u>7.C.</u> Other Items Requiring Public Hearing

<u>7.C.1.</u> Shipyards property amended Development Agreement.

David Birchim, Director, Planning and Building, reviewed the intent of the language additions and considerations within the *Amended and Restated Shipyards Development Agreement*.[1] He reminded the Commission that development agreements had two public hearings; one that evening and the second would be held during the May 10, 2021 Commission meeting.

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

Ellen Avery-Smith, Esq., Rogers Towers, P.A., stated the owners of the Shipyard's property, subject to the Development Agreement, were present, and the Agreement intent was to provide a unified plan of development.

Public comment was closed.

MOTION

Commissioner Horvath MOVED to pass the amended Development Agreement on first reading and place on second reading for May 10th. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

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

Mayor Upchurch requested discussion of Item 10.B., since Andrew Jackson, Esq. was present with his client and other agenda items may be lengthy.

There was Commission consensus to allow the request.

<u>Item 10.B. discussed here.</u>

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

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

<u>8.A.1.</u> Ordinance 2021-07: Revises the City's Sewer Use Ordinance to implement the Environmental Protection Agency Dental Amalgam Rule and pharmaceutical hazardous waste ban.

Todd Grant, Director, Utilities, reviewed the Ordinance.

Public hearing was opened, however there was no response.

Public hearing was closed.

[1] Included with original Commission packet

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-07 on second reading. The motion was SECONDED by Commissioner Horvath.

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

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 26, ARTICLE I, SECTION 26-3 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO ADD DEFINITIONS; AMENDING CHAPTER 26, ARTICLE IV, SECTION 26-78 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO WASTEWATER PRETREATMENT; AMENDING SECTION 26-110 TO PROVIDE REGULATIONS FOR DENTAL AMALGAM AND RENUMBERING THE CURRENT SECTION 26-110; RENUMBERING THE SECTIONS OF CHAPTER 26, ARTICLE V; 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, Blonder, Upchurch
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 2021-04: Amends the Sebastian Inland Harbor Planned Unit Development.

Mr. Birchim reviewed the Ordinance which encompassed a re-zoning request by the Sebastian Inland Harbor owners. He advised the Commission they were not being asked to prejudge or endorse the applicant's change, nor were they remanding the matter back to the Planning and Zoning Board (PZB) with instructions, approving any variances, exceptions or conservation overlay zone development applications; however, the Commission was to simply acknowledge there was a process to rezone property, and with receipt of the applicant's request the process could be followed.

MOTION

Commissioner Horvath MOVED to approve that the Commission send it back to the PZB.

Ms. Lopez explained the Commission required no action, as this was procedural. She advised the applicant had the right to convert their application to a different zoning category and the hearings would be held at the PZB, then return to the Commission pursuant to City Code procedures.

Commissioner Blonder expressed the following concerns:

- A motion and amended motion were made at the January 25th meeting which unanimously continued the first reading of Ordinance 2021-04 to the current meeting to "allow Developer time to respond to Commissioners requests on topics discussed" and there was no response

- The letter from Ms. Avery-Smith, Esq. indicated the property owners were unable to make the numerous requested modifications and maintain the development's financial feasibility
- Mr. Birchim's April 26th letter read the City Commission would 'direct' City staff, and this was a rezoning request; therefore, Commission action was unnecessary
- Concerned any action would be irregular and would set a precedent; therefore, the re-zoning request should not be heard or acted upon at that time which should be explicitly stated
- There should be no consideration for any amendments or revisions if the Ordinance was on first reading
- Two applications now existed and this was concerning and confusing

Commissioner Sikes-Kline concurred with Commissioner Blonder, and stated her confusion was that the Ordinance was an agenda item on first reading for passage or action.

Ms. Lopez advised the item was placed on the agenda as first reading since the current meeting was the stated date of continuance from the prior hearing and the agendas were prepared in advance; however, in the interim, the applicant requested to terminate the negotiated process, which was their due process right. She stated amending the Planned Unit Development (PUD) was a re-zoning application which was changed to a conventional zoning category by the applicant that would be processed by City staff. She noted the last Commission action was to place on first reading, and this was simply a place holder.

Ms. Avery-Smith advised the purpose of submitting the revised applications was to simplify the process, not circumvent, and changing the zoning to Residential General Office (RGO) was companion zoning to the already approved future land use designation. She expressed her appreciation for the time the Commission, the PZB and residents had spent over the past one and one-half years. She noted that the property owners were present for questions.

Mayor Upchurch concurred with Commissioner Blonder's comments, but stated the Commission was faced with this situation and had the advice of Counsel.

