



MINUTES

REGULAR CITY COMMISSION MEETING

MONDAY, JULY 1, 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, Chief Financial Officer Burns, City Clerk Raddatz, Building Official Law, and Public Works Director Tredik.

IV. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON JUNE 10, 2019, CONTINUATION OF THE REGULAR COMMISSION MEETING ON JUNE 11, 2019 AND SPECIAL COMMISSION MEETING ON JUNE 17, 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 Regular Commission meeting on June 10, 2019, Continuation of the Regular Commission meeting on June 11, 2019 and Special Commission meeting on June 17, 2019. **Moved by** Commissioner Rumrell, **Seconded by** Vice Mayor England. 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 requested to change Item 9 regarding Ordinance 19-11 to the first item under Old Business, as Item 7.

It was the consensus of the Commission to change the order of the agenda as requested by Mayor George.

VII. PRESENTATIONS

A. Results of the Citizen Survey (Presenter: Cindy Walker, Communications / Events Coordinator)

Mayor George introduced Item VII.A. and asked Cindy Walker, Communications / Events Coordinator to come to the podium.

Ms. Walker showed a PowerPoint presentation and recapped the findings from the survey. She also gave her email address and text number to the public in case they would like the City's e-newsletter monthly.

The Commission thanked Ms. Walker for presentation and the concise information she gathered for the Commission's benefit.

Mayor George asked Ms. Walker to work with the City Manager to update the request to speak forms to include for the public if they would like to receive text messages and the e-newsletter.

Commissioner Samora asked for Ms. Walker to send her bulletin points to all the Commissioners.

Mayor George moved on to Item VIII.

VIII. PUBLIC COMMENTS

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

Maureen Long, 1821 Castile Street, St. Augustine, FL, asked the Commission to send a letter to Governor Ron DeSantis showing support for funding to save Fish Island.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, supported saving Fish Island; thanked previous Mayor Snodgrass for his support of Fish Island; thanked Mayor George, Vice Mayor England and Commissioner Kostka for making the City Manager fly the Rainbow flag; complained that the Rainbow flag was not put on the flag pole for two days because of the City Manager didn't do it and advised that the City Manager and CFO were incompetent and needed to be replaced.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, thanked the Public Works Department for moving ahead with discussions with the Department of Transportation regarding the lighting on A1A South; advised that if the Commission approves a non-ad valorem tax it would be the same as increasing the millage, which would not be good for those who are struggling to make ends meet; requested not to be quick to reduce the millage at the first public hearing in order to add fees; and evaluate the City's services needed or wanted before decreasing the millage.

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

IX. COMMISSIONER COMMENTS

Mayor George asked Commissioner Kostka if she had any Commissioner Comments.

Commissioner Kostka asked the Public Works Department to place trash cans at every crosswalk and parkettes that have seating since there has been more foot-traffic.

Vice Mayor England advised that she attended the North Florida Transportation Planning Organization meeting for June. She advised that they did a presentation on a new software program called SMART Florida, which was amazing. She explained that any city can create an account and this technology could track hotel occupancy, traffic, number of transient rentals, etc. and it would be a part of a huge database that is used to help all communities and cities. She commented that it would also help in applying for grants and she advised that she would send the information to City Manager Royle for him to use.

Mayor George asked the Commission if they were all in support of saving and funding of Fish Island, so she could send a letter on behalf of the Commission.

It was the consensus of the Commission for Mayor George to send the letter to Governor DeSantis.

Mayor George announced that this was the City's 60th anniversary so everyone could be proud of the community. She advised that she attended the Tourist Development Council meeting and explained that everything is going well for tourism. She commented that it helps St. Johns County funding to hold cultural events.

Mayor George moved on to Item 1.

X. PUBLIC HEARINGS

1. Continuation of Review of Request 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)

Mayor George introduced Item 1 and advised that this is a continuation from last month. She then asked Attorney James Whitehouse if he had any comments.

Attorney Whitehouse, St. Johns Law Group, 104 Sea Grove Main Street, St. Augustine Beach, representing MSB Hotels of Ormond Beach, Florida. He explained that these five lots split the back half of the other five lots are medium density. He commented that even though he is representing MSB Hotels, the land is under contract to Mr. Vincent Groom who lives in St. Augustine Beach. He advised that Mr. Groom is developing the donut shop in St. Augustine Beach as well. He explained that he had a concept of what the houses would look like and advised that they would be developed as single-family residences. He advised that the Commission received the Comprehensive Planning and Zoning Board minutes now and explained that they recommended approval with three conditions which were: 1) the conditional use permit would be transferable with the land because MSB Hotels owns it now, but it is under contract to Mr. Groom, 2) the properties be regulated as medium density in the setbacks, lot coverage, impervious surface ratio as specified in the City Land Development Regulations, and 3) the construction permit be issued by the Building Department within one year of the conditional use permit. He explained that the Comprehensive Planning and Zoning Board really didn't discuss the third condition and advised that with five houses sometimes they all cannot be constructed in one year. He then asked Michael Stauffer, Architect, to show a conceptional design of how the homes would be placed on the lots.

Michael Stauffer, 621 Bowers Lane, St. Augustine Beach, FL, showed Exhibit 1 and explained the concept design of the single-family homes on the lots with the medium density setbacks, the requirements of impervious surface ratios, and the lot coverage which are required. He commented that the owner does not know how they will sell because the buyers may want 3,000 square foot homes or may want three-story homes. He explained that these lots are truly going to be residential.

