



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, NOVEMBER 4, 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 Samora lead the Pledge of Allegiance.

III. ROLL CALL

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

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

IV. APPROVAL OF MINUTES OF SPECIAL FINAL BUDGET MEETING ON SEPTEMBER 23, 2019 AND REGULAR COMMISSION MEETING ON OCTOBER 7, 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 Final Budget meeting on September 23, 2019 and Regular Commission meeting on October 7, 2019. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Samora. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor George asked if there were any additions or deletions of the agenda.

City Manager advised that Item 8 will be rescheduled to December 2, 2019.

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.

After discussion, the Commission agreed to move New Business before Old Business.

VII. PRESENTATIONS

- A. Interview of Candidate, Mr. Raymond Lovett, for Appointment as Senior Alternate to the Code Enforcement Board

Mayor George introduced Item VII.A. and asked Mr. Raymond Lovett to come to the podium.

Mr. Lovett advised he has been a permanent resident in the City for eight years and has been retired for the past two years. He advised that he has been in law enforcement with the FBI for 36 years and he wanted to give back to the community.

Commissioner Kostka asked Mr. Lovett why he wanted to be a member of the Code Enforcement Board.

Mr. Lovett explained that he has been retired for two years and now want to give back to the community. He mentioned that it was this or the sea turtles that he was interested in.

Commissioner Samora asked Mr. Lovett if he ever has gone to the Code Enforcement Board meetings.

Mr. Lovett advised no. His neighbor told him about the position being opened.

Commissioner Rumrell thanked Mr. Lovett for wanting to give back to the community.

Motion: to approve Mr. Raymond Lovett as Senior Alternate to the Code Enforcement Board. **Moved by** Mayor George, **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George moved on to VII.B.

B. Presentation of Programs by Representatives from the North Florida Green Chamber of Commerce

Mayor George introduced Item VII.B. and asked for the representative from North Florida Green Chamber of Commerce to come to the podium.

Christina Kelcourse, Executive Director of North Florida Green Chamber of Commerce, 1361 13th Avenue S, Ste. 230, Jacksonville Beach, FL, explained the Green Chamber's Buyers Club. She mentioned that Green Chamber launched in January 2019 and they have 100 members currently. Businessowners want to go green but don't know how to purchase green products that are within their price range. She commented that the Buyer's Club helps north Florida get green products cheaper like south Florida, Tampa and Orlando. The costs are based on volume. The Buyer's Club helps the businesses by purchasing the green products in volume for all big and small businesses in north Florida. She commented that there is only one municipality that has joined the Green Chamber, the City of Atlantic Beach and explained that the municipal costs to join would be \$350 per year. She remarked that North Florida Green Chamber has four coaches who are vetted and certified to help large, medium and small business with the process. She explained the many benefits for Green Chamber members.

Vice Mayor George asked if Ms. Kelcourse would be speaking to the City of St. Augustine.

Ms. Kelcourse advised yes, as well as others in this area.

Vice Mayor George invited her to Arbor Day for the City.

Ms. Kelcourse advised that she would like to get Green Chamber's name out to the public and would love to be invited.

Commissioner Kostka asked how Green Chamber gets the word out.

Ms. Kelcourse explained that Green Chamber does trade shows, advertising, radio and news stations, and events.

Commissioner Samora asked how businessowners and residents get in touch with the North Florida Green Chamber.

Ms. Kelcourse advised the webpage is northfloridagreenchamber.org.

Commissioner Kostka suggested Ms. Kelcourse get touch with North Florida Independent Businesses Group to use as a resource.

Mayor George asked for Commission discussion.

VIII. PUBLIC COMMENTS

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

Craig Thomson, 6 D Street, St. Augustine Beach, FL, thanked Public Works Director Tredik for applying to the DEP Sustainability Study grant for SEPAC and said that he has been very helpful to SEPAC. SEPAC is showing green movies every month at the public library, such as sea level rise and flooding. The last movie was called Smog of the Seas regarding plastic waste. He suggested reusing plastic and then recycle them. SEPAC is working with the public to educate them on sea level rise and climate change, as well as to establish policies. He suggested that in the future an expert planner should be hired to work with SEPAC on these issues.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Mr. Thomson and advised that President Trump withdrew from the Paris Climate Accord, which he believed was a mistake. He explained in ten years there will be one foot of sea level rise that will have to be addressed for our City, which he told City Manager Royle four years ago. He requested to advertise for a new City Manager. He asked why the police banquet was cancelled at Embassy Suites by Sheriff Shoar.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to reconsider the City Manager's salary increase. He advised that City Manager Royle does not have a Deputy City Manager and does two-and-a-half people's jobs. He suggested to use the solid waste funds that were taken from the commercial businesses to pay for the increase or give \$5,200 of additional pay to him when he retires.

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

IX. COMMISSIONER COMMENTS

Mayor George asked if Commissioners had any comments.

