



## MINUTES

### REGULAR CITY COMMISSION MEETING

MONDAY, OCTOBER 7, 2019 AT 6:00 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

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I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor George asked Vice Mayor England to lead the Pledge of Allegiance.

III. ROLL CALL

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

Commissioner Kostka was absent due to illness.

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

City Clerk Raddatz was absent due to a funeral.

IV. APPROVAL OF MINUTES OF SPECIAL BUDGET MEETING SEPTEMBER 9, 2019, REGULAR COMMISSION MEETING ON SEPTEMBER 9, 2019 AND CONTINUATION MEETING SEPTEMBER 10, 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 Budget meeting on September 9, 2019, Regular Commission meeting on September 9, 2019 and Continuation Meeting on September 10, 2019. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor England. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

There were no additions or deletions of the agenda.

VI. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

City Manager Royle advised that there were two agenda items who the representatives of which have requested be moved up in the agenda, New Business, Items 8 and 9. He recommended moving them after the Public Hearing and before the Consent Agenda.

It was the consensus of the Commission to change the order of the topics of the agenda as recommended.

## VII. PRESENTATIONS

### A. Proclamations:

- 1) To Declare October 2019 as Domestic Violence Awareness Month (Presenters: Representatives from the Betty Griffin Center)

Mayor George introduced Item 1 and asked the Betty Griffin Center's representative to come to the podium.

Betty Griffin Center representative thanked the City for their support on this issue.

Mayor George made a motion.

**Motion** to approve the proclamation. **moved by** Mayor George. **Seconded by** Commissioner Samora. Motion passed unanimously.

Commissioner Rumrell thanked the two Board members from the Betty Griffin Center, Dr. Clay Carmichael, Principle and Commander Bill Werle from St. Johns County Sheriff's Office.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that he supported the proclamation and referenced Michelle O'Connell's death at Deputy Jeremy Banks' home.

Mayor George moved on to Item 2.

- 2) To Recognize October 21 – 27, 2019, as City Government Week (Presenter: Cindy Walker, Communication and Events Coordinator)

Mayor George introduced Item 2 and asked Cindy Walker to give her report.

Communication and Events Coordinator Walker advised that the City in partnership with the Florida Leagues of Cities (FLC) recognizes City Government Week from October 21 – 27, 2019. She explained that the City will be having an event called A Step Back in Time to celebrate the City's 60<sup>th</sup> Birthday. She remarked that there will be displays in the hallway during normal working hours and on Friday October 25<sup>th</sup>, the City will remain open from 5 – 7 p.m. to have a birthday cake, drinks and prizes to celebrate.

**Motion** to approve the proclamation. **Moved by** Mayor George **Seconded by** Commissioner Rumrell. Motion passed unanimously.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, explained that he supports the proclamation and said it is important that the government listens to the people and works closely with them.

Mayor George moved on to Item B.

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

Mayor George introduced Item VII.B., but because there were no representatives at the meeting, this item was tabled until a future date.

C. Sea Level Rise, Deforestation and Beach Erosion by Members of the City's Sustainability and Environmental Planning Advisory Committee

Sandra Krempasky, Chair of the SEPAC, presented Beach Erosion; Dr. Lonnie Kaczmarzsky, SEPAC member, presented Deforestation; and Craig Thomson, SEPAC member, and Dr. Sandy Bond presented Sea Level Rise with a PowerPoint presentation (Exhibit 1). The SEPAC Board members suggested that this presentation could go on the website and Facebook to advocate to the public.

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

Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL, thanked the speakers and the Commission for the presentation. He requested that developers not cut down mangrove trees.

Mayor George moved on to Item VIII.

VIII. PUBLIC COMMENTS

Mayor George opened the Public Comments section and the following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that citizens are not respected by the Commission regarding their free speech rights; asked to put the nation's oldest ports for analysis and debate on a future agenda; asked why the weir was not insured; glad the Commission did not give the City Manager a raise; and wants a \$15 an hour minimum salary for service workers.

John Grapsas, 7 16<sup>th</sup> Street, St. Augustine Beach, FL, thanked the Commission for putting the sand at the end of their street during Hurricane Dorian; residential parking passes should be mobile from car to car; said Embassy Suites is putting out tarps and handing out chairs on the beach, which should be stop; Building and Zoning Department has been great to work with; and supports more beach patrols off seasons during weekends.