Discussion ensued regarding the homes would be 2,200 to 3,000 square feet and two to three story homes; homes would not have a homeowners association or specific architectural design; buffer is not required between commercial properties and residential and could not place a fence or a buffer without taking most of the lot; landscaping would be placed on the lot with the home; Lot 7 having a large tree in the middle of the lot, which the Commission wants to save; and deed restrictions for the lots.

Attorney Whitehouse advised that the Comprehensive Planning and Zoning Board did not talk about any deed restrictions because they didn't know how the conceptual design would be on the lots. He explained that the owner would be willing to discuss deed restrictions if the Commission would allow the project. He advised that Mr. Groom would be willing to discuss saving the tree if the Commission would move forward with the project. He advised that his client didn't purchase these lots for short-term rentals but wants to do residential homes in a commercial district which is allow by the City's code. He advised that if the owner would be willing to donate Lot 7 with the tree to the City, then maybe the Commission would consider some of the homes to be short-term rentals. He recapped by saying the owner wants to put five homes in the commercial lots with the conditional use permit.

Discussion ensued regarding having more buffering between the commercial area and the residential homes and limiting short-term rentals to only two or three homes in the commercial lots.

Mayor George asked whether limiting the short-term rentals would apply to the 100 transient rental permit limits if these homes would developed under medium density.

City Attorney Wilson advised that it would be possible for the Commission to impose a condition that they would not be used for short-term rentals, but not the zoning rules to it.

Vice Mayor England advised that there was a difference in the City's codes regarding short-term rentals, which must be rented on a monthly bases, versus transient rentals, which can be rented less than a month. She commented that her concern is once these are approved as single-family homes, it would be part of a neighborhood in a medium density zoning. She asked to add to the conditions that these lots would be subject to Section 3.09.00 of the City's code for transient rentals, which would apply to medium density zoning. She commented that short-term rentals are allowed, which would be reasonable.

Commissioner Samora clarified his comments from the last meeting regarding transient rentals. His concern is protecting the City's commercial land for commercial use. He asked for the intent of the owner for these homes. He explained that this would be a mixed neighborhood of some people living there full-time and others as transient rentals, which the Commission receives complaints about all the time. He advised that he wants to save the beautiful tree that is on Lot 7 and he would be in favor of all rentals like 25 room hotel or transient rentals in a cluster than some residents living full-time with transient rentals. He wants to preserve the intended use of the commercial property.

Attorney Whitehouse advised that he is familiar with the City's code and advised that the zoning would still remain the same with a conditional use permit, so the commercial district would be preserved. He advised that his client would like the ability to have transient rentals in case of the economics in selling the properties. He explained that the owner would be willing to compromise with the two homes bordering the commercial district. He advised that the owner is not going to hang on to these lots and would be selling them to individual families. He commented that the owner is willing to put more buffering if the Commission wants it in the conditions and would agree to some of homes not to be short-term rentals.

Vice Mayor England asked Attorney Whitehead when he is using short-term rentals did he mean transient rentals.

Attorney Whitehead advised yes.

Vice Mayor England advised that there are exceptions regarding transient rentals. She asked Building Official Law to read Section 3.09.00 for the Commission.

Building Official Law read Section 3.09.00 and definitions between short-term rentals and transient rentals and their exceptions.

Mayor George was concerned with not knowing what the lots would be used for and no clear direction on what the Commission would be agreeing to for the whole property. She explained breaking up five commercial lots, which together could be used for a commercial purpose, into separate structures, separate ownerships, and separate uses. She explained that in the City there are not a lot of areas with a full block of commercial properties. She would like something that contributes to the community and breaking it up to a non-conforming use or conditional use without knowing how it will be developed or that it would be a cohesive project. She advised that she would not mind if the whole block would be vacation rentals or transient rentals and explained that it would be more economic if you have transient rentals instead of short-term rentals. She commented that this is a limited vision and she would need to know what type of use each home would be used for.

Attorney Whitehouse commented that if the Commission advised his client that they wanted and would allow transient rentals on the lots, then he would not hesitate to decide what the homes' use would be for. He said that if the majority of the Commission said they would allow transient rentals in the front five lots and in the back five lots residential homes, his client would agree to that. He remarked that there is a vision for these lots and all the homes will look the same. His client would agree to the buffer area between the two uses of the homes and it will be a nice development.

Mayor George advised that once these homes are sold separately, there is no way to restrict someone from only doing transient rentals. We have complaints that residential and transient rental blocks are not doing well together and this would contribute to those problems as well as obliterating any hope of having commercial development in the area.

Attorney Whitehouse suggested making the first two homes transient rentals with a buffer between the last three homes.

Mayor George advised if the front two homes were transient rentals, then you would be separating the last three commercial lots behind them.

Attorney Whitehouse advised that the property would still be commercial because they are not changing the zoning with a conditional use permit.

Commissioner Kostka asked if there were any neighbors in the audience.

Attorney Whitehouse advised that a neighbor did speak at a previous meeting and he advised that he would much rather have homes than a commercial building in the neighborhood.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised this is residential intrusion into commercial zone and the client does not have a plan. He asked to deny conditional use permit with prejudice or to do a motion to table this item. He requested to save the tree and advised that the survey from the residents show they want more commercial uses.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, explained that the owner was willing to negotiate with the Commission on saving the large oak tree and did a good job of the street scape and the concept design. He suggested restricting the transient rentals to the front but keep residential on the backside of the street.