Commissioner Rumrell showed an ash can to dispose of cigarette butts that he was trying to implement. He explained that the ash cans would be attached to the garbage cans at the beach and businesses who want them. He commented that Public Works will pick the ash cans up when they empty the trash. He commented that his goal was to work with St. Johns County Beach Department and Parks and Recreation Department to place these ash cans in popular areas. He remarked that he received 50 ash cans.

Commissioner Kostka attended another census meeting and advised that there will be another meeting in November and none in December. She explained that starting in January there will be two meetings a month. She thanked Commissioner Rumrell for implementing the ash can project and requested some of the ash can for her business because she picked up a full sandwich baggie of cigarette butts on her property. She asked staff to address a letter to all the condos in the City to determine a more accurate count for short-term and transient rentals. She said this would be informational only because the City has no jurisdiction regarding homeowner associations. She explained that there is a trend in the commercial areas to have short-time and transient rentals.

Vice Mayor England commented that the City's 60th birthday was celebrated, and she would like to thank staff and especially Communications and Event Coordinator Walker for putting together a nice celebration. She also congratulated City Manager Royle for his 30 years of service. She thanked Mr. Reynolds for his comments and would support giving City Manager Royle's raise back.

Mayor George explained that she liked the historic displays and asked that we have a revolving historical display in city hall in display cabinets in order to educate the public who come to city hall and asked City Manager Royle to get more display cabinets to display the history of the City.

Mayor George went to the Tourist Development Council (TDC) meeting this month and they discussed the growth in bed tax and tourism within St. Johns County. TDC is investigating how to get higher dollars within St. Johns County. She advised that the TDC asked St. Johns County to pay for a feasibility study for a performing arts center. A new alliance group in St. Johns County formed and asked St. Johns County to partner with them to fund the feasibility study and the alliance group would do a business plan and run the performing arts center.

Mayor George explained that the City of Palm Beach offered to have the City sign on to an amicus brief they are filing to help protect local human rights ordinances. She advised that the City is one of 44 cities in the state that have adopted their own human rights ordinances and the State of Florida is trying to preempt local ordinances. She explained that the City could sign on to the amicus brief to protect the City's human rights ordinance and Home Rule. She commented that there would be no cost to the City and no staff time. She asked City Attorney Wilson what mechanism the City would need to add the City of St. Augustine Beach to the amicus brief.

City Attorney Wilson advised that it only needs a Commission consensus and a motion.

Mayor George made a motion.

Motion: to proceed with accepting the opportunity to sign on the amicus brief in the case that was previously presented. **Moved by** Mayor George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

Mayor George then thanked Public Works Director Tredik for the sidewalk adjustment on Mickler Boulevard on the north half in order to have more buffer room and protect pedestrians and bicyclist.

Mayor George moved on to Item 1.

X. PUBLIC HEARINGS

1. Conditional Use Permit: Request for Permit for a Day Care/Pre-Kindergarten Private School at 4001 State Road A1A (Danielle Gwiazda of Island Prep LLC, Applicant) (Presenter: Brian Law, Building Official)

Mayor George introduced Item 1 and asked Building Official Law for his report.

Building Official Law advised that five years ago Island Prep was granted a conditional use to operate a school on the property and it is now time to renew the conditional use. The Comprehensive Planning and Zoning Board voted unanimously to grant the renewal and the Building Department has no objection to the conditional use being granted. He asked that the Commission approve the conditional use permit and give an extension of time for it.

Commissioner Rumrell asked if the conditional use permit could give more than five years for the permit.

Building Official Law advised that it could go longer. It would be whatever the Commission feels comfortable with or it could be done to the ownership of the building.

Mayor George asked if any other businesses have gone longer than five years.

Building Official Law advised that he didn't know of any others except for the conditional use permits for a single-family residence in a commercial district.

Mayor George asked if there was a problem for the owner of the business to come in every five years.

Building Official Law advised that it would be nice to thin out the government a little bit, but it would be up to the Commission and what they feel comfortable with. He explained that the school is doing well and has a lot of applicants and is an asset to the City.

Mayor George asked if it could be transferred to the ownership of the building.

Building Official Law recommended that if the building was ever sold the conditional use permit could not be transferable to a new owner.

Mayor George was concerned about a new business not doing as well as this school. She explained that usually it is based on the business rather than the property.

Commissioner Samora asked if there have been requests to modify the original conditional use.

Building Official Law advised no.

Commissioner Kostka explained that she is concerned about always changing the procedures. She would not agree with a conditional use permit longer than five years and asked to follow the procedures that are in place.

Mayor George agreed with Commissioner Kostka and usually when a conditional use permit renewal comes up it gives the neighbors a chance to bring information to the review process.

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

Jessica Stowell, 115 St. Vincent Drive, St. Augustine, FL, explained that Island Prep is a wonderful school that is eco-friendly and even now her daughter monitors her recycling at home because of Island Prep. She said that this school has been a blessing.

Kate Batzel, 13 Sea Oaks Drive, St. Augustine Beach, FL, Managing Director of Island Prep, explained that because of the building in the area the public schools need other alternative schools to help with the crowding.

