



MINUTES

SPECIAL AND CONTINUATION OF THE REGULAR COMMISSION MEETING MONDAY, JANUARY 13, 2020 AT 6:00 P.M. CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor England call the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

Present: Mayor England, Vice Mayor Kostka, Commissioner George, 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.

Mayor England advised that there was a request to change the order for Attorney Sherar, due to his schedule.

City Manager Royle advised that he requested to be last, due to his schedule, so the Douglas Law Firm would be first.

The Commission agreed.

IV. INTERVIEW OF CANDIDATES FOR POSITION OF CITY ATTORNEY

1. Douglas Law Firm

Attorney Charles Douglas, 1 News Place, St. Augustine, FL, introduced also Lex Taylor from the Douglas Firm. He explained that he would like to be the City's attorney because they have a confident, professional manner and have been the city attorney to many boards and Commissions; He commented that four out of the five attorneys in the firm are residents of St. Johns County and they are local and believe in the team approach so the City would get the benefits of all their talents. He remarked that they are accessible and reachable by phone at any time day or night. He explained that he would come to city hall to meet with staff members or Commissioners on a regular basis in person.

Commissioner Samora asked what cities the Douglas Law Firm has represented in the past.

Attorney Douglas explained that he currently represents the Putnam County School Board and their district staff regularly. He commented that they just did a policy on marijuana use and the firm has negotiated with the unions regarding Human Resources matters. He said he has done contract reviews, worked with vendors, etc. He explained that the five attorneys with the firm are not certified in governmental law. He advised that he has served personally

for the Planning and Zoning Board for the City of Palatka but does not hold that position currently.

Attorney Taylor advised that he was a senior legislative aide for Hillsborough County.

Commissioner Rumrell asked why the firm would like to work in St. Augustine Beach.

Attorney Douglas said that St. Augustine Beach is home to the members of his firm and the members of the firm have a passion for where they live and wanted the opportunity to be the city attorney. He explained that he grew up in St. Augustine Beach and went fishing in Crescent Beach his whole childhood. He commented that he went to University of Florida and then went to work for Harrell and Harrell, P.A. in Jacksonville and received a lot of litigation and mediator experience.

Commissioner Rumrell asked if he had any conflict of interest with any lawsuits against the City of St. Augustine Beach.

Attorney Douglas advised that he had no conflicts and he is very familiar with City of St. Augustine Beach matters.

Vice Mayor Kostka appreciated the direct ties to the area, but other applicants have a lot of experience representing other municipalities and asked how the firm would make the Commission comfortable in hiring their firm.

Attorney Douglas advised that he has a team of five lawyers who have a board spectrum of knowledge that they focus on. He explained that if he didn't have the answer, he would have the talent to find out the answer and give competent legal advice. He commented that his firm is competent in Human Resource law, Sunshine Law, Public Records Requests, real estate, zoning matters, and bargaining issues.

Commissioner George asked if the modified terms were acceptable for your firm.

Attorney Douglas advised yes. He explained that the firm would have never intended to charge for mileage in St. Johns County, only out of town, and the terms were acceptable to the firm.

Commissioner George asked if the City would have to pay for the firm to review or get caught up with the City's Charter and land development regulations.

Attorney Douglas advised that the firm would not bill extra for that, the Douglas Firm does not have any conflict of interest and has not represented a developer within the City of St. Augustine Beach. He explained that within St. Johns County he has represented less than five percent of his business with developers.

Mayor England asked who the primary attorney would be, and would that attorney attend the Commission meetings, Planning and Zoning Board meetings and the Code Enforcement Board meetings.

Attorney Douglas advised that he would be the primary attorney and he would attend all the meetings depending on the Commission's desire. He explained that Attorney Taylor would be there and would stand in if needed due to an absence.

Mayor England advised that sometimes there are special commission meetings, workshops, and sometimes commission meetings go over to the next day. She asked if that would be a problem.

Attorney Douglas advised no, it wouldn't, that he would be available. He explained that he has watched several meetings and knows the demand if the Commission accepts their firm.

Mayor England asked about a minimum per month since the bid was a little lower than the monthly retainer the City has asked for.

Attorney Taylor advised that there was an error in their proposal once they spoke to City Attorney Wilson on the hourly commitment. He explained that their firm would rely on some paralegals for some items, but it would not be billed to the Commission and would do administrative work.

