



MINUTES
REGULAR CITY COMMISSION MEETING
MONDAY, JUNE 10, 2019, AT 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor George called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor George asked to Commissioner Kostka lead the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor George, Vice Mayor England, Commissioner Kostka, Commissioner Rumrell, and Commissioner Samora.

Also present: City Manager Royle, City Attorney Wilson, Police Chief Hardwick, City Clerk Raddatz, Building Official Law, and Public Works Director Tredik.

IV. APPROVAL OF MINUTES OF SPECIAL COMMISSION MEETING ON APRIL 29, 2019 AND REGULAR COMMISSION MEETING ON MAY 6, 2019

Mayor George introduced Item IV and asked the Commission if there were any discussion regarding the minutes. Being none, Mayor George asked for a motion.

Motion: to approve Special Commission minutes of April 29, 2019 and Regular Commission minutes of May 6, 2019. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor George asked if there were any additions or deletions of the agenda. Being none, Mayor George moved on to Item VI.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor George asked if there were any changes to the order of topics on the agenda. Being none, Mayor George made a motion.

Motion: to approve the agenda as published. **Moved by** Vice Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

VII. PRESENTATIONS

- A. Request for Approval of Memorandum of Understanding with the Property Appraiser for Homestead Exemption Audit (Presenter: Eddie Creamer, St. Johns County Property Appraiser)

Mayor George introduced Item VII.A. and asked Mr. Creamer to the podium.

Mr. Creamer, St. Johns County Property Appraiser, 4030 Lewis Speedway, St. Augustine, FL, explained that the Property Appraiser's Office has selected an audit firm called the Exemption Project because of the data sources they use, and they would allow the St. Johns County Property Appraiser's office direct local sources that they might not use. The Property Appraiser's Office would be looking for residents who could qualify for exemptions, but don't take advantage of them. He advised that the Exemption Project firm does well in identifying short- and long-term rentals. He explained that this firm came in at 18% instead of the standard fee of 30%. St. Johns County, St. Johns County School Board, St. Johns River Water Management District, and the City of St. Augustine all will have the contracts approved by tomorrow.

Discussion ensued regarding the fee being based on the taxes collected; the illegal exempt property will be lien for the back taxes and penalties and then the municipalities or County will be paid on the 18% that is paid; property owners would be notified before a lien is put on the property; the Exemption Project firm will notify the Property Appraiser's Office of possible illegal exemption in order of confidence whether the property may have claimed an exemption when they shouldn't have, property owner would be notified by the Property Appraiser's Office by a phone call or a rental questionnaire; communications would be a public record unless it is a confidential parcel according to Florida Statutes; the Property Appraisal's Office is expecting to receive all the signed documents from the taxing authorities this week and will start the Exemption Project firm by July 1, 2019 and results will start in groups within 90 days; and liens need to be paid when sold for clear title.

Mayor George asked City Attorney Wilson if he reviewed the contract and he advised he reviewed it and has no concerns with it.

Mayor George opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the City has undue limitations on public comments; commended the Property Appraiser for his Request for Proposal process and thanked the Property Appraisal's Office for working on Airbnb's.

Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL, advised that taking illegal exemptions is a criminal behavior and those elected officials doing that are criminals and cited Florida Statutes 837.06.

Mayor George closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor George asked for a motion.

Motion: to authorized Mayor George to execute the Memorandum of Understanding. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Kostka. Motion passed unanimously.

Mayor George moved on to Item VII.B.

B. Sunshine Bus Service and Request for City Subsidy (Presenter: Becky Yanni, Executive Director)

Mayor George introduced Item VII.B. and asked Becky Yanni to come to the podium.

Becky Yanni, Executive Director of Council on Aging, 180 Marine Street, St. Augustine, FL, advised what the Council on Aging does for St. Johns County residents by giving transportation for medical treatment and appointments or nutrition services to the elderly, disadvantaged,

or disabled. She explained that the other transportation system is the Sunshine Bus Service which is open to everyone in St. Johns County and goes on a regular route. She commented that the City has the green line bus that goes through the City inbound and outbound 12 times a day and on an average month the Sunshine Bus Service gives 24,000 rides throughout the County and 3,000 rides in the City, which is 13% of the overall ridership. She explained that the minority of rides are in the rural areas, which is 21%. She explained that her purpose today was to answer questions that the Commission may have regarding the service and what is required in order to continue the service.

Mayor George asked if the firm has considered increasing the cost of the ride.

Ms. Yanni advised yes, and they are in the process of increasing it currently. She explained that they are holding two public meetings to address the increase. She commented that the fare box is a very small amount and that public transportation is subsidized throughout the nation.

Mayor George asked how much control the City would have over the manner of service within the City's jurisdiction if the City contributes.

Ms. Yanni advised that the County is asking the City to only help with the shortfall of the funding, not for the base money that the County puts in every year. She explained that the shortfall has been \$276,000 a year for at least the last 13 years. She commented that the bus service has increased throughout the years and the costs have increased. She advised the County is asking the City to contribute 10% of the funding shortfall.

