



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, DECEMBER 2, 2019 AT 6:00 P.M.

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

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Vice Mayor England arrived at 6:15 p.m.

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 REGULAR COMMISSION MEETING ON NOVEMBER 4, 2019, AND CONTINUATION MEETING OF REGULAR COMMISSION MEETING ON NOVEMBER 6, 2019

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

Motion: to approve Regular Commission meeting on November 4, 2019, and continuation meeting of Regular Commission meeting on November 6, 2019. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

V. ADDITIONS OR DELETIONS OF THE AGENDA

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

City Manager Royle advised that Items 10 and 12 to be rescheduled to the Regular Commission meeting on January 6, 2020, at 6:00 p.m.

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.

Commissioner Kostka suggested to move the Consent Agenda after Presentations.

Commission agreed.

VII. PRESENTATIONS

A. Interview of Mr. Larry Einheuser for Position of Junior Alternate on the Comprehensive Planning and Zoning Board

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

Mr. Einheuser, 420 Ocean Drive, St. Augustine Beach, FL, advised that he has been living in the City for two years and wants to give back to the community. He explained that he works construction and is familiar with building codes and how to read plans.

Discussion ensued regarding whether Mr. Einheuser would have any conflict of interests with clients asking for variances or conditional use permits.

Mr. Einheuser advised that he would not have conflict of interests and would recuse himself if there was a question of conflict.

Mayor George explained that Mr. Einheuser could go to the City Attorney if a conflict of interest was in question or the Commission or staff for any resources that he may need, but not any other Comprehensive Planning and Zoning Board members.

Motion: to approve Mr. Larry Einheuser as Junior Alternate on the Comprehensive Planning and Zoning Board. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George moved on to Item VII. B.

B. Report on Veterans Reunion in City, October 23-24, 2020, by Ms. Kim Kendall

Mayor George introduced Item VII.B. and asked Ms. Kendall to the podium.

Ms. Kendall, Volunteer Chair of the East Coast 2020 Reunion gave the Commission a handout (Exhibit 1). She explained that the reunions started when the US Naval Station Subic Bay, Philippines, closed in 1992. She commented that in 2020 they will be holding the reunion in St. Augustine Beach. Veterans will be staying at Embassy Suites and Airbnbs in St. Augustine Beach and they will have transportation for different events by bus. The reunion starts on Wednesday, October 21, 2020, and ends Sunday, October 24, 2020. She commented that the businesses have been very generous with giftbag items and busses. She asked for help with parking the busses near Embassy Suites and will work with Police Chief Hardwick on that issue. She explained that 356 people are interested, and 148 people have paid. She explained that the limit will be 350 paid people.

The Commission suggested Ms. Kendall speak with Communications and Events Coordinator Walker, Bill Dudley with Veterans Affairs, Visitors and Convention Bureau in St. Augustine, and the Commission for suggestions for businesses giving items for the giftbags.

Mayor George asked if a permit would have to be paid from the City.

City Manager Royle advised no, they are not having events at the beach and mostly will be in the City of St. Augustine.

Mayor George moved on to Item VII.C.

C. Update Report by Communications and Events Coordinator Cindy Walker on Budget for New Year's Eve Fireworks Show

Mayor George introduced Item VII.C. and asked Communications and Events Coordinator Cindy Walker to the podium.

Communications and Events Coordinator Walker presented a PowerPoint presentation (Exhibit 2). The Florida League of Cities has donated some bumper stickers and pins that will be available at city hall. She recognized several people who were a part of the Veterans Day Event for the City of St. Augustine Beach. She showed a PowerPoint presentation (Exhibit 2) and explained the changes that will be made this year at Pier Park, transportation, bands, increased vendors fees, and in-kind and cash sponsors. She explained that the Tourist Development Council (TDC) paid for the fireworks. She advised that the event will break even.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked Ms. Walker. He was concerned that the VIP table could be used to lobby the Commission this year and requested to make the table also available to the press. He suggested Commissioners wear cameras so that everything is taped. He also suggested to use the garage at Pier Park for logistics for the Beach Blast Off and cancel the St. Augustine Beach Civic Association lease.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, thanked Ms. Walker and advised that she is doing an excellent job. He explained that she was a great hire by City Manager Royle.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, suggested to offset costs by advertising on the buses for the Beach Blast Off event and asked that the music not be so loud at this Beach Blast Off.

Mayor George explained that the advertising is done by the TDC grant and they have restrictions on where advertising can be placed. She then asked Communications and Event Coordinator Walker to explain what the VIP table is and who is invited.

