



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 Kaczmarzky 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. Kaczmarzky 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 piece meal 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.

Undine C. George, Mayor

ATTEST:

City Clerk



MINUTES
CONTINUATION OF THE
REGULAR CITY COMMISSION MEETING
TUESDAY, DECEMBER 3, 2019 AT 6:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

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

Commissioner Kostka asked to reschedule the evaluations of City Manager Royle and Police Chief Hardwick to January 6, 2019, at 6:00 p.m. in order to give some Commissioners an opportunity to submit their evaluations.

Commission agreed.

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 continued the discussion regarding Item 7 from the regular Commission meeting on Monday, December 2, 2019. She advised that the interviews with candidates is scheduled for January 13, 2020, at 6:00 p.m.

Mayor George asked City Manager Royle to follow up with the candidates with a letter on the bench mark maximums and minimums to see who would be still interested to be interviewed on January 13, 2020, at 6:00 p.m.

Mayor George advised that the maximum retainer would be \$6,000 a month for general legal services associated with the attendance of all Commission, Comprehensive Planning and Zoning Board, and Code Enforcement Board meetings, and day to day questions regarding agenda items. She then advised that the City would not compensate for attorney travel to and from the meetings, postage, copies, charges for long distance phone calls, or paralegal services. The maximum charge for extra legal work for litigation would be \$175 an hour, which includes the presentations for lawsuits mediations on the City's behalf; and any land

transactions would be negotiated as stated under Exhibit A of the proposed letter.

Attorney candidates may call City Attorney Wilson if they have questions. If the candidates want to negotiate lower than the terms, they may do so or if the candidate don't agree to the maximums, they can let City Manager Royle know and they would be taken off the list to be interviewed.

City Attorney Wilson advised that Embassy Suites is pending on a judge's decision and there is a pending judgment for a Code Enforcement Board case that needs a decision, but those are the only cases he has outstanding. The Florida Municipal Insurance Trust (FMIT) cases he only monitors and is not involved too much with those. He advised that he would finish the Embassy Suites and the Code Enforcement Board cases after there is a judgement.

Mayor George asked to have the information before the January 6, 2020, regular Commission meeting in case it needs to be discussed.

The City Commission requested an update at the January 6, 2020, regular Commission meeting by City Manager Royle.

City Manager Royle advised that the candidates would have to give their replies to him by Friday, January 3, 2020, in order to get the information to the Commission on time.

Mayor George suggested emailing the information to the Commission by Friday, January 3, 2020.

Mayor George did not open Public Comments section because everyone in the audience had already spoke on December 2, 2019, regular Commission meeting.

Mayor George moved on to Item 5.

X. PUBLIC HEARINGS

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)

Mayor George introduced Item 5 and asked Finance Director Douylliez to give a staff report.

Finance Director Douylliez explained that this resolution gives the City's intent to the Tax Collector to increase the non-ad valorem tax for solid waste collection for residential, commercial, and recyclables. She explained that once the intent for Resolution 19-13 is sent, the City will have a few months to determine the fee ranges that will be charged and how to proceed. She commented that the Commission requested staff to bring more revenue into the City and this would alleviate having the City's General Fund pay to make up the solid waste collection. She explained that transient rentals are the bulk of the commercial users and the City also has some true small commercial businesses that would not need a dumpster to maintain their trash. She provided a list of businesses that need to go on dumpster service from a private vendor because of their volume (Exhibit 12). She researched the costs associated with the City of St. Augustine for solid waste collection, which was \$208 annually. She explained that the City of St. Augustine charges their commercial businesses more to subsidize the residential fees. Effective this year St. Johns County is increasing their non-ad valorem fees to \$230 from \$220. She explained that they negotiate with a much larger volume than our City. She commented that staff is requesting a non-ad valorem tax for solid waste collection for residential homes of \$230, which is half of the City's costs. She advised that

there would be three categories: 1) disposal at \$74; 2) collection at \$112.80; and 3) recycling at \$43.20, which equals \$230 annually. She presented a PowerPoint (Exhibit 13) which explains the costs for residential, commercial, and transient rentals. She proposed to the Commission the resident's non-ad valorem costs for recycling be \$43.20 per the Advanced Disposal contract and disposal fee of \$74.00, which is a total cost of \$117.20 for FY Budget 2020 or \$9.76 per month per household. She recommended in FY Budget 2022 to increase the non-ad valorem fee by \$112.80, which would bring a total \$230, or \$19.17 per month per household.

