



MINUTES

REGULAR CITY COMMISSION MEETING MONDAY, JANUARY 6, 2020 AT 6:00 P.M.

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

NOTICE TO THE PUBLIC

THE CITY COMMISSION HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE COMMISSION UNDER "PUBLIC COMMENTS."

RULES OF CIVILITY FOR PUBLIC PARTICIPATION

1. The goal of Commission meetings is to accomplish the public's business in an environment that encourages a fair discussion and exchange of ideas without fear of personal attacks.
2. Anger, rudeness, ridicule, impatience and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
3. When persons refuse to abide by reasonable rules of civility and decorum, or ignore repeated requests by the Mayor to finish their remarks within the time limit adopted by the City Commission, and/or who make threats of physical violence shall be removed from the meeting room by law enforcement officers, either at the Mayor's request or by an affirmative vote of a majority of the sitting Commissioners.

"Politeness costs so little." – ABRAHAM LINCOLN

I. CALL TO ORDER

Mayor England called the meeting to order at 6:02 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. SWEARING IN OF MAYOR AND VICE MAYOR FOR 2020

City Attorney Wilson swore in Margaret England as Mayor and Margaret Kostka as Vice Mayor for 2020.

Mayor England welcomed the audience. She commented that she was so grateful for the trust in her to act as Mayor of the City of St. Augustine Beach and remarked that she has worked with the City residents, staff, and other governmental agencies since the 2000's and was looking forward to what can be accomplished in 2020. She remarked that it will be a great year.

Vice Mayor Kostka explained that she is overwhelmed with pride to represent the City and it is an honor and a privilege. She advised that it is going to be a fabulous year and the City can accomplish great things.

IV. ROLL CALL

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

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

V. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON DECEMBER 2, 2019 AND CONTINUATION MEETING OF REGULAR COMMISSION MEETING ON DECEMBER 3, 2019

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

Motion: to approve Regular Commission meeting on December 2, 2019, and continuation meeting of Regular Commission meeting on December 3, 2019. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

VI. ADDITIONS OR DELETIONS OF THE AGENDA

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

Commissioner George asked to add an agenda item regarding the Communications and Events Coordinator's position due to Cindy Walker resigning.

After discussion, Mayor England advised that this would be added to Commissioner Comments as Item X.

VII. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England advised that Item X, Commissioner Comments, to after Item XIII, Old Business. She advised that also in Commissioner Comments the Commission could discuss agency assignments.

VIII. PRESENTATIONS

None.

IX. PUBLIC COMMENTS

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

Sonia Kulak, 114 15th Street, St. Augustine Beach, FL, asked about the height of the hotel under construction on 13th Street and A1A Beach Boulevard.

Building Official Law advised that he has had the plans changed to lower the roof trusses in order to bring it into compliance.

Thomas Thebo, Jr., 3915 Genessee, Kansas City, MO, explained that the Police Department does not hold true to factors in certain situations; felt that people cause problems when there is no problem; and suggested building up instead of destroying the environment.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, congratulated the Mayor England and Vice Mayor Kostka; discussed Integrity Florida report about pre-emption regarding Home Rule; against lobbying groups who fight against Home Rule such as straw bans; and requested a joint meeting with St. Johns County, the City of St. Augustine, and the City of St. Augustine Beach to discuss reinserting and protecting Home Rule and maybe to amend the Florida Constitution.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, congratulated the Mayor and Vice Mayor and then gave the Commission Exhibit 1 regarding sea level rise. He explained that climate change is a major source of sea level rise and he asked for funding to hire experts in this field to combat sea level rise and asked everyone to try to reduce their carbon footprint.

Mayor England asked Mr. Thomson to give information to City Clerk Raddatz so she could disseminate the information to the Commission.

Nicholas Binder, 232 Big Magnolia Street, St. Augustine Beach, FL, congratulated the Mayor and the Vice Mayor; advised that now there will be three female Mayors, which is important; asked the Commission to consider having a joint meeting with St. Johns County and the City of St. Augustine; he thanked Finance Director Douylliez for the finance report; he supports the lighting on A1A Beach Boulevard; and asked the Commission to consider the rubberized surface for Splash Park.

Mayor England closed the Public Comments section and moved on to Item 1.

X. COMMISSIONER COMMENTS

This item will be discussed on January 14, 2020, at 6:00 p.m.