Communications and Events Coordinator Walker advised that there will be a VIP table at Salt Life restaurant for the sponsors of the event. No Commissioners, Board members, or staff will be able to be at the VIP tables. She explained that negotiations with the sponsors would determine which sponsors would be allowed at the VIP tables.

Merrill Roland, 6281 Old Dixie Drive, St. Augustine, FL, advised that the event has been transparent and is running smoothly, not like before and asked that Ms. Walker get a raise. Veterans Day and Labor Day ran smoothly without taking away the handicap spaces. He suggested that the garage lease not be renewed and to use it for a staging area for Beach Blast Off event.

Mayor George closed the Public Comments Section and then moved to Item 6, Consent Agenda.

XI. CONSENT

6. Re-appointment of Two Members of the Sustainability and Environmental Planning Advisory Committee, Dr. Lonnie Kaczmarsky and Ms. Sandra Krempasky, to Another Three-Year

Mayor George introduced Item 6 and asked if there were any Commission discussion. Being none, Mayor George asked for a motion.

Motion: to approve the Consent Agenda Item. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George thanked Dr. Kaczmarsky and Ms. Krempasky for their dedication to the City and all their hard work.

Mayor George moved on to Item VIII.

VIII. PUBLIC COMMENTS

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, thanked City Clerk Raddatz and Finance Director Douylliez, Building Official Law, and Public Works Director Tredik for doing a great job this year. He suggested to get the garage back from the St. Augustine Beach Civic Association and asked it to be put on the January Regular Commission meeting agenda. He also suggested to make money with it and suggested asking the bocce ball court players if they would be interested in renting. He then thanked the Commission for all their hard work and suggested that the City Commission pay increase be put on the agenda in January 2020.

Ed Slavin, P.O. Box, St. Augustine, FL, agreed with Mr. Reynolds, but disagreed with Mayor George regarding not debating in the Public Comments section. He thanked Public Works Director Tredik for his presentation to the St. Johns County Legislation Delegation so the City could receive more funding and suggested Public Works Director Tredik be the Acting City Manager when City Manager Royle leaves. He complained that City Manager Royle didn't have insurance on the weir and never apologized. He also complained that his public records request to see what was done to get the insurance for the weir would cost \$127, which he disagrees with and wants it at no charge. He suggested that the City's website should be set up like the City of St. Augustine where each item can be split up and not be one document. He did not want any other companies to be listed on the agendas like scooters, red light cameras, and bus shelter ads. He asked City Manager Royle to quit.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked for an update on the telecasting of the Commission meetings; what the number of grants the City was able to acquire from St. Johns County this last year for improvements; would like that there are seven dead palm trees that need funding; and suggested the public to stay positive at the meetings and look at how much they volunteer for the citizenry.

Mayor George advised that the meetings are being televised and the City did apply for some of the surplus funding from St. Johns County, but the City did not get any funding.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that Embassy Suites expansion will take up more parking spaces; suggested that the Veterans reunion could park their buses at Ron Parker Park; advised that general revenues according to the finance report is decreasing and suggested that the Finance Director look at the budget each month to see if the City is on budget or not and share the information with the Commission; restrooms at Ocean Hammock Park location should be discussed with the Police Department; lighting on A1A Beach Boulevard is moving forward; suggested doing the election of Mayor and Vice Mayor earlier in the evening since it is a long agenda; thanked the Mayor and Vice Mayor for their efforts and wished all the Commissioners a Merry Christmas.

Merrill Roland, 6281 Old Dixie Highway, St. Augustine, FL, advised that Sam Muffitt (Exhibit 3) wrote a Facebook page about the theft of Mr. Roland's campaign signs and he wants to have his \$300 back for the signs that Mr. Muffitt took.

Sonia Kulyk, 114 13th Street, St. Augustine Beach, FL, advised that there was another Airbnb incident from a new Airbnb Saturday night that was a major drunken brawl with domestic violence component with children in the house. She explained that these types of businesses are using the City's resources and there is no mechanism that the City can use to get money from tourism except for parking. She explained that this ties in with the non-ad valorem assessment. She

commented that these types of businesses are using a lot of the City's resources and the burden should be put on them. She suggested making those businesses pay more of the proposed non-ad valorem assessments. She explained that in Miami Beach no Airbnbs are allowed in residential areas.

Mayor George requested that the residents report any short-term rental that do not have licenses from the City. She also stated that she understood Mr. Roland's request and she will investigate the matter further.