Staff suggests that effective February 1, 2020 to increase the price for commercial customers from \$1.76 to \$2.38 per can. She explained that instead of counting cans, the Public Works Department would be responsible to do an audit of the cans twice a year to make sure that the business has not increased their can usage. She explained and in fiscal budget starting in October 2020 the fee would increase to \$3.00 per can.

Mayor George advised that she did not want staff to continue counting cans, billing, and collecting on invoices.

Finance Director Douylliez explained that transient rentals can be structured differently than commercial and residential.

Commissioner Samora asked how many cans the Public Works Department is counting currently for transient rentals.

Finance Director Douylliez advised approximately 130 cans.

Mayor George said someone quoted over 430 transient rentals.

Commissioner Kostka advised that the 430 transient rentals were only in the condo associations.

Finance Director Douylliez advised that the City does not manage the transient rentals for the condo associations.

Commissioner Rumrell explained that the City of St. Augustine has different color cans that differentiate between commercial and residential and asked if we could do that instead of counting cans.

Finance Director Douylliez advised that it could be done, but the City would have to outlay the money for the different color cans, and it is not in the budget this year. She explained that her proposal is a gradual change for this budget year, but staff could research the costs of the different color cans in FY 2022. She explained that the resolution only gives the Tax Collector the City's intent on moving forward with this and that price ranges were not needed for tonight's discussion.

Commissioner Rumrell asked if the Public Works Department would be able to pick the recyclables up in-house.

Public Works Director Tredik explained that the Public Works Department could do the recyclables in-house, but it would require two more positions and another truck.

Vice Mayor England commented that the City needs to right-size our customers because then the City would know what the hard costs are such as, equipment, personnel, maintenance, insurance, and disposal fees. She explained that the goal is to drive down the annual costs. She remarked that she would like to evenly spread the costs. She explained that the ordinance

says that all properties are eligible for an annual ad valorem fee, which takes away the billing completely. She said that the ordinance says properties that qualifies for the City would have pick up and disposal of solid waste, yard waste, or recyclables, but if properties doesn't qualify, then they would have to be informed to use a private service. She stated that the hard costs are driving the annual fees, not the number of cans and what the City residents and businesses are not paying for is being taken out of the General Fund. She suggested a flat fee for residents and commercial properties and to stop counting cans. She mentioned that the residents should not pay more than the short-term rentals. She asked that the Public Works Department to find out by March 1st what customers qualify for the City's solid waste pick up and if some properties don't to tell them they don't qualify and to get a private company for their services. She suggested the following according to the ordinance: 1) allow for City pickup for condos from one to five units and anything over six units would have to get private services, unless the Commission gives them an exception; 2) Commissioners annually on March 1st will determine how much the non-ad valorem fees would be depending on the property types; 3) the Public Works Department would notify Administration when a property no longer qualifies for pick up due to maximum solid waste disposal according to the ordinance amounts stated; 4) Administration would notify the property owner to get private services; and 5) determine the amount of yard waste per property owner in case of emergency events.

Mayor George advised that the tipping costs are a low compared to the overall hard costs that is involved in pickup of solid waste.

Vice Mayor England explained that the hard costs are \$460 whether it is commercial or residential.

Mayor George explained that the residents feel that the costs should be based on consumption.