XI. PUBLIC HEARINGS

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

Mayor England introduced Item 1 and asked Ms. Janis Fleet to the podium to give her report.

Ms. Fleet explained the responses from Florida Department of Economic Opportunity (DEO) to the Commission. She advised that she did formatting to keep the objectives and the policies together on the same page. She explained that this must be passed by ordinance, which is attached, and this is the final reading. She commented that the Commission within the ordinance will adopt the maps of the Comprehensive Plan. She explained that once the ordinance has been adopted it will be sent to DEO and then the City would be in compliance.

Mayor England opened the Public Hearing. The following addressed the Commission:

Craig Thomson, 6 D Street, St. Augustine Beach, FL, thanked Ms. Fleet for her work on more depth to sea level rise and asked if the map shows two-foot, four-foot, and six-foot of flooding.

Ms. Fleet advised that the sea level rise map shows six-foot sea-level rise. She explained that the City is threaten by hurricanes, flooding, and storm surge, which the maps show.

Mr. Thomson advised that this is new information and asked if it would be the City's responsibility to fix the infrastructure if any of these elements happen.

Ms. Fleet advised if there would be a major storm, redevelopment would be different. She explained that this was not previously addressed, but now is.

Commissioner George asked if any ordinance should be changed once this ordinance is adopted.

Ms. Fleet said yes. She explained that the Comprehensive Plan says that a Climate Action Plan needs to be developed and best practices regarding redevelopment.

Commissioner George requested Ms. Fleet to provide a checklist of those specific items for staff.

Ms. Fleet advised that she would. She explained that she would still like to work with the City on a part-time basis now that the big project is behind us.

Mayor England requested to have a clean copy of the Comprehensive Plan in every Commissioners and Comprehensive Planning and Zoning Board members mailboxes so staff and the Commission can start working on the Comprehensive Plan.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked the Commission for working on this and advised that it would be helpful to the environment; requested that the City encourage coastal armory, which includes the growing of mangrove trees; and made comments of area flooding problems in 30 different St. Johns County developments.

Thomas Thebo, Jr., 3915 Genessee, Kansas City, MO, showed his ideas on a community learning center, Exhibit 2.

Mayor England closed the Public Hearing and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of Ordinance 19-17.

City Attorney Wilson read the title of Ordinance 19-17.

Mayor England asked for a motion.

Motion: to approve Ordinance 19-17. **Moved by** Commissioner George, **Seconded by** Mayor England. Motion passed unanimously.

2. Embassy Suites Hotel, 300 A1A Beach Boulevard: Request for Approval of Final Development Plan for Phase II (42 Additional Rooms) (Presenter: Brian Law, Building Official)

Mayor England introduced Item 2 and asked Building Official Law to the podium to give his report.

Building Official Law reported that this is a lateral addition to the north side of the facility of 42 rooms and includes a parapet on the roof. He explained that the parking is shown on the plans.

Vice Mayor Kostka advised that at a previous Commission meeting the applicant was asked if there would be a Phase II and the Commission was told that there was no Phase II. She asked Building Official Law on what feedback he has on that issue.

Building Official Law advised that at the time there was no conceptual plans or submittals for Phase II. He gave the Commission Exhibit 3 to review, which shows that it was on the original final development order that Phase II would be addressed in 2020.

Vice Mayor Kostka asked if the current parking is regulated by the number of rooms or is it regulated by the number of rooms plus the meeting space, banquet facilities, restaurants, etc.

Building Official Law advised that when the Embassy Suites began their development, the parking codes did not address the meeting room facilities, only the 1.15 parking spaces per room, which Embassy Suites complied with. He explained that staff could not hold Embassy Suites accountable for more than was permitted by the letter of the law at that time. He explained that currently Embassy Suites is proposing 42 rooms, which is 1.15 parking spaces per room.

Mayor England asked City Attorney Wilson to address the parking interpretation.

City Attorney Wilson advised that the interpretation is correct because all Embassy Suites is doing is adding rooms. He explained that the facilities were built under the old code, not the current code, and advised that the Commission cannot ask for more parking spaces for a facility that is not being built.

Commissioner George asked what the current requirements would be to bring Embassy Suites into compliance with the new codes.

Building Official Law advised that an approximate estimate would be 100 parking spaces if all the facilities would be accounted for. He explained that that was why the codes were changed in 2018 so this would not continue to happen. He explained the definitions of ancillary banquet rooms, meeting room facilities in the codes. He commented that he could search other jurisdictions to see what definitions and parking space would be for assembly space and amend the code. He advised that the code could also go by seating criteria or occupants.