Craig Thompson, 6 D Street, St. Augustine Beach, FL, proposed funding for a Climate Action Plan and reduce flooding by using best practices according to the Comprehensive Plan. He suggested a progressive user fee that would tax stormwater runoff for sustainable stormwater management projects. He showed a document from the City of St. Augustine (Exhibit 4) which shows the fees they charge and would like to have the same in our City. The Sustainable & Environmental Planning Advisory Committee (SEPAC) would like to hire a consultant and work with staff with the funding to promote green stormwater projects.

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

IX. COMMISSIONER COMMENTS

Mayor George introduced Item IX and asked Commissioner Kostka.

Commissioner Kostka attended another census meeting and in April 2020 the census will start and helps to get funding for state and local governments. She advised that they are hiring people at a good rate of pay from January through May. She explained that background checks and fingerprints would have to be done and suggested to the public that there are posters in the hallway to get more information.

Vice Mayor England wished residents, staff, and families a very merry Christmas and happy holidays.

Commissioner Rumrell advised that City Manager Royle will be presented with a plaque by St. Johns County on December 17, 2019, for his 30 years of service. He attended the groundbreaking of the Veterans Clinic and urge people to check it out because it is a great asset for the City and St. Johns County as well. Thanked Public Works Director Tredik for his presentation to St. Johns County Legislation and Commissioner Rumrell will follow up with the Representatives and Senators to help the City with the weir project.

Commissioner Samora attended the Visitors & Convention Bureau and saw some advertising that was good. He explained that the occupancy was down in the month of October, but overall for the year VCB revenues were up five percent. He commented that the VCB does get some short-term rental information now and he is trying to get the City's information out of those statistics. He explained that short-term rentals in the area are up 51%.

Mayor George thanked the staff and local organizations for their participation for the Veterans Day event. She also spoke at the Florida Association for Mosquito Control at Embassy Suites where she learned a lot. She commented that the history of Mosquito Control is fascinating.

Mayor George moved on to Item 1.

X. PUBLIC HEARINGS

1. Ordinance 19-17, Public Hearing and First Reading, to Adopt Amendments to the Comprehensive Plan (Presenter: Ms. Janis Fleet, Planning Consultant)

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

Ms. Fleet explained the changes on the peril of flood requirements that Department of Economic Opportunity (DEO) made, which was not unique to our City. She explained that this meeting the Commission can make changes and the final adoption would be in January to send back to DEO for approval. She suggested to address the DEO comments, which she has done by amending the policies. She presented Exhibits 5 – 7 and explained the policy changes to be compliant with DEO.

Discussion ensued regarding why CC4.5 language says it will remove flood zone designation from real property when every property has a flood zone designation or it is that for only special flood zone areas; the City has a community rating system for infrastructure, but needed to add it the same policy in conservation coastal zone management section; the City had to do an assessment to help the regional council on sea level rise and flooding, which shows on the exhibits presented; required to adopt the maps along with the Evaluation and Appraisal Report (EAR) and Comprehensive Plan; City was developed before there was current stormwater management; and removing special flood designations through FEMA Letter of Map Revision (LOMR) or a Letter of Map Amendment (LOMA) if there was an emergency event and the City needed redevelopment because the City was 50% destroyed.

Vice Mayor England asked Ms. Fleet if the language could be changed to special flood hazard areas.

Ms. Fleet advised that she will make the change if DEO does not object to the language.

Commissioner Kostka advised that she would like to change the language “will encourage” to “the City will use best practices for development”.

Mayor George suggested that the language be changed to “the City will require.”

Building Official Law advised that the language saying “required” would be problematic because he would have to force a homeowner to change their flood designation, which they may not want to do. He explained that he cannot make a property owner do a LOMA or LOMR.

After discussion, the Commission decided to leave the language the same as what Ms. Fleet suggested originally.

Ms. Fleet advised that she sent all the comments to DEO and they reviewed them and then she met with staff and then she sent them to DEO, and they gave her the okay, but there is no guarantee. She explained that the second reading of the ordinance would be January for adoption and then it will be sent back to DEO for final approval. She explained that City Clerk Raddatz ran the advertisements.

Mayor George requested City Manager Royle to give feedback regarding amendment 4.5, the special flood areas, and a spreadsheet of the objectives and policies deadlines every year and five years in his January memo to the Commission.

Vice Mayor England asked what staff member would oversee the Comprehensive Plan once adopted.

City Manager Royle advised that one of the Strategic Plan goals that the Commission will review in January is an annual review of the Comprehensive Plan.

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

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked the Commission what the City would do for the residents who must go from septic tanks to the sewer systems regarding their initial costs of \$10,000 to hook-up to the sewer line.