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

Mayor George asked how to proceed with negotiations.

City Attorney Wilson advised that the Commission can negotiate. He suggested to appoint one Commissioner to meet with Attorney Whitehouse and his client to see what their intentions are and then come back with solutions. He advised that there has been previous conditional use permits in commercial districts until recently because of changed conditions of wanting commercial businesses. He explained that a conditional use permit is not given unless it is compatible. The Commission does not have consensus at this point.

Mayor George advised that there was not a long history of allowing conditional use permits having residential in commercial zones.

City Attorney Wilson advised that he thought there were substantial conditional use permits for residential homes in commercial zones.

Mayor George advised that there was a mis-reference regarding a hotel being turned down before. She advised that it was south of that location. She explained that for the last 20 years nothing has been turned down on this block. She advised that she was in full support of anything we could do to preserve the tree. She would like a cohesive plan that could be drafted around the tree.

Attorney Whitehouse advised that he would be glad to meet with a Commissioner.

Vice Mayor England advised that even if a Commissioner speaks with Attorney Whitehouse if any Commissioner is against the conditional use permit, negotiating will not work. She advised if the Commission agrees with the conditional use permit, then the conditions could be added such as the tree and which lots would be subject to transient rentals and which one cannot be transient rentals. She advised that the property cannot be used as commercial if the tree is preserved.

Mayor George advised that there could be pervious parking around the tree. She asked the Commission what the consensus is.

Commissioner Samora said that he was in favor of moving forward with negotiating, but he advised that all the Commissioners would have to say what everyone's concerns are in order to negotiate. He considers transient rentals a commercial use and is no different than having a hotel and would be more fitting for the City instead of a hotel. He would like to preserve the commercial zoning and stated that he does not know the right vehicle to move forward with keeping the commercial use with transient rentals and the rear lots would be medium density. He advised that in the negotiations City Attorney Wilson should be present.

City Attorney Wilson advised that the conditional use permit is allowed for this scenario as long it is compatible with the surrounding properties.

Commissioner Rumrell advised that he agrees with Commissioner Samora and he doesn't want to give away commercial properties. He explained that if we keep the commercial designation, then the Commission answered both questions. He also requested to save the oak tree.

Vice Mayor England asked if Commissioner Samora and Commissioner Rumrell want to limit the transient rental use.

Commissioner Samora advised that he would want to have language saying it is transient use only.

Vice Mayor England advised that it would be wide opened since the lots are in a commercial designation.

Commissioner Samora explained that he would be more concerned if the homeowner uses the home as a residence and asked City Attorney Wilson how to get to that end result.

City Attorney Wilson advised that he could get there if there was a firm proposal.

Commissioner Kostka commented that there have been a lot of transient rentals lately and she is concerned about having more. She asked what the City wants to be as a whole, tourism or hometown community. She advised that maybe any development is better than none, but if the lots are used for transient rentals then no other commercial use could be done in the future. She suggested that all parties come up with a more concrete plan that everyone agrees to.

Vice Mayor England asked to make motion for discussion.

Mayor George asked if she would like to have someone negotiate first.

Vice Mayor England advised that she doesn't like to discuss this out of the Sunshine and is afraid that it would delay this further.

Motion: to grant the conditional use permit with the three conditions and the third condition that the construction permit is to be issued from the Building Department within one year except for Lot 7 which shall be preserved. **Moved by** Vice Mayor England.

Mayor George asked for more specificity.

Vice Mayor England advised further that the lots facing 7th Street would not prohibit transient rentals because it is zoned commercial, but the lots facing 8th Street would come under the ordinance on transient rentals Section 3.09.00, which is two lots. She advised that the tree would be preserved and the other two lots facing the hotel would not come under that ordinance.

Mayor George explained that she was good with the concept because she is for preserving the tree. She suggested some architectural cohesiveness but given the concept design the Commission may not have to go that far. She asked Attorney Whitehouse what the client would be willing to do to preserve the tree.

Attorney Whitehouse he would be in agreement to move forward with those conditions and to save the tree. He advised that his client could donate Lot 7 to the City and would be understanding of working with the City to preserving the tree with the conditional use permit.

Mayor George advised that she would not be comfortable moving forward without the mechanics of the motion being worked out.

Commissioner Rumrell asked if the City would have to purchase Lot 7 if the City denies them the right to build on that lot.

City Attorney Wilson advised that there would be a way to do it without the City having to purchase Lot 7. He explained that the owner could have half of the lot to the east and half of the lot to the west and have the center as a conservation easement.

Building Official Law explained that the setbacks would have to be worked out.

It was the consensus of the Commission to have Attorney Whitehouse, Mr. Groom and City Attorney Wilson to work on the details presented by the Commission.

Motion: to table this item until August 5, 2019 at 6:00 p.m. as paraphrase by City Attorney Wilson. **Moved by** Mayor George, **Seconded by** Commissioner Samora. Motion passed

Mayor George moved on to Item 2.