City Manager Royle asked what kinds of law does the firm practice.

Attorney Douglas advised that their firm practices general services, from real estate, property matters, state planning, family law, criminal defense matters.

City Manager Royle asked how long their firm has existed in St. Augustine.

Attorney Douglas advised four years and a total of six years.

City Manager Royle asked if the firm would have a problem with any performance standards in the contract, such as when ordinances, resolutions, contracts, etc. would have to be to me by a certain time of the month.

Attorney Douglas advised that would not be a problem.

City Clerk Raddatz asked if they had experience in Human Resource matters.

Attorney Douglas advised yes. The firm has been involved in policies and procedures for the school board, State of Florida Best and Brightest Scholarship funding for teachers as a bonus, time off issues, disciplinary issues, termination hearings, injuries, and litigation issues.

City Clerk Raddatz asked if the firm would do Sunshine Law and Ethics classes for new Commissioners or Planning and Zoning Board members.

Attorney Douglas advised that he would and does now with his clients. He also would do a public records request class for new members.

Police Chief Hardwick advised that his department falls under the Officer Bill of Rights for Police and asked if they have defended anyone under the Officer Bill of Rights.

Attorney Douglas advised no, his firm hasn't. He explained that the firm does a lot with workers' compensation claims but has handled Post Traumatic Stress Disorder (PTSD) in workers' compensation claims for first responders.

Commissioner George asked for the resubmission fees.

City Clerk Raddatz gave the Commission copies of the newly submitted fees from Douglas Law Firm.

Building Official Law asked if his firm would create the ordinances and resolutions for his code items.

Attorney Douglas advised yes; he would have no problem doing ordinances for staff.

Attorney Taylor advised that he did coastal and code ordinances for Hillsborough County.

Public Works Director Tredik asked how their firm would be able to help with contracts when the contractor does not comply with the contract due date or change orders.

Attorney Douglas advised that his firm does a lot of contract law and litigation. He would address the situation as soon as possible and mediate with the contractor to avoid litigation. He would like to draft the contract, so everyone knows what is expected of them and there are no surprises down the line.

Public Works Director Tredik asked Attorney Douglas his familiarity on environmental contracts and how his firm would recommend avoiding pitfalls.

Attorney Douglas advised that their firm would research depending on the need in order to write a contract to avoid litigation.

Mayor England moved on to Item 2.

2. Lewis, Longman & Walker

Mayor England introduced the firm Lewis, Longman & Walker and called them to the podium.

Attorney John Wallace, an attorney with the firm Lewis, Longman & Walker, 245 Riverside Avenue, Suite 510, Jacksonville, FL, advised he represents governmental work, land use, and zoning clients. He has recent experience with St. Johns County in a Bert Harris litigation and represented the City of Gulfport in federal courts for clean water act litigation and assists in general council presentation in the City of Atlantic Beach and the Florida Department of Transportation in administrative litigation. He represented the Florida Department of Agriculture in litigation with expenditures in Florida Forever Funds. He explained that he does represent developers, but not in St. Augustine Beach or St. Johns County.

Mayor England asked why Attorney Wallace applied for St. Augustine Beach.

Attorney Wallace advised that he saw the advertisement and has strong ties to the community because his grandfather was the president for the School for the Deaf and the Blind and his dad was a lifeguard at the beach.

Mayor England explained the type of work and how many hours involved in St. Augustine Beach and asked how Attorney Wallace would be able to handle the number of hours.

Attorney Wallace advised that he is in the office 50 – 60 hours a week, but if he took on additional clients, he would take less work from other offices that he frequently works in Tampa, Tallahassee, etc. He explained that he is familiar with city caseload because he is involved with Atlantic Beach significantly, so he didn't feel that would be an issue.

Mayor England asked how he would ensure that he would get to the meetings on time coming from Jacksonville.

Attorney Wallace advised that he currently represents the Anastasia Mosquito Control District, so he is familiar with the traffic to get here on time.

Commissioner Samora asked who specifically represents Anastasia Mosquito Control District.

Attorney Wallace advised that Attorney Flowers represents them; however, he handles the meetings frequently and the contractual issues for them. He explained that he would be primary for the City of St. Augustine Beach and secondary would be Attorney Wayne Flowers. His goal is to attend all the City's meetings if that was what the Commission desires.