Mayor George explained that she was concerned about the people who ride the bus who have no shelter when waiting for the bus during the heat of the summer or rainy days and she would like bus shelters to be in the City for people. She asked if the City contributes, would there be shelters built within the City limits.

Ms. Yanni advised that she could not speak for the County, but that the reason why there are not more shelters is because of the costs of making the shelter ADA accessible.

Mayor George advised that she appreciates Ms. Yanni is a contracting provider and cannot guarantee what the County would do.

Discussion ensued regarding the cost to ride the bus is \$1.00 unless the person is a senior, a student, or a person buys a monthly pass; trying to raise funding by advertising on the buses and increasing the fares for the bus services as well as going to the Florida Department of Transportation to see if they have anything left in their budget at the end of the year; match money is utilized by the Florida Department of Transportation and the Federal Transit Administration; reaching out to the US Department of Housing and Urban Development for more funding; City survey advised that 75% of the City's residents would not use the Sunshine Bus; not wanting to have City residents to put in money on a service they don't use; Sunshine Bus supplies affordable workforce transportation to employees who work in the City; hotel and restaurant owners appreciate having the Sunshine Bus for their workers; having Communications / Event Coordinator to contact businesses to fund the Sunshine Bus directly; the Florida Legislature changed the ordinance to have the Tourist Development Council to use funding for viable uses such as this and the Sunshine Bus Service should contact the Tourist Development Council for funding; having the Sunshine Bus helps stop traffic congestion, which enhances the visitor experience; Council on Aging (COA) manages all the operations of the Sunshine Bus Service; funding comes to St. Johns County and they give the funding to Council on Aging which manages the Sunshine Bus Service and invoices the County for their

expenses; and the Transit Grant Manager at St. Johns County applies for the funding; there was a management response to the COA's study, which can be provided to the City.

Vice Mayor England asked for an ongoing basis to receive management responses to the operations of the Sunshine Bus Service from the County, which would include what funding resources the County has asked for and who is providing the funding and ongoing operational responses on the Sunshine Bus Services.

Ms. Yanni advised that she could provide that information to the City. She advised that the information would provide the future plans of the Sunshine Bus Service, which would be more expanded services, longer hours of operation, operation on Sundays that the community needs for public transportation; however, the funding could hamper those future plans.

Vice Mayor England requested resumes of the management staff and their expertise in managing the Sunshine Bus Service.

Commissioner Kostka asked for the budget summary as well.

Ms. Yanni advised that the information requested would be provided.

Mayor George commented that what this request is asking for is double taxing the City residents because the residents are already County taxpayers. She explained that this is really a County function because it services Countywide.

Commissioner Samora asked how many stops are provided within the City limits and what the frequency time limits are.

Ms. Yanni showed the bus stops and route that the Sunshine Bus Services provided. She explained that the 13% participation is within the City limits. She commented that she would like another bus that would make more stops in the City limits. She explained that she received more funding for the Hastings area through private funding.

Commissioner Samora asked for the results from the Communication and Events Coordinator regarding reaching out to the businesses with a survey and asked for the results.

City Manager Royle advised that he was not aware of the results yet.

Commissioner Rumrell asked if the number of riders has decreased and asked how that relates to the 13% ridership.

Ms. Yanni advised she measured the overall trips within the City limits to get the percentage.

Commissioner Rumrell suggested asking advertisers to pay for the shelters.

Ms. Yanni advised that they do advertise on the bus and have explored advertising on shelters; however, the costs were still prohibitive. She commented that she would ask the new advertising company to see if that would work for shelters as well.

Commissioner Rumrell confirmed the shortfall amount was \$350,000 and the request of the City's contribution request was \$49,000 not what was previously stated.

Ms. Yanni advised that was correct.

Commissioner Kostka asked if the bus stops were the only pickup places.

Ms. Yanni advised that they have designated stops, but they also would stop by people flagging the bus to stop.

George Heston, Sunshine Bus Manager, 180 Marine Street, St. Augustine, FL, explained there are timed stops, but buses always stop at 15 bus stop signs and when someone wants to get on and off.

Commissioner Samora asked Ms. Yanni to clarify whether this amount that the County is asking from the City is a one-time request or every year.

Ms. Yanni advised that it was her understanding that this would be only this year but wasn't sure if the County wants this every year.

Vice Mayor George commented that she believed it would only be for the 2020 budget and that the City would not be obligated to pay for future requests. She remarked that the City is being asked for an estimated amount of \$49,000 and if it was more than that, Ms. Yanni would have to come back to the Commission to discuss a larger amount for the 2020 budget only.

Ms. Yanni asked City Manager Royle to clarify this with the County.

Commissioner Samora asked if this was only for the Sunshine Bus Service or does it include other services.

Ms. Yanni advised that it was only for the Sunshine Bus Service.

Mayor George asked for clarification of the pie chart to include a breakdown of what the rural areas in St. Johns County that the pie chart alludes to because some of the rural areas are higher economic centers than others.

Ms. Yanni advised that the rural areas are within St. Johns County, but are not incorporated in municipalities. She explained that the northeast and northwest part of the Counties, the Sunshine Bus Service does not serve. She commented that she would give the information to the Commission for their review.

