



## **MINUTES**

### **CONTINUATION OF THE SPECIAL AND REGULAR COMMISSION MEETINGS**

**TUESDAY, JANUARY 14th, 2020 AT 6:00 P.M.**

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

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#### **I. CALL TO ORDER**

Mayor 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 announced that Richard Gray's family, an employee with the City, lost his son in an accident and sent the Commission's heartfelt condolences to the family. She also said that there are several employees sick and wished them a quick recovery.

### **AGENDA**

#### **CONTINUATION OF SPECIAL COMMISSION MEETING OF MONDAY, JANUARY 13, 2020 TUESDAY, JANUARY 14, 2020**

#### **IV. DISCUSSION OF CANDIDATES AND DECISIONS**

Mayor England explained the previous processes for selecting City Attorneys that City Manager Royle sent to the Commission.

Commissioner George advised that she has narrowed the candidates down.

Commissioner Rumrell explained that he was prepared to select a City Attorney.

Mayor England researched the applicants and pointed out that the firm Lewis, Longman & Walker is a lobbyist firm and one of their clients is Airbnb.

Commissioner George suggested circling the top two candidates by each Commissioner and City Attorney Wilson and City Clerk Raddatz would tally the votes.

City Clerk Raddatz announced that the two top candidates were Paul, Elkind, Branz & Kelton and Attorney Ralf Brooke. (Exhibit 1).

Discussion ensued regarding the candidates being so qualified; Ralf Brooke not having a plan if he cannot make the meetings; and location and backup being a determination in the selection.

Mayor England asked for another tally selecting the Commission's top candidate.

City Clerk Raddatz announced that Paul, Elkind, Branz & Kelton was unanimously selected by the Commission.

Mayor England congratulated Attorney Elkind and Attorney Groot on being selected. She asked if City Attorney Wilson would do the contract to bring back to the Commission.

City Attorney Wilson advised yes.

Mayor England asked for a motion.

**Motion:** to proceed with entering into a contract as reflected in the amended response to Response for Request # 19-07 with the law firm Paul, Elkind, Branz and Kelton P.A. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England thanked all the candidates for their time and great information they presented.

Commissioner George thanked Jim Wilson for his service to the City.

City Attorney Wilson advised that Attorney Lonnie Groot has been involved in the Municipal Attorneys Association and has been one of the standout attorneys in the state. He is well known and is a good attorney. He thanked the Commission and said it has been a pleasure working for the Commission and it has been fun working for the City.

Mayor England thanked City Attorney Wilson for his service.

**AGENDA**  
**CONTINUATION OF REGULAR MEETING OF**  
**REGULAR COMMISSION MEETING OF JANUARY 6, 2020**  
**TUESDAY, JANUARY 14, 2020**

**V. OLD BUSINESS**

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

Mayor England introduced Item 6 and asked City Attorney Wilson for his report.

City Attorney Wilson reported that the Commission requested an ordinance to prohibit shared mobility devices to keep them from being left on the City's sidewalks. He explained that the City can prohibit that kind of business but can't prohibit private use of mobility devices. He commented that these devices are starting to become more common. He tried to keep the devices off the sidewalks but cannot prohibit the devices within the City. He then read the title of Ordinance 20-01.

Mayor England advised that on pages 3 and 7 "Beach" needs to be added to St. Augustine, the numbering of the ordinance pages needs to be changed and the sections skip from 66 to 69.

City Attorney Wilson advised that the pages got switched, but the sections are correct.

Commissioner Samora asked if bicycles should also be on the sidewalks.

City Attorney Wilson advised that bicycles could be used on the sidewalks and his intent was not to change anything regarding regular bicycles.

Commissioner Samora questioned page 6, Section 19-66, Subsection (b) (2), shows that bicycles were restricted from the sidewalks.

Vice Mayor Kostka advised that it should read (2) "Electric bicycles or motorized bicycles;"

Discussion ensued regarding having the same language as the Florida State Statutes under the bicycle laws; and there is no bicycle lane on A1A Beach Boulevard; not allowing a company to have motorized bicycles in the City.

Mayor England asked if Section 19-66 (a) which says sidewalks would only be allowed by non-motorized devices except for listed items, but in Section 19-66 (a) (2) the City Manager can designate the shared use paths.