MOTION

Commissioner Blonder MOVED that they simply acknowledge that they had received this information from the applicant. Mayor Upchurch SECONDED the motion.

Commissioner Horvath stated the topic's complexity was the plans submitted in the package were the same as the PUD plans, and a different plan with all on-site parking and 50% coverage of uplands was forthcoming. She questioned what exactly would be sited. She noted this would be worked through with staff; however, she did not want to acknowledge seeing this information and then send it back, since this was not what would be presented to the PZB.

Ms. Avery-Smith advised the plans were for the purposes of conservation overlay zone, their requested zoning variance for side-yard setback for SA Marina's property, and the zoning exception application for parking for Seavens. She noted the RGO zoning category did not require a site plan, but a conformance with the land development regulations.

Mayor Upchurch stated the following:

- An application to amend the PUD was presented at a prior meeting which he suggested to vote down, and that caused dismay and a continuance was allowed
- If this was not voted down, then they start with a new proposal

- Ms. Avery-Smith's statements in her letter of April 15th were conflicting and for the Commission to view this as the same application would provide her client a tremendous benefit, when this was an entirely different application
- There should be a one year waiting period; however, the Commission and the City were being asked for a pardon to waive it

Ms. Lopez stated theoretically the Commission could vote this item down, but the challenge was successive rezoning applications were not heard for the same property, and procedurally the applicant chose to terminate the negotiations in a PUD and apply to rezone to an RGO.

Ms. Avery-Smith re-iterated the intent to convert the application was to save the Commission and the public time related to the PUD, and by stating the future land use designation was residential median and density mixed use returned the property to pre-2004 zoning which allowed the similar uses already proposed. She requested the record reflect that the application was not withdrawn to start over because of the one and one-half years of valuable time spent with the Commission, board members and the public, and it should be clear their intent was to continue forward with essentially a 'simpler project.' She advised the one-year waiting period was for an application denial, which was the reason it was modified and should return to the PZB for review as a significantly revised application.

Commissioner Blonder WITHDREW her MOTION.

Commissioner Blonder noted this was a brand-new application that would come before the PZB without any pre-judgment; therefore, she did not want a precedent set or tacit approval from the Commission by taking any action.

Mayor Upchurch requested that the Commission move to the next Agenda item.

9.A.2. Ordinance 2021-06: Amends the City's sign code.

Ms. Lopez reviewed the Ordinance and the necessary changes precipitated by a U.S. Supreme Court decision. She clarified the names of signs would be described in a content neutral way, with zero impact to business owners, and a recent PZB recommendation suggested the regulations only include commercial properties.

Commissioner Blonder commended City staff and the PZB for the time spent with updating the Ordinance. She expressed concern with citizen emails regarding the bayfront signage on residential property, and the lack of regulation for accessory residential use signs. She stated similar commercial aesthetic standards should be applied to residences and she reviewed the three alternatives provided by Ms. Lopez in a proposed sign definition letter to the PZB.[2]

MOTION

Commissioner Blonder MOVED to amend the proposed Amendment to the City Sign Code which includes no limitation on accessory residential use signs, to instead include in it's entirety 'Alternative A – Size, Cumulative'.

Commissioner Blonder advised the definition was appropriate to the City's character, had precedent, was concurrent with size limitations for commercial signs, and did not limit location or freedom of speech. She recognized the Avenida Menendez issue in the heart of the City and questioned any future sign regulation process without any current regulation; therefore, a minor amendment was necessary.

Commissioner Sikes-Kline stated she was not amiable to make new laws, especially when they pertained to curtailing freedom of speech, and the issue should be addressed

[2] Included in Commission packet

when there was a proliferation of annoying and bothersome signs that offended people. She questioned why staff had not selected 'Alternate A'.

Ms. Lopez advised that the PZB board members had a variety of viewpoints, but all had a sensitivity to a person's home being their castle with the ability to freely post their thoughts. She stated the PZB's consensus was a need for limitation to the number of signs, and they had directed her to develop the alternatives. She recited a PZB member comment which stated that 'creating a solution looking for a problem', then regulating, may elevate 'bad behavior.'

Mayor Upchurch noted many Homeowner's Associations (HOA)'s had much more restrictive requirements, specific limitations, or even prohibited yard signs, with a much more restrictive sign ordinance version than what was proposed. He added there was no time limit to the Ordinance which made it less restrictive and they were all aware of the problem on Avenida Menendez; however, he agreed this may be a solution looking for a problem.

Commissioner Horvath concurred with the comments of Mayor Upchurch.

Commissioner Valdes stated that people bought in HOA communities because of the regulations, and he did not believe there was a problem at the current time and did not want to pre-empt one.