Vice Mayor Kostka advised that when Embassy Suites was considered, retail shops were in the code.

Building Official Law advised that he was not employed at the City in 2015, so he could not address that. He explained that the changes in the code when he came was the changes to the assembly areas.

Vice Mayor Kostka asked why Embassy Suites was not considered for parking for their retail shop, restaurant, meeting space, which would have been considered if they were built on separate properties.

Building Official Law advised that he does not know because he was not employed here at the time but that has been changed since he was employed at the City.

Mayor England advised that the current codes would address the parking going forward.

Commissioner Rumrell asked if parking codes includes staffing for Embassy Suites and asked where the staff can park.

Building Official Law advised no, but maybe the Commission would want staff to research it to include minimum staffing parking requirements.

Commissioner George asked if the City is obligated to expand Embassy Suites when it no longer conforms to the City's codes.

Building Official Law advised that he stands 100% behind the codes because Embassy Suites is applying for 42 rooms and the building was compliant at the time of the codes.

City Attorney Wilson explained that parking studies are done by planners who formulate the number of parking spaces that are required, and all municipalities, counties, state, and federal agencies adopt them. He explained that if you include every person to have a parking space, no hotels would be done. He commented that this is not a non-conforming structure and does not see how he can apply additional parking requirements for the existing spaces that were already built as part of the original hotel under the existing codes then.

Commissioner George advised that isn't it obvious that with the increasing number of rooms comes the increasing number of non-hotel guests and visitors who would use those amenities.

City Attorney Wilson advised that it is not in the City's code and he wouldn't know how to get there from here legally. He explained that since Embassy Suites is only asking to develop 42 rooms and no other facilities, the City's code must follow what is being built.

Commissioner George asked what the definition of a room is because some of the rooms are suites and can be housing two families.

Building Official Law advised that it is based on rooms according to the code and has no other choice. He commented that Chapter 2 of the Land Development Regulations has no definition of a room. He explained that if the Commission wants staff to research the definitions of suites, staff can do so with the Commission's direction.

Commissioner George asked how many bedrooms or square footage of the rooms will be in the additional 42 rooms.

Building Official Law advised that they are the same rooms they used during construction. He explained that on the corner oceanside there are some large suites.

Mayor England requested staff to research what the definitions of rooms and additional facilities would be for future renovations on hotels, restaurants, etc.

Building Official Law advised that he would research the surrounding jurisdictions and see what they say.

Commissioner Rumrell asked where the staff for Embassy Suites will park.

Building Official Law advised that the codes don't address that. He said during the construction the Commission could address construction workers having to park offsite, if they so choose.

Mayor England advised in the past during Embassy Suites construction, the construction workers parked at the Marriott.

Commissioner Samora advised that there are nine conditions that the applicant addressed, but can the Commission add others like having the construction workers park offsite and not to use public parking. He also asked if a condition could be added that construction cannot inhibit public access.

City Attorney Wilson advised yes.

Commissioner George asked if the Commission could reduce the five-year timeframe of construction shown on number 7. She explained that it seems too long and suggested one or two years to complete construction.

Building Official Law advised that one or two years would be impossible because of the permitting process.

Discussion ensued regarding the County and the City having problems with applicants applying for development orders and not doing the construction right away; whether to make a requirement to break ground within two years; taking Embassy Suites a few months to get through the Department of Environmental Protection (DEP) permitting process; asking the applicants when they want to start the process; and what the process is regarding an extension on the timeframe of construction; whether the measurement on Page 20 was pre or post development of Phase I; the splash park being part of Phase II plans; however, it has nothing to do with the splash park; buffering of landscaping plans on public rights-of-ways; and use landscaping that will be a screen all year long.

Public Works Director Tredik advised that his memo stated that he wanted to see the drainage calculations. He explained that Embassy Suites does not have a dedicated pedestrian

connection to the sidewalk on A1A Beach Boulevard. He commented that he would like to have a connection to Salt Life but cannot force Embassy Suites to do that.

Mayor England asked who makes sure that the stormwater drainage is correct so there is no negative impact to the neighbors.

Public Works Director Tredik advised himself and the Building Official.