Mayor George explained the residential parking plan to Mr. Grapsas and asked that City Manager Royle contact him to explain the program.

Mayor George moved on to Item IX.

IX. COMMISSIONER COMMENTS

Commissioner Samora apologized for missing the last Commission meeting and did watch the meeting later, even though he was out of town.

Commissioner Rumrell explained that the Quality Inn's lights were very bright and had complaints. He brought it to the attention of City Manager Royle, and he took care of the situation by giving them 14 days to comply with the codes. Commissioner Rumrell advised that he will be having a round-table event at the Marriott on October 29<sup>th</sup> to discuss sea-level rise or whatever people would like to ask.

Mayor George was glad to see that Commissioner Rumrell was holding round-table events. She suggested to make sure that Commissioner Rumrell is not be speaking on behalf of the Commission during the events. She suggested that if the City advertises the events, then it should come before the Commission to get approval for the expense. She advised that the Charter says that technically the Mayor is the spokesperson for the City.

Mayor George advised that she attended the Shore and Beach Preservation Conference this year and explained that she has not had the opportunity to give the Commission her notes from the conference because she is catching up with her work. She remarked that there was a lot of information relayed at the conference. She had a meeting with the new Director of Parks and Recreation for St. Johns County, and he might be meeting with the Commissioners individually. She reminded the Commission that the City Manager and Police Chief's performance reviews are due by October 21<sup>st</sup>.

Mayor George moved on to Item 1.

#### X. PUBLIC HEARINGS

1. Ordinance 19-16, Public Hearing and Final Reading: to Repeal Ordinances 19-03 and 19-04 That Prohibit the Sale/Use of Styrene Containers, Plastic Straws and Single-Use Plastic Bags (Presenter: Jim Wilson, City Attorney)

City Attorney Wilson explained the reasons why the City is repealing the Ordinances 19-03 and 19-04. He advised that most of the cities who adopted these types of ordinances are now appealing them so they would not be sued. He then read the title of the ordinance.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that these ordinances should not be repealed, but should have the effective dates changed. He requested that the City Attorney go back and do more research.

Mayor George closed the Public Comments section and then asked City Attorney Wilson whether he has investigated an amicus brief.

City Attorney Wilson advised that the City should not have to pay for an amicus brief when the Florida Retail Federation is not asking the City for that. He explained that he would try to sign on to the City of Coral Gables amicus brief.

Mayor George requested an update on signing on to the amicus brief at the next Commission meeting. She asked to amend the ordinance regarding plastic straws. Lastly, she advised that the City is moving forward with the Green Award and is encouraging businesses to adopt these policies voluntarily.

**Motion:** to adopt Ordinance 19-16. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor England. Motion passes unanimously.

Mayor George moved on to Item 8.

#### XIII. NEW BUSINESS

8. Bocce Ball League: Request to Use Bocce Courts on City Property at Pier Park (Presenter: Representative from the League)

Michael Castagno, 35103 Harbour Vista Circle, St. Augustine, FL, explained the benefits of bocce ball for seniors. He would like to hold a registered senior league for 55 years and older once or twice a week at the courts. He explained that St. Johns County helped to get the league together and they will have rules to follow for league members. He advised that he would participate with the league.

Mayor George asked what the registration fees would be.

Mr. Castagno advised that he does not know what the costs would be yet, but members would have to pay a fee for trophies and essentials. He asked the City to have a sign that the use of the courts is prioritized for the league.

Mayor George asked how this has been managed in the past as far as maintenance fees for the courts, etc.

City Manager Royle advised that the Civic Association constructed the courts with the Commission's approval, but the Sons of Italy maintained the courts and the City didn't charge them a fee. He explained that Sons of Italy is not using the courts, so they are not being maintained.

Mayor George asked if the league would maintain the courts.

Mr. Castagno advised yes. He explained that there is a little grass growing and they want dirt as well as a foul line to be painted.

Mayor George requested that Mr. Castagno also put up the signage with the days and hours they intend to have the league play.

Mr. Castagno asked for a six-week season and one to two weeks for the playoffs.

Mayor George asked the league to have two to three year for the courts.

City Attorney Wilson advised that a hold harmless agreement should be signed.

Mayor George asked to bring this back in November to see if the Commission would approve a hold harmless agreement.