Lola Gwiazda, 311 West Road, St. Augustine, FL, explained that she goes to her mommy's school and that the school was eco-friendly, and they clean up the beaches.

Dani Gwiazda, 311 West Road, St. Augustine, FL, owner of Island Prep and the property, thanked all the people who came out to support the school. She explained that having to get approval every five years is hard for them.

Stephanie McPhee, 60 Surfview Drive, Palm Coast, FL, supports the school and hopes they build a high school.

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

Motion: to approve the conditional use permit for another five years subject to the condition that the Comprehensive Planning and Zoning Board requested that the permit would be non-transferrable and would be for the applicant only. **Moved by** Vice Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved on to Item 2.

XI. CONSENT

2. Budget Resolutions 19-11 – 19-12, for Adjustments to the Fiscal Year 2019 Budget

Mayor George asked if anyone had questions regarding the Consent Agenda. Being none, Mayor George asked for a motion.

Motion: to approve Resolutions 19-11 and 19-12. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George moved on to Item 3.

XIII. NEW BUSINESS

8. Police Chief and City Manager: Review of Annual Performance Evaluations by Mayor and Commissioners

Item 8 has been rescheduled to December 2, 2019.

9. River-to-Sea Loop Multi-Use Regional Trail: Resolution 19-11, to State City's Support of Preferred Alignment (Presenter: Bill Tredik, Public Works Director)

Mayor George introduced Item 9 and asked Public Works Director Tredik come to the podium.

Public Works Director Tredik showed a PowerPoint presentation (Exhibit A) that was presented previously to the Commission. He explained that in order to do the River-to-Sea Loop Multi-Use Regional Trail, it would have to be approved by the Commission via resolution for the funding to move forward. He introduced Heather Neville, advocate for bicycling, who has been working on this project since 2011 and David Kemp, Project Manager of Hanson Services, which a consultant for St. Johns County. They are present to answer any technical questions. Public Works Director Tredik explained the route for the 260-mile trail, which 45 miles of which is in St. Johns County. The consultant selected the best route through County Road 214 to get to St. Augustine Beach. He explained that the consultant wants a 10 to 12-foot-wide trail; however, there will be some places that is unobtainable. The consultant wanted to go through the City of St. Augustine, through the Bridge of Lyons and then south of Anastasia State Park property and follow down to A1A Beach Boulevard through to State Road A1A. An alternative route is going down Pope Road to Mickler Boulevard and then going to A Street or 5th Avenue to F Street, but they were not picked as the preferred route. He explained that going down A1A Beach Boulevard would be the best mix for cultural, social and recreational reasons. He explained that this project is ranked number two and needs to be acted on now before other projects are considered. In December 2019, the consultant would submit a preliminary design and engineering plan. For the consultant to submit the plan the City of St. Augustine Beach, City of St. Augustine and St. Johns County must pass a resolution that supports the alignment and that they agree to a future maintenance agreement for the sections of trail within their municipalities. He explained that the City of St. Augustine will be deciding on November 11, 2019 and St. Johns County on November 12, 2019. He mentioned that a few things would have to be changed, like the palm trees being moved etc., but it is an attractive trail that the City would be proud of. He pointed out that maintenance of the trail would not cost a lot and state funding could be available when resurfacing needs to be done.

Mayor George asked if this would be a widening of the City's sidewalks, landscaping, and street widening.

Public Works Director Tredik advised yes. He explained that it would replace the existing sidewalks and it would have a new design of concrete or asphalt.

Mayor George asked if underground utilities would be considered on A1A Beach Boulevard during the planning stage of the trail. She asked if the data and easement agreements could be shared with the City.

Mr. Kemp, Hanson Project Services, Project Manager, explained that the utilities would be considered with the alignment of the trail, but not funded. He agreed that the planning would be part of the project.

Vice Mayor England explained that at the Florida League of Cities' conference it was taught consider your infrastructure when putting a shovel to the ground.

Commissioner Kostka asked if permeable surface materials could be used instead of concrete or asphalt.

Mr. Kemp advised that the roadways would have to be smooth with no joints and that was why concrete and asphalt would be best for pedestrians and bicyclists.

Commissioner Kostka asked if they considered something like Adopt a Highway as a funding source.

Mr. Kemp advised yes.

Vice Mayor England asked what side of the Boulevard the trail would be on.

Mr. Kemp advised the west side currently, but it could change as the study is done.

Mayor George asked whether this trail would be on the Greenway app and whether information would be shown for what the City has to offer.

Mr. Kemp said yes.

Commissioner Samora asked about the alternative route on the curve on Santander, whether it would be on the south or west side.

Ms. Neville advised that it would be going through Anastasia State Park on the south side of the road.

Mr. Kemp advised that it would be south to west.

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

Fd Slavin, P.O. Box 3084, St. Augustine, FL, supports the project and suggested to use rubber recycle bike path materials, which is permeable. He suggested bikes on one side and pedestrians on the other side of the Bridge of Lyons.

Mayor George closed the Public Comments section and explained that there was a one typo in the resolution on the last whereas, add the missing quotation before preferred.