Mayor George asked for more information on the projected costs of the shelters and their restrictions so if the City was interested in constructing shelters the City could have the Beautification Committee provide a design, so the City can get pricing so funding raising could be done.

Ms. Yanni advised that the Pondera Vedra area and the northwest part of St. Johns County is not part of the funding and is under Jacksonville Transit Authority's domain.

Mayor George opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, commented that COA does not give reliable transportation because Florida Department of Transportation and other transit authorities are using the money on asphalt; COA does not want to answer public records request; wants the Commission to have more control over COA's data and decisions; COA's statistics on rural areas are not accurate; and they don't involve the public before the decisions are made.

Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL, commented that the City does not have the money for this; COA has unqualified people running the Sunshine Bus Service; and they are a bad organization (Exhibits 1-4).

Adam Morley, 1205 East State Road 206, St. Augustine Beach, FL, advised that he used the Sunshine Bus Service for eight months when he didn't have a car and they gave him transportation on time to his job, grocery shopping, and the gym and thanked them for their service.

Alex Farr, 3 7th Lane, St. Augustine Beach, FL, St. Augustine Beach, FL, advised that the City is too expensive for a service industry worker to live and so they need to use the Sunshine Bus Service to get to work. She requested that the Commission do everything they can to promote the buses and to add to the coffers for the bus service if necessary.

Mayor George closed the Public Comments section and asked for Commission discussion.

It was the consensus of the Commission to table the matter until the Commission receives more information from Ms. Yanni.

Mayor George moved on to Item VII.C.

C. Proposal to Change Streetlights to LED Lighting (Presenters: Representatives from Florida Power and Light)

Mayor George introduced Item VII.C. and asked if the representatives from Florida Power and Light could please come to the podium.

Jim Bush, Florida Power and Light (FPL), 303 Hastings Road, St. Augustine, FL, introduced Scot Tharp to discuss the overview on LED lighting.

Scot Tharp, Florida Power and Light (FPL), 303 Hastings Road, St. Augustine, FL, gave an overall presentation of the conversion of the street lights to LED lighting program at no costs. He explained that the City has approximately 400 street lights and converting to LED lighting would save the City of \$300 per month. He commented that City Manager Royle and he discussed converting on A1A Beach Boulevard a decorative style light, which would cost the City \$700 - \$800 a month extra from Pope Road to F Street and if the City wanted to continue from F Street to Publix it would be approximately \$1,300 a month. He explained the benefits of LED lights, such as safety. He advised that several cities such as Ormond Beach, Port Orange, and Daytona Beach have LED lighting. He explained different options to the Commission.

Discussion ensued regarding the costs of the decorative LED lighting fixture being lease per month; FPL would repair the lighting if there is damage due to hurricanes or the lights break; decorative lights are not turtle friendly; however, FPL is working with the Federal Wildlife Commission to approve a turtle friendly light fixture solution, but they have not approved it as of yet; FPL turns the lights in the line of sight off during the turtle season; can omit the LED lighting in turtle areas until FPL gets the Federal Wildlife Commission approval; FPL can convert the LED lighting at no costs later after approval; FPL hopes to have the approval by the end of the year; FPL has no timeframe for the City and does not change the contract.

Commissioner Rumrell asked if Mr. Tharp asked Police Chief Hardwick what the safety component would be regarding the conversion.

Mr. Tharp advised no; however, he would be happy to.

Police Chief Hardwick advised that Mr. Tharp and he can meet with him to discuss the issue. He explained that he has concerns for pedestrians on the Boulevard today and is looking for better ways to light up the Boulevard because it is dark, especially during turtle season and with the new hotel pedestrians.

Mayor George mentioned the public's concerns for lighting between A1A Beach Boulevard and Publix.

Mr. Tharp advised that he will be discussing that next week.

Mayor George opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, requested that the Commission have more controls on this issue; FPL should talk to Police Chief Hardwick about the lighting; didn't feel Mr. Tharp was prepared and corrected him on the Florida Wildlife Commission instead of Federal Wildlife Commission; and requested reduced light pollution for the turtle season and more information not guesswork.

Mayor George closed the Public Comments section and asked for Commission discussion.

Commissioner Samora requested an option from FPL on converting the lighting that would not affect the turtles, so to omit changing the lighting on A1A Beach Boulevard until FPL has approval from the Florida Wildlife Commission.

Mayor George requested information on how long the life span is on LED fixtures and poles in case the City decides to go with underground utilities in the future.

Commissioner Kostka would like to have Option 1 to save money and doesn't want to spend money on fixtures. She requested that the Commission wait on the Florida Wildlife Commission's approval for the turtle lighting before moving forward with lighting on A1A Beach Boulevard but is not opposed to doing the rest of the City in LED lighting.

Commissioner Samora agreed with Option 1 because he agreed not to spend on the decorative fixtures.

Mayor George agreed unless FPL would change the poles and the fixtures for the same price as the fixtures.

Vice Mayor England advised that the City needs a more custom solution because of the cost savings, public safety and turning the lights off during turtle seasons.

Mayor George requested a visual map of what lights affect the turtle nesting areas, so the Commission would have a good overview of the lighting.

Mayor George moved on to Item VIII.

