CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, May 10, 2021

The City Commission met in formal session Monday, May 10, 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
Todd Grant, Director, Utilities
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Barry Fox, Police Chief
Carlos Aviles, Fire Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Ted Voorhees, St. Cyprian's Episcopal Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, advised that James Knight with the Florida Department of Transportation (FDOT) would deliver a presentation as Item 7.A.1. of the Agenda; therefore, he encouraged those who were present to comment on Anastasia Boulevard to remain until that Item.

MOTION

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

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

3.A. Proclamation 2021-07: Proclaims May 2021 as Older Americans Month.

Commissioner Horvath delivered the Proclamation which was accepted by Becky Yanni, Executive Director, Council on Aging.

Ms. Yanni thanked the Commission for the Proclamation and for their support.

Mayor Upchurch thanked Ms. Yanni for her service to the community.

3.B. Proclamation 2021-08: Proclaims May 2021 as Garden for Wildlife month.

Commissioner Blonder delivered the Proclamation which was accepted by J.B. Miller, Land Management Coordinator, City of St. Augustine.

Mayor Upchurch thanked Mr. Miller for his expertise and leadership with these topics.

3.C. Proclamation 2021-09: Proclaims May 2021 as National Historic Preservation Month.

Commissioner Sikes-Kline delivered the Proclamation which was accepted by Jenny Wolfe, Historic Preservation Officer, City of St. Augustine, and Leslee Keys, Florida Trust for Historic Preservation.

3.D. Proclamation 2021-10: Proclaims the week of May 16-22, 2021 as Public Works Week.

Mayor Upchurch delivered the Proclamation which was accepted by Reuben Franklin, Director, Public Works, City of St. Augustine.

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:

- Doug Russo
- Shawn Morrison
- Bruce Bates
- Jim Tunstall
- Debbie Wicker
- Wolfgang Schau
- Ronda Brennan
- B.J. Kalaidi

Public comment was closed.

5. CONSENT AGENDA

Mr. Regan read the Consent Agenda.

CONSENT AGENDA – MAY 10, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MAY 24, 2021:

(None)

CA.3. Reminder of Upcoming Meetings:

- May 11, 2021, 8:30am, Special Meeting, Review Strategic Plan, Mid-year Budget Analysis Presentation
- May 24, 2021, 5pm, City Commission Meeting
- June 14, 2021, 5pm, City Commission Meeting
- June 21, 2021, 3pm, Special Meeting - Discussion of 2022 Budget Assumptions (Revenues)
- June 28, 2021, 5pm, City Commission Meeting

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

- March 22, 2021 - Community Redevelopment Agency Regular Meeting
- March 22, 2021 - Regular Commission Meeting
- April 12, 2021 - Regular 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).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS / CERTIFICATES OF RECOGNITION ISSUED:
(None)

CA.8. Approval to fly the American flag at half-staff on Sunday, May 23, 2021, in honor of former Mayor George Gardner. *(J. Regan, City Manager)*

CA.9. Approval of amended Subrecipient Subaward Funding Agreement between the City and St. Johns County. *(M. Simpson, Director Financial 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 Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

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

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

<u>7.A.1.</u> Presentation by Jim Knight, Urban Planning Modal Administrator with the State of Florida, Department of Transportation, providing an update on the improvements to the intersections of Red Cox Road, Anastasia Boulevard and Old Quarry Road.

Mr. Regan introduced the topic.

Mr. Franklin stated the City was working with FDOT on short and long-term solutions to the intersection which was identified in the long-range transportation portion of the City's Mobility Plan and was also programmed in with North Florida Transportation Planning Organization (TPO). He noted land was an issue, and discussions had taken place with Carlos Aviles, Fire Chief, regarding the relocation of the fire station to assist with intersection improvements. He introduced Mr. Knight who planned to provide FDOT's perspective on the topic.