Mayor George asked City Manager Royle to follow up on this question.

Mayor George closed the Public Comments section and asked City Attorney Wilson read the title of the ordinance.

City Attorney Wilson read the title of the ordinance.

Mayor George asked for a motion.

Motion: to approve draft Ordinance 19-17 with the amendment stated 24.5 continent upon Ms. Fleet receiving final approval on that modification from DOE. **Moved by** Mayor George, **Seconded by** Vice Mayor England. Motion passed unanimously.

Mayor George moved on to Item 2.

2. Conditional Use Permit to Construct a Single-Family Residence in a Commercial Land Use District at 16 5th Street, (Lot 18, St. Augustine Beach Subdivision, Mr. James Cochran, Applicant) (Presenter: Brian Law, Building Official)

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

Building Official Law explained that this is to build a single-family residence in a Commercial Land Use District. He advised that the Comprehensive Planning and Zoning Board voted five to one to allow construction of a single-family residence in a commercial district with three requirements, which are: 1) that it be built in accordance with the Land Development Regulations for Medium Density Land Use District; 2) no variances for reduced setbacks or maximum imperious surface ratio; and 3) that the Building Department require verification of building height by a license surveyor after the trusses are installed and roof is on because the proximately to the roof building is at 34 feet 10 inches. He advised that the Building Department has no objections to the building if it follows the medium density codes.

Commissioner Samora asked if there should be a 15-foot buffer to the east of the property between the other residential properties.

Building Official Law advised yes.

Commissioner Kostka advised that the plans are for a five-bedroom home and asked what the plan is for the parking.

Building Official Law advised that they would have to have five parking spaces according to the codes and if the owners want to change the building to commercial transient rental a lot of renovations would have to be done, such as changing all the doors, having fire sprinkler system, and would require an engineer to redesign the building. He commented that the owner will be putting in a gravel driveway for permeability.

Mr. James Cochran, 16 5th Street, St. Augustine Beach, FL, advised that it will improve the appearance of 5th Street, the building will be high quality, increase taxes for the City,

development will fill a low spot on 5th Street, and will be consistent with the land use codes. He explained that the lot has limited commercial use. He then showed Exhibits 8 and 9 and advised that the property sits between residential and commercial properties. He showed all the properties around his property that were granted conditional use permits. He commented that the City put parking across from the property and considers this a tourist area. He stated that this proposal is consistent with what is currently there.

Mayor George asked about the commercial property adjacent to this parcel on Beach Boulevard.

Building Official Law advised that a commercial suite will be downstairs and one suite upstairs. He explained that at this time staff does not know what it will be but believes it will be gift shops. It would be a two-commercial facility.

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to pass the ordinance. He commented that Building Official Law should not be the presenter, the applicant should because the City could have grounds for legal actions.

Ann Palmquist, 213 10th Street, St. Augustine Beach, FL, asked if this really going to be single-family home or a short-term rental because a short-term rental impacts the fire, police, and public works solid waste pick up more than a residential home.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, supports the application and applaud Mr. Cochrane for being persistent. He advised that the City could have been sued for civil rights violations if this was not heard again. Agreed with Mr. Reynolds regarding Building Official Law not presenting the items instead of the applicant.

Mayor George closed the Public Comments section and asked if there were any other Commission comments.

Vice Mayor England advised since the original application the lots on Beach Boulevard have no possibility of a combination of commercial use, which is a change in facts.

Commissioner Kostka explained that these lots were not separated on the first decision and hoped according to the Comprehensive Plan that the commercial districts would remain intact. She commented that the lots were sold separately, and the Commission must look at each case separately. She remarked that the Commission must look at the changes being presented and look to the future to make sure they would not hurt the residents' quality of life.

Mayor George asked for a motion.

Motion: to approve the conditional use permit with the conditions that the Comprehensive Planning and Zoning Board requested. **Moved by** Commissioner Kostka, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George moved on to Item 3.

3. Conditional Use Permit to Construct Eight Single-Family Residences in a Commercial Land Use District on West Side of A1A Beach Boulevard between E and F Streets (Lots 1-8, Block 43, Coquina Gables Subdivision, Mr. Len Trinca, Applicant) (Presenter: Brian Law, Building Official)

Mayor George introduced Item 3.

Commissioner Rumrell advised that he would to recuse himself regarding this item because he has a business relationship with the owner of the properties. He stated that he has signed and given Form 8B (Exhibit 10) to City Clerk Raddatz. He explained that City Attorney Wilson agreed for him to recuse himself from the case.