VIII. PUBLIC HEARINGS

1. Transmittal to the State of Changes to the City's Comprehensive Plan (Presenter: Janis Fleet, Planning Consultant)

Mayor George introduced Item 1 and asked Janis Fleet to the podium.

Janis Fleet, AICP, Fleet & Associates / Planners, Inc., 11557 Hidden Harbor Way, Jacksonville, FL, advised there were two pages that had corrections (Exhibit 5), which she handed out to the Commission. She recapped the Comprehensive Plan process and changes that were made to the Comprehensive Plan in the previous meetings with the Commission and the Comprehensive Planning and Zoning Board. She commented that the Comprehensive Planning and Zoning Board recommended moving forward to transmit but wanted the Commission to see all the comments made. She explained that the remaining process and explained that the proposed Comprehensive Plan would come back to the Commission two more times for review.

Mayor George asked if the comments made between pages 12 through 20 were integrated into the document.

Ms. Fleet advised no. She explained that the Board wanted the Commission to see the comments and make changes as the Commission saw fit. She explained that the comments were her comments and she worked with staff on any changes.

Mayor George asked how Ms. Fleet recommended that the City doesn't have enough staff to do the objectives. She asked why the goals for the Comprehensive Plan could not be for the future, even if the City could not implement them right away. She remarked that she wants the dune preservation to be beefed up and add measures to the Department of Environmental Protection (DEP) regulations.

Ms. Fleet advised that that would be up to the Commission to decide.

Mayor George advised that she would hate to write the Comprehensive Planning and Zoning Board comments out of the Comprehensive Plan because she knows how hard they worked on it. She asked when the Commission should write the changes back in, now or after DEP reviews it.

Ms. Fleet advised to make the changes before she transmits to DEP. She explained that there is no timeframe to submit to the DEP because the City has no Comprehensive Plan amendments waiting to be changed, so the Commission has time to make changes.

Commissioner Samora remarked that there were very important comments made and would result in changes, so he would like time to review the material. He suggested having this on its own meeting.

Mayor George opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, applauded the Commission for tabling this and requested to have a new consultant because Ms. Fleet does not appreciate the environment of the City.

Mayor George closed the Public Comments section.

It was the consensus of the Commission to have a Special Commission meeting and table this item until time certain on July 2, 2019 at 5:30 p.m.

Mayor George asked to have staff email a reminder of the meeting to the Commission.

Mayor George moved on to Item 2.

2. Request for Conditional Use Permit to Construct Five Houses in the Commercial Land Use District on North Side of 7th Street, Opposite Marriott Hotel (Lots 5, 7, 8, 9 and 10, Block 15, Chautauqua Beach Subdivision) Mr. James Whitehouse, Agent for MSB Hotels of Ormond Beach, Florida (Presenter: Brian Law, Building Official)

Mayor George introduced Item 2 and asked Building Official Law to give his report.

Building Official Law advised that the lots are zoned commercial, but the applicants want to build single-family residences. The Comprehensive Planning and Zoning Board passed this by a five to two vote. He recommended that the lots be treated as medium density properties as far as lot surfaces and impervious surface ratios and not as commercial district lots. He explained that there would not be a need for a commercial buffer if the Commission approves this conditional use permit because they are voluntarily building a residential structure next to a commercial structure. He disclosed that there is a large oak tree on the south side of the

properties and the applicant would have to go in front of the Comprehensive Planning and Zoning Board before cutting it down.

Discussion ensued regarding the applicant could use these single-family units as transient rentals, but they have not disclosed that option; properties were platted as commercial, but the back three lots were platted as residential; other residential homes are in the medium density district; and Building Official Law recommended to follow all the rules of medium density, which would require 35% lot coverage, 50% impervious surface ratio lot coverage, 10% or greater impervious surface, and medium density setbacks.

Vice Mayor England advised that she would like the terms clarified if the Commission agrees to this.

Commissioner Samora asked if any of the alley was vacated.

Building Official Law advised that it appears so, but it would not affect construction. He explained that if the applicant wanted to vacate the alley later, it would go in front of the Commission for approval. He commented that anything 300 feet west of commercial zoning is in his opinion not great because the lots were platted for residential.

Vice Mayor England advised that the Vision Plan consultant in the past said that on the west side the lots were a little deep for commercial and there was discussion to back zone that to residential, but the previous Building Official never did that.

Building Official Law advised that the lots before the Commission would remain commercial, but they would be granted a conditional use permit to be residential.

Mayor George asked Attorney James Whitehouse if he would like to give a report.

Attorney Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine, FL, explained that his client wants a conditional use permit for to construct single-family residential on the five lots in question. He explained that the Comprehensive Planning and Zoning Board recommended approval and discussed some of the questions the Commission is discussing. He showed Exhibits 6 - 8 on surrounding blocks around the properties. He explained that these lots would not be good for commercial buildings because of their visibility and asked to be allowed to do the same as other developments. He explained that the residents in the area do not want commercial but would prefer a residential neighborhood. He explained that the applicant would meet all the codes and regulations for medium density. He commented that if any issues that need to be addressed on how to construct the homes, it would have to come back to the Comprehensive Planning and Zoning Board anyway. He remarked that this is an appropriate use.