2. Request for Modification to Final Development Order for Anastasia Dunes Subdivision to Allow a Maximum of 45 Percent Total Lot Coverage and a Maximum of 55 Percent Total Impervious Surface Ratio Coverage Mr. James Whitehouse, St. Johns Law Group, Agent for the Anastasia Dunes Association, Inc. (Presenter: Brian Law, Building Official)

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

Building Official Law explained that Anastasia Dunes is a low-density residential community that has had three development orders since inception. They were given flexible setbacks to save the natural topography and was almost designed as a Public Utility District (PUD). He explained that the residents are suffering from a 40% impervious surface ratio. He explained that because of renovations to the property residents are having to remove pavers and pools to meet the impervious surface ratios. The Comprehensive Planning and Zoning Board recommended by a 5 to 2 vote to leave the lot coverage at 35% and to increase the impervious surface ratio to 50%.

Discussion ensued regarding the roadways, parking lots being a part of the impervious surface ratio when platted and whether marshlands would have a different peroration rate.

Mayor George asked Building Official Law if he recommends approving this.

Building Official Law advised yes.

Attorney Whitehouse explained that the Comprehensive Planning and Zoning Board did recommend the impervious surface ratio to be 50% and commented that all the vacant lots should be the same at 50%. He commented that not all the conservation areas are not marshlands. He requested to add in number 2 and 4 that they only exceed 50% as maybe provided for after a variance hearing is provided as according to the City code. He explained that he didn't want to leave the impression that the vacate lots could never do it and that if someone's house burns down they could rebuild as it was.

Mayor George asked Attorney Whitehouse to reiterate.

Attorney Whitehouse explained that on page 2, number 2, at the end it says.... "district to allow 50% maximum impervious surface ratio coverage" add, "and may only exceed 50% as may be provided for after variance hearing as provided for by City code." Also, under number 4 it says, "shall be maintained and not increased except be provided for..." add, "after provided for after variance hearing by the City code."

Vice Mayor England thanked the Comprehensive Planning and Zoning and Attorney Whitehouse for their hard work on this item.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, was concerned raising the impervious surface ratio to 50% because the Building Department needs to make sure that the runoff goes to the proper location; otherwise the homes may be affected on the other side of Anastasia Dunes. He gave a history of the drainage in the area.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked for a motion to table to get more scientific testimony from environmental groups.

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

Mayor George asked if the City has enough monitoring of the runoff.

Building Official Law advised that he forwards the site plan to the Public Works Director who approves it.

Public Works Director Tredik advised that he does not see an impact, but he can take a look at it if the Commission wants him to.

Commissioner Kostka asked if it flooding happened during the last two hurricanes.

Police Chief Hardwick advised no, just some branches down.

Motion: to approve this as recommended by the Comprehensive Planning and Zoning Board and with modifications to the draft Final Development Order provided in the Commission's book including at paragraph 2, ending the paragraph with the language "and may only exceed 50% as may be provided for after variance hearing as provided by City code" and second modification to the draft in paragraph 4 ending that paragraph with additional language reading "except as may be provided for after variance hearing as provided by City code." **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved on to Item 3.

3. Ordinance 19-03, Public Hearing and Final Reading: to Prohibit the Use of Polystyrene Containers and Single-Use Plastic Straws in City (Presenter: James Wilson, City Attorney)

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

City Attorney Wilson explained that the Commission has discussed this several times and asked to read the title of the ordinance.

Mayor George advised that this is the same ordinance as Palm Beach County. She advised that what was in the book didn't include language that said retail establishments or food service providers can distribute these and the new ordinance does.

Discussion ensued regarding the penalties and give a specific fine structure in this ordinance; whether fines should be by resolution and medical and dental facilities would be listed under retail establishments.

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

Craig Thomson, 6 D Street, St. Augustine Beach, FL, showed a City recycling bag and said they can be purchased yearly and this ordinance is a small step forward to save the environment.

Cora Good, 116 Cypress Road, St. Augustine, FL, she advised that she was speaking for the children holding up signs who were at the meeting earlier to save the environment; she is hosting an event called Plastic Free July to challenge people to decrease the single use plastics; urged everyone to use alternative plastics to save the planet.

Sunny Burns, 6857 E Seacove Avenue, St. Augustine, FL, explained that she didn't know how plastics harmed the planet and now is encouraging everyone to use alternatives to plastics. She explained that the children here earlier were her children. She advised that it may cost businesses more for green products, but in the bigger picture it is insufficient.

Jen Lomberg, 291 Cabbage Road, St. Augustine, FL, said it was appropriate to pass this ordinance tonight since the survey was read that the environment is really important to the residents in the City.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agree with the speakers but asked to restore the language in the ordinance that extends City Ordinance 1-9 regarding environmental crimes.

Nana Royer, 6 Willow Drive, St. Augustine, FL, did not want to speak, but asked to pass the ordinance.

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

Mayor George advised that the new enforcement language in the proposed ordinance is stronger than City Section 1-9.

Commissioner Kostka agreed with Mayor George and asked to keep it.

Discussion ensued regarding whether to change the one-year implementation to January 1st and delete the one-year implementation.

Commissioner Samora advised that he doesn't like receiving ordinances at the meeting. He asked if food service and retail providers should be in the title of the ordinance instead of restaurants.

City Attorney Wilson advised that the title is not specific.

Commissioner Samora advised that in Ordinance 19-04, the number is incorrect in Section 13-05 and asked why two definitions are done in two different sections.

Vice Mayor England agreed with Commissioner Samora that she didn't like getting this at the meeting.

City Attorney Wilson advised that it was his fault. He thought he had sent the newer version and didn't.

Mayor George asked for a motion.