Commissioner Rumrell asked who is certified in his firm.

Attorney Wallace advised that Attorney Flowers is certified in state and local government and administrative law and he is planning on sitting for the exam at the next cycle. He commented

that there are seven to 10 other board-certified state and local government attorneys at the firm. He explained that the firm has worked for Neptune Beach, Green Cove Springs, and the City of Jacksonville on outside council type matters. He remarked that the firm represented the special districts as well.

Commissioner Rumrell asked if the firm had any conflicts of interest.

Attorney Wallace advised no.

Commissioner George asked if the firm would be willing to conduct classes for new board members and Commissioners.

Attorney Wallace advised yes, and he does it routinely for other boards.

Commissioner George asked if the terms were acceptable for their firm.

Attorney Wallace said they were not, which he indicated to City Clerk Raddatz who invited him to interview anyway.

Commissioner George asked if their firm would like to have an hourly rate.

Attorney Wallace advised no, that they would like to come to an agreement with the Commission for a flat fee to a certain number of hours or subset of services and then an hourly rate.

Commissioner George advised that the firm is not prepared for any specific proposal at this time.

Attorney Wallace advised that he would stand on the original proposal of 30 hours at \$6,000 and any additional hours would be \$225 an hour after that and bond representation would be at the price the firm quoted. Also, litigation would be at \$225 an hour. He advised that he would be willing to negotiate on a small reduction, but a flat fee would be too risky for the firm's business model.

Commissioner Rumrell asked if a junior associate could do some of the work, would the firm be willing to use a junior associate to get to the flat fee of 40 hours at \$6,000.

Attorney Wallace advised that would work; however, it would depend on how much work the junior associate would be doing, which might not work. He explained that the firm does not have a junior associate in Jacksonville, so he really didn't believe that would work if a lot of the time would be spent in these meetings, but for other items it may be more feasible.

City Manager Royle asked what type of work the firm did in Green Cove Springs and Neptune Beach.

Attorney Wallace advised that for Green Cove Springs he represented them in annexations and Neptune Beach the firm has represented them in code litigation, but they are not currently representing them.

Police Chief Hardwick asked if he had experience in the Federal Medical Leave Act and Police Bill of Rights.

Attorney Wallace advised that he was not familiar with the labor law, but there is an attorney in the firm that is familiar with them and would represent the City in that case.

Building Official Law asked if the firm would do ordinances and resolutions and send them to the City Manager at the deadline requested and whether he would answer his questions in writing.

Attorney Wallace advised yes, he routinely does ordinances and resolutions and he would answer in writing his legal opinions.

Public Works Director Tredik asked Attorney Wallace's experience in interlocal agreements and whether there would be any conflict of interest if there needed to be an interlocal agreement with the Anastasia Mosquito Control District.

Attorney Wallace advised that both the Anastasia Mosquito Control District and the City would have to waive conflict of interests on both sides, but his firm has handled agreement like those with special districts.

Public Works Director Tredik asked if the firm has experience with any non-ad valorem assessment ordinance and litigation.

Attorney Wallace advised that he never personally defended a stormwater fee but has been involved with litigation over stormwater fees. He gave an example where that the stormwater fees were not covering the costs of maintenance of the aging infrastructure, so the outcome was to go to the state revolving loan program for stormwater and wastewater loans. He explained that as a firm he was sure someone has done that in the past.

City Manager Royle asked if his firm needed outside counsel would there be a separate fee to the City.

Attorney Wallace said yes. The City would have to pay for the other attorney fees; however, he did not feel that his firm would have to go outside to hire another firm to handle the City's business because his firm handles agencies all over Florida.

3. Paul Elkind Branz & Kelton

Attorney Darren Elkind, 142 E New York Avenue, DeLand, FL, thanked the Commission for the opportunity to be considered for this position. He explained that he is board certified in government law and board certified by the Florida Bar and civil trial law. He commented that he has a unique skill set to manage government agencies. He does litigation against the government, but not in St. Johns County. He is the City Attorney for the City of DeLand for many years and invited the Commission to check with them on his skill set. He is responsive and available to his clients including department heads calling his cell phone number and prides himself on giving clear and concise advice. He explained that Attorney Lonnie Groot joined his firm on an as needed basis in order to help with the City of DeLand's work and with some private clients in Volusia County that deal with government. He explained the City of St. Augustine Beach was the right size and Attorney Groot lives in Daytona Beach Shores, so it would be convenient for him to come to the meetings. He commented that representing a coastal community was very exciting. He explained that Attorney Groot would be the primary attorney for the City, and he would be the secondary attorney in his absence. He submitted his proposal at \$175 an hour and though the firm agrees to the revised request with the amendments, he said that he would bill the \$175-hour rate but would do a flat fee up to certain hours per month.