Mayor George asked Building Official Law to give a staff report and stated for the record that Building Official Law is only explaining the Comprehensive Planning and Zoning Board recommendations and is not representing any applicants.

Building Official Law advised yes, and that part of his salary is paid by the Planning Department to present the Comprehensive Planning and Zoning Board recommendations to the Commission. He explained that staff helps with technical questions for the applicants, but they represent themselves or have someone else represent their application. He stated that the Comprehensive Planning and Zoning Board recommended denial five to two and the Building Department has no objections. He advised that the Commission needs to decide if they want to allow the owner to put single-family residences on all eight lots or only part of the lots.

Mr. Trinca, 7 F Street, St. Augustine Beach, FL, showed Exhibits 11 and 12 and then explained he moved here in 1972. He purchased property in 1970 and wanted it for his retirement. The property has been on the market for two years and he has received no commercial interest. He has one lot under contract if he can get a conditional use permit. Coquina Gables lots are 50 x 93 feet and are residential. The proposed plans for the houses would be compatible. Neighbors signed a letter on E and F Streets in favor of the conditional use permit. He explained that the City would receive a lot of revenue from the houses annually.

Mayor George asked where he got his revenue sources for the property.

Mr. Trinca advised that he was being conservative.

Michael Stauffer, Architect, 1093 A1A Beach Blvd., St. Augustine Beach, FL, explained how the lots could be developed and demonstrate that all the house would meet all the requirements for setbacks, imperious surfaces, and medium density codes. He explained that some lots may have pools, others not.

Vice Mayor England asked Mr. Stauffer what the setbacks would be on A1A Beach Boulevard and asked if the frontage would be on F and E Streets.

Mr. Stauffer advised yes and explained that there would be 15-foot setbacks on A1A Beach Boulevard.

Building Official Law advised that the side yards are 10-feet setbacks currently.

Mayor George commented that the neighbors are asking these lots to be rezoned, not a conditional use permit. She asked Mr. Trinca if he wanted a rezoning or a conditional use permit.

Mr. Trinca said a conditional use permit.

Mayor George commented that there is a difference between rezoning and a conditional use permit, and she felt that the neighbors want a rezoning. She asked Mr. Trinca what he wants to put on the property.

Mr. Trinca advised that there has been no interest a purchase for commercial use, but he would like to leave it open to what the buyers want. He cannot sell the property until he receives a conditional use permit. He doesn't want to rezone the property and thinks he can

sell all the lots residentially; however, if there are buyers who want commercial property, he doesn't want to shut them out by rezoning.

Vice Mayor England advised that Mr. Trinca applied for conditional use permits for all eight lots. She asked if Mr. Trinca wants to keep the two lots fronting A1A Beach Boulevard to be commercial or do you want all the lots to be residential.

Mr. Trinca advised that if someone wanted to purchase the two lots facing A1A Beach Boulevard as commercial business, he would sell them as commercial.

Vice Mayor England asked City Attorney Wilson if Mr. Trinca could sell commercial lots and residential lots.

City Attorney Wilson advised yes, because it is still going to be commercial use. He explained that once the conditional use permit expires, then it could be used for something else.

Mayor George asked how long the conditional use permit is good for.

City Attorney Wilson advised that that would be up to the Commission. He explained that its usual time is two years.

Mayor George explained that the Commission could put a restriction on the conditional use permit to be all residential or all commercial.

Mayor George asked if Mr. Trinca had any objections to making sure that a commercial building would not be in the middle of residential lots.

Mr. Trinca asked how many lots.

Mayor George advised she is only concerned with the middle lots.

Mr. Trinca said that he could do four lots residential and four lots commercial.

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

Mike Hinson, 111 F Street, St. Augustine Beach, FL, he requested that all the lots be residential and be a positive for the neighborhood. He explained that there is no problem with pedestrians because more of the residents are only walking to the beach.

Commissioner Samora pointed out that rezoning is different from a conditional use permit. He advised that he is not sure if Mr. Hinson is requesting residents living in the homes or transient rentals.

Mayor George advised that any of these homes that will be built will most likely be a transient rental. She explained because as this is not a rezoning, the land will always stay commercial; therefore, the homes do not require a permit.

Kathi Avery, 108 F Street, St. Augustine Beach, FL, advised that she thought there were no more permits in medium density. She explained that she is not in favor of commercial convenient store or restaurant.