Motion: to approve 19-03 with the only amendment on the second to last whereas clause to remove the language one-year implementation. **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Commissioner Kostka thanked the children who came out with their signs to support this ordinance and said that she was a full supporter of people getting involved in the government and voicing their opinions.

Mayor George moved on to Item 4.

4. Ordinance 19-04, Public Hearing and Final Reading: to Prohibit the Sale, Use and Distribution of Single-Use Plastic Bags by Retail Establishments in the City (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 4 and advised that in the last two months twice a plastic bag got sucked up into their car engine and it damaged their vehicle.

Commissioner Kostka suggested corrections to the 2nd paragraph from the bottom of the first page to delete one-year implementation so it matches the January 1, 2020 start date and the numbering on Section 13.45.

City Attorney Wilson advised that the reason for the two definitions is because one on Section 13.44 is the prohibition of single-use bag carryout for special events and the other is for carry out plastic bags by retail establishments.

Mayor George asked to delete the paragraph regarding alternative programs from Section 13-45 (b).

Commissioner Samora asked if there were any responses regarding this from the businesses within the City limits.

City Manager Royle advised no, unless they were on the City's Facebook page and Ms. Walker was not at the meeting to respond.

Mayor George advised Brud Helhoski advised at a previous meeting that this would not fix the problem but explained that this was a small step to start to fix the problem.

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

Adam Morley, 1205 E State Road 206, St. Augustine, FL, thanked the Commission for their vote on Ordinance 19-03 and would like to remind the Commission that this took three years to be passed and the businesses were notified, and they have not given any negative responses and he has received overwhelming support.

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

City Attorney Wilson advised read the title of the ordinance.

Commissioner Samora asked that all the businesses be notified by the letter of the ordinances in order to get the message out and asked to get the message out that these ordinances only effect the businesses within the City of St. Augustine Beach.

Mayor George made a motion.

Motion: to approve Ordinance 19-04 with the following amendments: firstly, in the second to the last whereas clause removing the language 1-year implementation, secondly, under Section 13-45 (b) (c) removing the paragraph that starts with retail establishments and ends with case by case bases in its entirety, and thirdly, correcting the numbering in Section 13-45 so that the numbers follows as subparagraphs to the lettered paragraphs. **Moved by** Mayor George **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George advised that this shows the character of the City and even if there is a small cost to takeout foods everyone is willing to chip in an extra penny to get rid of the plastics and the styrofoam as well.

Mayor George moved on to Item 5.

5. Ordinance 19-08, Public Hearing and Final Reading: to Establish Resident Only Parking Permit System (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 5 and asked City Attorney Wilson to give a staff report.

City Attorney Wilson explained he made the changes that the Commission requested at the first reading and then read the title of the ordinance.

Vice Mayor England asked City Manager Royle to come back to the Commission with a policy on how the implementation of the hang-tags would be established. She explained that it needs to be flexible when the residents come and ask to invoke this ordinance.

Commissioner Samora advised that under the definitions, he would like to emphasize the term being defined as resident permit parking area means... so that it is clear. He also asked under Section 19-55 (a) if the City has a Traffic Engineering Division.

City Attorney Wilson advised that it should be the Public Works Department.

Mayor George advised on page 8, Section 19-60, subparagraph 3, to add at the end of the sentence "or new residents and may not be maintained by any former property owners or former residents."

Commissioner Rumrell asked whether this would be a yearly permit that needed to be issued.

Mayor George advised that the ordinance says only two permits are issued per property, so if a new resident would come into city hall for permits, the City would facilitate the transfer.

Commissioner Rumrell advised he understood.

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

Jeff Sturtevant, 506 B Street, St. Augustine Beach, FL, explained that he was against it because the ordinance was vague and confusing and asked the Commission to table the ordinance. He asked what happens if the residents on the street only has 59% approval and he explained that all the residents are against this.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table the ordinance and stop wasting the Commission's time because no one wants it. He advised that the businessowners and residents don't want this. He commented that Mayor George has not answered his public record request on this issue and this is a big waste of time.

Mayor George closed the Public Comments section and advised that ordinance is not related to paid parking and explained that this did not come out of any discussion regarding paid parking. She commented that this was a recommendation from a workshop with the Commission and the Comprehensive Planning and Zoning Board. She explained that some residential streets may want to impose the ordinance, and some may not, but it is up to the residents to decide on their street. She explained that this is the only way to stop non-residents from parking on residential streets and lawns. She advised that this would prevent the overflow of parkers in the neighborhoods.

Commissioner Rumrell advised he agrees, and he explained that it is protecting the residents and that was the number one thing he wants to do for the residents.

Commissioner Samora agreed and advised that on 13th and 14th Streets the signs have resolved their problems with parking.

Mayor George asked for a motion.

Motion: to adopt Ordinance 19-08 with the following changes: in the definition section the term being defined when printed in italics; in Section 19-55 (a) that Traffic Engineering Division is changed to the Public Works Department; and in Section 19-60, subsection 3, change the following language “permit shall be transferable to any purchaser of the property or new resident or former resident.” **Moved by** Vice Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved on to Item 6.

6. Ordinance 19-09, Public Hearing and Final Reading: to Change Parking Regulations in Chapter 19 of the City Code (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 6 and asked City Attorney Wilson for his report.

City Attorney Wilson advised he cleaned up the language of the present ordinance and added the position of Parking Enforcement Specialist in the event that the City decides to start paid parking.