Attorney Groot, 3047 S Atlantic Avenue, Daytona Beach Shores, FL, advised that he likes the drive to our City. He gave history of his service in the Army JAG Corps and the Montana and Florida Legislature. He has represented 13 cities, two counties, the River to Sea PTO, Supervisor of Elections, Seminole State College, General Counsel for the Seminole County

Expressway Authority, and likes to teach college students. He likes to represent coastal communities and he lives in a coastal community, so he knows. He advised that he is board certified as well.

Commissioner Samora asked whether Attorney Groot is serving as City Attorney.

Attorney Groot advised no, but he will be working on the City of DeLand matters with City Attorney Elkind. He explained that he works for the cities of Sanford and Webster. He does ordinances, resolutions, and taking phone calls in the evenings and on weekends. He attended the Planning and Zoning Commission meetings and the Historic Preservation Board meetings for the City of Sanford and substitutes rarely for Attorney Bill Colbert for City Commission meetings. He has been going to the City of Oviedo and by choice left there because there was a swing in the Commission.

Commissioner Samora asked Attorney Groot if he has done any work in a coastal community.

Attorney Groot advised he represented Daytona Beach Shores. He does a little of everything from real estate law, personnel law, Police Officer Bill of Rights, etc. He explained that because the Volusia County Charter gives sole authority over any coastal community in Volusia County regarding coastal matters, so he did not have many issues there.

Commissioner Rumrell asked why St. Johns County.

Attorney Elkind advised that it is far enough away that there would be no conflicts or miss a meeting because he represents a landowner or developer, which he does a lot of. He explained that Attorney Groot is close enough to do the job and it makes sense financially to represent the City.

Commissioner Rumrell asked Attorney Groot's experience.

Attorney Groot gave his background and where he worked.

Attorney Elkind advised he has been practicing law in Volusia County for 25 years. He explained that before the firm saw the City's Request for Proposal, they asked Attorney Groot to join their firm. They both decided that it would be a good fit to represent the City of St. Augustine Beach.

Mayor England asked if they would keep the certain clients because of the number of hours of the meetings and the need for legal advice. She asked how Attorney Groot can meet the City's commitments.

Attorney Groot advised that the only meetings he has now is the Sanford Zoning Board which meets on the third Thursday in the morning and the Historic Preservation Board which conflicts with this City's Code Enforcement Board hearings, but the firm will send another attorney to cover that meeting. He explained that all his evenings are free.

Vice Mayor Kostka asked if the firm has done any work in St. Johns County.

Both attorneys advised that they have not worked in St. Johns County in the last decade or never.

Vice Mayor Kostka asked what the advantageous and disadvantageous of not working in St. Johns County.

Attorney Groot advised that it is good to not live in St. Johns County because then they would not be biased and not affected by the local politics. He wants to focus on the local governing body and the needs of staff.

Attorney Elkind agreed with Attorney Groot's statement.

Vice Mayor Kostka explained that our City does not want to be another Daytona Beach and your firm is from Daytona Beach and Volusia County, so how would your firm represent the City.

Attorney Groot stated the important aspect is planning and explained what happened in Seminole County because they made them plan.

Attorney Elkind explained that they don't make the decisions for the Commission. He advised that their firm will make sure whatever decision that the Commission makes, he would make sure that there is a good record on why the Commission made the decision and they would be able to defend the decision that the Commission made in court by the record.

Mayor England asked Attorney Groot his style regarding representing boards on the findings of facts, etc.

Attorney Groot advised that the first thing to do is training. He explained that the firm is doing a two-and-a-half-hour training on planning judicial procedures and land use law so they would understand what their jobs are as Board members. He explained F.S. 166.033, which says when a development order is denied that the Board must say what the reasons were and the rules that supports the denial. He explained that in litigation the reasons why the Board members voted no is important.