Discussion ensued and it was the consensus to have the hold harmless agreement to be sent individually to each Commissioner when completed by the City Attorney.

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

John Grapsas, 7 16<sup>th</sup> Street, St. Augustine Beach, FL, supports the league and would like the league to hold open lessons for those who want to play.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, supports the league, but suggested not approving it without the contract being seen by the Commission first. He advised that if the contract circulates to each Commissioner individually, it would be polling and would be illegal. He wants audits of the money and does not want this prioritized.

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

Vice Mayor England suggested only a one-year period to make sure it's available to the public and protected. She suggested charging.

Mayor George advised that she wants a non-exclusive licensing and the City could terminate at any time.

It was the consensus of the Commission to allow the courts to be used by the league for one year.

Mayor George asked for a motion.

**Motion:** to have staff draft a non-exclusive agreement for a one-year period with maintenance of the courts, signage, indemnity and insurance paid by the league, and the right to terminate at any time. **Moved by** Mayor George. **Seconded by** Commissioner Samora. Motion passes unanimously.

9. Resolution 19-09: Recognizing the Threat of Climate Change and Global Warming (Presenters: Members of the Sustainability and Environmental Planning Advisory Committee)

Mayor George introduced Item 9 and asked Craig Thompson, SEPAC member, to come to the podium.

Craig Thomson, 6 D Street, St. Augustine Beach and Dr. Lonnie Kaczmarsky 113 13<sup>th</sup> Street explained the reasons for Resolution 19-09. They explained about sea-level rise and would like to research what the potential threats are and what can be done to prevent threats.

Mayor George advised that the resolution is memorializing the City needs to continue to adopt sustainable practices and goals relating to sea-level rise.

Mr. Thomson advised that there were nine named storms that caused damage and research has been done by Dr. Kaczmarsky and Public Works Director Tredik for grants that would help to prevent damage in the future by planting more trees.

Vice Mayor England advised that this is in the Comprehensive Plan and she wanted to know what this resolution does for SEPAC now and how it will be used.

Mr. Thomson advised that this gives more information to the public and allows more workshops to be held regarding climate change, sea-level rise and expands the scope.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, supports the resolution and hopes this would stop the staff from being tree haters. He suggested getting the old Mosquito Control property from being a fire station to an environmental education center with basketball and bocce courts.

**Motion:** to approve Resolution 19-09. **Moved by** Vice Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George moved to the Consent Agenda.

## XI. CONSENT

2. New Year's Eve Fireworks Show: Approval of Contract with Fireworks by Santore
3. Flying Non-Government Flags on City Property: Review of Proposed Policy

Mayor George asked if any Commissioner would like to pull an item from the Consent Agenda. Being none, she asked for a motion.

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

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, suggested to have a provision in the contract to replace and stop fires on the pier at the fireworks show. He advised that someone stole a bench and the City is being sued for that. He thanked the Commission for flying the rainbow flag.

John Grapsas, 7 16<sup>th</sup> Street, St. Augustine Beach, FL, advised that he believes that the only flags that should be flown on a government flagpole are the City, County, State, and United States flags. He advised that he is strongly opposed to personal interest flag being flown on City property.

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

Vice Mayor England asked to change the word "will" to "may" on the government flag policy.

City Attorney Wilson advised the word "shall" was appropriate.

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

## XII. OLD BUSINESS

4. E-Scooters: Continuation of Discussion of Proposed Ordinance to Regulate (Presenter: Jim Wilson, City Attorney)

Mayor George introduced Item 4 and asked City Attorney Wilson to give his report.

City Attorney Wilson advised that in accordance with the Commission's direction he checked several other cities' ordinances to create this ordinance. He explained that due to the limited amount of staff, he has decreased some of the reporting issues, but it is enforceable. He explained the language of the ordinance and advised that the Commission can make changes as they see fit. He commented that it ensures all the liability issues, insurance requirements, and all the other items that other cities are looking at without the detailed reporting requirements.

Police Chief Hardwick expressed concerns of having 100 units per agency could bring the total of units up to 2,000, which would not be feasible in our City. He commented that other cities have started with a pilot program because all cities are unique, and they need to see how it works for their city. He asked to consider a pilot program for one year and then come back with the vendors and change what needs to be changed to work for our City. He remarked that there have been deaths on these e-scooters by allowing young kids riding units. He suggested having language for dock and dock-less e-scooters.