Mayor George advised that regardless if we have paid parking or not, this allows the Police Department to have a Parking Enforcement Specialist position available.

City Attorney Wilson advised that is correct and explained that it prohibits overnight camping on the plazas east and west of the Boulevard, Ocean Hammock Park and any other areas designated for paid parking. He then read the title of the ordinance.

Commissioner Rumrell advised that on paragraph (e) on page 3, the last line, it should say feet.

Mayor George asked if the Commission decided on 24 hours.

Commission agreed it was 24 hours.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to have a record of when the ordinances are passed and who was the author of the ordinance. He also asked if this and the previous ordinances were created by Passport Labs, Inc. because City Attorney Wilson would have not have drafted with Traffic Engineering Division in the previous ordinance. He asked that the author of the ordinance be affixed to the bottom of each page.

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

City Attorney Wilson advised that he wrote both of the ordinances and he has had on contact with Passport Labs, Inc. He explained that this ordinance was reviewed by Police Chief Hardwick and by IT Manager Johns. He advised that they made suggested changes that he put in the ordinance. He explained that the residential permit ordinance was put together by several different ordinances from different cities. He advised it was his fault for not knowing that the City did not have a Traffic Engineering Division.

Mayor George asked for a motion.

Motion: to approve Ordinance 19-09 with the correction in Section 6, letter (e) to say feet instead of dee. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved on to Item 7.

XI. CONSENT

None

XII. OLD BUSINESS

9. Ordinance 19-11, First Reading: to Add Cigarette Butts and Tobacco-Related Products to the Definition of Litter (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 9 and asked if there were any Public Comments. Being none, Mayor George asked for Commission discussion.

Commissioner Rumrell advised that he and City Manager Royle will be having a meeting on July 8th with the business who have the cigarette butt receptacles, so the City can receive them and connect them to the trash cans.

City Attorney Wilson read the title of the ordinance.

Mayor George asked for a motion.

Motion: to accept Ordinance 19-11 as read by the City Attorney. **Moved by** Commission Rumrell, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George moved on to Item 7.

7. Streaming of City Meetings: Review of Responses Received to City's Request for Proposals (Presenter Anthony Johns, Information Technology Manager)

Mayor George introduced Item 7 and asked for Information Technology Manager Johns to give his report.

Information Technology Manager Johns asked if the Commission had any questions.

Mayor George asked if Mr. Johns heard of rev.com.

Mr. Johns advised that he did not.

Mayor George advised that they charge \$1.00 per minute for large corporations that use them. She explained that if the City uploads the video file at 99% accuracy.

Mr. Johns advised that Commissioner Rumrell received a quote from another agency for \$99 per month.

Commissioner Kostka asked if they received any information from Full Full Sail University.

Mr. Johns advised that he sent an email to Full Full Sail University's public relations and got no response. He explained that the only phone number was to the admissions office.

Commissioner Kostka asked about a sign language for ADA compliance.

Mr. Johns advised that sign language is for the deaf or hard of hearing, but most people would not be able to keep up with someone translating. He advised that it does not work for people who are hard of hearing.

Commissioner Rumrell thanked Mr. Johns and Ms. Raddatz for their research and advised that he looked at the memorandum and called the company with the EEG iCap encoder and they advised that instead of purchasing the equipment and keeping it up to date, the City could lease it for \$99 a month with a \$400 setup fee and that would include the upgrades. He explained that the other recommended company would also be needed.

Mr. Johns advised that there will always be reoccurring costs with video production.

Commissioner Rumrell advised that staff is addressing the cyber attacks that other cities have endured regarding ransomed for their information. He was concerned that if the City goes to a cloud-based program, it could be hacked.

Mr. Johns advised that if the Commission wants to speak to him one on one or at a Shade meeting, he would do that, but he doesn't want to address security issues at a public meeting.

Mayor George advised that if Mr. Johns wants a Shade meeting, the Commission can schedule it.

Mr. Johns suggested speaking about that after the meeting.

Mayor George asked City Attorney Wilson regarding the pending suit. She asked if closed captioning is required if it is online or if it is broadcasted by the City.

City Attorney Wilson advised that streaming is more common and has no laws yet. He advised that there needs to be an understanding for small cities and their budgets that there be another way to address these issues. He advised that if a member of the public asked for accommodation, the City can try to provide it.

Mayor George asked if the City can resume having the broadcasting online.

City Attorney Wilson advised yes, it is worth the risk of doing so because otherwise the public doesn't have access. He explained that even though the survey says the public doesn't care, it is still a tool that should be kept open if someone needs it.

Vice Mayor England asked City Clerk Raddatz if she had another information.

City Clerk Raddatz advised no, just what she submitted to the Commission previously.

Mayor George asked if the letter from Mr. Price asked for ADA compliance on closed captioning.

City Clerk Raddatz advised no; however, it said that everything on the City's webpage should be ADA compliant, which included the video.

Mr. Johns advised that the closed captioning was the only legal opinion referenced. He explained that the legal opinion was talking about Netflix, Hulu, etc., but they will be discussing it in the future.

Mayor George advised that the City could upload the videos while this process is being discussed regarding closed captioning and give the residents some relief, so they know what is going on at the City.

Commissioner Rumrell advised that he feels comfortable with uploading the video now because the Commission is seriously trying to move forward getting close captioning.

Vice Mayor England asked if there was a price difference in having the closed captioning four days later.