Commissioner George commented that Attorney Groot really seems to love the government law. She advised that the Commission wants the City Attorney to stay with the Commission on their decisions through the whole process. She asked Attorney Groot if his drive would be a concern since the Commission meetings don't get over sometimes until after 10:00 p.m.

Attorney Groot advised that would not be a concern because other municipalities went on until after midnight.

Commissioner George asked about being a deputy county attorney.

Attorney Groot advised number two person.

Police Chief Hardwick asked if he had any experience in military rights.

Attorney Groot advised no. He has never had a city not re-employ a veteran. He advised that he has done all types of ordinances including special district assessments ordinances.

Attorney Elkind explained that he believes in discussing an issue with his client to make sure he has all the facts and then respond to him in writing with what was discussed; otherwise, there could be endless emails that ask questions back and forth.

City Manager Royle asked if Attorney Groot works for the City of DeLand now.

Attorney Groot advised that he has substituted for Attorney Elkind occasionally.

City Manager Royle noticed that the City of DeLand and our City meet on the first Monday of every month. Would that be a problem?

Attorney Elkind advised that Attorney Groot helps in DeLand but he doesn't miss the City of DeLand's meetings so Attorney Groot would be able to attend the meetings in the St. Augustine Beach. Attorney Elkind advised that Attorney Branz would take Attorney Groot's place if he misses a meeting, which were only planned vacations. He advised that there are six attorneys in his firm.

Mayor England asked if Attorney Elkind and Attorney Groot were the only certified government attorneys in the firm.

Attorney Elkind advised yes.

4. Ralf Brooke

Mayor England introduced Attorney Ralf Brooke.

Attorney Ralf Brooke, 1217 E Cape Coral Parkway, Cape Coral, FL, advised that he goes to governments when they need help. He comes from a citizens and public interest background. He represented developers for three years and could not continue because of his beliefs. He represents governments that care. He gave an overview of his background. He worked for Sarasota and was the Assistant County Attorney in Monroe County where he worked on land use and litigation counsel and worked with the zoning staff on reviewing applications and wastewater for the Florida Keys. Worked at the City of St. Augustine on the lighthouse renovations and the City of Marineland on their comprehensive plan and land development codes. He is the City Attorney for Yankeetown, which uses him as needed because they are so small, but he wrote their comprehensive plan and land development regulations. Also works with the City of Captiva Florida near Sanibel. He likes to work with a united Commission and not a divided Commission. He has done interlocal agreements, ordinances, contracts, public works contracts, turtle lighting ordinances, created a personnel manual, worked with police departments on their personnel issues, Charter revisions, sunshine and public records classes, land development codes, lectures, Bert Harris cases, etc. He doesn't have support staff because he likes doing things on his own and works on the road. He comes to town the day before and stays the day after the meeting for action after items. He is certified in city, county, and state law and has been a special magistrate for Bert Harris cases. He advised that if he became ill, he would ask the second-place counsel to fill in for him. He asked the Commission to let him know if they call a special meeting so he could see if he was available.

Mayor England advised that the Commission consults with staff and Commissioners on special meeting dates and times.

Commissioner Samora asked if his primary residence was in Cape Coral and if he had municipal work in that area as well.

Attorney Brooke advised yes, but he does travel statewide and would be here for all the meetings. He explained that he gets a lot of calls from clients all over the state.

Commissioner Samora asked why there is so much development in the City of Madeira Beach, which used to look like the City of St. Augustine Beach.

Attorney Brooke advised that it starts with the Commission and their vision in their comprehensive plan. He commented that the Commission has to say no to the developers with reasons for denial. He suggested to put in the comprehensive plan sea level rise and other provisions that stop what the Commission doesn't want to see in their city. He also suggested putting items in the Charter to stop developers.

Commissioner Rumrell asked why he wanted to apply to St. Augustine Beach and if he had any conflict of interests with local groups.

Attorney Brooke advised that he has been coming to this City for years. He would like to spend time here. He advised that he had no conflict of interests in the City. He explained that he will be here the day before so there would not be any problems with him being on time for the meetings.

Commissioner Rumrell asked if he had any knowledge of the City's trash ordinances.