Mayor George asked Mr. Wauldron to the podium.

Mr. Michael Wauldron, eWhipz, LLC, 1711 Dobbs Road, St. Augustine, FL, agreed with Police Chief Hardwick's comments regarding the City being unique, but is looking at all of St. Johns County as the big picture. He asked to work on language that would work for all of St. Johns County that is organized, puts safety first, thinks about visitors and citizens, and that won't crowd the sidewalks. He wants helmets, regulate hours according to the Police Chief, have

only 18 years or older drivers, and daily inspections of the units. He requested that a percentage of the revenues be put back into the bike system, lanes, and other improvements by permitting.

Police Chief asked if the driver's license would have to be Florida only.

Mr. Wauldron advised U.S. driver's license identification would be necessary.

Police Chief asked about safety courses.

Mr. Wauldron advised that through BIRD, they will give safety courses for the units. He explained that on the app the driver would have to take a safety course when logging onto the app and the local safety rules. He advised that he would have instructors in the City giving best practices instruction. He explained that he would like the City's participation on safe practices locally.

Police Chief asked about abandoned units and whether the vendor or driver would have to pay a fine if they are not picked up.

Mr. Wauldron explained that the driver would have to pay every minute late or not brought back and any fees associated with not returning the unit.

Police Chief Hardwick advised that if the Police found a e-scooter that has not been picked up, the police would bring it to Public Works, and then the vendor would be notified, and they would have to pay the fee to the City and then the vendor would recover the fee on their own.

Commissioner Rumrell asked whether the driver of the unit would be liable if there would be an accident or damage to property or would the vendor's insurance be responsible.

Mr. Wauldron advised that it would depend on the accident and how it was reported. He would have to find out.

Police Chief Hardwick advised an accident would have the same rules and rights as a bicyclist. A driver of e-scooters can be charged with a DUI just like a bicyclist.

Mr. Steve Dennison, FROG, 217 Arricola Avenue, St. Augustine, FL, advised that the ordinance is a lot. He suggested writing the ordinance language and then the permit language separately, which then could have the fees with the rules. He agrees with Police Chief Hardwick on a pilot program and feels that the City should not have so many units to lease in this smaller City. He disagrees that he should come back to the City to change the fee structure and advised that the ordinance is very restrictive on the data sharing. He explained that he agrees with allowing only 18 years old or older lease the units. He explained that the rates were \$1 to unlock the unit and \$0.15 per minute.

Police Chief Hardwick asked what the recommended speed would be.

Mr. Dennison advised that it would be 15 mph, but it could be lower than that. He advised that he does safety courses and would do so at city hall.

Police Chief Hardwick asked if FROG would reimburse the City and pay a fine for units that were left.

Mr. Dennison advised that his company would pick up the unit within two hours or it could be towed. He agreed with the insurance and indemnifying the City. He would recommend the



times of operation to be 6 a.m. to 8 p.m. He explained that data the he uses is the MDS program and he could share the information with the City. He explained that the MDS program is global.

City Attorney Wilson advised that he didn't think that the City needs to worry about sharing the data or regulating the fees.

Vice Mayor England advised that she would like it to be in the ordinance since the City would do a pilot program.

Commissioner Samora asked his opinion on the dock verses dock-less.

Mr. Dennison advised that currently Tampa is the only city with dock stations. He explained that the stations are big and take up a lot of infrastructure. The industry is adapting and would suggest parking corrals to identify the areas.

Commissioner Samora asked if FROG would do revenue sharing for maintenance on infrastructure or other essentials.

Mr. Dennison advised that it would be a permit renewal fee that is in the ordinance already.

Commissioner Rumrell advised that we are a family-friendly City and if the family member is not 18 years old, they cannot participate. He agreed with having safety but asked the vendor his thoughts.

Mr. Dennison advised that a 16-year-old can drive a car but cannot drive a scooter, which seems a little unfair. He would not want a child to get hurt, so he would put safety first.

Rumrell asked what the limit should be.

Mr. Dennison advised that 2,000 units would not be feasible.

Police Chief asked how many units it would take to have the vendors make money.

Mr. Dennison advised that 250 units per vendor would make it feasible with just two vendors. He would like to increase the units once the pilot program shows success. He suggested two vendors with 75 scooters to begin with. He advised that private companies are asking for them to be on their property; however, they would want to work with the City to identify the best areas to put the corrals on.