Mr. Johns asked if the Commission what to start streaming the videos starting July 2nd.

It was the consensus of the Commission to start the online streaming.

City Attorney Wilson advised the Commission to move forward with the video streaming now and posting the current meetings on the webpage, but the Commission could post the old videos on the City's webpage if they want.

Mayor George advised that the videos can be posted and work towards a reasonable solution regarding closed captioning.

Vice Mayor England explained that Swagit can pick the topic the residences want instead of watching the whole video.

Mr. Johns advised that it is video indexing and we did have that with Granicus, which staff was not happy with.

Vice Mayor England asked to investigate the other areas that the Commission may want when deciding on the close captioning vendor. She advised that the residents may want to look at the videos if they could index.

Mr. Johns advised that the costs are more expensive with Swagit and Granicus. He explained that staff was manually video indexing it with Granicus, but Swagit charges more for video indexing.

Mayor George asked if YouTube would be used tomorrow for the meeting.

Mr. Johns advised yes, unless directed not to.

Mayor George advised that there was no reason not to because the Commission would investigate the close captioning aspect.

City Manager Royle advised that streaming will start tomorrow, but asked what staff is to do moving forward on closed captioning.

Mayor George asked City Manager Royle and Commissioner Rumrell to talk with EEG iCap to see what they have to offer. She explained that Rev will be contacting her directly and she will forward the information.

Commissioner Rumrell advised that Caption Services was the same company the EEG iCap suggested working with.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that Swagit is being used by the City of St. Augustine and St. Johns County and it works well. He advised that YouTube is worthless. He asked why the staff did not contact Full Sail University by phone instead of email or why they didn't contact Commissioner Kostka for a phone number.

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

Mayor George advised that she was surprised that a call was not made to the admissions office at Full Sail University because it was a good lead. She advised that she asked City Manager Royle to contact Flagler University's Communications Department. She thanked Mr. Johns for all his hard work on this.

Mayor George moved on to Item 8.

8. City Attorney Services: Review of Proposal from Coquina Law Group (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 8 and asked City Attorney Wilson for his report.

City Attorney Wilson advised he loved working for the City and it is pleasure working with the Commission, who has been one of the best Commission's that he has worked with. He explained that the job duties have changed as the Commission is aware of because of more meetings, ordinances, and documents that are required by his office. He advised that the firm requested a retainer of \$6,000 a month and he would train Attorney Jeremiah Mulligan for six months and be a consultant. He explained that the two law firms who answered the Request for Proposals retainers were \$6,000 a month, which is competitive. He also advised that the Commission has the right to terminate the contract within 30 days' notice. He explained that Attorney Mulligan and others in Coquina Law Group understands the City because they were involved in the Embassy Suites lawsuit and other documentation for the City.

Mayor George thanked City Attorney Wilson for staying on with the City during this time. She advised that the \$6,000 retainer works out to be 20 hours a month at \$300 per hour. She asked how accurate the 20 hours a month.

City Attorney Wilson advised that it would probably be more than that, but he has not kept track of the time until recently when he was retiring. He explained that he responds to the staff daily including all the documentation. He gave an estimate of 30 to 40 hours a month and that would be a modest guess. He explained that all the night meetings are part of that estimate.

Mayor George advised that it is a good rate for a law office in this area.

City Attorney Wilson advised that he didn't do billable hours until recently and was shocked at the amount of time he spent. He advised that his contract was \$175 a hour over 20 hours and he was talked into not doing billable hours and would have been happier with his original proposal.

Vice Mayor England asked what City Attorney Wilson's time would be during the four to six months before he stops working for the City.

City Attorney Wilson advised that he shares the fees currently, but he doesn't want to come to the office every day. He advised that Attorney Mulligan would pick up the times he would not be available. He explained for the time being he would come to the meetings and continue the work to the extent that he can.

Motion: to extend the meeting. **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

City Attorney Wilson advised that Attorney Mulligan will come to the meetings more often. He said that Attorney Mulligan is already involved with the City's background.

Vice Mayor England asked if they would do some of the document work.

City Attorney Wilson advised yes. He explained that the firm's staff has been involved with litigation for the City. He said he never had peer review before and Attorney Mulligan had good suggestions.

Commissioner Samora thanked City Attorney Wilson for staying on and asked if this could wait until next budget season.

City Attorney Wilson advised no, the firm will not wait, and such be effective today.

Mayor George asked if there would be any middle ground on Commissioner Samora's request.

City Attorney Wilson advised no.

Mayor George asked if there were enough resources in the current budget.

Chief Financial Officer Burns advised yes.

Commissioner Rumrell asked why Attorney Mulligan didn't apply.

City Attorney Wilson advised that what the City was paying him was not enough for him to apply. He explained that a lot of attorneys are aware of the open position and he had a lot of calls, but the pay was not enough to apply for what he is being paid.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that City Attorney Wilson has done a fine job, but in fairness to the applicants he would like the candidates who applied for the Request for Proposal to be interviewed. He suggested Attorney Ralf Brooks. He recommended that no action be taken at this meeting and to schedule an interview with Attorney Brooks and Coquina Law Group and not to hire any attorneys that represent developers.

Mayor George closed the Public Comments section and requested that the City do another RFP in a few months and to continue with the Coquina Law Group.

Commissioner Kostka explained that she would support continuing RFP and to continue Coquina Law Group for four to six months. She explained that there were a couple of typos in Exhibit A.