Mr. Knight presented a map for the Commission's visual and reviewed the following information[1]:

- Old Quarry and Red Cox were offset, so turning left onto side roads was a conflict
- Median was very narrow and difficult to store a vehicle
- FDOT ran signal warrants in 2019, which did not meet warrants for a traffic signal at that time
- FDOT suggested a restricted crossing U-turn intersection, which allowed turning left directly onto the side street
- Suggested widening median so any vehicle could U-turn, including RVs, boats, and full-size semi-trucks, promoting the need for an additional

[1] Attached to original minutes

right-of-way (ROW), which would work if the fire station was relocated

- Existing ROW was so tight, could not put in a traffic signal
- FDOT awaited the City's decision on relocating the fire station
- Once a plan was selected, public hearings would take place and alternatives could be developed
- FDOT anticipated an approximate four-to-five-year window of construction once project was programmed

The Commission and Mr. Knight discussed:

- Inability to install signalized crosswalks with flashing lights based on pedestrian counts which were done at optimal times, but did not meet warranted numbers
- Pedestrian counts based on erroneous data, since people avoided unsafe intersections
- City needed an interim solution such as warning lights or lowering the speed limit
- Signal warrants and speed limits were State law followed by FDOT using a formula-based procedure; therefore, speed limits could not arbitrarily be lowered
- Florida adopted the national standard for speed limits from the Manual of Uniform Traffic Control Devices, based on drivers speeding habits, and if area had history of accidents FDOT could adjust the miles per hour (mph) up or down
- Common mph for State roads was 30 to 45 mph, and speed limit was posted on the road at 40 which required significant reduction based on data in possession
- FDOT looked at illuminated pavement markings and could look at flashing lights for the short-term
- Address the reduction in car volume with signs that stated to avoid that direction, such as what had been used at the Bridge of Lions during work
- Re-evaluation needed for the speed limit calculation based on road width and curvature of road, and ingress and egress of curb cuts
- FDOT was constrained by legislation and they had State rule, not local rule
- Placement of a crossing guard at the intersection during school hours
- Short-term actions: FDOT revisit the survey on the warrant, speed up the flashing lights, put reflectors on the roads, and re-visit the speed limit
- Long-term actions: focus required on ROW constraint, fire station relocation, more land in the intersection, and the nearby State surplus property
- Intersection at Comares Avenue and Anastasia did not meet traffic demands and required attention

Mayor Upchurch expressed appreciation for Mr. Knight's attendance and for offering a solution and noted the understanding of government's slow pace, but he stated something needed to be done in the interim, and to wait five years was not a solution.

Commissioner Sikes-Kline asked Chief Aviles to provide insight on correcting the ROW long-term, relocating the fire station to the surplus parcel across from the amphitheater, and sharing the difficulties experienced by his crew at the intersection.

Chief Aviles discussed the fire station issues:

- Firefighters shared same concerns as the Commission regarding the intersection
- Many trees on fire station property scarred by vehicles leaving the roadway and driving onto property
- Fire station was built in 1959 and not subject to Americans with Disabilities Act (ADA) requirements
- Firefighters' actions were limited on specking fire apparatus with only five to six inches in the apparatus bay when parking or backing out fire trucks

- Fire station was often reason vehicles had to stop at intersection with fire trucks exiting onto Anastasia and clearing traffic
- School buses and boat trailers were unable to make the right-hand turn onto Red Cox because they needed a wider point of entry which backed up traffic
- Oftentimes firetrucks required to stop traffic northbound and drivers lacked the proper line of sight heading around the corner at 45 to 50 mph

Chief Aviles discussed the surplus parcel property:

- Across from amphitheater on A1A on the west side of road and was just under three acres
- Belonged to the State park but was non-contiguous and was on State's list of disposable properties
- Had 14 feet of elevation and area had no flood damage through previous hurricanes
- Would provide a lot of frontage on A1A with significant line of sight for vehicles leaving the roadway

Mayor Upchurch stated he understood Mr. Knight was just presenting for FDOT; however, he emphasized Commissioner Valdes' admonition for everyone to think creatively, and the urgency to do something immediate and seek long-term solutions.

Mr. Knight advised that FDOT looked at each traffic accident and questioned what measures would have corrected it, regardless of whether drugs or alcohol were involved. He stated the FDOT reviewed the recent fatal accident and searched for corrections to the issue, but noted that signals generally caused rear-ending, there was bad geometry with the offsets, the issue appeared to be speed related, and the focus was to try and lower the speeds and to make movements simpler for drivers.

Mr. Regan suggested the fire station relocation to the property across from the amphitheater was a separate issue which was reviewed in terms of details, sizing, zoning and property viability, but it linked to the intersection outcomes and opened up FDOT's range of design. He suggested the Commission get on record with the State that the City was interested in the property, so that FDOT had the ability to affect a solution to the curve issue. He advised upon Commission approval, a letter would be crafted for the Mayor's signature addressing that the City was not in the FDOT workplan, but the urgency was needed to start the process with regard to design options, cost estimations, and review of FDOT's process in order to develop a solution.