Commissioner Blonder requested a second to her motion and stated this was an opportunity for the Commission, because the future could not be forecast as seen with traffic and flooding issues, and the attempt to get ahead of the curve on a potential problem was necessary. She asked Ms. Lopez to read the *Alternative A* language option from her March 29, 2021 memorandum.[3]

[3] Included with Commission packet

Ms. Lopez read the *Alternative A – Size, Cumulative* option.

Mayor Upchurch asked the Commission if there was a second motion.

MOTION FAILED FOR LACK OF SECOND.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-06 on first reading, place on second reading read by title only. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING CHAPTER 3, ARTICLE II OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR AMENDMENTS TO THE DEFINITIONS OF SIGNS; PROVIDING FOR REMOVAL OF CONTENT BASED REGULATIONS; 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, Upchurch, Valdes, Horvath
NAYES: Blonder
MOTION APPROVED 4/1

<u>9.A.3.</u> Ordinance 2021-08: Amends the definition of "bar, cocktail lounge, saloon or tavern" to be inclusive of any business that provides on-site sales and consumption of alcohol.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Blonder MOVED to approve Ordinance 2021-08 on first reading, move to second reading. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 28, SECTION 28-2 MODIFYING THE DEFINITION OF BAR, COCKTAIL LOUNGE, SALOON OR TAVERN; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION[4]

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

9.A.4. Ordinance 2021-09: Formalizes basic procedural regulations for processing statutory development agreements.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-09 on first reading, place on second reading read by title only. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AMENDING THE CODE OF THE CITY OF ST. AUGUSTINE TO CREATE SECTION 28-38 PROVIDING FOR PROCEDURES FOR DEVELOPMENT AGREEMENTS; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

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

9.B. Resolutions

9.B.1. Resolution 2021-23: Designates wild-caught shrimp as the official seafood of the City.

Darlene Galambos, City Clerk, reviewed the Resolution.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-23. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Blonder recognized her support for the culture and history of the shrimp fishing tradition and the contributing families. She requested amending the Resolution to remove two paragraphs in order to focus the recognition on the rich cultural history of the shrimping industry in St. Augustine; the first noted shrimp's nutritional value, and the second was a statement of the sustainability of shrimp as a fishery.

At the request of Mayor Upchurch, Commissioner Blonder clarified the intent to remove the second paragraph's language and stated she did not want to diminish the

[4] Commissioner Valdes stepped away and was absent for the vote

City's rich cultural and historical fabric but advised the practices of bottom trolling for shrimp fishing were problematic in terms of maintaining marine ecosystems.

Commissioner Valdes noted he was aware through personal experience of the damage done by bottom trolling and stated that although wild caught shrimp was safer and healthier than farm grown, and was a renewable and sustainable resource, there was a price paid and the second paragraph should be modified.

Commissioner Sikes-Kline requested the addition of the shrimp's characteristic and distinct Florida favor and their uniqueness.

Mayor Upchurch concurred with Commissioner Blonder's comments regarding the nutritional value reference, and suggested the following modification of the last paragraph:

Whereas, *shrimp are a native species with a unique Florida flavor, and have long been a part of the history and culture of our community.*

Mayor Upchurch WITHDREW his MOTION. Commissioner Sikes-Kline WITHDREW her second.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-23 eliminating the fourth 'whereas' paragraph and amending what would now become the new fourth paragraph to say "Whereas, shrimp are a native species with a unique Florida flavor, and have long been a part of the history and culture of our community." The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Valdes, Horvath, Blonder
NAYES: None

MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

10.A. Presentation by Jessica Beach, P.E., Chief Resilience Officer, Tricia Kyzar, University of Florida PhD Candidate and Dr. Eban Bean, PE Principal Investigator University of Florida with the results of the study to assess the vulnerability of on-site treatment and disposal systems to sea level rise and storm surge.

Jessica Beach, Chief Resiliency Officer, delivered the presentation and advised the report would be sent to the Florida Department of Environmental Protection (FDEP). She stated the report showed the areas in need which required coordination with the County, and the study leveraged the City for these projects. She advised there was no action required from the Commission as the study was for informational purposes only.