Sandra Kulyk, 114 13th Street, St. Augustine Beach, FL, commented that west of the Boulevard there are no more transient rental permits in mixed use; however, because this is commercial land there is no limit of transient rentals.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, requested to deny the conditional use permit and urge the Commission to have the owner come back with a rezoning for

residential use only. He commented that he liked Airbnbs, but the residents and the Commission are not for it. He advised he doesn't want any commercial property because of the parking.

Frank O'Rourke, 101 F Street, St. Augustine Beach, FL, spoke against this conditional use permit because it goes against the Comprehensive Plan and wants to keep commercial lots on A1A Beach Boulevard. He advised that this would be a hardship for his business if the lots were changed to residential.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to deny the conditional use permit and asked to disclose ex parte communications and swear in the witnesses. He commented that Mr. Trinca shoved Ms. Rose Bailey during the election.

Mayor George closed the Public Comments section and asked if there were any other Commission comments.

Mr. Trinca advised that he is trying to do the right thing for the City and the neighborhood. He would try to keep it residential lots in the back and commercial lots in the front. He mentioned that Kookaburra wanted to sell beer not coffee and the parking is a problem, so they parked on City property.

Commissioner Samora explained that the Commission is also trying to do the right thing for the City and appreciates the property owner wanting to consider the City. The zoning for the City was done many years ago to carry us into the future. He explained that a key feature of that is having commercial property along the Boulevard, which will not be developed all at once. He advised that it should stay what it was intended for in his opinion. The Comprehensive Planning and Zoning Board recommended denial and that is what his thoughts are currently.

Commissioner Kostka stated for the record that the Commission will not be moved by the financial benefit of anything but will try to protect the citizens of the City for the future. She explained that Communication and Event Coordinator Walker estimated that transient rentals in condominiums are approximately 458 in the commercial district and that excluding nine condominiums that she did not get a response back from. She was concerned about the effect of the transient rentals because the City has not had them for a long period of time to gauge their effect. There is a lack of policies on transient rentals in our City and we need to protect the residents. She said that what she heard from the neighbors is that they want a zoning change and not a conditional use permit. She explained that the land will not stay residential by having transient rentals. She explained that she would deny the request.

Vice Mayor England advised that the surrounding area is mainly residential and allowed two owners to build residential homes on F Street. She explained that in the Vision Plan there were some areas that had too much commercial properties on the west side of the Boulevard. She asked the Commission if they would consider lots five through eight as residential and lots one through four commercial zoning in the conditional use permit. She also wants to consider any residential improvement adjacent to A1A Beach Boulevard would have to have a five-foot vegetation landscape buffer and a 15-foot setback.

Mayor George does not want to have commercial and residential buildings in the back four lots but is concerned that the public didn't come today because they thought their voices were going to be heard, but the letter they signed was a misunderstanding of the facts. She suggested that the back four lots could be residential and the other four could be commercial, which she would not have a problem with. She commented that she would not fulfill her fiduciary duty when this is so piecemeal and undefined.

Vice Mayor England agreed that a conditional use permit on eight lots is messy and difficult.

Mayor George asked for a motion.

Motion: to deny the conditional use permit. **Moved by** Commissioner Samora, **Seconded by** Commissioner Kostka. Motion was passed 3 to 1. Vice Mayor England opposed the motion and Commissioner Rumrell was recused on this item.

Mayor George advised that the recommendations of the Comprehensive Planning and Zoning Board is approved, and the application is denied.

Mayor George recessed 9:03 p.m. and reconvened 9:10 p.m. and then moved on to Item 4.

4. Conditional Use Permit for Outside Consumption of Food/Beverages at Former Coquina Beach Surf Club Restaurant, 451 A1A Beach Boulevard (Lots 65, 66, 67, 77 and 78, Atlantic Beach Subdivision, Mr. Michael Rosa, Applicant) (Presenter: Brian Law, Building Official)

Mayor George introduced Item 4 and asked Building Official Law to give a staff report.

Building Official Law advised this is for outdoor dining. A new owner purchased the property and the previous conditional use permit was non-transferable and the owner wants to open the restaurant with outside dining. The Comprehensive Planning and Zoning Board agreed to the conditional use permit with recommendations for a period of five years, but the owner asked if they could have longer than five years because they are a long-standing business in the community.

Commissioner Samora asked about parking.

Building Official Law advised that there was an indemnity agreement with the City with the previous conditional use permit. Part of the parking being used is City parking and that was why the City asked for an indemnity agreement. The handicap spots would be moved to a safer location, which is further away from the Boulevard and explained that there will be more with the new parking layout. He advised that their customers have used the parkette for parking on Coquina and he did not see anything wrong with that. He will bring the building into compliance when it is renovated and the owners will maintain a six-foot high fence, the owners will landscape for curb appeal.