Mr. Wauldron advised that 75 units would be agreeable.

Mayor George asked why the City would not do a Request for Proposals as proposed to an ordinance if the City wanted to proceed. She asked if the Commission is proceeding in the right way with an ordinance. She commented that she would be nervous about a partnership and the liability concerns for the City.

City Attorney Wilson advised that he would not consider this a partnership. He explained that the vendors are saying that they will work with the City and go along with the rules the City sets. He advised that it is a regulation partnership, not a business partnership.

Mayor George asked about limiting the vendors for the pilot program.

City Attorney Wilson said that the Commission may want to limit the vendors or not because of the size of the City. He explained that the market will determine how many units would

come into use. He suggested to have two to four vendors with no more than 75 units each to see how it goes.

Mayor George asked Police Chief Hardwick how he feels it would be good for the City and how many streets may be affected.

Police Chief Hardwick advised that the pilot program is necessary, and we would not know until it has been done for a year. He explained that they will be on A1A Beach Boulevard and he could not suggest how it would go without a pilot program. The Statutes say that e-scooters should not be on the sidewalks; however, on Pope Road and Mickler the units could be used.

City Manager Royle advised that he walks on the sidewalks and bike paths and he does not want a motorized vehicle coming behind him at 15 mph.

Discussion ensued regarding how many vendors and units should be allowed within the City.

Commissioner Rumrell suggested a franchise fee like trolleys and trains and look at the limits because this will be throughout St. Johns County and they will have other cities' scooters coming into our jurisdiction. There will be more competition with vendors. He explained that he doesn't want to be sued because the City only allows two vendors and suggested going with Police Chief Hardwick's of limiting the number of units within the City.

Mayor George suggested four vendors with a max of 75 units for the pilot program, which would be 300 units.

Commissioner Samora asked how many corrals there would be in the City.

Mr. Wauldron advised he would like five dock stations or corrals. He explained that he would have the same devices that the City of St. Augustine would be using. He suggested that a clearly defined program be done before territories can be crossed.

Mr. Dennison advised that there would be 10 – 20 corrals on City property.

Vice Mayor England asked why not both private and City properties.

Mr. Wauldron advised that he would suggest both.

City Manager Royle advised that there are not five City areas for corrals.

Mr. Wauldron advised that he could delineate the corral by using paint or shared space with bike racks.

Commissioner Rumrell asked if the units are on City property would that be considered a partnership. He suggested a joint meeting with St. Johns County and the City of St. Augustine after the pilot program, to share the data that will be provided by the vendors.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table the item because the Commission has heard only from two vendors that is unsworn testimony; don't refer to the vendors with their first names because they are multi-national companies; wants a \$15 minimum wage; audit their books; and have a franchise stream.

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

Mayor George asked City Attorney Wilson to put safety first and are we exposed from someone leaving these units on the street.

City Attorney Wilson advised currently there is nothing to stop them from leaving a unit on the street and that is why the ordinance would be helpful to regulate what they are allowed to do.

Mayor George asked if a ban would be better until the regulations are done.

City Attorney Wilson advised that the Commission could do a moratorium like the City of St. Augustine has. He explained that if a vendor was not responsive to the City, then the City could ban them from the sidewalks.

Discussion ensued regarding what department would manage on this; having the Police Department or Public Works employees handle the picking up of the units; monies would be handled by Finance; franchise fee would be based on the revenues and would require an annual or monthly audits; franchise fees would not make the City liable; charging \$1 per day for each unit or \$.25 per ride; Finance Director researching what other cities charge; not allowing the units to operate on sidewalks; restrict units to bike paths and highways; having the City Attorney to update the ordinance; not having the City determine the price per unit; the differences from dock-less to dock stations and to see visuals of the stations; and where would be the geo-tech locations.

Mayor George asked City Attorney Wilson to create another draft for the Regular Commission meeting in November and to have more discussion from Police Chief Hardwick and Public Works Director on the size of the sidewalks and what state law allows at the November meeting. She would like to know how the helmets would be made available.