Commissioner Samora also advised that the Florida Statutes chapter was missing.

Mayor George asked for a motion.

Motion: to adopt Resolution 19-11 subject to the changes as stated. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Kostka. Motion passed unanimously.

Mayor George moved on to Item 10.

10. Climate Change Survey: Request by Sustainability and Environmental Planning Advisory Committee for Approval to Post (Presenters: Members of the Committee)

Mayor George introduced Item 10 and asked Craig Thomson and Dr. Sandy Bond to come to the podium.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, member of SEPAC, advised that SEPAC would like to put out an educational survey that give the public access to certain links and information on reducing their carbon footprint.

Dr. Sandy Bond, 111 Compass Road, St. Augustine, FL, explained that the survey is to engage the community regarding climate change. The survey focuses on public transport, food that they eat, and the houses that they live in. There is a links are provided that show what emissions there are for cars, emissions on eating meat, and whether a person rents or owns a home and how to change their carbon footprints. She explained that the Cindy Walker asked that the survey be short.

Mayor George asked what the goal is for the survey.

Dr. Bond advised that the goal would be to get people to know more about climate change and what people can do to help the environment.

Mayor George explained that the source material is a good addition to the survey.

Vice Mayor England asked if they need to know if a person has a mortgage or not.

Dr. Bond advised if they own the property, they could do a lot more to stop the footprint.

Vice Mayor England suggested on Question 1 to strike out paying off the mortgage because some people would be upset with trying to be too personal.

Dr. Bond advised she would do that.

Mayor George opened the Public Comments section. Being none, Mayor George closed the Public Comments section. Mayor George asked if a motion was necessary.

City Attorney Wilson advised consensus of the Commission would be enough.

Mayor George advised that she is in support of the survey and it might bring out more people who want to be on the City's Boards.

Vice Mayor England asked if partial information would be accepted because she could see some people not wanting to give personal information.

Mayor George asked if this information would be stored this under their identity.

Dr. Bond advised that it would be anonymous but would ask at the end if they want more information.

Mayor George suggested that the household income should be removed or optional because the surveys will be public record.

Commissioner Rumrell suggested a disclaimer that any information given is a public record.

Dr. Bond advised okay.

Mayor George suggested a disclaimer on Question 15, and it would be public record.

Dr. Bond advised that she would do that.

It was the consensus of the Commission to do the survey.

Meeting was recessed at 7:34 p.m. and reconvened at 7:39 p.m.

Mayor George moved on to Item 11.

11. Bus Stop Shelters and Benches: Presentation of Proposal from Fuel Media Holdings (Presenters: Josh Cockrell and Patrick Mency)

Mayor George introduced Item 11 and asked Josh Cockrell and Patrick Mency to come to the podium.

Mr. Josh Cockrell, The Stellarea Group, P.O. Box 28327, Jacksonville, FL, introduced Patrick Mency, president of Fuel Media Holdings and Chris Lucero, vice president of Fuel Media Holdings, which are local St. Johns County residents. He explained that the Council on Aging's Sunshine Bus has 140 stops in St. Johns County and there is a need for several bus benches on those routes. There are 12 stops in the City and explained that this is a turn-key operation at no cost to the City. Fuel Media installs and maintains the benches at the local bus stop locations throughout the City. The benches have ADA compliance pads and Fuel Media picks up the trash and weeds, so the City's Public Works Department doesn't have to do any maintenance. This is made possible through local business partnerships. The City can control what types of sponsorships to allow. Florida Statutes, 337.048 authorizes municipalities to authorize the placement of bus benches for public convenience without having to go to bid. He explained that part of the revenue would go back to those who participate. St. Johns County asked that the revenue shares go back to the Council on Aging.

Patrick Mency, Fuel Media, 10 South Newnan Street #205 A, Jacksonville, FL, explained that he started this business in 2007 because his grandmother used the bus and had to hold groceries until the bus arrived. He knew there was a need, so he opened this for municipalities who didn't have the funding for the bus benches or to keep them maintained.

Chris Lucero, Fuel Media Holdings, 10 South Newnan Street #205A, Jacksonville, FL, explained that Fuel Media has 18 contracts throughout Florida and the country. He commented that the City of St. Augustine Beach has the largest ride share and the benches would be a public service that is needed.

Mayor George asked about the revenue sharing.

Mr. Mency advised the revenue sharing would be 20% of the gross advertising.

Mayor George asked about shelters, especially on 10th Street.

Mr. Mency explained that they do shelters and would work with the City on the locations.

Commissioner Rumrell asked how many benches Fuel Media Holdings would put up in the City.

Mr. Mency advised that currently there are 11 stops and only two benches.

Commissioner Samora asked if the locations have been identified.

Mr. Cockrell advised yes. He explained that there are locations for shelters and benches and would like to work with the City on where the City would like to place them.

Mayor George asked if Fuel Media Holdings would retrofit a shelter to accommodate where the City wants them.

Mr. Mancy advised they would be responsible for that.

Commissioner Kostka advised that advertising is not allowed in the City on benches according to the sign code.