City Attorney Wilson advised that the City does not have any designated shared paths that he was aware of. He commented that Mickler Boulevard and Pope Road does have bike paths. He explained that throughout the City at this point everything could be a shared use path, but it does give the City Manager the option to restrict a bike path.

Commissioner Rumrell advised that some parts of the ordinance say Segway and others say mobility devices.

City Attorney Wilson explained that that is how it is described in the Florida Statutes.

Commissioner Rumrell asked to increase the fee from \$25 to \$100 because of the time it takes for the police to be dispatched and have the bicycle impounded.

Discussion ensued regarding the fee being \$25 or \$100; making it consistent with the parking fees; the fee only applies to mobility devices; owner of the mobility devices would be fined; police agreed to \$25 fee, which is consistent with the area; police know the kids in the community; and micromobility devices is the new term.

Police Chief Hardwick advised to be consistent with the Florida Statutes, micromobility devices must be used as the language, not mobility.

The Commission agreed to change all language in the ordinance to micromobility device or devices and to change Section 19-66 (4).

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

Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL, agreed with the ordinance and feels micromobility devices are unsafe.

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

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-01 for First Reading with the following corrections: 1) correct the page numbering; 2) insert St. Augustine Beach on page 3; and 3) that we add as appropriate micromobility in Section 19-66. **Moved by** Mayor England, **Seconded by**

Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 7.

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

Mayor England introduced Item 7 and asked Building Official Law for his report.

Building Official Law recapped the changes as discussed with Commission the last couple of months. He changed that the overall height by making it 12 feet total in height.

Mayor England asked City Attorney Wilson to read the title of the Ordinance.

City Attorney Wilson read the title of Ordinance 20-02.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and Mayor England asked for a motion.

**Motion:** to approve for First Reading Ordinance 20-02. **Moved by** Mayor England, **Seconded by** Commissioner George. Motion passed unanimously.

Mayor England moved on to Item 8.

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

Mayor England introduced Item 8 and asked City Manager Royle for his report.

City Manager Royle reported that the main parts of the plan are two and are to be done within five years. He explained that these are to be done without hiring staff or consultants and within staff's abilities. He commented that there are five goals and the sixth is meeting challenges. He asked for guidance on changes the Commission wants to change or delete, or comments.

Mayor England advised that meeting challenges should be Roman numeral V.

Commissioner George commented that it is a good start and asked if this was prioritized.

City Manager Royle advised no, that all the tasks would be done as they could be completed within the next five years. He explained staff would do a little bit each year.

Commissioner George advised that the sea level rise, beach restoration, competitive pay for employees, and former city hall use are large goals. She would like specific tasks for the goals. She requested visioning workshops a couple of years before the former city hall lease finishes in 2026. She would like a Visioning Committee formed. She asked staff to research sea level rise grants in Tallahassee sooner than later. She suggested the other categories have good stated tasks and suggested staying with the previous tasks for beach renourishment, but to refresh relationships with the new legislatures. She advised that work is being done by staff regarding competitive pay. She suggested outlining the tasks and deadlines.

Commissioner Samora would like to see components of what the City should look like in five years and improved parking in the City for visitors under infrastructure.

City Manager Royle explained that staff cannot do parking without increasing the budget. A lot of tasks hinge on money.

Commissioner Samora asked for better utilization of public lands, but there is a five-year plan for park improvements that is in the goals.

Commissioner George liked the Land Development Regulation to get a sense of place and create a vision for the City, such as task 1 annual review of the Land Development Regulations. She suggested a task under Task 1 to say preservation or sense of place to create a vision.

Commissioner Rumrell asked to have joint meeting with the City of St. Augustine and St. Johns County and have improved communication.

Mayor England advised that would fall under transparent communications.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with joint meetings with St. Johns County and the City of St. Augustine at Flagler auditorium and advised that the City has no Whistle Blower policy. He commented that the Communications and Events Coordinator was under paid and should be paid back for her expenses.

Mayor England closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor England directed City Manager Royle to follow up with the Commissioners' comments and place it under Commissioner Comments at another meeting.

Mayor England moved on to Item 9.

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

Mayor England introduced Item 9 and commented that the Charter requires the Commission to do evaluations once a year and explained that all the Commissioners have done their evaluations. She explained that there is no requirement to discuss the evaluations at length but opened the floor to the Commission for comments.