Commissioner Rumrell agreed to continue with the Coquina Law Group for a few months and then Attorney Mulligan would have some training and a new RFP could be done and they could bid if they choose to.

Mayor George explained that the word would get out that it is more competitive bidding and hopefully there would be more applicants.

Commissioner Samora agreed.

Vice Mayor England agreed and asked that the retainer be increased.

Discussion ensued regarding whether the motion needs to be the change in the retainer or to the contract.

Mayor George asked for a motion.

Motion: to accept the proposal from Coquina Law Group and to raise the retainer to \$6,000 a month effective immediately. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved on to Item 9.

9. Ordinance 19-12, First Reading: to Vacate Alley on East Side of A1A Beach Boulevard in Block 9, Chautauqua Beach Subdivision, between 2nd and 3rd Streets (Presenter: James Wilson, City Attorney)

Mayor George introduced Item 10 and asked City Attorney Wilson for his report.

City Attorney Wilson advised this was recommended to be approved by the Comprehensive Planning and Zoning Board and this alley has no public access to the beach. He explained that it would be of no purpose to the City to provide a real access to the beach because it has not been an access point to the beach historically forever. He then read the title of the ordinance.

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

Motion: to approve Ordinance 19-12. **Moved by** Vice Mayor England, **Seconded by** Mayor George. Motion passed unanimously.

Mayor George moved on to Item 10.

XIII. NEW BUSINESS

12. 2020 U.S. Consensus: Appointment of Representative to County's Complete Count Committee (Presenter: Max Royle, City Manager)

Mayor George introduced Item 12 and asked if any member of the Commission wants to be appointed as representative. She asked if anyone did not have any committees.

Commissioner Kostka advised she didn't, but she would be out for all of July.

Mayor George advised that would only be one meeting.

Vice Mayor England advised that she would be Commissioner Kostka's backup if she would like her to.

It was the consensus of the Commission to have Commissioner Kostka be the representative and Vice Mayor England to be the alternate.

Mayor George opened the Public Comments section. Being none, Mayor George moved on to Item 13.

14. Proposed Fiscal Year 2020 Budget: Scheduling Date for Special Meeting in Late July to Review Budget and Set the Tentative Millage (Presenter: Max Royle, City Manager)

Mayor George introduced Item 14 and asked City Manager Royle for his report.

City Manager Royle suggested July 29th.

Mayor George advised that she would be flying in on that date and asked to schedule it on July 30th.

City Clerk Raddatz advised that St. Johns County School Board would be having their meeting on that date and we could not conflict with them.

It was the consensus of the Commission to schedule the meeting on July 31, 2019 at 6:00 p.m.

Mayor George moved on to Item 10.

11. Property, Liability, Vehicle and Workers Compensation Insurance: Consideration of Whether to Advertise Request for Proposals (Presenter: Max Royle, City Manager)

Mayor George introduced Item 11 and asked City Manager Royle for his report.

City Manager Royle advised that the Florida Municipal Insurance Trust (FMIT), which operates under the Florida League of Cities, has been our insurance agent at least 20 years or more. He explained that the City pays \$192,000 a year on insurance. He explained that PRIA had an inquiry about the insurance. He commented that they are not like FMIT because they are a broker for another company called Preferred Government Insurance Trust (PGIT). He advised that he was bringing this to the Commission because of the inquiry and asked whether the Commission wanted to go out for a Request for Proposal for all the insurances.

Mayor George asked if the City goes out for a Request for Proposal could anything be jeopardized with FMIT.

City Manager Royle advised no. He advised that he was sure FMIT would apply to the Request for Proposal.

It was the consensus of the Commission to go out for a Request for Proposal.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that he supports the Request for Proposals and this should have been bid out before this in order to stop corruption.

Mayor George closed the Public Comments Section and then moved on to Item 12.

13. Performance Evaluation of Police Chief and City Manager: Discussion of Process and Timetable (Presenter: Max Royle, City Manager)

Mayor George introduced Item 13 and asked if there were any questions about the form.

City Manager Royle advised that the form in the books was obsolete and gave a new form revised by Vice Mayor England last year, which is tied into the Strategic Plan goals that is obsolete now. He explained that it is a flexible form and would be a guide to use.

Vice Mayor England advised that the form is flexible, and each Commissioner can change the headings if they want to.

Mayor George suggested that this be brought back in three months because Commissioner Rumrell has not had enough time to evaluate City Manager Royle or Police Chief Hardwick.

Commissioner Rumrell explained that he would like to have more time but would do what the Commission wants.

After discussion, it was the consensus of the Commission to have this come back on the November Commission meeting and to have the form completed by October 21, 2019 to have them ready for the Commission books for the November meeting.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked the Commission to table this item until tomorrow's meeting. He disagreed with the form and asked what City Manager Royle has on the Commission to make them wait until November's meeting.

Mayor George closed the Public Comments section and asked if any Commissioner has any concerns about having this done in November.

Commissioner Samora advised that the time line is appropriate.

Commissioner Kostka advised she was okay with the timeline.

Commissioner Rumrell commented that he would appreciate it.

Mayor George moved to Item XV.

XIV. STAFF COMMENTS

This item will be discussed on July 2nd Commission meeting.

XV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

Motion: to continue the meeting until July 2, 2019 at 5:30 p.m. at the Special Commission meeting. **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

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

Undine C. George, Mayor

ATTEST:

City Clerk