The Commission and Ms. Kyzar discussed:

- Study calculated runoff from land systems; amount coming from house into tank, through the drain field then through the soil to ground water, then to surface water
- Outfall from boats did not affect the study results
- Colored spots (red, blue, grey) on study identified the statistical confidence levels of the probabilities suggested
- Deficiency in soils and remedies was a data layer from the USDA natural resources conservation survey identifying sanitary soils as severely limited, moderately limited, slightly limited or not rated, and represented the soil's ability to process effluence from septic systems specific to the sanitary soil layer
- Florida had own specific sanitary soil layer

- Systems within the severely limited soils lacked ability to process septic tank effluence under normal conditions
- Current Code required the drain field at 24 inches above groundwater level during wet season, and sea level rise pushed water into the brown water, which pushed freshwater levels up and diminished that distance
- Study used modeling calculations from publicly available GIS data
- On demand pump-out service was provided at no charge as part of the mooring ball package for moored boats at the mooring field in Salt Run and at the Bayfront, and had greatly reduced ecosystem pollution loading

Mr. Regan advised he would verify whether a service charge was implemented on boats outside the mooring field that did not take advantage of the pump-out service, and he would advise the Commission at the next meeting.

Commissioner Blonder commended Ms. Beach and Ms. Kyzar for initiating the study and stated it was an excellent planning tool.

Mr. Regan commended City staff and the University of Florida for this report and noted the following:

- Septic tank data had not been seen before and was a building block to upcoming grant applications with the State of Florida
- Nitrogen loading from the septic tanks cumulatively equaled approximately 2% of nitrogen loading from the water at the City's wastewater treatment plant, and Salt Run was at 1%
- Proportionately this was a lot of nitrogen from Lighthouse Park that was not quantified until this study
- Study did not address bacteria loading; however, Salt Run highly monitored for bacteria due to oyster harvesting, but should build on study to see effects of nitrogen loading
- Motivated to work with Lighthouse Park community to create a centralized sewer system in some capacity

Mayor Upchurch thanked Ms. Beach and Ms. Kyzar and stated the Commission looked forward to the final report.

<u>10.B.</u> Application to reduce or eliminate lien at 13 Douglas Avenue, review of Code Enforcement Board recommendation.

<u>Item heard after Item 7.C.1.</u>

Mr. Birchim reviewed the item and noted the ambiguous legal issues surrounding the property's ownership. He advised the original cause for the lien had been corrected, and he requested that the Commission reduce the fine to $250, as per the April 13th Code Enforcement Board's recommendation, to cover City costs for prosecuting the case.

MOTION

Mayor Upchurch MOVED to accept the Code Enforcement Board recommendation. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

Mayor Upchurch stated the lien had been eliminated and he thanked Mr. Birchim, Mr. Jackson and Ms. Neville.

11. ITEMS BY CITY ATTORNEY

<u>11.A.</u> Legislative tracking (No Presentation)

Item posted for informational purposes.

11.B. Satisfactions and Releases of Utility Mortgages at 509 South Ponce de Leon Blvd. - Hydra Holdings, LLC.

Commissioner Valdes recused himself from the item.

Ms. Lopez advised this item was placed under this section instead of the Consent Agenda, since Hydra Holdings, LLC was Commissioner Valdes' property.

MOTION

Mayor Upchurch MOVED to approve the Release to Hydra Holdings, LLC. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION[5]

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

12. ITEMS BY CITY CLERK

12.A. Request for one appointment to the Code Enforcement Adjustment and Appeals Board.

Ms. Galambos reviewed the topic and noted one application was received from Brad Beach.

MOTION

Mayor Upchurch MOVED to appoint Mr. Beach to the Code Enforcement Board. The motion was SECONDED by Commissioner Horvath and APPROVED BY UNANIMOUS VOICE VOTE.

13. ITEMS BY CITY MANAGER

13.A. Request to modify West Augustine Community Redevelopment Area Connection Fee Payment Policy.

[5] Recusal Form attached to original minutes

Mr. Regan reviewed the topic and noted the efforts to propagate central sewer throughout West Augustine, along with assisting residents with connecting to gravity sewer systems. He noted the technical and financial challenges with providing pressurized systems and provided three recommendations:

- Move forward with a utility policy allowing pressurized connections in West Augustine
- Requested Commission permission to allow the payment policy to apply to pressurized systems, for use on existing homes only
- Modify budgetary impact to properly manage these connections while maintaining State compliance

Mr. Regan continued discussion of the project's principles in terms of social justice and equity, the requests of residents to connect to force main pressurized systems, the public health viewpoint on failing septic tanks, and environmental studies. He noted the importance of these topics in terms of fairness, economic development and inclusive community building.

Mr. Regan corrected an earlier public comment regarding the expenditure of taxpayer dollars, and clarified it was the ratepayers that had contributed two million dollars to the Utility fund, not the taxpayers, which was an important distinction.

Mr. Regan stated there were enormous grant opportunities forthcoming which were sought inside and outside of the City. He stated Representative Stephenson advised the current appropriation in Tallahassee for constructing another block segment of sewer was fully funded in the budget at $300,000.00 and could only be abolished by the Governor's veto. He commended Representative Stephenson's hard work in Tallahassee, and noted that without her, the City would have been unsuccessful with the West Augustine appropriation.