Building Official Law advised that he sends the plans to all the governmental agencies involved in the building process as a development review process. He explained that he asked St. Johns County if the City could paint a crosswalk on the southernly point of entry of the hotel and they advised that they would go out and check to see if it would be possible.

Mayor England asked how the Commission makes sure that there are safe crosswalks if the Commission cannot put it in the development order.

Building Official Law advised that it would require St. Johns County Road and Bridge Department to approve it. There is nothing the City can do to enforce a crosswalk on a county road. He explained that there are rules on how close crosswalks can be. He said that we can ask again.

Public Works Director Tredik advised that this crosswalk connection would be less than 400 feet, which is required.

Commissioner George advised that at the Marriott the Commission agreed to leave it up to them and currently nothing has been done and it has become a major safety issue. She requested that Embassy Suites get an alternate solution to fix the safety concerns in the development order.

Building Official Law advised that there could be signage put up for safety issues to use the crosswalk on Pope Road.

Commissioner George suggested that the proposed sidewalk be designed differently.

Commissioner Rumrell asked Police Chief Hardwick for his knowledge on this issue.

Police Chief Hardwick advised that he works with the Florida Department of Transportation (FDOT) on this type of issue. He mentioned that if there are too many crosswalks, it can be more convoluted and does more harm than good.

Commissioner Rumrell asked if it would be possible to move the crosswalk further north.

Police Chief Hardwick explained that the road is owned by St. Johns County Road and Bridge Department and they rely on FDOT engineers to see what the best option is. He was concerned about changing the better lighting that Florida Power and Light already agreed upon. He explained that in the City's high season there are 13,000 to 14,000 vehicles per day and in the City's low season there are 7,000 or 8,000 vehicles a day.

Building Official Law suggested having two access points, one north of the entrance of Embassy Suites and one south of the entrance.

Public Works Director Tredik advised that the south access point would get more use than the north access point.

Mayor England suggested to have language subject to St. Johns County approval, that way St. Johns County knows what the City is recommending.

City Attorney Wilson advised that he would not put that in the final development order because the City should leave traffic management up to St. Johns County, but could encourage the use of the crosswalk with signage.

Discussion ensued regarding that the signage should be to encourage the use of the crosswalk; signage is not obeyed; signage pollution; pedestrians need to have a sidewalk from the entrances of Embassy Suites; and need a connection to the sidewalk on the north and south side from Embassy Suites entry.

Thomas Ingram, SODL & Ingram, representing Key Beach North, 233 E Bay Street, Suite 1113, Jacksonville, FL, advised that this is a proposal for 42 additional rooms and 49 parking spaces to the existing hotel. He explained that this would be one story lower than the existing hotel and advised that the property is zoned commercial, which is a permitted use. He commented that AAA gave the hotel a four-diamond rating and the Hilton Legacy Award this year. He agreed with the Building Official that the parking should be 1.15 parking spaces per room. He commented that Key Beach North has every intention on building as soon as possible. He advised that a surveyor checked the existing grade, and this was done pre-construction. He advised that the splash pad is not in front of the Commission today and should not impact the Commission's decision on this application. He advised there would be 49 parking spaces, even though there was a typo on the conception plan that said 50. He explained that Key Beach North proposed a crosswalk to St. Johns County to connect to the sidewalk and was asked by St. Johns County not to propose the crosswalk until further review and study could be done. He explained that he added information about the Fire Department request on the north boundary and the landscaping plan was revised to allow for a six-foot wide area for fire access along the north boundary. The entry points to the project were removed. He wanted to confirm with Building Official Law that this project complies with all the codes and if not, he wants to address them.

Commissioner Rumrell was disappointed that Embassy Suites did not open their doors and have renderings for the residents of St. Augustine Beach, who are impacted by this project. He was disappointed in the public relations for Embassy Suites.

Mr. Ingram advised that it is a point taken, but that the Record had this project in the paper and there were several Planning and Zoning Board and Commission meetings about this project. He explained that it was not their intention to hide anything from the residents and it is posted on Embassy Suites' website.

Commissioner Samora asked Mr. Ingram if there would be offsite parking for construction workers and staff and that there would not be any interruption to beach access.

Mr. Ingram advised that he wanted to make sure that the guest experience and the residents have as minimal interruption as possible and he would research for offsite parking for the construction workers but doesn't have details tonight. He said no one likes construction, but on the upside it's temporary and the project is much smaller than the original hotel project.