Mr. Cockrell advised that the sign code would have to be change.

Vice Mayor England asked why the Council on Aging is not here. She says she supports it, but how did this come about.

Mr. Cockrell advised that they brought this proposal to the Council on Aging a few years ago and the timing was not right at that time. He explained that they brought it back to the Council on Aging and they suggested that we come to the City. He commented that the Council on Aging is supportive of the proposal and they could come next time or get a letter of support.

Mayor George asked if the shelters are lit.

Mr. Mancy advised that that the shelters are lit for the advertising and lighting for the shaded areas. It is customized for the City.

Commissioner Kostka explained that the Commission suggested that the Council on Aging go to the local businesses to see if they would provide benches and shelters.

Mr. Cockrell advised that he didn't know if they did that.

Vice Mayor England asked why the Council on Aging is not here. She asked if this would be throughout the County.

Mr. Cockrell advised yes. They have met with the County Commissioners individually and with the City of St. Augustine City Manager.

Commissioner Kostka advised that she didn't want the City to look like mini billboards along A1A Beach Boulevard. She suggested that a local business could sponsor the shelter and put a plaque on it to show what business donated it.

Mayor George advised that the City has benches, but not shelters. She advised that the corners of the City are already commercialize. She asked if there should be a Request for Proposal even though it is not statutorily required.

Commissioner Rumrell asked if there were any space for the City to welcome the people.

Mr. Mancy advised that the City could get 10% of the shape available. He explained that for events it would be good because it notifies the public throughout St. Johns County.

Mayor George advised that it would be good for St. Johns County because they could put routes and maps on the shelters or benches. She asked if the County doesn't do this, will they still do the City's benches.

Mr. Mancy advised that they would still do it for the City.

Mayor George asked how many shelters would be economically feasible.

Mr. Mancy said he could do two shelters and it would still be feasible.

Commissioner Kostka asked the cost of a shelter.

Mr. Mancy advised \$15,000.

Mayor George asked what contract term would this require.

Mr. Mancy advised ten years.

Mayor George asked about the insurance for hurricane damage from the shelter.

City Attorney Wilson advised that it would up to them to supply whatever they need to insure their benches and shelters, not the City's.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, supports having benches, but preferred the City invest in shelters themselves and don't have any advertising.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that lobbyist or salesman should not be here to present and advised that the Commission didn't want to have advertisement. Advertising would be distracting, and the City should invest in the shelters. He asked to table this item.

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

Commissioner Samora explained that he hasn't heard anything to motivate him to change the sign code. The sign code helps to keep the Boulevard aesthetically pleasing. He suggested that businesses could donate or maybe the City could do it in the future budget.

Commissioner Kostka wants shelters but feels that this needs more research and does not want to change the sign code.

Vice Mayor England advised that she would like to explore grants or alternatives with staff such as Public Works and have more research done.

Mayor George agreed to do more research. She thanked them for their initiative and for seeing a need in the community and trying to help. She advised after researching, staff will reach out to them if needed.

Mayor George moved on to Item 12.

12. Rules of Civility for Public Participation: Request by Mayor George to Discuss

Mayor George introduced Item 12 and advised she was looking up bag ban and when looking at other cities agenda they have rules of civility at the end, which informs the public. She asked the Commission to consider written rules of civility at the bottom of the agenda rather than having to be stated at the opening of every meeting. The Mayor needs to give notice to anyone disturbing the meeting. She explained that if the agenda has it in writing, then the public is already on notice. She thought it would be a good tool in writing. She suggested using the language on the example 1,2,3,5,8,9 and 10 in her example could apply.

Vice Mayor England suggested to include what is already written in the Policies and Procedures Manual or by resolution.

Mayor George advised that she knows there is Resolution 89-04 talks about civility. She requested to have staff write a draft and include it on December 2, 2019 as an item.

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 of Sanibel's policy is unconstitutional. He felt that President Trump causes incivility.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, supports putting verbiage on the agenda and include Public Comment Law.

Mayor George closed the Public Comments section and then moved on to Item 13.

13. Repealing the Preemption of Local Laws Regarding the Use or Sale of Single-Use Plastic Bags and Polystyrene Materials: Consideration of Resolution 19-12 (Presenter: Mayor George)

Mayor George introduced Item 13 and explained that Mr. Bradford from Tequesta who is coordinating with cities that are interested in adopting the resolution. She explained that this resolution is requesting that the state legislation remove the preemption provision and to allow local governments to self-regulate. She requested that on page 6 to change "little" to "litter."

Commissioner Kostka advised that she supports this.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, supports this resolution and asked Mayor George to go on November 22nd to the County Legislation Delegation meeting and bring the resolution to the Chair, Travis Hudson.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, supported this resolution and to bring it to the legislative as well as the whole community.

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

Motion: to adopt Resolution 19-12 as drafted with change on the one typo. **Moved by** Vice Mayor England, **Seconded by** Mayor George. Motion passed unanimously.

Mayor George moved on to Item 3.