Discussion ensued regarding whether larger homes should pay more than smaller homes because of less trash; the hard costs of personnel, maintenance, insurance, equipment and disposal fees when stopping at every home or business to pick up recycling, yard waste and solid waste is what should dictate the annual fee; why bill double for a duplex that puts the property owners trash in the same spot for pick up; and updating the solid waste ordinance.

Commissioner Samora explained that the tipping costs last year was approximately \$163,000 and overall cost of the waste disposal was \$1.35 million. He explained that the tipping fees are approximately 12% and recycling costs are 10%, but Advanced Disposal does that, which explains that Vice Mayor England is spot on with her reasoning. He commented that it is difficult to explain that to the customers and advised that 85% of the costs is the equipment, insurance, maintenance, personnel, and going to the landfill.

Mayor George asked about the amortization schedule of the costs because it shows a new garbage truck being purchased every year. She explained that when taking that cost out, then the fee would go decrease the hard costs by \$320,000.

Finance Director Douylliez advised that that figure would breakdown over five years for the depreciation; however, the City has been using the trucks much longer than five years.

Mayor George advised that instead of \$460 the figures are really \$350 annually, which is good news.

Commissioner Kostka advised she understands Mayor George's point of view, but she

disagrees with it. There are several issues that need to be done before moving forward with this, such as the City's Codes and City Charter conflicting with each other and should be cleaned up before we do anything else. She asked the Commission to do a Request for Proposals (RFP) for all the services to see if we are competitive. She listed the three concerns were residential, commercial, and transient rentals and requested the Commission to spend time on policies for transient rentals. She commented that more and more cities are eliminating transient rentals for a variety of reasons.

Mayor George advised that because of state laws the City could not eliminate transient rentals.

Commissioner Kostka commented that she did not know that, but the transient rentals could be tied to the licensing and suggested that transient rental licensing should be more.

Mayor George advised that there is a five percent cap on the increasing business tax receipts according to Florida State Statutes.

Commissioner Kostka agreed that some commercial accounts should have dumpsters instead of cans. She explained that Public Works is picking up eight cans, when there are only two cans allowed per property. She agreed with not counting cans. She asked the Commission whether they wanted to be in the trash collection business, or should the City outsource it. She explained that it would be fiscally irresponsible not look at other options and if the City does want to collect solid waste, there is another option where it could be a bond based on millage. She suggested putting on the tax roll a millage based on waste collection. She felt that solid waste collection could be done less expensive from an outside source or if the City wants the employees to collect the waste, then let's do a good job at collecting it.

Mayor George advised that she agreed that she would like it to be a valorem tax, but the Commission already discussed this, and a vote was decided on a non-ad valorem levy. She explained that because Commissioner Kostka was in the minority, she cannot bring that issue back up under the City's procedures.

Commissioner Samora commented that the Commission has already decided not to outsource solid waste collection.

Commissioner Kostka asked even if it is more money.

Commissioner Samora advised yes, case in point the attorney RFP, no Commissioner said, let's pick the lowest bidder. He explained that he wants quality and sometimes it takes more to get quality. He likes the quality of the Public Works Department and the City having their own employees picking up after a storm. He stated it was a necessary cost.

Mayor George agreed. She explained that Finance Director Douylliez has already presented the information that the Commission would receive from an RFP.

Commissioner Samora commented on insourcing, which Commissioner Rumrell brought up and maybe when the Advanced Disposal contract expires the City could insource the recycling.

Commissioner Kostka advised that there is a clause in Advanced Disposal's contract where the City can terminate.

Mayor George advised that there may be availability, with the proper amount of staff, to include other customers to offset the overhead costs since the tipping fees are only a small

portion of the costs. She calculated the hard costs and included residential, commercial and short-term rentals to give a total annual cost of \$341.95 per customer.

Commissioner Kostka asked if a business changed to a dumpster, would they still be charged a non-ad valorem fee for solid waste.

Finance Director Douylliez advised no. Once the customer shows proof of a dumpster, then they would be taken off the list for minimum collection fees.