Commissioner George asked Mr. Ingram if there still enough room for the landscape buffering since they had to have the fire access on the northside of the property.

Mr. Ingram explained that there is enough room for the landscaping to be done and the applicant would comply with the code regarding the buffering.

Mr. Ingram answered Commissioner George that the road elevation has not changed, and the measurements were taken by a surveyor pre-construction of Phase I.

Kristopher Rowley, Zev Cohen & Associates, Inc., 300 Interchange Blvd., Ormond Beach, FL, advised that the measurement was taken at the right-of-way line before development.

Vice Mayor Kostka remarked that she appreciates Embassy Suites success, but does Embassy Suites know the impact it has had on the residents.

Mr. Ingram advised that the hotel industry is a significant contributor to the economy of the City of St. Augustine Beach, just as the restaurants are. Embassy Suites interest, like the City, is to give visitors a great experience and be mindful of the residents as well.

Vice Mayor Kostka advised that the Commission's main concern is to the residents.

Mr. Ingram advised that Embassy Suites has opened their doors to their restaurant, Starbucks, bar, hotel patio area, etc. to the residents and the public. He explained that Embassy Suites has hosted a few community events.

Vice Mayor Kostka commented that the hotel and its guests encroach on the community, such as more people on the beach. She explained that at the time the building permit was issued there were communities to change the building codes and this permit was issued before they could change it, so this happened due to a loophole or in the middle of a process and she was surprised that Embassy Suites would not meet the City in the middle to assist in the parking problem. She advised that Embassy Suites' guests and staff are parking on Pope Road, Pier Park, or other public parking places. The parking spaces at the hotel are not enough for the banquet rooms, meeting room, bar, and Starbucks. She said that if the correct amount of parking spaces were done in 2015, then this would not put the City in this situation now. She commented that she has not had any emails encouraging this addition but have several saying don't approve it. She requested Embassy Suites to come to the middle with the City.

Mr. Ingram advised that this hearing is for this project and where Embassy Suites meets the requirements of the City's code. He explained that after this project the City could research City ratios as they did in Phase I approval and amend the code. He apologized to Vice Mayor Kostka that she was disappointed in the Embassy Suites hotel, but they do try to be a good neighbor to the community and to their guests.

Vice Mayor Kostka said for the record that she is not disappointed in Embassy Suites' hotel, but she was frustrated of what happened along the way and that Embassy Suites won't meet with the City and give more parking spaces.

Mr. Ingram invited the community and guests to come by and see the hotel and wants this hotel to be the best in this region.

Mayor England opened the Public Hearing. The following addressed the Commission:

Sonia Kulak, 114 13th Street, St. Augustine Beach, FL, concerned over the waterslide is still being considered after litigation and asked where the construction materials are being stored.

Building Official Law advised that the construction materials and equipment will be stored on site.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, showed Exhibit 4. He explained that he considers this a non-conforming structure due to the building height and explained the flood threats for the hotel. He requested the Commission to put a condition that if the Commission grants the building in this high hazard area, the City would not assume any liability for providing access to the beach due to sea level rise. He explained that the hotel's stormwater

will fill up with water and sand and flood the neighbors around them. He said these conflicts with the Comprehensive Plan under CC4.4, CC4.4.1, and CC 4.4.2.

Building Official Law advised that the Embassy Suites additional project is not in a high coastal area.

Mayor England advised that Embassy Suites Phase I was under a different code and is not a non-conforming building regarding building height.

City Attorney Wilson agreed. He explained that the building height is not non-conforming because it was built to the codes that were in place at the time.

Giles Cook, 502 F Street, St. Augustine Beach, FL, was concerned about the splash park still in appeal and the only way to satisfy the public is that that would never come up again. He asked to make that a condition of the final development order.

Nicholas Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, said that last month he mentioned about Embassy Suites parking during construction, but all the parking for the existing building is on the north side of the building where the construction will occur, so there will not be enough parking.

Thomas Thebo, Jr., 3915 Genessee, Kansas City MO, advised that a crosswalk to Salt Life would be great.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked to reject the proposal; Embassy Suites lied about Phase II; have the Commission disclose all ex parte communications; wants disclosure of the applicant; not enough parking for all the ancillary areas in Embassy Suites; and staff is not experts.

Mayor England closed the Public Hearing and asked for ex parte communications.

Commissioner George disclosed that she had ex parte communications with City staff; other City representatives that were not members of the Commission, and her spouse.