XII. OLD BUSINESS

3. Changes to the Land Development Regulations: Consideration of Recommendations from the Comprehensive Planning and Zoning Board (Presenter: Brian Law, Building Official)

Mayor George introduced Item 3 and asked for a report from Building Official Law.

Building Official Law advised that the Comprehensive Planning and Zoning Board recommended changes. He asked for Commission direction on whether they would like to move forward with the recommended changes or not.

Mayor George asked if there were any changes.

Building Official Law advised he did not make any changes.

Mayor George advised that there were emails requesting a workshop.

Building Official Law advised that Attorney West, Chair of the Comprehensive Planning and Zoning Board, requested a workshop for the overlay districts. He gave the history of the discussions that the Commission and the Comprehensive Planning and Zoning Board have had. He explained that the overlay districts allow for 7 ½ foot and 20-foot setbacks, but they would require the applicant to go to the Comprehensive Planning and Zoning Board. He explained that the intent was to remove the overlay districts, thin out the government paperwork, and have the 50-foot x 93-foot lots. He explained that if the Commission decides not to do the 50-foot x 93-foot lots, then he recommends keeping the overlay districts. He commented that this was to offset the amount of costs going to the Comprehensive Planning and Zoning Board.

Mayor George asked if the costs Building Official Law was referring to are for the applicant.

Building Official Law advised the applicants and the costs for staff time. He advised that he has no preference either way.

Vice Mayor England advised that the overlay district was to avoid numerous variances coming to the Comprehensive Planning and Zoning Board and to recognize that the east side doesn't have the trees like the west side of the Boulevard. She commented that the City still could have an overlay district without having the applicants going to the Comprehensive Planning and Zoning Board. She commented that if the City could recognize the differences between the east side of the Boulevard from the west side of the Boulevard. She asked if most of the small lots on the east side of the Boulevard.

Building Official Law advised that the small lots are on both sides. The east of the Boulevard is mostly commercial or medium density. There are more small lots on the west side of the Boulevard, which doesn't include the potential of vacating alley ways. He advised that he has no objections to the overlay districts. He explained that the City Center plotted lots was what they were called in the code previously. He explained that the overlay districts would allow movement on the property for the house to fit the setbacks and save trees.

Vice Mayor England commented that one email said that keeping the front setback at 25 feet would help with parking.

Building Official Law advised that five-foot more setback would be helpful, but the City does review for parking. There are only a couple of houses that might have it applied to.

Commissioner Samora asked how many of these variances have come to the Comprehensive Planning and Zoning Board.

Building Official Law explained that there was only one overlay district.

Commissioner Kostka asked why to change the code.

Mayor George asked what the difference was since the owners can choose to go to the overlay district.

Building Official Law advised that there would not be a difference, except the applicant would have to go to the Comprehensive Planning and Zoning Board, which cost the applicant money.

Mayor George asked what criteria the Comprehensive Planning and Zoning Board could have if they want to deny an overlay district.

Building Official Law advised that they would be able to stop wedding cake houses, etc.

Mayor George said that the community is concerned.

City Attorney Wilson advised that Attorney West asked him to explain that the parts of the codes were not put on the agenda and four of the members don't have a code book. He said they might go online to look, but there was some confusion about the codes when it was presented. The Board didn't feel that they had all the information necessary to decide.

Mayor George advised that every member of the Comprehensive Planning and Zoning Board, Code Enforcement Board, and SEPAC should have a printed copy of the code book. She asked to make sure that every member of Boards have all the appropriate tools. Every member should receive a book when they are appointed.

Building Official Law advised that he has.

City Attorney Wilson advised that the Sunshine Law and Public Records Law is given to the new members and he tries to meet with them to explain it.

Building Official Law advised that he would like to strikeout 3.09.00, page 9 of the draft. He recommended striking out in part d, "the tree removal as per House Bill 11.59."

Commissioner Samora asked why 3.09.00 was going to be striked out.

Building Official Law advised that the definition of the verifiable complaint must be better defined for enforcement.

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

Kathryn Levens, 611 Poinsettia Street, St. Augustine Beach, FL, explained that she has been working with planning regarding a house she purchased in a low-density zone. She would like to put a pool and she can't because of the zoning. She asked to have the zoning codes researched. She will go for a variance. She is asking the Commission to think of seascapes.

Sandra Krempasky, 7 C Street, St. Augustine Beach, FL, advised that she is here as the Chair of SEPAC and was requested to give their objections to the proposed setback reductions because they would affect the environment and tree canopies and asked why this wasn't done when the code was changed a year ago. At the meeting Chair West advised that she wanted a workshop regarding the setbacks and how the overlay districts fit in. She advised that 35% is not guaranteed and why not build smaller instead of bigger.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, advised that he was a certified planner and architect and requested a 30% coverage instead of 35% on the small lots. He advised that the code does not have to be changed. He requested that the City hire a planner who is an expert.