Mayor George asked why the plans were not submitted.

Attorney Whitehouse advised that he wanted the Commission's approval first before spending money on plans.

Mayor George asked about the oak tree.

Attorney Whitehouse explained that the applicant has not decided how the homes will be built so that issue would be addressed when the applicant designs the plans. He advised that would be addressed or brought back to the Comprehensive Planning and Zoning Board if there is an issue.

Building Official Law said it would have to come back to the Board if they want to cut the tree down.

Commissioner Samora asked why the applicant doesn't start where there are residential homes already.

Attorney Whitehouse advised that the applicant wants to build on all the lots with a set number of houses and will design the homes to fit the lots provided. He explained that the lots near commercial will be designed differently than the homes next to the residential area.

Vice Mayor England asked if the applicant would apply for a Planned Unit Development (PUD).

Attorney Whitehouse advised that the applicant wants to build on each individual lot and not apply for a PUD.

Commissioner Kostka asked if the intention of these homes would be transient rentals.

Attorney Whitehouse advised that he doesn't know that that is the applicant's intention right now. He explained that may be an option behind the commercial district in the future and advised that he doesn't know what the applicant's plan is.

Commissioner Samora asked City Attorney Wilson if the Commission could put a restriction on the homes to not be transient rentals.

City Attorney Wilson advised that so many uses are allowable in medium density district and commercial zones, imposing restrictions on homes where they are built like single-family homes could be problematic.

Commissioner Samora advised that the Commission has imposed different conditions in the past.

City Attorney Wilson advised that the applicant is requesting single-family homes and whether they are single-family, short- or long-term rentals it is difficult to tell the differences between those homes. He advised that he didn't think it would be appropriate to restrict transient rentals, but the Commission could do it and see if it works.

Commissioner Samora advised that one of the conditions would be to impose the setbacks for medium density residential homes, so couldn't the Commission also say that it would have to comply with all the medium density transient rentals.

City Attorney Wilson advised that the Commission would effectively be rezoning the properties and that might not be the intent of a conditional use permit because conditional use permits are multiuse properties. He remarked that the City would not know how it would be rented unless it is rented as an actual business. He advised he could not tell the Commission what the outcome would be if it went to court because the City's codes are not clear on that. He explained that the applicant is only asking for single-family homes to be built, not transient rentals.

Attorney Whitehouse advised that there is no plan to do transient rentals, but that could be an option in the future. He explained that this area is between two hotels and the homes closest behind the commercial buildings would be considered. He explained that all the lots in the back cannot be transient rentals unless a transient rental permit is available.

Commissioner Samora asked if his client would agree to not building transient units.

Attorney Whitehouse advised that his client would not want to give that option up because the two lots next to the commercial buildings may be designed differently than the others. He remarked that that would restrict the owner. He advised that staff did not oppose that option and the Comprehensive Planning and Zoning Board discussed this, and they didn't have

a problem with that issue because it would only be the five lots in the one area. He requested being able to have that option.

Mayor George advised if the home was to be sold, the new owner could come to the Commission for a modification. She explained that the Commission did not have the minutes to the Comprehensive Planning and Zoning Board on the discussion at the meeting and cannot watch the meeting online to see what was discussed on the website.

Attorney Whitehouse explained that the vote was five to two because of the tree issue. He explained that Mr. Mitherz and Ms. Longstreet voted against it because of the tree issue. He asked why the Commission wants to control this location for transient rentals and no other areas.

Mayor George commented that the applicant wants to make a ten-home neighborhood and five of the homes could become transient rentals, which would be a 50/50 ratio of transient units that the public in the City says they don't want. She suggested making it either residential or commercial. She advised that the applicant could do a PUD and make the homes residential or commercial and explained that the vision is fragmented because there are no plans submitted. She remarked that she would not entertain what is being suggested because there is already a policy in the City to regulate short-term rentals in a medium density district. She advised that she is not in favor of a neighborhood that is a 50/50 ratio of single-family homes and transient units.

Attorney Whitehouse advised that the both to the north and south from the properties, it is already that way and there are a lot of short-term rentals in those areas. He explained to the Commission that he feels it is appropriate to make these lots medium density.

Commissioner Samora advised that this further erodes the commercial district, which the Commission has been trying to stop for over a year and a half. He remarked that he felt this would be a viable commercial use property and would not want to further erode the commercial district left that the City has.

Attorney Whitehouse advised that he has shown that these properties would not be viable commercial use and that is why his client wants the conditional use permit. He remarked that the Commission could discuss what lots may be allowed to have transient units because they are next to the commercial buildings and he could talk with the client.

Commissioner Kostka advised that according to the property record the auto shop was already there when the applicant purchased the properties.

Mayor George opened the Public Comments section. The following addressed the Commission:

Brud Helhoski, 691 A1A Beach Blvd., St. Augustine Beach, FL, advised that now is the time to have a workshop with staff and the owner to see what could be developed in that entire area because the neighborhood might not want certain commercial uses.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table this item because the Commission does not have all the information such as plans, minutes, etc. and feel this is another intrusion into a residential area. He requested a moratorium on further intrusion into residential areas. Witnesses should be sworn in and he asked to deny the conditional use permit.

Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL, supported this project and asked why the Commission doesn't want Airbnb's for the tourists.

Jim Cochran, 328 S Forest Dune Drive, St. Augustine Beach, FL, advised that the rules have been changed for conditional use permits on commercial properties without any notice and that is a violation of people's property rights. He advised that the City's ordinance is inconsistent with the rules of the town. He explained that commercial use is not viable and would not have enough parking for a business.

Mayor George closed the Public Comments section and asked Attorney Whitehouse to come to the podium.

Attorney Whitehouse pointed out a letter in the Commission's packet from Bob Buckmaster from Coldwell Banker who said these properties were not economically viable for commercial use. He asked for a conditional use permit to construct residential homes and whether the owner wants to do transient rentals was not part of the application. He advised that his client would follow all the codes in a medium density district. He further explained that his client should not be penalized because the minutes of the Comprehensive Planning and Zoning Board was not in the Commission's packets or that the meetings are not televised any more. He advised that the Comprehensive Planning and Zoning Board voted five to two to recommend this be approved. He explained that the owner wants to keep the option of transient rental use but is not asking for that at this time.

Mayor George stated that the motion was to comply with regulations for medium density residential land use districts. She asked how Attorney Whitehouse is extrapolating for that an exemption relating to short-term rentals.

Attorney Whitehouse advised that the Comprehensive Planning and Zoning Board's discussion was to meet the setbacks and lot coverage. He explained that they did not address other uses that would be allowed in a commercial district. Conditional Use Permits only address whether a single-family residential use can be done in a commercial district. He advised that the owner is not developing a PUD or a neighborhood but developing single-family lots just like all the other homes in the area.

Commissioner Kostka advised that the City's residents survey showed the most important things for the residents was a sense of community. She explained that her concern is that the transient renters do not respect the community and explained that she feels that the Commission's task is to protect and preserve that. She asked for more clarity about this issue and wants more information and is not ready to make a decision.

Commissioner Rumrell advised that it would be good to have more revenue for the City and the City already allows transient rentals in commercial areas. He explained that a restriction on the properties may not hold up. He remarked that the residents would appreciate a residential home instead of a Starbucks or Dairy Queen. He said that transition is important but wants to preserve the future of the City.

Vice Mayor George advised that since the owner is preserving the commercial use on the Boulevard, she did not have an objection to residential use. She advised that the City's policy has not been clear deciding what is medium density and what can be commercial use.

Commissioner Samora advised that there is an erosion of the commercial district and the City needs commercial districts where tourists can spend their money. He explained that the commercial districts are disappearing, and the people want more retail shops to go to. He remarked that commercial buildings are being repurposed all the time. He mentioned that the Comprehensive Plan is setting up to restrict the intrusion of commercial zoning in residential areas and once the commercial areas are gone, the Commission's hands are tied.

Mayor George introduced for the record that the reference that there is no economic viable use for this commercial property is not true because her business is off the Boulevard and is the third or fourth lot in, so there are commercial uses west of the Boulevard. She advised that this lot could have parking areas to accommodate commercial use. She advised that only three lots are touching residential uses and the five lots that applicant has are not touching any residential areas other than the westerly lots. She remarked that she was concerned procedurally about that the methodology of the application presents us with five applications, which would entitle the City to five application fees but only appears to have one fee, so the methodology of submitting an application as a cluster of lots without any vision is another issue. Without giving the City its due on the application as a PUD, which would allow for that, to circumvent the fee concerns her. She was concerned on creating a precedent in granting conditional uses without any vision or plans for that use. She explained that previously the City has granted conditional use permits for specific businesses for home occupations or structures and specific owners as opposed to cherry picking elements of medium density or commercial uses for an unknown owner and unknown structures. She explained that she is concerned that there were no minutes from the Comprehensive Planning and Zoning Board, which the Commission needs to make a decision. She remarked that she is very hesitant to erode the City's commercial properties and she was not sure she would support a motion to approve this with all the what ifs.

Commissioner Rumrell asked to table this until the Commission receives all the information from the Comprehensive Planning and Zoning meeting and more information from the applicant to see the whole picture.

Commissioner Samora advised that he would like to know if the applicant would like to have plans made for the Commission to see.

Vice Mayor England remarked because there will be more requests for conditional use permits in commercial districts, she would like to put a moratorium on this until the Commission comes up with a policy on how to treat it with regard to the medium density rules and suggested a workshop or policy on where to allow this in the City. She doesn't want to deny the applicant because then they cannot come back or maybe the applicant would rethink this and come back to the Commission.

City Attorney Wilson advised that they have an application and they are entitled to a decision. He explained that a moratorium would never be effective for this application. He suggested tabling this matter until more information is received that the Commission wants. He advised that the Commission should be specific on what information they want. He explained that even though they want to build on five single-family lots, it's under one ownership so the applicant would not have to submit five applications.

Vice Mayor England advised that she was concerned because some properties are treated as medium density when granting the conditional use permit by some ordinances, but not all.