Mayor England advised she had no ex parte communications.

Commissioner Rumrell had no ex parte communications.

Commissioner Samora had no ex parte communications.

Vice Mayor Kostka had no ex parte communications.

Commissioner George asked if the code addresses where construction workers can park.

Building Official Law advised that the code does not address where construction workers can park during construction.

City Attorney Wilson advised the applicant if he would agree to having their construction workers park offsite in non-public areas.

Mr. Ingram advised that he would provide parking for construction workers and not to disturb our guests or have discord with the City. He will cooperate with the City on parking issues.

Commissioner George asked if Embassy Suites would shut down part of the hotel during construction and if so for how long.

Shawn Gracey, Key International, 898 Brickell Avenue, Miami, FL, advised that part of Phase II will tie into the existing hotel and for safety reasons, that portion of the hotel will be closed.

He will do everything in their power to have offsite parking for the construction workers, but they do not have anything at this time lined up. He explained the project will be phased in.

Commissioner George advised that there is a concern that there will be an increase in the lack of public parking because of this project. She asked Mr. Gracey, if they will start a parking plan on their own initiative other than the parking phase.

Mr. Gracey advised that it is hard to enforce construction workers to not park in public parking or have someone picking workers up. He explained that they will have policies and procedures in place. He explained that the majority of the day the guests are out and that is when the construction workers are working, so it is a balancing act.

Mr. Ingram explained that he would submit a parking plan to Building Official Law.

Commissioner George advised that the City cannot levy a bed tax because the City is a municipality; but there is an opportunity by consent for a hotelier to agree to charge an additional couple of cents per dollar on any overnight guests. She asked if Embassy Suites would be willing to consider on a contractual level with the City.

Mr. Ingram urged Commissioner George ask that question to City Attorney Wilson.

Commissioner George appreciated that Mr. Ingram would not know where his client would agree to that.

Mr. Ingram advised that Commissioner George's intent is to only ask for things that are in the realm of asking. He said respectfully, the City cannot ask people to volunteer to pay additional taxes in exchange for approvals.

Commissioner George advised that Mr. Ingram misunderstood the question. She advised that this is a stand-alone contract with Embassy Suites and is communicating a message because the citizens are asking to find a way to increase revenues to offset the burdens that the City feels expense wise for having all the tourists in the City. Please take this back to the client and get back with the Commission on it.

Commissioner Rumrell asked instead of a crosswalk for Embassy Suites can we ask Embassy Suites to put a flashing light at Pier Park.

City Attorney Wilson advised that it would have to be a voluntary on Embassy Suites' part and the Commission couldn't require that from the code. The County would have to approve any flashing lights because it's their road.

Mayor England discussed a two-phase approach. Phase one is whether the Commission would approve the 42 hotel rooms and phase two would be what conditions the Commission would want to include based on the record and testimony received at this hearing. She said that it seems the application meets the code.

Vice Mayor Kostka asked City Attorney Wilson if the Commission must agree with this just because the Commission can.

City Attorney Wilson advised that the Commission needs to look at whether the evidence and testimony in the record before the Commission tonight supports the contention that this application meets the City's code. He commented that he has not heard any testimony that this project doesn't meet any of the City's codes. We have to go by the City codes as they stand and if there is an objection, the Commission can change the City's code for a future project.

Mayor England advised that if there is no motion to deny the applicant, she would ask for a motion to approve with amendments.

Vice Mayor Kostka advised on page 17 of the book, Number 6, suggested to add "property" to that number so any property damage is done, Embassy Suites would have to repair it.

City Attorney Wilson asked if that would include pipes or sewers.

Vice Mayor Kostka advised yes, any property. She suggested that the new parking area be constructed before the additional 42 units. She requested that there would be no construction on any flood prone area because it is not in a flood plain.

Building Official Law explained that it is in a special flood hazard area, which is AO4 and may have shallow flooding.

Vice Mayor Kostka advised that she would like to make sure that the City is exempt from liability from Embassy Suites building in that area.

Commissioner George advised that she was worried about the vehicles.

City Attorney Wilson advised that the City would have no liability on private owned property so that would not be necessary.

Vice Mayor Kostka advised to not include that language then. She asked to include a parking plan during construction of construction vehicles, workers, and materials and to submit it to the Building Department.