MOTION

Commissioner Horvath MOVED to direct the City Manager to prepare a letter to the Department of Environmental Protection expressing the City's interest in acquiring the surplus property. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

Commissioner Blonder inquired about immediate FDOT and City law enforcement measures in the interim to address the problems discussed.

Mr. Regan advised that variable dynamic messaging signs with 'Stay Safe Slow Down' were utilized from both directions, and he requested that Barry Fox, Chief of Police, address the law enforcement matter.

Chief Fox asserted the St. Augustine Police Department (SAPD) was doing everything within their power to effectively control the issue and he noted the following:

- Messaging boards were in place
- Police officers were at the intersection each school day when afforded

- Public Service Assistants were in place to slow people down
- Active patrol was in area
- US1 had issues with maintaining traffic flow through the City
- Corner had numerous mitigating issues involving speed and alcohol related accidents
- Human error difficult to fix, but ingress and egress difficulties that caused accidents could and should be fixed
- Most infractions were from people forgetting they entered a school zone

Commissioner Sikes-Kline stated if a road was designed like a shotgun, people would drive like a bullet, and the long stretch of straight road provided the ability to build up high speed; therefore, every measure should be used to warn people. She asked Mr. Knight about the possibility to expand the zone of bright yellow arrow lights on the curve to provide motorists alert messages sooner.

Mr. Knight advised he would check with FDOT's traffic operations group who installed those lights.

<u>7.A.2.</u> Presentation by Wanda Forrest, Transportation Planning Manager for the North Florida Transportation Planning Organization identifying upcoming publicly funded highway, transit and aviation projects planned and programmed for the St. Johns County area.

Mr. Franklin introduced Ms. Forrest and indicated the City's intentions were to get Red Cox Road into this TPO presentation within the five-year Transportation Improvement Program (TIP).

Ms. Forrest thanked Commissioner Sikes-Kline for serving on the TPO Board and stated it served Clay, Duval, Nassau and St. Johns County. She delivered the Presentation which discussed construction schedules and work summaries of these current and future planned projects:

- Avenida Menendez (SR A1A) from King Street to Castillo San Marcos
- King Street (SR 5A) from Malaga Street to Avenida Menendez
- Ponce De Leon North (US1 / SR5) from Marion Avenue to Fort Moss Trail
- Smart St. Augustine Connected Vehicle System in City
- SR 313 from SR 207 to South Holmes Boulevard
- First Coast Expressway (SR 23) from I-95 to East of CR 16
- First Coast Expressway (SR 23) from CR 16A (SPUR) to East of CR 209

The Commission discussed:

- Avenida Menendez project involved signalizing the pedestrian crossings with two traffic signals on both sides that would be timed with the signal
- Mr. Franklin would look into the pedestrian and bike pathway going through the north City and potential plans for a crosswalk at intersection of Main Street and Magnolia Avenue
- Plans to add a sidewalk in front of the Fort's parking area would require coordination with the National Park Service
- 'Smart Connected Vehicle System' included the City, TPO and State working together on placing variable message signs within community and at all City entry points, with updates for real time parking data to manage traffic during congested times
- Duration, impact, and navigation of roads for the Avenida Menendez (SR A1A) from King Street to Castillo San Marcos drainage project, set for 2023 construction, would be discussed at the June 28th Commission meeting and was a State project placing a five-foot diameter pipe in the road from Malaga Street to the Bridge of Lions

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

7.C.1. Shipyards property amended Development Agreement.

David Birchim, Director, Planning and Building, reviewed the topic, derived from the property owner's request to include a section called 'Development Rights' within the existing development agreement, which outlined overall residential density, lot coverage, and parking.[2]

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

- BJ Kalaidi

Public comment was closed.

Mayor Upchurch requested a project update from Stefan Johansson, CEO, Windward Marina Group.

Mr. Johansson thanked Mr. Regan for his support, encouragement and leadership which made the development team feel welcome. He reviewed the following:

- Project began one-and-a-half years ago
- Met with Commissioners individually for input on community needs
- Shipyard site not easy to develop with multitude of options
- Invited well known Architect Haan Dreswani to review the site
- Site had urban capabilities where everything based on five-minute walk
- Sustainability was all about the 'three Ps": People, Planet and Profit
- People: promote local businesses, not franchises, which made City unique, and farm to table restaurants
- Planet: Every structure would have denominational lowest adjacent grade (LAG) of 11 feet, no one in development would pay for flood insurance, put out of 500-year flood plain, no need to escape when flooding occurred, less pressure on roads because safe in homes
- American Flood Coalition reviewed the project and requested permission to make the project part of their storybook
- Profit: Multi-family component was most complicated with plan to offer housing rentals, townhomes and single-family residences
- Maintain the multi-family component furthest from water, to divert intensity from water, allowing for full connectivity
- Out of 100 developers, 95 questioned why an interior wrap parking garage was planned, and not grade parking
- Sean Seaberg was the local developer selected who built all over the country
- Developer was optimistic at major infrastructure in the ground the last quarter of 2021
- Meeting regarding the intersection at Dunkin Donuts took place with FDOT and they awaited an Intersection Control Evaluation (ICE) study which required working with the Thompson family, Upchurch family, Villa Calissa owners and Dunkin Donuts

Carl Masters, Senior Project Engineer, Windward Marina Group, stated the following:

- FDOT pre-application was processed
- Several alignments of area needed, biggest issue was the 5-point intersection with Iroquois Avenue and Arapaho Avenue
- ICE analysis was next step where FDOT required a few different designs to pick most successful
- FDOT was against signalizations on roadways due to congestion issue

[2] Included with original Commission packet

- Should not have problem with counts
- Paramount that front of development have main entrance signage for safety

Mr. Regan advised there was a City commitment in the amount of $500,000 to improve the intersection in question.

Commissioner Sikes-Kline requested Commission updates once the intersection improvements began, since the matter was complicated and close attention should be paid to the solutions if there was no plan for a signal.

Mayor Upchurch thanked Mr. Johansson and Mr. Masters.

MOTION

Commissioner Sikes-Kline MOVED to approve the amended Development Agreement. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

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

<u>7.C.2.</u> Approval of the Second Amendment to Franchise Agreement for Ripley Entertainment, Inc.

Meredith Breidenstein, Assistant City Manager, reviewed the topic. She advised the noise decibel level tests had been performed by the SAPD on the trolleys, as requested by the Commission, and they were within compliance limits; therefore, she recommended approval of the amendment, which extended the existing Franchise Agreement to September 30, 2030.

Commissioner Blonder inquired about the Agreement's term and an available remedy for the City to timely address any complaints for City Code violations.

Ms. Breidenstein answered that the Franchise Agreement stated all City Codes must be followed, there was a reasonable expected time frame to remedy any code complaint, and if there were complaints that were not addressed, the Franchise Agreement could become void.

Public comment was opened; however, there was no response.

Public comment was closed.

MOTION

Commissioner Horvath MOVED to approve the Second Amendment to the Franchise Agreement for Ripley Entertainment, Inc. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

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

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

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

<u>8.A.1.</u> Ordinance 2021-06: Amends the City's sign code.

Isabelle Lopez, City Attorney, reviewed the Ordinance, stated these were technical language changes to remove anything regarding sign content as required based on a recent Supreme Court decision, and noted this version was the same heard at first reading.

Public hearing was opened; however, there was no response.

Public hearing was closed.

The Commission discussed:

- Local businesses competed for attention against national franchises with large backlit signs on US1; therefore, it was unfair to prohibit their use of banners or 'ribbon signs', especially for start-ups
- Banner signs were used in the County
- Revisit reasons banner signs excluded from US1 sign regulations and modifying the City's sign code, if the Commission willed
- National property owners had deep finance pockets for larger signs, local owners needed inexpensive options
- Sign code treated property owners uniformly, but the number of signs and maximum square footage was based on property's linear frontage; the larger the linear footage, the more signs you could have until cap reached
- National franchises treated the same as local businesses, with exception of State's protective regulations for franchises with copyrighted or trademarked logos or colors

Commissioner Horvath suggested a workshop on the topic.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-06 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, Blonder, Valdes, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY

<u>8.A.2.</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 and stated the intent was to treat all bars similarly.

Public hearing was opened; however, there was no comment.

Public hearing was closed.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-08 on second reading, read by title only. The motion was SECONDED by Commissioner Horvath.

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

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

8.A.3. Ordinance 2021-09: Formalizes basic procedural regulations for processing statutory development agreements.

Ms. Lopez reviewed the Ordinance and noted the procedural regulations would state there were two public hearings at City Commission, and the affected property owners would be notified in the same manner as with other matters, including a courtesy notice to the neighborhood council.

Public hearing was opened; however, there was no comment.

Public hearing was closed.