Commissioner Kostka advised that one of the conflicts in the ordinance is that multi-use properties that have a dumpster is still being charged a non-ad valorem fee. She continued that if there are multiple units on the properties, the City charges multiple non-ad valorem fees.

Finance Director Douylliez advised that was what is stated in the codes. She explained that if a multi-use building has a residential unit, the owner will be assessed a non-ad valorem fee, even if your business has a dumpster.

Commissioner Rumrell advised that the codes need to be changed and updated. He suggested that all properties be charge an increase of 25% annually, which would be \$39 annually or \$3.00 a month because costs go up each year. He explained that that would be affordable for those on fixed incomes and after four or five years, the City would re-evaluate the costs again. He would like to research the termination clause in Advanced Disposal's contract. He agreed that property owners should not be charged a non-ad valorem fee when they have a dumpster.

Commissioner Samora advised that he would be comfortable in adding in the recycling and seeing what the true costs were in a year. He explained that he doesn't want to hit the residents with the true costs all in one year.

Finance Director Douylliez advised that this resolution tonight is just for the City's intent and the Commission has a few months to decide the cost ranges. She explained that the costs could even go down from year to year.

Commissioner Rumrell would like to move forward with first residential and then commercial.

Commissioner Samora advised that the Tax Collector could separate residential, commercial, and transient rentals.

Vice Mayor England asked if the Tax Collector could delineate the separate categories.

Finance Director Douylliez advised that the Tax Collector can separate categories and different costs; however, the City wants to label the costs for each category.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, advised that he was glad that he came tonight because he believes that the costs should be paid through ad valorem taxes, but he was insulted by a comment Finance Director Douylliez mentioned about more educated people live in larger homes and are more environmentally friendly and asked why the Commission didn't correct her. He stated that he has the almost respect for the Finance Director who gives the best numbers he has seen in years, but it was an insult to the community. He suggested to continue discussing this so more of the community will understand this issue and to start the commercial fees first because they are bringing in

incomes. He asked what figure did the Commission want to raise the 25% increase from because the Commission has been throwing out numbers all night.

Mayor George responded by saying that Finance Director Douylliez did not mean the comment how it came out and that was why she ended the statement that no one knows how much recycling or solid waste will come out of a home of any size.

Mr. Binder advised that he was sure she didn't mean what she said, but the Commission needs more time to review the numbers.

Finance Director Douylliez stated that her initial remark came out wrong and she apologized if it insulted anyone, but she was simply trying to indicate that the home size is not an indication of how much waste they will have.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, said that the Commission has been stealing money for several condos by subsidizing the trash from the General Fund. He asked the Commission to make users pay for their costs.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, suggested to have a Memorandum of Understanding with St. Johns County to bill the solid waste collection fees and if the property owners don't pay, then their garbage would not be picked up and the City would not need a non-ad valorem fee. He agreed with Commissioner Kostka to do an RFP. He agreed with Commissioner Rumrell to cancel Advanced Disposal's contract and have the City recycle insource. He suggested 95-gallon cans for recycling and commented that he would like the voters to decide.

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

Mayor George explained that the details were unclear regarding hard costs and she was concerned about not being clear before moving forward. She commented that there was no clarity on the direction of the transient rentals from the Commission and what kind of increases the Commission wants.

Commissioner Samora advised that most of the Commissioners don't want to count cans.

Mayor George advised that she liked the costs to be based on bedrooms, but the discussion regarding hard costs are different than what she thought originally. She commented that it is a new approach, but she hasn't had time to collect the data.

Vice Mayor England advised that counting bedrooms would not equate because of the number of snowbirds and transient rentals. She explained that there are too many variables for that approach, but the hard costs were more definite.

Mayor George advised that it makes sense, but it is new.

Discussion ensued regarding the resolution includes residential, commercial, and transient rentals; who will pay a non-ad valorem fee if they have a dumpster; and who would be charged according to the resolution and how much.