Mayor England advised that she suggested to add a south and north sidewalk connection from Embassy Suites' entrance. She suggested having the completion of the construction to be four years, not five years, and that the permits would have to be obtained within two years from the effective date.

Vice Mayor Kostka asked if penalties could be charged if the project is not done in time.

City Attorney Wilson advised no, because the City does not have a contract with Embassy Suites.

Commissioner George suggested that there would be no obstruction during construction of beach access.

Commissioner Samora suggested language that Embassy Suites maintains the proper requirements for the number of rooms while Embassy Suites remains open, which the City's Code Enforcement Officer would monitor.

City Attorney Wilson advised that Embassy Suites agrees to that since they will be closing rooms during construction.

Building Official Law asked Embassy Suites if they could develop the parking on the south side prior to developing the north side.

Mr. Ingram agreed that Embassy Suites could develop the parking area at the southeast corner of the site as the first phase of construction. He agreed to do the crosswalk on the north side of the entrance to Embassy Suites but would ask that they could put it in the proposed landscape island area.

Commission agreed to Mr. Ingram's requests.

Commissioner Samora suggested adding language that parking for all contractors and sub-contractors shall be provided onsite or offsite on a privately-owned location. City and/or county public parking was not to be utilized or impeded.

Mr. Ingram advised that he would agree to the conditions.

Commissioner George congratulated the hotel on their success and is a beautiful addition to the City. She was grateful that they sponsored the Beach Blast Off event, but when she did the countdown to the fireworks, there were boos and so Embassy Suites needs to work harder on their community relations and more creative ways to help the community.

Commissioner George wanted on the record that the waterslide is not a part of this application and the Commission cannot consider any facts of the waterslide in their decision of this application.

Motion: to approve the Final Development Order 19-02 with the following amendments: Item Number 5 to add language north and south sidewalks; Item Number 6 to add "or property" to the language; Item Number 7 that the development order is effective for "four" years and a permit must be obtain within "two" years; add language that the parking on the southeast corner must be completed before the development on the northside of the property; parking for all contractors and sub-contractors shall be provided onsite or offsite in a privately owned location. County parking shall not be utilized or impeded; and beach access will not be closed or impeded in any way during construction. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell.

Mayor England asked for roll call vote.

City Clerk Raddatz called the vote.

MAYOR ENGLAND	YES
VICE MAYOR KOSTKA	YES
COMMISSIONER GEORGE	NO
COMMISSIONER RUMRELL	YES
COMMISSIONER SAMORA	YES

Motion passes 4 to 1.

Mayor England recessed the meeting at 8:59 p.m. and reconvened the meeting at 9:05 p.m.

XII. CONSENT

None.

XIII. OLD BUSINESS

3. Legal Services: Review of Responses to Commission's Request for Revised Proposals (Presenter: Max Royle, City Manager)

Mayor England introduced Item 3 and asked City Manager Royle for a report.

City Manager Royle reported that the Commission changed the specifications and five attorneys out of the ten attorneys that initial responded agreed to be interviewed at the Special Commission meeting on January 13, 2020 at 6:00 p.m. He explained that he has distributed their responses, and this is for informational purposes only.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, commended the thoroughness of the Commission on selecting attorneys and requested the Boards and Commission do ex parte communications.

Mayor England closed the Public Comments section and asked for Commission discussion. Being none, Mayor England moved forward to Item 4.

4. Solid Waste Collection: Discussion of Cost for Businesses and Transient Rentals (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 4 and asked Public Works Director Tredik for his report.

Public Works Director Tredik showed a PowerPoint presentation, Exhibit 5, to explain options and costs. He recommended that businesses that generate more than ten cans a week have dumpster service because the City loses money serving those clients; require businesses to purchase carts from the City; establish a monthly per cart fee depending on the size of the cart; and establish a pattern of overuse and charge penalties and require more carts to be purchased.

Discussion ensued regarding the City code showing only up to six cans can be picked up per week; costs that the City of St. Augustine and St. Johns County residents pay for solid waste pickups; lowest users would not have a large increase; would have a monthly per cart fee; and any overages would be logged and adjusted.

Mayor England suggested to make a minimum cost for any property so that businesses don't pay less than residents.

Discussion ensued regarding residents only paying \$74 per year including the recycling fee; this item does not include recycling at this time; all business owners get one free recycling bin and if they want more the cost is \$43.20 per bin; business data is available, but the City doesn't have resident data; and the bulk of the costs are getting the truck to each property and spending money on equipment and staff.