5. Mickler Boulevard Piping Project: Request for Approval of Change Orders No. 1 and No. 2 (Presenter: Bill Tredik, Public Works Director)

Mayor George introduced Item 5 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik explained that the contractor has damaged about 55% of the sidewalk and they would like to replace the sidewalk six inches thick instead of four inches, which is important for that busy of a road. He advised that the contractor has given a price of \$19,873. It is a change order and would be in the City's best interest to approve.

Mayor George commented that she was disappointed that the Commission didn't get an opportunity to consider the layout before it was done. She advised that staff could have moved the sidewalk over and planted trees along the road and there would not have been vehicles parked on the sidewalk. She said that it was discussed in a previous Commission meeting to do that. She wanted a bigger walking path with a vegetative buffer area. She advised that it was a wasted opportunity.

Public Works Director Tredik advised that there were constraints based on the piping in the center between the sidewalk and the right-of-way line. There is a swale that catches the water and brings the water to the inlets. He explained that in order to do what Mayor George wanted, the design of the project would have to be changed and the piping was already installed.

Mayor George commented that the area is approximately 35 feet and should have enough room. She advised that there could have been other materials that could have been used with

a higher price tag, but she would have liked the opportunity to review the design where the sidewalk would have been placed first. She asked staff to please learn from this for the next project.

Vice Mayor England asked if there could be a barrier or buffer there to protect pedestrians from people driving up on the sidewalk.

Public Works Director Tredik advised that there was not a lot that could be done in the space provided and that was why staff is doing a six-inch thickness on the sidewalk. He explained that he could review the remaining portion to see if it could be adjusted a little bit. He commented that this sidewalk is going to be used by the e-scooters, his concern is the Pope Road curves and elevation changes. He advised that he can bring the northern half of the sidewalk to the Commission for review before moving forward.

Vice Mayor England asked about putting a curb on Mickler Boulevard.

Public Works Director Tredik advised no, not without a great road design change, which would be more expensive.

Mayor George asked why the City is paying \$2,700 difference since the contractor destroyed it.

Public Works Director Tredik advised that it would be up to the Commission whether they would like to do it or not. The contract was for a standard sidewalk and the City's existing sidewalk was substandard, which the contractor was not responsible for. He explained that the contractor could have done the sidewalk four-inches thick, but then the sidewalk would develop cracks in a few years. He explained that the Commission doesn't have to pay them the extra money for them installing a six-inch sidewalk instead of a four-inch sidewalk, but it was his recommendation to do so.

Mayor George asked Public Works Director Tredik for pictures of the northern area.

Public Works Director Tredik advised that if this is not approved tonight, he would go in and selectively pick some sections that are in bad shape. There are some sections that are falling away. He explained that this year Mickler Boulevard will be resurfaced in the roadway and may be able to try to address it then. If the sidewalk cannot be incorporated into the roadway job, then staff will try to repair sections of the sidewalk themselves.

Mayor George asked if the \$19,000 would be put to good use when paving Mickler Boulevard.

Public Works Director Tredik advised that it will be tight money wise. He explained that Mickler Boulevard would be a brand-new road, swale system with piping underneath, one-half of a brand-new sidewalk, and either the other half of sidewalk could be done or patched depending on the money allocated.

Vice Mayor England asked what can be done to protect the investment from cars running over the sidewalk.

Public Works Director Tredik advised signs could be put up, but people may not follow the signs.

Vice Mayor England asked about poles like on Pope Road.

Public Works Director Tredik advised that he recommended the six-inch sidewalk, so the sidewalk won't damage if cars go over it.

Commissioner Samora asked how much weight a six-inch sidewalk can take before it starts cracking.

Public Works Director Tredik advised that once the sidewalk is at full strength, it could take an empty garbage truck. He commented that FPL trucks probably won't crack the sidewalk if it is six-inch thick. He advised there is no 100% guarantee that the sidewalk won't crack at six-inches.

Mayor George asked the Beautification Committee to research some native vegetation to be placed in between the sidewalk and the asphalt.

Public Works Director Tredik would research that. He moved on to Option 2. He explained that the contractor underestimated their costs for the bid regarding piping. He commented that the contractor missed a callout on the plan of 268 feet. He explained that it was the exact amount of the missed callout on the plan, so it was an honest mistake. He explained it should have been picked up in reviewing the bids, but it didn't happen because there was not a Public Works Director at the time. He explained that even if the contractor calculated correctly, they still would have been the lowest bid. The contractor went forward with the correct amount of piping in good faith to finish the project, knowing that he might not get paid for the extra piping. The contractor will absorb the labor costs, but the City pays for the piping which is 50% each of the costs. It would be \$29,000 credit if it was bid correctly. He recommended paying the contractor.