Attorney Brooke advised yes. He commented that Home Rule is an issue and the Commission will have to fight for the City's rights. He knows Kraig Conn and the Florida League of Cities and there are fights for the cities' rights. He advised that they give local municipalities rights, but then preempt them. He knows how to go against lobbyists in Tallahassee.

Vice Mayor Kostka advised that there is an article from Tampa Bay News, and it talks about the divide of the Commission in Madeira Beach. She asked Attorney Brooke if he hired counsel without Commission approval.

Attorney Brooke advised that the City of Madeira Beach hired an employment attorney before he came to their city when there was an employment issue. There was a newly elected Commissioner who did not like this attorney and said he didn't approve him. He said that his contract is up for renewal now. He explained that the other attorney was paid for by the insurance company, which the insurance company chooses. He advised that there is a way to reject the attorney, but the other Commissioners did not reject him. He commented that this new commissioner has done personal attacks and does not follow the civility codes.

Vice Mayor Kostka remarked that she admires and respects Attorney Brooke's outlook on the environmental sensitivities and especially in our area and across the state.

Attorney Brooke advised that if the City doesn't pick him, he would be willing to help in any way he could on environmental issues.

Commissioner George advised that the City has had an increase of requests for conditional use permits in commercial use districts because there is a limit in medium density.

Attorney Brooke explained that the City should revisit the land development codes to address the issue so that would not happen again. He said there are state preemptions that the Commission should be careful about, but a conditional use permit does not have to be passed if there are justifications.

Commissioner George asked how many other cities Attorney Brooke is representing.

Attorney Brooke advised that he only has Yankeetown on a call-when-needed basis and Madeira Beach, which may not go on past March depending on the Commission voted in.

Commissioner George also agreed with Vice mayor Kostka on Attorney Brooke's environmental sensitivities.

Attorney Brooke commented that he would enjoy working here with a unified Commission.

City Manager Royle explained that Yankeetown meets the first Monday of the month like our City.

Attorney Brooke advised that he can reschedule the meeting with Yankeetown and come to the City of St. Augustine Beach as scheduled. He only attended three meetings last year for Yankeetown.

City Manager Royle asked why he left St. Pete Beach.

Attorney Brooke advised that the Commission changed, and he resigned rather than work for a Commission that didn't want him there.

City Manager Royle asked if Attorney Brooke had an accident what would happen.

Attorney Brooke advised that he would ask the Commission to approve a person to fill in when necessary. He commented that he would suggest the second Commission's choice could fill in. He suggested to the Commission how the method should be on the voting for the candidate.

Mayor England asked if Attorney Brooke has any human resources, police rights, interlocal agreements experience.

Attorney Brooke advised yes and explained his knowledge for both.

Commissioner George asked if Attorney Brooke agreed to the terms.

Attorney Brooke advised yes.

5. Craig Z. Sherar

Mayor England introduced Attorney Craig Sherar.

Attorney Craig Sherar, 147 Pine Tree Road, East Palatka, FL, advised that his depth of government experience was not like the other attorneys. He explained that he has not represented Boards or Commissions, but he is the City Attorney for Pomona Park. He advised that he was a Commissioner of the Town of South Miami and has been a community activist, public defender, was in the army for four years, and a legal aid attorney. He worked for Florida Power and Light and the City of Hollywood Beach, but mostly in construction law, liens, government bonds, and government contracts. He is a solo practitioner and feels that is a strength because he believes in more proactive working with a client instead of reactive working with a client. He explained an example of how he thinks out of the box to help his clients. When talking to a client, he would call the person and discuss the issue and then would confirm the discussion in writing. He refers cases to other attorneys, and he would ask them to fill in.

Commissioner Samora asked if he had an administrative staff.

Attorney Sherar advised yes. He was training one to help while his other staff member is sick. He advised that secretaries are better sometimes than paralegals.

Commissioner Samora asked how long he was a Commissioner.

Attorney Sherar advised that he was a Commissioner for two years. He mostly works as a real estate attorney, so he is very flexible.

Commissioner Rumrell asked why he applied to St. Augustine Beach.

Attorney Sherar advised that it is easy to get to city hall, like the small-town atmosphere, like Pomona Park, and it fills in when Pomona Park does not need him.

Commissioner Rumrell asked if Attorney Sherar agreed with the pricing.