MOTION

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

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, Valdes, Blonder, Horvath, 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

(None)

9.B. Resolutions

9.B.1. Resolution 2021-24: Supports the special category grant application to the Florida Division of Historical Resources by the Flagler Memorial Presbyterian Church.

Darlene Galambos, City Clerk, reviewed the Resolution which permitted repairs and rehabilitation to the original manse.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-24. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

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

10. STAFF REPORTS AND PRESENTATIONS

10.A. Discussion of Mobility Fees and Mobility Planning.

Mr. Birchim reviewed the topic which responded to the Commission's request. He noted the fee was charged one-time, only for new construction, and used for public transportation improvements identified in the City's Mobility Plan for things such as sidewalks, parking lots, intersection improvements, and parking shuttles. He reviewed the three-step process involved with enacting the fee:[3]

- Make commitment to mobility planning by updating transportation and mobility element in City's Comprehensive Plan, to abide by State law
- Remove old traffic and concurrency language in Chapter 21 of the City Code and replace with mobility planning language
- Adopt a mobility fee schedule, should Commission decide to proceed with charging the mobility fees

The Commission discussed:

- Assessment of fee to new development
- Planning Division annually took list of Code amendments to the Planning and Zoning Board for approval
- Prioritize Code amendments regarding mobility fee over the need to update State law 'cleanup' / changes since it was a top priority
- Funding would be needed as transportation development impacted roads and optimistic TDC dollars could be accessed for mobility needs
- Most State changes that were statutorily driven typically had a July 1 effective date, and a few were October 1, so there was some 'wiggle' room on amendments

There was Commission consensus to move forward and prioritize the mobility item.

Commissioner Blonder requested information on the consultant's role in the enabling language, as well as a comparison study of the City and comparative communities.

Mr. Birchim advised the Commission that since a transportation planner was not on staff, a consultant had assisted the City with the first step and was working on drafting enabling legislation. He noted the consultant had provided the sample mobility fee schedule and would be asked to do a comparison analysis with comparable cities' fee schedules.

Mr. Birchim stated a batch of Code Enforcement updates would be heard by the Code Enforcement Adjustment and Appeals Board (CEAAB) on Tuesday, May 11th that related to changes to the City's Flood Mitigation Code and were tied to the FEMA community rating score, which could not be delayed and required completion before FEMA's next audit.

Mr. Birchim concluded there was a 90-day State required lead time for advertising before the City could adopt the mobility fee schedule, and the Commission's review of the schedule prior to adopting may cause discourse in the community.

11. ITEMS BY CITY ATTORNEY

11.A. Legislative tracking. (No presentation)

Ms. Lopez summarized the Florida Senate and House bills which passed or failed, that were tracked by the legal department at the request of the Commission.[4]

Ms. Lopez stated her uncertainty about the home-based business bill, as a vote took place in the House and was then sent to the

[3] Included with original Commission packet

[4] Included with original Commission packet

Senate; however, Senators on the floor did not vote and it was sent back, but the House ended session.

Commissioner Sikes-Kline stated these bills were discussed by the Florida League of Cities (FLC), who requested local cities to issue veto letters addressed to the FLC with regards to the home-based business bill, so they could batch and give to Governor DeSantis for a veto.

Ms. Lopez suggested there was no harm with sending a letter opposing the home-based business bill, which was not favorable to local government and was a pre-emptive bill that would have stripped the City's ability to require home-based businesses to come before PZB as a use by exception.

There was Commission consensus to proceed with a letter to the FLC requesting the Governor's veto.

In response to Mayor's Upchurch's inquiry regarding the appropriations status, Ms. Lopez advised there was $300,000 in appropriations for West Augustine which had not been presented to the Governor for a potential line-item veto. She noted the Lincolnville Museum and the Health clinic had not yet been added.

Commissioner Sikes-Kline thanked Ms. Lopez for keeping the Commission updated and for her vigilance. She spoke on behalf of the FLC and noted the advocacy worked because of great City leadership.

Mr. Regan advised the City's legislative consultant submitted a detailed written report on every piece of legislation, and a report of all legislation in totality, and these reports would be sent to the Commission.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Regan reminded the Commission about the workshop planned for Tuesday, May 11 at 8:30 A.M., which would be in the same room configuration as the current meeting.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Sikes-Kline noted her receipt of regular updates on the America Rescue Plan Act being developed from the National League of Cities, and she had requested an update for future meetings.

Commissioner Horvath expressed her optimism to work with the Commission at the workshop the following day.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:32 P.M.[5]

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

[5] Transcribed by Laura Morse