Commissioner Samora asked what fiscal year this money was being paid out.

Public Works Director Tredik advised it was in fiscal year 18-19, but the money could be transferred to Fiscal Year 19-20.

Mayor George advised that it made sense. The contractor has done several good jobs for the City at a lower cost than other contractors and we want them to keep bidding. She advised that it is hard to do in a very tight budget year.

City Attorney Wilson advised that it appears to be a mutual mistake by the City and the contractor. The contractor, even with this cost, is still lower than the next bidder. In a courtroom case, it would be a toss-up.

Commissioner Rumrell commented that the court might say that the mistake was mutual.

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

Craig Thomson, 6A D Street, St. Augustine Beach, did not agree with this project and spending \$400,000 on it. He advised that the engineer that designed the project should be involved in the discussion and disagreed with the \$20,000 expense for the sidewalk.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to table this matter so that staff and SEPAC could consider planting Spanish Bayonet, which would damage a car when hitting it. He requested to make a claim against the contractor and don't approve the change orders.

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

Public Works Director Tredik advised that it is 4 – 5-foot space between the edge of the payment and the sidewalk. The sidewalk is six inches thick. Plantings can be done in that space.

Commissioner Samora advised that it looks like it was an honest mistake and the contractor did do everything required in good faith. He commented that he would like to keep them as contractors and advised that he would hate to piecemeal a sidewalk.

Public Works Director Tredik advised that the contractor is doing this at a 16% decrease from their normal costs.

Vice Mayor England commented that she supports both change orders but would like the whole plan to come back to the Commission for review. She asked to see the resurfacing, barriers, and sidewalk. She wants to know the whole plan.

Commissioner Rumrell advised that he appreciates the vendor splitting the costs and a break on the sidewalk to the northside.

Mayor George remarked that she was glad the contractor was here, and she appreciates their work and then asked for a motion.

**Motion:** to approve the change orders. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

6. Solid Waste: Non-Ad Valorem Assessment and Proposed Changes to Commercial Solid Waste Regulations (Presenters: Max Royle, City Manager; Patricia Douylliez, Finance Director)

Mayor George introduced Item 6 and asked for a staff report.

City Manager Royle summarized his memo and what the Commission was voting on. He explained that the non-ad valorem assessment timetable. He commented that if the Commission wants to continue the process and advised the Commission that they could change their minds if they wanted to in the future. He explained that the resolution must be adopted by January 1<sup>st</sup> and then in March there would be other steps in order to move forward with the non-ad valorem assessment.

Mayor George asked if City Manager Royle needs a motion.

City Manager Royle advised that this is just an update; however, if any Commissioner has strong feelings not to do this, to please speak up so the process could stop.

Finance Director Douylliez advised that the Tax Collector needs to know by January 1<sup>st</sup> if the City wants to move forward. She commented that four ads must be in the newspaper to let the residents know of the non-ad valorem discussions with the Commission. She explained that the non-ad valorem assessments could be done in stages, if the Commission chooses to do that. She remarked that the Tax Collector suggested doing the same as St. Johns County with a breakout of costs disposal, collection and recycling or to have a range of costs, so the hearings. She advised ads would not have to be done next time if there were ranges as long as the increases are in the same range. She explained that staff needs to know that the Commission wants to move forward.

Mayor George advised that if the Commissioners who wanted to move forward with this at the previous meeting want to change their mind, this would be the time to speak up. She advised that if the Commission is not sure, they could wait until the next election cycle and have it on the ballot as a referendum.

Vice Mayor England advised that we can move forward on this track and still consider a referendum.

City Manager Royle advised that the Commission can continue this track and levy the non-ad valorem assessment, have the referendum and if the voters agree to the referendum, the non-ad valorem assessment would be deleted. He advised that the election cycle won't be until August of 2020.

Commissioner Samora advised that the Commission needs to keep moving on this track because otherwise the non-ad valorem tax would not be received for the upcoming 2021 fiscal year. He said that the City has more flexibility with a non-ad valorem assessment than a referendum vote on restricting the money.