Michael Stauffer, 622 Bowers Lane, St. Augustine Beach, FL, explained that there is a big difference from the 1930's plats to the 1980's suburbia setbacks imposed on small lots. He is in support of the changes proposed because of the flexibility they bring to move a house footprint on these smaller lots and not go for a variance every time. He explained that they do save trees. He explained that the deck is open which allows water to go through so that should not be counted in the ratio.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Ms. Krempasky and does not want the codes changed. He advised that Building Official Law has a hostility to government and a lack of humility. He advised that Mr. Stauffer and Building Official Law want to break the rules

Mayor George closed the Public Comments section and asked Building Official Law if the City could take five-foot setbacks instead of 7 ½ feet setbacks on each side.

Building Official Law advised that the code is written like that to save trees and the owners have shown a commitment to save trees when they build.

Mayor George asked if pools were considered permeable and where a variance is needed to build a pool.

Building Official Law advised they are permeable. He said that if the City increases the Impervious Surface Ratio (ISR) to 50% in residential areas, they all would be the same or the City could create a 500 square foot exception for low density residential only for pool and pool decking. He advised that in low density neighborhoods the residents must pull out their pavers to get pools installed.

Vice Mayor England advised that there is such a difference in the tree coverage on the east side verses the west side of the Boulevard. She would like to do something regarding the pools and recognize that the City is a beach town and the market of the homes are different than on the west side of A1A Beach Boulevard. Residents should be able to get a three-

bedroom two bath home and a pool, and the City should work towards allowing that to be done.

Mayor George does not agree with making it 50% just for pools instead of allowing the changed ratio for everyone.

Building Official Law advised that he lets the contractor know that if the owner is going to have a pool, then they should use pavers. He sets the contractor up for success.

Mayor George advised that she agrees with Vice Mayor England that there is a difference between the east and west sides of the Boulevard. She explained that the changes are not different than what they already could do under the overlay district, so she didn't feel that the codes should be changed now. She asked to do the housekeeping issues separately and have the setbacks apply only to the east side of the Boulevard.

Building Official Law advised that he would present in December the signage in mixed use zones and removing the fee for transient rentals in the code because it is already in the fee schedule.

Commissioner Rumrell said having a compromise is important, but he didn't want to discourage owners from buying a home and not allowing them to do what they want so they don't take care of it. He asked if any one been denied a pool in low density.

Building Official Law advised that he thought that there might be one that had a high ISR, but he does a free plan review before they submit plans and they could resubmit.

Commissioner Kostka would prefer the setback issue be done separately.

Building Official Law would not do the setback issue next month. He explained that he will bring back housekeeping issues, remove the transient rental fee and remove the tree and landscape fund language, and bring the pool issue as another agenda item.

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

Mayor George moved on to Item 4.

4. Solid Waste: Continuation of Discussion re: The Non-Ad Valorem Assessment, Commercial Service and Related Matters (Presenter: Patricia Douylliez, Finance Director)

Mayor George introduced Item 4 and asked Finance Director Douylliez to give her report.

Finance Director Douylliez explained that one of the proposals is to increase the residential costs by the non-ad valorem tax. She commented that the advertisement started on November 1, 2019, which must run four weeks prior to the first meeting would be on December 2, 2019. She advised that at the December 2nd meeting the Commission would be determining the ranges of the non-ad valorem tax so the City can adjust costs like fuel costs, labor, etc. without going through the entire process again. In December the Commission also will be determining whether the full cost of \$230 per year for residential non-ad valorem would be implemented starting in fiscal year 2021. Commercial full-disclosure costs for the City per fiscal year 2018 was \$56,828.66. She explained that the calculation is based on municipal solid waste costs to total local government employees, which is 9 1/2 %. She explained that the calculated costs would be \$2.90 per can for commercial pickup. Currently, the City is charging 1.76 per can, which shows a lost of \$1.14 per can. She explained that it calculates to \$22,000, which would offset some of the expenses that the City has. The City Manager according to the codes can increase the costs and is proposing to the Commission to increase the commercial costs for disposal to \$2.90 per can.

Vice Mayor England asked if the staff if they changed the residential pickups to commercial and if not, then there would be an increase in the per can charge. She hoped that she would like a flat fee instead of counting containers.

Finance Director Douylliez advised that there are 184 total cans in fiscal year 2018 and we have 194 transient rentals alone in fiscal year 2019. There are 20 to 30 true commercial customers and out of that amount five could use the benefit of a dumpster. She commented that staff could reach out to several commercial companies to see if they would be willing to help the commercial customers with dumpsters or hand pickup. She advised that Advanced Disposal does offer hand pick up now in our area.

Vice Mayor England asked how often invoices are sent and felt that \$2.90 is not enough to cover all the costs. She explained that she didn't want the City to subsidize commercial customers.

Finance Director Douylliez advised that it is taking a full cost analysis. She pointed out that the larger share of services would be the transient rentals that are intermingled in the neighborhoods. She explained that it would be hard to have a separate company know which cans to pick up for transient rentals. She commented that that was why at the last meeting she suggested to have a non-ad valorem assessment for transient rentals. She advised the Commission that they would have to decide whether to charge the transient rental properties \$460, which would be the full cost or \$230 like the residential properties. She explained that that would take the can counting away from the staff.