City Attorney Wilson advised that is the problem with conditional use because some uses are allowable, such as multi-family, and single-family and the applicant is only asking to build houses under medium density for construction. If the applicant asked it in a different way, it would change the conditional use. If they build single-family homes they could not change because they would not meet the criterias for setbacks, parking and retention areas required in a commercial district. He suggested to table this item and tell the applicant what the Commission wants.

Mayor George asked if this was going to be residential use or residential construction.

City Attorney Wilson advised that the applicant can use a single-family home as a short-term rental, long-term rental, or a single-family home.

Mayor George advised that this project could be all commercial in the middle of a couple of residential homes, which is a concern to me and granting the conditional use permit without plans.

City Attorney Wilson advised that this could be considered a concept review phase and have the applicant tell the Commission what the homes will be used for and what it will look like.

Mayor George made a motion.

Mayor George asked for a motion.

Motion: to table this item and invite the applicant to provide more information regarding the intended use and anything further that they think would help the Commission in further deliberations. **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Attorney Whitehouse asked for clarification. He asked what the Commission would like the applicant to bring to the next meeting for them because if not he wants a vote on the request. He stated that the request is a conditional use permit to allow single-family houses on five lots.

Mayor George asked if any Commissioner wanted to state what they would like the applicant to provide.

Commissioner Rumrell asked for the Comprehensive Planning and Zoning Board minutes and more clarity of the intent of the uses for each lot.

Attorney Whitehouse asked when they can come back to discuss this case.

It was the consensus to have this conditional use permit come back for discussion on July 1, 2019, at 6:00 p.m.

Mayor George moved on to Item 3.

3. Consideration of Request to Vacate Alley on East Side of Boulevard in Block 9, Chautauqua Beach Subdivision, between 2nd and 3rd Streets (Presenter: Jim Wilson, City Attorney)

Mayor George introduced Item 3 and asked Attorney Wilson for a report.

Attorney Wilson advised two or three alleyways are owned by property owners and cannot be used for beach access. He explained that the records do not show when the alleyways were received by the owners and might have been before the City was created. He explained that the Commission could recognize them as being owners of the alleyway because they have a claim of titles which has existed for decades, or to continue to maintain an alleyway with no access. He explained that he received documents from the Clerk of the Court and these owners have used this land as their own for years.

Mayor George opened the Public Comments section. Being none, Mayor George asked for a motion.

Motion: to approve the vacating of the alley in Block 9, Chautauqua Beach subdivision, based on the evidence the Commission received and the evidence of the opinion of the City Attorney and based on the portion of the alley that has been previously vacated prior to the

incorporation of the City, that there is no current direct beach access in this alley and vacating the alley would not violate current City codes or the Comprehensive Plan. **Moved by** Vice Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved on to Item 4.

4. Ordinance 19-06, Second Public Hearing and Final Reading, to Allow the Setting of Building Permit and Related Fees by Resolution, and Resolution 19-02, to Adopt the Fees (Presenter: Brian Law, Building Official)

Mayor George introduced Item 4 and asked Building Official Law for his report.

Building Official Law advised this is the same ordinance that has been previously discussed to bring the fees out of Land Development Regulations and have the fees done by resolution, so the fees could be changed in a timelier manner. He then explained that Resolution 19-02 with the new proposed fee schedule in Exhibit A. He commented that most of the changes were in the Planning and Zoning fees because they were not changed in 20 years. He explained that transient rental fees are changing from \$40 to \$100 and include reinspection fees if the owner is not done.

Commissioner Kostka asked if the transient rental fees are in medium density only or throughout the City.

Building Official Law advised throughout the City. He explained that condominiums are not regulated by the City but by the State level enforcement.

Mayor George opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked why the fees were not adjusted every year; advised that the City Manager is in the developers' pockets and should resign; requested an accountant to give specific data on how the fees should be adjusted; and suggested getting a new City Manager.

Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL, agreed with increasing the fees and feels that City Manager Royle does an excellent job, but blames the past Commissioners for not being prepared.

Mayor George closed the Public Comments section and asked for Commission discussion.

City Attorney Wilson read the title of the Ordinance 19-06.

Mayor George asked for a motion.

Motion: to approve Ordinance 19-06. **Moved by** Vice Mayor England, **Seconded by** Commissioner Samora. Motion passed unanimously.

Motion: to approve Resolution 19-02. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George moved on to Item 5.

5. Ordinance 19-07, Public Hearing and Final Reading, Regarding Business Tax Receipts: Updating Classification Titles and Increasing Fees (Presenter: Beverly Raddatz, City Clerk)

Mayor George introduced Item 5 and asked City Clerk Raddatz for her report.

City Clerk Raddatz advised that the only changes from the first reading of the ordinance were the changes requested by the Commission that staff keep the previously deleted categories that were over \$26.25 and added a five percent increase. Staff recommends approval for Ordinance 19-07.

Discussion ensued regarding the increase in fees and fees for taxis and how taxis drivers are regulated.

Mayor George opened the Public Comments section. The following addressed the Commission:

Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL, advised that he was told at the City of St. Augustine that Uber drivers are not regulated because Uber is regulated by the State of Florida.

Mayor George closed the Public Comments section and asked for Commission discussion.

City Attorney Wilson read the title of the ordinance.