Mayor George advised that if the same occupant has the multi-use building and uses both, then they should not pay for a non-ad valorem fee, but there are a lot of buildings that rent out the residences on top of the business. The tenant downstairs could tell the tenant upstairs that they cannot use their dumpster because they are paying for.

Vice Mayor George advised that Article 2 on page 34 has the language that the City Manager

by June 1st certifies the list of all properties to the County Tax Collector, which are subject to the special assessment. She explained that the staff can have different fees and it is doable.

Commissioner Kostka asked how a property owner could be charged if they have a dumpster.

Vice Mayor England explained that the Public Works Department would have to get information from each property owner on whether they have a dumpster and then notify Administration of the change.

Mayor George envisioned that there would be a form that the property owner would submit to the City that would say they would be responsible for their own trash collection and disposal and by submitting this form, the property owner will be removed from the Tax Collector's roll for the non-ad valorem tax.

Commissioner Kostka asked if that would include yard waste as well.

The Commission did not have an answer to that question.

Commissioner Rumrell advised that his intention was to separate residential and commercial. He explained whether the City calls taking money out of the General Fund to pay solid waste a subsidy or not, the City is paying for trash collection and people who are not getting the service are still paying their own trash collection and not getting the service, which needs to be corrected.

Mayor George advised that this was in the code when all the condos were built, and the owners accepted it. This was well known and if they had concerns, they could have said something.

Discussion ensued regarding condos who pay private services for dumpsters do not pay the non-ad valorem tax; clean up being done on the solid waste ordinance; the General Fund is subsidizing the trash collection, but not everyone is benefiting; wanting charges closer to what is being provided; and putting this on every agenda until the commercial side is discussed; and the cost ranges can be decided by March 1st.

Commissioner Samora said that the resolution should be passed tonight.

Finance Director Douylliez advised that the resolution does speak to residential, commercial, and transient rentals.

Vice Mayor England advised that a list is certify every year by June 1st.

Discussion ensued regarding how the non-ad valorem costs could be calculated; increasing it in stages; and calculating the non-ad valorem tax increases over several years.

Motion: to approve Resolution 19-13. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor England. Motion passed 3 to 2, with Commissioner Kostka and Mayor George opposing.

Mayor George stated that staff has asked to increase the per can rate for businesses using the existing billing system starting in February 2020 to \$2.38 per can instead of \$1.76 per can.

Discussion ensued regarding 12 cans per week would qualify a business for a small dumpster; whether seasonal businesses would be calculate the same rate; dumpsters must have enclosure; some businesses don't have room for a dumpster or an enclosure and staff would have to have them go to private hand collection services; having an increase fee for collections over the normal pickup range; the solid waste ordinance on page 27 and 28 sites the

maximum amount of collecting waste for residential and condominiums over six units; and Public Works Director Tredik should start to clean up the solid waste ordinance.

Commissioner Rumrell asked what the City of St. Augustine's hard cost for collection are and if they were subsidizing from their General Fund.

Finance Director Douylliez advised that she could review that further, but that they have the businesses subsidizing the residential costs.

Mayor George objected to the fact that the City has been misleading or disingenuous about subsidizing trash collection at the expense of certain condominium buildings. She explained that this fee was in the code when the property owners bought the condominiums. The secondary benefit is that the Commission brings the revenues closer to the costs, but the costs that are being presented are not hard costs of the service. She explained that the City has a lot of other services that are being funded.

Discussion ensued regarding whether to increase the commercial can fee to \$2.38 on February 1st; residential, commercial and transient unit fees should not be comingled with the City's services and should be taken out of the hard costs.

Commissioner Kostka explained that in the code in Section 10-13, Commercial Waste, part (b) (2), says that if there are more than six cans, the City Manager can tell the owner that they need to get a private collector.