Mayor George asked if the new transient rentals could be credited their ad valorem amount of \$74 per year against their invoice.

Finance Director Douylliez advised that she could, but then there is another tracking mechanism to monitor. She commented that if the goal is to decrease the amount of time staff is spending on counting and invoicing, it makes sense to make it a cleaner process. She explained that the cans fluctuate throughout the season. She remarked that the City can select a fee for transient rentals and a different fee for residential.

Vice Mayor England advised that the residential properties could be a flat fee and transient rentals could have a City non-subsidized fee through a non-ad valorem tax.

Finance Director Douylliez advised yes. Implementation would be in fiscal year 2021. She explained that it would take most of the workload off staff for counting cans, tracking of the billing, mailing and posting payments.

Commissioner Samora asked how many businesses the City would be counting cans for under this new structure.

Finance Director Douylliez advised approximately 25 true businesses, whereas there are approximately 200 that we are collecting now.

Mayor George asked if the 184 properties were exclusively transient rentals.

Finance Director Douylliez advised yes.

Commissioner Rumrell asked what the City of St. Augustine and St. Johns County do for transient rentals billing. Do they charge a different amount than residential properties?

Finance Director Douylliez advised that she has not asked St. Johns County, but St. Augustine the vacation rentals must sign up for the services just like other residents would.

Commissioner Rumrell asked if staff has researched any property with five or more units to be commercial properties.

Finance Director Douylliez advised that staff has a list of what is ad valorem and what is not; however, it will take time to get a complete list completed. She explained that staff would send information to the owners directing them how they would receive service.

Vice Mayor England said that one to four families are considered residential, transient rentals should have a higher fee than residential, and five and more units would be commercial and should use dumpsters.

Finance Director Douylliez agreed with Vice Mayor England. She explained that it will take time to work with the homeowner associations and to get them set up with a dumpster company.

Mayor George asked what the term MSW mean.

Finance Director Douylliez advised it stands for Municipal Solid Waste.

Mayor George advised that she was concerned about this methodology and advised if the City had to privatize trash pick up the Commission would still have to be involved in the decisions. She commented that the legislative account should not be a factor in the calculations.

Finance Director Douylliez advised that this methodology has been in place with the State of Florida for years and only recently in the last two years it didn't need to be published. She commented that the State requires municipalities to follow that formula.

Mayor George said we are attributing a certain cost and if legislative is not providing that service the City would still need finance and administration. She advised if we are going to provide a 60% increase to the customers and then cutting back on staff time, then the customer should see a decrease in the costs for the service once that is accomplished. This methodology doesn't provide a decrease to the customers. She advised that she was concerned for the businesses and the residents. She commented that across the board rate for residents or transient rentals is a fraudulent standard because there is no adjustment for a sliding scale. Some of the transient rentals generate a ton of trash and others don't. She asked what they would do for a home business. Would they pay a commercial rate and if not, how do you differentiate between a one room business condo that would have to pay \$290 a week minimum as compared to a 3,000 square foot business with 30 employees?

Commissioner Samora advised that the City is only trying to recoup the costs of solid waste disposal. He commented that the 60% increase reflects that the rates have not been changed in years. He explained that the City is trying to make it a more efficient system and reduce the administrative costs, which is a small portion of the \$290. He explained that the City is playing catch up.

Mayor George asked that it be phased in.

Commissioner Samora advised that that could be a possibility, but the costs have gone up and the City has never adjusted it.

Mayor George asked how the City is going to adjust costs if the City is using a portion of the City's operating budget.

Finance Director Douylliez advised that the City will always know how many transient rentals there are because of the business tax receipts. She explained that the data the City doesn't know is the number of cans put out. She commented that transient rentals in residential areas would be hard to track and get a number without counting the cans.

City Clerk Raddatz announced that it is almost 10:00 p.m.

Mayor George advised that she had a conflict tomorrow but could come on Wednesday.

It was the consensus of the Commission to have the continuation of the Regular Commission meeting on Wednesday, November 6th at 6:00 p.m.

Mayor George advised that this item would start with the Public Comments section at the continuation meeting.

5. Dockless Scooters, E-Bicycles and Bicycles: Review of Proposed Ordinance to Regulate (Presenter: Jim Wilson, City Attorney)

Item 5 has been continued to Wednesday, November 6, 2019 at 6:00 p.m.

6. Legal Services: Discussion of Criteria for Evaluating Applicants for City Attorney (Presenter: Max Royle, City Manager)

Item 6 has been continued to Wednesday, November 6, 2019 at 6:00 p.m.

7. For-Profit Events in City: Review of Proposed Policy (Presenter: Cindy Walker, Communication and Events Coordinator)

Item 7 has been continued to Wednesday, November 6, 2019 at 6:00 p.m.

XIII. STAFF COMMENTS

This item has been continued to Wednesday, November 6, 2019 at 6:00 p.m.

XIV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

Motion: to continue this Regular Commission meeting until Wednesday, November 6, 2019 at 6:00 p.m. **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