Attorney Sherar advised that he did. He explained that fee arrangements are risky for the attorney for cases. He doesn't like flat fee arrangements, but it can go over the flat rate. He would whether have a cap with the number of hours and charge a dollar rate after the 40 hours.

Commissioner George asked if Attorney Sherar has board-certification in government.

Attorney Sherar advised that he was not board-certified in government.

Commissioner George asked if Attorney Sherar would do Sunshine Law, Ethics, and Public Records Request classes.

Attorney Sherar advised yes.

Commissioner George asked about conflicts of interest.

Attorney Sherar advised no, he was only with legal aid.

City Clerk Raddatz asked what personnel and risk management experience Attorney Sherar has.

Attorney Sherar advised that personnel is limited, and risk management is dated.

Mayor England asked Attorney Sherar experience in police rights.

Attorney Sherar advised that he had no experience but could review it. He is experienced in government contracts and believes in government contract as a conclusion of a contract and should not get change orders.

Public Works Director Tredik asked if Attorney Sherar would be able to draft ordinances.

Attorney Sherar advised yes but would need the City's format.

City Manager Royle asked what the Town Attorney for Pomona Park pays him.

Attorney Sherar advised he gets a flat fee of \$1,000 for one meeting plus four hours of work. Special meetings are \$150 an hour, unless it goes over four hours it is \$200.

City Manager Royle asked if he did real estate deals in the City.

Attorney Sherar advised no.

Mayor England requested to wait until City Attorney Wilson was at the meeting to do the ballot process. She would like to know how the ballots were done for the other selections of City Attorneys in the past. She would like to absorb the information the candidates gave and make sure that the process is being done correctly.

Vice Mayor Kostka thanked the applicants for applying and would like to absorb the information that the candidates gave before deciding.

Commissioner Samora agreed that all the Commissioners need to feel comfortable in the process.

Mayor England moved on to Public Comments.

V. PUBLIC COMMENTS

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

Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL, advised that he loved the process and recommended Ralf Brooke who helped with Fish Island.

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, explained that he has been in state government for over 30 years and attending 15 years of Commission meetings and feels that the Commission needs to feel comfortable with whoever the Commission picks and their styles. He advised that some represented developers which is concerning. He advised that the City is under litigation with Embassy Suites, but accepted a sponsorship for the Beach Blast Off, which he felt

was wrong when the City is in litigation with Embassy Suites. He recommended Paul, Elkind, Branz, and Kelton because the City needs their experience.

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

VI. DISCUSSION OF CANDIDATES AND DECISIONS

Discussion ensued regarding what methodology that were done in the past; whether to use tally sheets; having information sent to the Commission on how the vote was done previously; and using the method that was used in electing a Commissioner.

City Manager Royle suggested to the Commission that they should think about each candidate and how well the candidate would act with them as a Commission. The candidate should have confident, professional, in depth experience that the Commission feels comfortable with.

Mayor England thanked all the candidates for coming tonight and applying.

It was the consensus of the Commission to vote on the item at the continuation of the Special Commission meeting on January 14, 2020 at 6:00 p.m.

AGENDA CONTINUATION OF REGULAR COMMISSION MEETING OF JANUARY 6, 2020 MONDAY, JANUARY 13, 2020

III. OLD BUSINESS

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

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

Public Works Director Tredik reported there are poorly lighted areas on A1A Beach Boulevard and A1A South. He presented a PowerPoint (Exhibit 1). He suggested adding 19 new streetlights in the dark streets recommended by Florida Power and Light (FPL). He explained that there are two agreements for the LED lighting and installation.

Discussion ensued regarding why 7th Street was picked as one to get more lighting; FPL, Police Chief Hardwick, and Commander Ashlock toured for dark lighting from Pope Road to A1A Beach Boulevard; FPL would update lights that should have been done; whether to eliminate streetlights proposed if the Commission would like to do so; during turtle season the lights are turned off; why St. Johns County and the State of Florida not paying for lighting on their roads; the City has interlocal agreement that staff would research further and notify the Commission; Commission not approving the agreement without further research on the interlocal agreements; safety issues and concerns for pedestrians; not delaying the streetlights because of the safety concerns; and having the City Attorney review the interlocal agreement.

City Manager Royle recommended to approve the agreements pending the City Attorney's review.

Public Works Director Tredik advised that he knows that the City is responsible for State Road A1A lights and they will not be installed unless the City does it. He explained that it would take two to three months to install the lights.