It was the consensus of the Commission to bring this agenda item back next month to discuss more cost details on commercial and transient rentals units and what staff recommends for code changes.

Mayor George moved on to Item 8.

XII. OLD BUSINESS

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

Mayor George introduced Item 8 and advised that City Manager Royle gave a draft of what he felt would be relevant for civility in the meetings. She explained that she would like notice to be given.

Commissioner Samora agreed with it being posted and asked if Resolution 89-5 still is in effect. He then asked City Attorney Wilson if there was any problem with the verbiage.

City Manager Royle advised that Resolution 89-5 is still in effect.

City Attorney Wilson said there was nothing in the resolution that would not be appropriate or unconstitutional. He explained that the enforcement would be the issue. He said if someone is being led out of the room for comments or if a Chair is heavy-handed, then that would be the issue.

Vice Mayor England advised that Option 1 would seem to replace Resolution 89-5 and the short pledge of civility could be listed on the agenda. She also asked about putting it on the speaker cards.

Commissioner Kostka asked to laminate it and place it on the podium as a reminder.

City Manager Royle advised yes.

Discussion ensued regarding encouraging the public not to clap or boo unless it is a spontaneous interruption that does not disrupt the meeting.

Mayor George requested Options 1, 9, and the first sentence of 4 if not all of it would be good to post.

Commissioner Rumrell advised that we are all adults and need to act that way.

Commissioner Kostka said she has seen the civility rules on the wall.

Vice Mayor England said she would hope that that would not be necessary.

Mayor George advised that the Commission doesn't have to do anything, but she was just suggesting it if the Commission wanted it.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to have staff sign a civility pledge. He explained that Mayor George's initial proposal of civility was unconstitutional and then she withdrew it. He said that Mayor George does not enforce uniformity when it comes to civility.

Mayor George closed the Public Comments section and she said that she uniformly struck the gavel on booing or clapping that was not an excited utterance. She explained that many members of the public felt that she was consistent.

Commissioner Samora asked to put the pledge of civility on the speaker cards.

Mayor George advised that she liked Lincoln's quote and would like to include it. She asked if the Commission would like to give a civility pledge to the residents. She suggested putting the verbiage on the agendas and the speaker cards.

It was the consensus of the Commission to add the civility pledge to the speaker cards and the agendas.

Mayor George moved on to Item 9.

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

Mayor George introduced Item 9 and asked Building Official Law for a staff report.

Building Official Law advised the setbacks are not included in this draft and explained the proposed changes to the Commission.

Mayor George asked if the language on paragraph A regarding the trellis should be increased to the height.

Building Official Law suggested getting rid of that language and just say "not to exceed the height of the primary structure" and the same thing on paragraph B.

After discussion, the Commission agreed to paragraph A and B suggested language changes proposed by Building Official Law.

Discussion ensued regarding the calculations for Impervious Surfaces Ratio (ISR) regarding a pool or pool decking in the City's Low Density District.

Mayor George asked Building Official Law if the property owners would automatically

receive 465 square feet without any consideration of the ISR.

Building Official Law said only for a pool and pool decking; however, if the property owner wanted a larger pool, they could take away from the driveway to meet the ISR.

Mayor George asked how they calculate the pool decking.

Building Official Law advised that it is shown on the drawings with the pool. He advised that the Comprehensive Planning and Zoning Board did recommend decreasing low density ISR to 50% and this would be more restrictive than what they recommended.

Discussion ensued regarding whether the Commission would need an annual building report; what items the new building system can track; whether the City tracks flood damage; and whether the new system started tracking this year or was previous years inputted.

It was the consensus of the Commission that an annual report would not have to be done for the Commission, but if the Commission wants any report that the Building Department is tracking, he would be able to supply it to them.

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

Building Official Law asked if the Commission would direct City Attorney Wilson to update this ordinance and bring it back to the Commission on January 6, 2020, regular Commission meeting.