Mayor George asked for a motion.

Motion: to approve Ordinance 19-07. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George moved on to Item 6.

IX. CONSENT

6. Resolution 19-05, to Amend the Format for Commission Meetings in the City's Policies and Procedures Manual

Mayor George introduced Item 6 and asked if any members of the Commission would like to discuss this item.

Vice Mayor England advised that there is a request to speak on this item.

Mayor George opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, requested to include in the ordinance that meetings for this City not overlap the City of St. Augustine's meetings and requested that a specific time be done for public comments in the agenda.

Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL, blamed the Commission for changing the order of the agenda which brought the public comments to late this evening.

Mayor George closed the Public Comments section and asked if the Commission has anything to discuss.

Discussion ensued regarding changing the agenda; not putting voting items under Presentations but placing them in Old or New Business sections; and have Public Comments and Commissioner Comments after Item VII, Presentations.

City Clerk Raddatz asked for a motion to extend the meeting.

Motion: to extend the meeting until 10:00 p.m. **Moved by** Mayor George, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George made a motion.

Motion: to approve Resolution 19-05 with the amended change that Public Comments and Commissioner Comments above Presentations. **Moved by** Mayor George, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George moved on to Item 7.

X. PUBLIC COMMENTS

Mayor George opened the Public Comments section. The following addressed the Commission:

Jeff Prickett, 1121 Overdale Road, St. Augustine Beach, FL, he asked that every day the community should thank a Police Officer and tell them to be safe because they could be shot at any time. Give the Officers respect and pay more attention to the Police Department.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked the Commission for keeping the Police Department in St. Augustine Beach. He requested a resolution to be done and put up a rainbow flag up for Gay Pride Month. He requested that the resolution be done at the June 17, 2019 meeting.

Bert Tavary, 15 Sunfish Drive, St. Augustine Beach, FL, advised that he and his wife are opposed to parking rules in the City.

Tom Reynolds, 880 A1A Beach Blvd., St. Augustine Beach, FL, asked to give an assistant to City Manager Royle, who could also handle communications. He advised that City Manager Royle does a good job and even though he has been critical of him, he wanted to apologize to him for speaking against him in the past.

Mayor George closed the Public Comments section and moved on to Item XI.

XI. COMMISSIONER COMMENTS

Mayor George asked Commissioner Rumrell if he had any comments.

Commissioner Rumrell reported that Publix is ordering four times the amount of paper bags now than ever before.

Vice Mayor England advised that she went to the North Florida Transportation Planning Organization (NFTPO) meeting but found out it was cancelled. She spoke with some staff members there and they recommended that in order to get more attention to have the City's Public Works Director go to the meetings, so Mr. Tredik has started attending.

Mayor George advised that she wants the videos back online because so many other cities are doing it even with the risk of litigation because of all the complaints she has been receiving. Wants the videos up ASAP and put it on the next agenda tomorrow.

City Attorney Wilson advised that one of the lawsuits was dismissed. He advised that if the City writes the gentleman that the City is changing their rules and would get this to him as soon as the City can, we should be okay, but it is up to the Commission whether the Commission wants to take a risk. The cases are settling for \$15,000 - \$20,000. He explained that the public is being deprived by not having the videos online.

Mayor George requested this item be placed on the agenda for the continuation meeting on June 11, 2019.

Mayor George closed Commissioner Comments and then moved on to Item 7.

XII. OLD BUSINESS

8. Plastic Bag Ban Ordinance: Requested by Ms. Jane West for the Commission to Consider it Again (Presenter: Max Royle, City Manager)

Mayor George introduced Item 8 and asked City Manager Royle for his report.

City Manager Royle advised that Chair West asked the Commission to make a motion for first reading.

City Manager Wilson then read the titles of the Ordinances 19-08 and 19-09.

Mayor George opened the Public Comments section. The following addressed the Commission:

Brud Helhoski, 691 A1A Beach Blvd., St. Augustine Beach, FL, advised that these ordinances are not creating a solution. He stated it takes more fuel to make biodegradable bags, which does not solve the problem. He explained that the cost is greater for restaurant owners to use these products than the fish could eat anyway.

Mayor George closed the Public Comments section and asked for Commission discussion.

Commissioner Samora advised that he had concerns that the ordinances did not show penalties that would be associated with the ban, enforcement of the ban, and the retail sales of the banned items. He explained that these ordinances were shelved in favor of the resolution, so he was not sure if City Attorney Wilson had any time to work on it.

City Attorney Wilson advised that there were no specific instructions on this; however, he suggested having the Public Hearing and then change the ordinance to amend the ordinance. He explained that the retailers should be notified of the Public Hearing, so they can give their thoughts.

Motion: to approve Ordinances 19-04 and 19-04. **Moved by** Mayor George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

Mayor George moved on to Item XIV.

XV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

Motion: to continue the meeting until June 11, 2019 at 6:00 p.m. **Moved by** Commissioner Kostka, **Seconded by** Mayor George. Motion passed unanimously.

Mayor George adjourned the meeting at 10:00 p.m.



Undine C. George, Mayor

ATTEST:

Bruce Raddatz

City Clerk