Commissioner Samora advised that the Comprehensive Planning and Zoning Board recommending approving the conditional use permit with the recommendations 13, 14, and 15.

Building Official Law added that with another recommendation that there would be a sign pointing out not to turn right on 13th Street into the neighborhood.

Discussion ensued regarding whether to restrict music outside as a condition or follow the noise ordinance; whether to extend the conditional use permit over five years; whether the conditional use will be transferrable to new owners; and owners have brought their sign into compliance at their own expense.

Peter Darios, 421 A1A Beach Blvd., St. Augustine Beach, FL, explained that he would like to reinstate what was already there, which was outdoor seating for food and beverage. He explained that the restaurant would be open for breakfast and lunch, not dinner at this time. He explained that he has no objections to the Comprehensive Planning and Zoning Board recommendations, but he would like the conditional use permit expiration date to be more than five years if possible.

Discussion ensued regarding the fees to do a conditional use permit being \$407.50; revisiting the conditional use permit is an opportunity for the neighbors to be heard if there are any complaints that could be corrected.

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

Chuck Hennessey, 202 12th Street, St. Augustine Beach, FL, asked to deny the conditional use permit because of the noise and parking issues. He explained that his home is 200 feet away from the establishment and the only thing that separates them is a small parking lot. He explained that his house is on the second floor and the previous owners had large events with live music, which was very annoying. He advised that the City needs to keep it a peaceful neighborhood since the City allowed residential homes in that area. He explained that the restaurant does not have enough parking and with the outdoor dining it will increase the parking issues by two-thirds.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, asked the Commission to approve the request because the owners promote not driving while drinking. The owners run the businesses well and they help their employees.

Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL, asked the Commission to address Mr. Hennessey's concerns with the sound barriers and buffers and approve the conditional use permit for five years. Denying the conditional use permit could promote Burt Harris Act.

Sandra Kulyk, 114 13th Street, St. Augustine Beach, FL, advised that she was in support of the conditional use permit. She requested that Public Works Department put a left-turn only sign up.

Mayor George closed the Public Comments section and asked if there were any other Commission comments.

Mr. Darios explained that he is only asking for a reinstatement of what was in place previously. He commented that they do share the parkette and the lot across the street owned by Sunset Grille. He remarked that the owners have no plans for any live music at all for breakfast or lunch.

Mayor George asked if he would want to exclude music during certain hours.

Mr. Darios advised that there are no plans for music now, but in the future if the owners want to sell the property, he would like options.

Mayor George advised that if the property was sold the new owner would have to come back to get a conditional use permit anyways, so Mr. Darios would not be limiting himself on any music restrictions.

Commissioner Kostka advised that there are some conditional use permits that restrict amplified outdoor music.

Commissioner Samora advised that there is some protection with the noise ordinance.

City Clerk Raddatz asked the Commission to extend the meeting.

Motion: to extend the meeting until this agenda item is done. **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Police Chief Hardwick advised that the noise ordinance goes until 10:00 p.m. and depending the way the wind blows whether the Police Department receives complaints or not. He

explained that Salt Life has open air music and Panama Hatties. He suggested revamping the City's noise ordinance based on a lawsuit the City of St. Augustine had.

Commissioner Rumrell asked if they would want to have an acoustic guitar player instead of amplified.

Building Official Law advised that according to the codes, just a singer would not be subject to the noise ordinance.

Vice Mayor England suggested to the Commission to have music until 7:00 or 8:00 p.m. because they are close to a residential area.

Mayor George advised that the owners could come back to the Commission if they want to extend the music hours.

After discussion, the Commission decided to follow the noise ordinance regarding the music.

Mayor George asked for a motion.

Motion: to approve the conditional use permit with the four recommendations from the Comprehensive Planning and Zoning Board, which includes the left-turn only sign. **Moved by** Commissioner Kostka, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George asked to continue the meeting.

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

Mayor George moved on to Item 7.

5. Resolution 19-13, to Express City's Intent to Levy a Non-Ad Valorem Assessment for the Collection and Disposal of Solid Waste and Recyclables (Presenter: Patricia Douylliez, Finance Director)

This item was rescheduled to Tuesday, December 3, 2019, at 6:00 p.m.

XII. OLD BUSINESS

7. Legal Services: Discussion of Proposals Received from Law Firms and Scheduling Special Meeting in January for Interviews (Presenter: Max Royle, City Manager)

Mayor George introduced Item 7 and explained that City Manager Royle has suggested to discuss this issue at a separate meeting.