Mayor George advised that on the conditional use permits the City should track how many were granted, have better controls in the code on how many transient rentals are being built on commercial lots, whether the City needs restrictive language or criteria that gives the Commission more protection if the Commission turns down an application for residential structures being built on commercial lots. She asked City Attorney Wilson if a numbered cap could be put on residential structures on commercial lots.

Building Official Law advised that the Building Department can do reports on conditional use permits that are single-family structures and outside food consumption or seating, and list when the expiration dates will be so the property owner could be called to renew their conditional use permit. He explained that the Commission will be able to make better decisions, if they have more information.

Vice Mayor England suggested having a workshop to discuss where residential lots could be considered on A1A Beach Boulevard or where commercial lots should be maintained as commercial. She would like to have clear criteria that the Commission can follow in order to protect the Commission if any are denied.

Building Official Law commented that he can research all the vacate properties on St. Johns County GIS system that are zoned commercial and can get that to the Commission.

Vice Mayor England asked to bring the setback issue regarding small lots back to the Commission for a future agenda.

Building Official Law advised that his recommendation would be that the 50 x 73 size lots would have 7.5 feet setbacks for more flexibility. He explained that rear setbacks should be 20 feet City wide because it gives the designers more flexibility to move the house around trees.

Vice Mayor England advised that the property owner would still have to go for a variance in order to save trees.

Building Official Law advised that there is a flexible setback that the property owner can go to the Comprehensive Planning and Zoning Board for a variance at no charge in order to save trees.

Commissioner Kostka agreed with a workshop and requested to discuss transient rentals at the same time.

Mayor George asked City Manager Royle to include it in his memo and when to consider this to come back up to the Commission.

Commissioner Samora suggested a joint workshop with the Comprehensive Planning and Zoning Board on these items.

Building Official Law advised that the mixed-use district is not defined in the Comprehensive Plan and he would have to define it anyways. He explained that the Vision Plan may have discussed it, but he would like the Boulevard from Pope Road to F Street. He advised that he will start working on that to bring back to the Commission in February and it will be on both sides of A1A Beach Boulevard.

Mayor George asked by defining the mixed-use district, what would it do to those lots.

Building Official Law advised the mixed-use district has its own set of codes. He explained that a mixed-use property could be a residential house in a commercial sector or a business in a commercial sector or a business and residence in a commercial sector, so it has its own set of rules. The construction of any single-family residence, regardless of what the mixed-use requirements say, still needs a conditional use permit in the commercial sector.

Mayor George asked if it would apply to the overlay district and advised that it could be done several ways depending on what the property owner wants to accomplish.

Building Official Law advised yes. The Overlay District proposes a more pedestrian friendly front. He explained that the concept is good but was never finished.

Vice Mayor England said that it sounds like the Commission wants to update the Vision Plan.

Building Official Law advised that he will bring information back to the Commission in February 2020.

Mayor George opened the Public Comments section. Being none, Mayor George closed the Public Comments section.

Mayor George requested City Attorney Wilson to prepare a proposed ordinance and bring back in January 2020.

Mayor George moved on to Item 13.

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

This Item 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)

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

XIII. NEW BUSINESS

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

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

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

Mayor George introduced Item 13 and explained that the Commission could make verbal nominations.

City Attorney Wilson advised that was correct and there is no need to have a second when there are no other nominations. He explained that it could be done by tally sheets or verbal for the vote.

Mayor George said that it has been a real honor to serve as Mayor and was extremely happy that we have this wonderful Commission. She congratulated all the Commissioners, including herself, because this Commission is a great group. She commented that Commissioner Rumrell has added a nice element to the Commission and remarked that the Commission doesn't get enough praise, but was a joy serving as Mayor for the last two years.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked Mayor George for service and suggest Vice Mayor England as Mayor and Commissioner Kostka as Vice Mayor. He explained that he has been impressed with their civility, their willingness to hear about problems, and their willingness to change their minds.