Mayor George advised that there are issues with doing a non-ad valorem assessment and a referendum together because residents would feel they are being charged twice.

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

Finance Director Douylliez showed her presentation and explained that the City needs to move forward with the residential non-ad valorem assessment. She explained that there are approximately 6.17% commercial customers that the City bills monthly and 93.83% residential customers. The trucks being used are the same for residential and commercial accounts. There are 140 transient rentals that are included in the commercial accounts. The per unit residential cost is \$460.00. She advised that the non-ad valorem assessment proposed for residential accounts are \$230.00, which keeps us on track with St. Johns County. She advised that these figures are a full-cost accounting.

Vice Mayor England asked if this was the current figures.

Finance Director Douylliez advised that this is based on 2018 because staff does not have the final figures for 2019 yet. She explained that commercial accounts break down into three categories, which are transient rentals, true businesses, and condos and apartments. Transient rentals are in the residential neighborhoods but need a business tax receipt to show that they are using the property as commercial. She advised that it would be more practical for the Public Works Department to service the transient rentals because if one is missed by a contractor, Public Works would have to clean it up. She recommended to charge the full costs for the transient rentals of \$460 as a non-ad valorem assessment.

Vice Mayor England asked why the transient rentals would not be charged the same as commercial accounts.

Finance Director Douylliez advised that currently they are only being charged a minimum of \$7.04 per month, which would be lower than what the City would be asking the residents to pay for the non-ad valorem assessment. The Public Works Department is picking up enough solid waste to fill a two-yard dumpster at some commercial units, so it is recommended that an outside vendor service those condos or businesses.

Vice Mayor England asked if the City can mandate a business to use a dumpster.

Finance Director Douylliez advised that it is in the City's Code of Ordinances that it can mandate to have dumpsters. She explained an enclosure would be needed as well.

Commissioner Samora asked how staff knows who to mandate dumpsters with.

Finance Director Douylliez advised that we manually know how much trash is being discarded, so we know that what commercial companies should have dumpsters. There is an option to

stop servicing commercial if the City wants to allow our current vendor Advanced Disposal to hand pick up the garbage, so staff would not be counting bins, invoicing, and doing collections manually. She advised that staff could not stop picking up the transient rentals because they are intermingled in neighborhoods. She recommended that the transient rentals pay \$460 because it would be challenging to tell residents to pay when transient rentals are not paying full price. She explained that the City would be receiving ten percent of the revenues from the commercial accounts that are using other vendors.

Mayor George advised that transient rentals could be vacant for months and it may not be fair to charge them full price. Transient rentals could be using the service less than the neighbors because they are vacant. She wants to look at an equitable way for the costs.

Finance Director Douylliez advised that these are just suggestions and it would be up to the Commission to decide.

Vice Mayor England suggested that everyone pay \$230 instead of breaking it out depending on the type of commercial or residential properties.

Finance Director Douylliez explained that condos and apartments are not being treated the same. Some condo owners are taxed the \$74 a year and others are not. She advised that the code needs to be applied correctly and the usage needs to be checked for whether they need dumpsters in place. She explained that staff needs to work with the vendors and the associations to move forward with the changes.

Commissioner Rumrell asked how this would affect Advanced Disposal's contract.

Finance Director Douylliez advised that Advanced Disposal goes by the City's data base, so it would not affect them. She advised that the process to clean up what is commercial versus residential will be a lengthy process. Some condos are asking for bins that are not free to the City and the City pays the costs.

Commissioner Rumrell advised that an automated system seems prudent regardless of the changes.

Vice Mayor England asked if commercial accounts would have to move to a commercial vendor for garbage and recycling.

Finance Director Douylliez advised yes.

Commissioner Samora requested a profile of the commercial customers.

Mayor George asked if the cost analysis is not done by use, then how can it be calculated.

Vice Mayor England advised that staff should not be in the business of counting cans.

Discussion ensued regarding more than one transient rental unit being on one property and it was suggested that each unit should be charged the non-ad valorem assessment.

It was the consensus of the Commission to move forward with this topic next month.

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

Item 7 has been rescheduled for November's Regular Commission meeting.



XIV. NEW BUSINESS

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

Item 10 has been rescheduled for November's Regular Commission meeting.

XIV. STAFF COMMENTS

No staff comments.

XV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

**Motion:** adjourn. **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:



Beverly Raddatz, City Clerk