City Clerk Raddatz requested the Commission to extend the meeting.

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

Mayor England advised that the Commission agrees to have residents pay a non-ad valorem fee for solid waste collection, even though the Commission has not set the fee yet. Now the Commission must come up with a fair way to increase the commercial and the transient rental fees. She agrees with the proposal for commercial, with more discussion on minimal fee.

Public Works Director Tredik recommended that transient rentals have a minimal size cart of 64 gallons.

Mayor England asked why there is a difference in commercial and transient rentals.

Public Works Director Tredik said they could require the same, but transient rentals sometimes don't meet the deadline for the pickups and worry that animals would get into the cans. He said that he felt businesses don't usually miss pickups like transient units do.

Finance Director Douylliez advised that if a property owner exceeded six cans per week on a regular basis, they need to get a contracted dumpster service. Also, the code states that the property would need an enclosed dumpster.

Discussion ensued regarding whether the City needs to purchase three cart sizes; saving money for businesses who only needed more than a 64 gallon can to have an option of a 32 gallon can; having a fair and equitable option for everyone; businesses having a minimum per property; not charging businesses if they have a dumpster; business units at the same property could decide whether they use one cart or have their own carts; and businesses need to show a contract if they are not getting service from the City.

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

Sonia Kulyk, 114 13th Street, St. Augustine Beach, FL, appreciated the Commission working on this and asked if the Commission could work backwards starting with the shortfall to see what the fee should be.

It was requested from the Commission to have Finance Director Douylliez the impact on the budget and Public Works Director Tredik would bring back an ordinance with changes to the City's code to accomplish his proposal.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Ms. Kulyk.

Mayor England move to adjournment.

5. Additional Streetlight: Request for Approval of Two Agreements with Florida Power and Light (Presenter: Bill Tredik, Public Works Director)

This item will be discussed at on Monday, January 13, 2020.

6. Ordinance 20-01, First Reading: Restricting Shared Mobility Devices in Certain Areas and on Sidewalks (Presenter: Jim Wilson, City Attorney)

This item will be discussed at on Monday, January 13, 2020.

7. Ordinance 20-02, First Reading: to Adopt Changes to the Land Development Regulations (Presenter: Brian Law, Building Official)

This item will be discussed at on Monday, January 13, 2020.

8. Strategic Plan: Review of Draft (Presenter: Max Royle, City Manager)

This item will be discussed at on Monday, January 13, 2020.

9. Police Chief and City Manager: Review of Annual Performance Evaluations by Mayor and Commissioners (Presenter: Margaret England, Mayor)

This item will be discussed at on Monday, January 13, 2020.

XIV. NEW BUSINESS

10. St. Augustine Port, Waterway and Beach Commission: Request for City to Video Its Meetings (Presenter: Anthony Johns, IT Manager)

This item will be discussed at on Monday, January 13, 2020.

11. Ordinance 20-03, First Reading: to Adopt the School Board's Five-Year District Facilities Workplan (Presenter: Max Royle, City Manager)

This item will be discussed at on Monday, January 13, 2020.

12. 2020 Florida Legislative Session: Proposed Laws and Deciding Whether City Will Have an Official Response to Them (Presenter: Max Royle, City Manager)

This item will be discussed at on Monday, January 13, 2020.

13. Succession Planning for City Manager: Consideration of Proposal (Presenter: Max Royle, City Manager)

This item will be discussed at on Monday, January 13, 2020.

XV. STAFF COMMENTS

This item will be discussed at on Monday, January 13, 2020.

XVI. ADJOURNMENT

Vice Mayor Kostka and Commissioner George could not come to the meeting tomorrow.

Discussion ensued regarding the best date to continue the meeting.

It was the consensus of the Commission to have the continuation of the Regular Commission meeting immediately after the January 13th Special Commission meeting starting at 6:00 p.m.

Mayor England asked for a motion to adjourn.

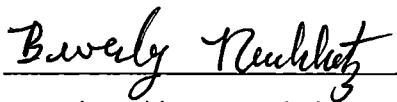
Motion: to continue this Regular Commission meeting until after the Special Commission meeting on January 13, 2020, at 6:00 p.m. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England adjourned the meeting at 10:01 p.m.



Margaret England, Mayor

ATTEST:



Beverly Raddatz, City Clerk