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, agreed with Mr. Slavin and is looking forward to Margaret England being the Mayor because she is smart, thorough, elegant, and is a classy person. He suggested Commissioner Kostka as Vice Mayor, but if she didn't want it, any of the gentlemen would do just fine. He advised that he feels everything in the City is worth doing well and the City has an incredible City Manager and staff because of the City Manager.

Mayor George closed the Public Comments section and asked for nominations.

Commissioner Kostka advised that the Commission has a lot of tidying up to do in City policies and ordinances to continue going in the right direction for our citizens. She explained that it takes a strong individual with a business mind to accomplished this, so she nominated Donald Samora as Mayor.

Mayor George nominated Vice Mayor England not because she didn't think that Commissioner Samora would do a great job, but because Vice Mayor England is very well qualified and there is no reason to deviate from the seniority procedure unless there is a reason to do so or if Vice Mayor England didn't want to serve.

Vice Mayor England advised that she has turned the Mayor position down in the past but felt that she is ready to do her best now.

Mayor George asked for any other nominations. Being none, the Commission agreed to write ballots for their vote.

City Clerk Raddatz and City Attorney Wilson counted the ballots (Exhibits 14 – 18).

City Clerk Raddatz congratulated Margaret England as Mayor.

Mayor George then opened nominations for Vice Mayor.

Mayor George nominated Maggie Kostka.

Commissioner Kostka advised that she would be honored to accept.

Vice Mayor England nominated Donald Samora for Vice Mayor.

Commissioner Samora thanked Vice Mayor England.

City Clerk Raddatz and City Attorney Wilson tallied the votes (Exhibit 19-23).

City Clerk Raddatz congratulated Maggie Kostka as Vice Mayor.

Mayor George congratulated the new Mayor and Vice Mayor and advised that the Commission was great and looked forward to the change.

City Manager Royle reminded Mayor George that her term did not end until January 1, 2020.

Mayor George moved on to Item XIV.

XIV. STAFF COMMENTS

Mayor George introduced Item XIV and asked City Manager Royle for any comments.

City Manager Royle advised since St. Johns County has said no to paid parking, does the Commission want to revisit the topic in a couple of months.

Mayor George advised that she would like to bring it back in March.

The Commission agreed.

City Manager Royle commented that Public Works Director Tredik did a wonderful presentation at the St. Johns County Legislation meeting and that he and Public Works Director Tredik also went to the Port and Waterway meeting and requested funding for beach walkovers. He advised that they did not give them an overwhelming acceptance, but they will go back.

Building Official Law had no comments.

Public Works Director Tredik had no comments.

Vice Mayor England asked what he is doing regarding parking on the sidewalk on Mickler Boulevard.

Public Works Director Tredik advised that he is still looking into that. He explained that Tom Large is designing a conceptual plan and will be talking to SEPAC about it. He commented that if there is an agreement on the appropriate types of plants, he will bring it back to the Commission with what is being proposed.

Police Chief Hardwick thanked Mayor George for the last two years. He explained that he has had some candid disagreements over the years but appreciates Mayor George's commitment to the citizens of the City of St. Augustine Beach. He welcomed Mayor England and Vice Mayor Kostka in the coming year and said he looks forward to working with them.

Finance Director Douylliez advised she had no comments.

City Clerk Raddatz wished the residents, Commission, and the tourists in the City of St. Augustine Beach happy holidays and congratulated upcoming Mayor Margaret England and Vice Mayor Maggie Kostka.

City Attorney Wilson wished everyone a Merry Christmas and congratulations Mayor England and Vice Mayor Kostka. He advised that having women Mayors and Vice Mayors for the last two years has not happened in the history of the City before.

Mayor George wished everyone a Merry Christmas, Happy Hannukah, and a Happy New Year.

XV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

Motion: to adjourn. **Moved by** Mayor George, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George adjourned the meeting at 9:10 p.m.

Undine C. George, Mayor

ATTEST:

City Clerk