City Manager Royle asked if the Commission would like to interview all 10 candidates.

Mayor George advised that at the last meeting the Commission wanted to interview all the candidates; however, there are now 10 candidates instead of five. She asked to schedule the date for the interviews first.

After discussion the Commission decided to schedule the interviewing on Monday, January 13, 2020, at 6:00 p.m. It will be a Special Commission meeting.

Discussion ensued regarding how to reduce the list of candidates to be interviewed; what the candidates' are charging for attending meetings; whether it is normal to charge for bond issues; eliminate the attorneys who charge for out-of-county travel; negotiating travel fees; correspond to the candidates and advised them what the City would accept or not accept

depending on the candidates proposed costs; and Commission receiving the correspondence from the candidates before January 6, 2020, Commission meeting;

Mayor George listed what the City would be requesting to pay as a maximum retainer is \$6,000 for up to 40 hours a month, which includes attending all the Commission, Comprehensive Planning and Zoning Board, and Code Enforcement Board meetings.

City Manager Wilson suggested to look at the applications and limit them by the fees.

City Manager Royle advised that Marks Gray will charge \$6,000 for 30 hours and then there will be an hourly charge after that.

Commissioner Samora suggested not to negotiate based on categorization of work.

Mayor George suggested the maximum retainer be based on attendance at all meetings and advice related to the regular business of the City associated with meeting agenda items. Any extra litigation work would be at an hourly rate.

Vice Mayor George pointed out Exhibit A of the Request for Proposals that would cover the normal expectation for the retainer.

City Attorney Wilson suggested that if the candidates represent other cities to call the cities and find out what they are paying as a monthly charge.

Commissioner Rumrell advised that he has done that with Jacksonville Beach, and he would be happy to go over negotiations with the candidates. He explained that he would prefer an attorney with municipal experience and should pick those first and then negotiate with them at the interview.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, suggested interviewing all the candidates. He explained that if the Commission his want to cut down the list of candidates to do a client list of each one to see if they are any conflicts. He said one is the City's insurance attorney.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, suggested to Commission to cut down the list of candidates because of the high prices and travel costs.

Attorney John Wallace, 245 Riverside Avenue, Ste. 150, Jacksonville, FL, advised that he came tonight because he wanted clarity. He explained that his firm's proposal would be negotiable, such as the travel costs. He said he quoted travel costs because the Request of Proposal asked for it.

Mayor George said that was a good point if the RFP was structured that way.

Attorney Craig Sherar, 147 Pine Tree Road, East Palatka, FL, explained that he is one of the candidates and lives in Palatka. He explained that the RFP said that travel was limited to outside of the county or regional, not going to the client's working location. He said that he has been a town attorney and commissioner before and suggested to interview all the candidates because you hear what they want. He explained that the City is hiring one attorney not a firm.

Mayor George closed the Public Comments section and then moved on to adjourn the meeting.

8. Rules of Civility for Public Participation: Continuation of Discussion (Presenter: Mayor George)

Item 8 was rescheduled to December 3, 2019, at 6:00 p.m.

9. Changes to the Land Development Regulations: Continuation of Discussion (Presenter: Brian Law, Building Official)

Item 9 was rescheduled to December 3, 2019, at 6:00 p.m.

10. Ordinance 19-18, First Reading: to Ban Rental of E-Scooters in City (Presenter: Jim Wilson, City Attorney)

Item 10 was rescheduled to January 6, 2020, at 6:00 p.m.

11. Police Chief and City Manager: Review of Annual Performance Evaluations by Mayor and Commissioners (Presenter: Mayor George)

Item 11 was rescheduled to January 6, 2020, at 6:00 p.m.

XIII. NEW BUSINESS

12. Pay for Employees During Emergencies: Consideration of Resolution to Adopt Policies (Presenter: Beverly Raddatz, City Clerk)

This was rescheduled to January 6, 2020.

13. Election of Mayor and Vice Mayor For 2020 (Presenter: Max Royle, City Manager)

Item 13 was rescheduled to December 3, 2019, at 6:00 p.m.

XIV. STAFF COMMENTS

Item XIV was rescheduled to December 3, 2019, at 6:00 p.m.

XV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

Motion: to continue this Regular Commission meeting until Tuesday, December 3, 2019, at 6:00 p.m. **Moved by** Mayor George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor George adjourned the meeting at 10:03 p.m.



Margaret England, Mayor

ATTEST:



Beverly Raddatz, City Clerk