Mr. Regan advised the City was in negotiations with the St. Johns County Schoolboard for a potential takeover of the Webster Elementary School lift station, and he forecast 11 immediate connections if negotiations were successful.

At the request of Mayor Upchurch, Mr. Regan advised that the payment policy was specific to West Augustine; however, it would apply to other homeowners inside the City whose only central sewer system access was through a pressurized main.

Mayor Upchurch acknowledged that septic tank costs were recurring and oftentimes people lacked the resources to maintain them. He noted with the many potential tank issues, this policy was a gift of mass improvement. He commended the excellent job done by City staff and contractors, and noted appreciation of Mr. Regan's practical leadership, vision and ability to see from an exponential level.

Commissioner Blonder discussed nutrient export calculations relative to location of the septic tanks, and the serious nutrient loading which affected the estuaries, seafood, and the region. She suggested the City take a proactive approach to environmental justice issues and water quality, and review situations such as the massive Indian River manatee die off. She noted her full support for Mr. Regan's recommendation.

MOTION

Mayor Upchurch MOVED to approve the policy. The motion was SECONDED by Commissioner Blonder.

VOTE ON MOTION

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

At the request of Commissioner Valdes, Mr. Regan explained the known differences in installation costs of gravity installed septic systems versus force main systems. He stated gravity service lines were roughly $30,000 per residential lot, the low pressures were approximately two-thirds to half the cost; however, they were much more difficult to operate, but in scenarios with ocean rise and frequent flooding these may be a direction to go in certain areas.

Mr. Regan advised a number of residents had written in regarding various City issues, such as the Lincolnville Cultural Center and the West Augustine healthcare facility, and he requested that Ms. Galambos distribute those letters to the Commission.[6]

Mr. Regan addressed a public comment regarding the street curve near the Alligator Farm and noted the City had worked on the issue for years, and the Florida Department of Transportation had solutions; however, tragedies associated with alcohol or drugs were not counted in the methodologies that would assist with change. He stated change was needed, there was community support, State leadership was rising, and comments made at that meeting would be evaluated and staff would return with strategies and recommendations for the Commission.

Mr. Regan advised he would follow up with problematic items such as approval of site line distances, parking spaces and cutting down vegetation which hindered site line distances both at the mid-walk crossing and at the intersection. He noted that Representative Stephenson was aware of the intersection issues and was ready to assist with effectuating a change. He requested that staff convert the dynamic messaging sign to a message pertaining to the curve itself and recognizing the inherent danger.

Commissioner Sikes-Kline advised she would be meeting in the near future with the

[6] Distributed to Commission at meeting

Lighthouse Park traffic committee regarding similar concerns, and she would bring information from that meeting to the Commission.

Mayor Upchurch advised of his own personal experience with the intersection in question and stated the importance of the issue as the community and visitors continued to grow. He noted his appreciation for Commissioner Sikes-Kline and Mr. Regan's efforts with the matter.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Sikes-Kline invited Representative Stephenson to attend a Commission meeting, when State legislative session had ended, in order to properly recognize her.

Commissioner Sikes-Kline expressed her concerns with the Shipyard project's 541 new residential units, and San Sebastian Inlet Harbor's huge mobility issue. She stated the mobility fee proposal was in lieu of the traffic concurrency provision for the City, and this was a different way to address impacts and could be done with new development. She requested an update on the topic at a future meeting.

Commissioner Valdes thanked Mr. Regan and City staff for rapidly moving on the signs for the Save the Manatee initiative, and noted he hoped this would mitigate high-speed boat traffic problems.

Commissioner Valdes addressed the resiliency topic and the recent Building Code Task Force (BCTF) recommendation to address filling lots, and he questioned why there was no requirement to construct buildings and harden infrastructure and sewer systems in a manner that allowed lifting the structures in the distant future to combat the rising ocean. He requested Commission support to move forward with BCTF on modifying City Code to change the construction of buildings to allow necessary future relocation.

Mayor Upchurch requested that outside counsel fees listed on the Consent Agenda no longer be highlighted, as it was an unnecessary step for City staff.

There was Commission consensus to the Mayor's request.

Mayor Upchurch requested the return to regular Commission workshops for discussion of the quarterly reports and other essential City matters. He asked Mr. Regan to prepare a list of important topics for future workshops.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:53 P.M.[7]

T. L. Upchurch

Tracy Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK

THE CITY OF ST. AUGUSTINE CORPORATION

[7] Transcribed by Laura Morse