Commissioner Rumrell asked if businesses as they redevelop be required to put in new streetlights as well.

Building Official Law advised yes, it's a common practice. He recommended also to have a creation of a sidewalk and lighting in new development where none exists.

Mayor England asked if any grants were applied for regarding turtle lighting.

Public Works Director Tredik advised no.

Discussion ensued regarding amber lighting for turtle lighting; whether the citizens would not like the amber lighting; needing approval from St. Johns County for the turtle lights; whether there is a light that could stay on all the time; FPL is working on a light that could change color part of the year for the turtles; and trying to keep lighting on during turtle season for the safety of the pedestrians.

Police Chief Hardwick was concerned that during turtle season Pier Park goes black and he would like to close it during that time due to safety concerns. He asked if he should contact St. Johns County to have a gate put up or to place signs that Pier Park is closed after sunset. He was concerned that something could happen in the parking lot that would be bad for the City.

The Commission agreed to have staff schedule a meeting with St. Johns County regarding closing Pier Park after sunset.

Public Works Director Tredik advised that when turtle season comes, FPL will have to replace the LED lights to amber lights and then replace them again after the turtle season with LED lights, which will cost the City.

Vice Mayor Kostka explained that in other cities there are poles waist high that are turtle lighting and halfway on the pole it is a directional lighting, so it doesn't interfere with the turtles. This would stop FPL changing out lights.

Public Works Director Tredik advised that it would be part of the conversation with St. Johns County. He would like to do shielding instead of the amber lighting.

Commissioner Rumrell asked Public Works Director Tredik to ask FPL if they would not charge us to change out the amber lights because they do not have the turtle lighting yet.

Public Works Director Tredik advised that he would ask FPL.

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

Nick Binder, 232 Big Magnolia Court, St. Augustine Beach, FL, explained that he supports the lighting on A1A South. He requested that the Commission vote on the agreements for A1A South if they don't want to vote on St. Johns County road right away. It is dangerous for pedestrians in the crosswalks. He asked that Beach Blast Off be part of the discussion tomorrow and advised Cindy Walker did a good job with Beach Blast Off.

Mayor England closed the Public Comments section and ask for Commission discussion.

Vice Mayor Kostka agreed with Mr. Binder that the streetlighting could be done on A1A South and agreed that Pope Road is very dangerous because drivers cannot see people crossing the street at night.

Mayor England made a motion

Motion: to approve the agreements with the following conditions: 1) to verify that St. Augustine Beach must pay for the additional lights; 2) that the City Attorney review the interlocal agreement with St. Johns County and the State of Florida; and 3) that the Public Works Director and Police Chief review the recommendations of FPL and be judicious on the number of lights that is on A1A Beach Boulevard and hold off on the lights that could be converted soon. **Moved by** Mayor England, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Commissioner Samora asked for a clarification on Item 3 of the motion.

Mayor England advised that based on the Commission's discussion, Public Works Director Tredik and Police Chief Hardwick meet and talk about the lights recommended by FPL and take a second review of the need of the number of lights. Where there is adequate lighting, remove the lights recommended by FPL. She also advised lighting that will have to be changed from LED to amber color, don't install, unless FPL agrees not to charge the City for the changing of the light.

Commissioner Samora asked if this should come back to the Commission.

Mayor England advised that she would be willing to let Public Works Director Tredik and Police Chief Hardwick to move forward as they seem fit.

Commissioner George advised that this would only affect those lights on A1A Beach Boulevard and she agreed.

Mayor England asked City Clerk Raddatz for a roll call vote.

MAYOR ENGLAND	Yes
VICE MAYOR KOSTKA	Yes
COMMISSIONER GEORGE	Yes
COMMISSIONER RUMRELL	Yes
COMMISSIONER SAMORA	Yes

Motion passes 5 to 0.

IV. ADJOURNMENT

Mayor George asked for a motion to adjourn.

Motion: to continue the Special Commission meeting and the Regular Commission meeting to January 14, 2020 at 6:00 p.m. **Moved by** Commissioner George, **Seconded by** Mayor England. Motion passed unanimously.

Mayor George adjourned the meeting at 9:18 p.m.



Margaret England, Mayor

ATTEST:



Beverly Raddatz, City Clerk