Vice Mayor Kostka told the Commission that this was the first time all the evaluations were completed since she has been here and said job well done.

Commissioner George advised that it is difficult and unfair to discuss it in public. She advised that City Manager Royle has been working on a couple of items and Police Chief Hardwick rose to the occasion to bring his department over and above standards. They both have done a good job and they deserve the written reports.

Commissioner Rumrell said he was the newest Commission member and he would let his report speak for himself.

Commissioner Samora advised that he does not envy either gentlemen who must answer to five different bosses with five different expectations. He said that we owe it to them to do this every year. He would like to discuss when the evaluations need to be done this year and every year, so the Commission knows.

Mayor England advised it is an annual review and suggested to the Commission to start the evaluations in December and finish by the end of January.

Commissioner Kostka asked whether it should be done by the fiscal year in order to give merit

increases.

Commissioner Samora advised that the merits don't affect the overall budget very much, so he didn't think that it should be done by the fiscal year.

Mayor England advised that this year get them done by the calendar year and remind the Commission in October and to have them done in December.

The Commission agreed to start the evaluation process in October and have them completed by December.

Mayor England asked to schedule a joint workshop with the Comprehensive Planning and Zoning Board in the first quarter of the year.

It was the consensus of the Commission to have a joint workshop with the Comprehensive Planning and Zoning Board in the first quarter of the year.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the City Manager is incompetent; requested evaluations every six months and post a search for a new City Manager; suggested evaluating the City Attorney; wanted discussion of the sexual harassment case regarding the previous Building Official and how the City Manager tolerated him; and felt that the City Manager did not treat the Communications and Events Coordinator fairly either.

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

## VI. COMMISSIONER COMMENTS

### A. Replacement of Open Position for Communications and Events Coordinator

Commissioner George explained that this position is fairly new and when the decision was made regarding this position being full-time, she didn't feel it should be a full-time position. She advised that the residents explained to her that other avenues could have been explored like contracting out the position to an employee from another agency instead of an inhouse full-time position, especially on special events. She would like to have the duties distributed out to existing employees and asked City Manager Royle for a report, which she did not receive. She received an inquiry from a contractor who would like to do the special events for the City. She advised that this should be advertised so that everyone who wants to contract the position would have a chance to do so and the City is being transparent and doing our due diligence in terms of pricing. She remarked that the pricing from the contractor was \$15,000 for all the special events instead of all the overhead of a full-time position with benefits. She commented that the only changes the Commission can do for the budget is to investigate staffing. She remarked that the City doesn't exist to keep jobs paid and full, but it exists for the residents. The events are great if they are self-sufficient or make money for the City and it is good for the businesses and the property values and quality of life for the residents. She appreciated what was written in Ms. Walker's letter, which was an advocacy piece to keep the position a stand-alone position, but the City only has 6,000 – 7,000 residents. She asked how important it is to have a position on communication when the City is only 2 ½ square miles when the City has newspapers, Facebook, television, and a website. Staff has a decent workload, but they don't seem to run around as much as I do. She asked for feedback on the

day to day activity that staff has and wants to feel comfortable that there is no space in an employee's workload not to take on extra duties of communications. She asked for a plan of duties for the Communications and Events Coordinator, unless there is no support for her perspective and then don't waste time doing it. She feels staff could meet the needs of communications.

Vice Mayor Kostka concur with Commissioner George and when this position came up, she didn't want a full-time position. She said that the Police Department has two administrative staff that do their Facebook, emails, webpage, and sponsor events. She commented that the tasks could be divided up to staff and has been a proponent of including the Visitor Convention Bureau (VCB) to help plan and sponsor Beach Blast Off. She explained that we are a City within a County and we must be conscientious about the City's budget and fiscal responsibilities.

Mayor England anticipated that there might be a comparison to what the Police Department does and explained that there are two employees who do social media and they do their own event planning with help from the VCB and the County. She explained that it is very important to get the factual information out via social media to the residents. Florida League of Cities had a lecture on social media to get the media and press releases out in a timely manner. She advised it doesn't mean that the Commission can't outsource it, but that part of what the City does to inform our residents with factual transparent information is very important. She commented that the events and management of volunteer and support could be outsourced. The level of work that has been done versus the job description made the job increase and Ms. Walker should have spoken up more. She said some of the things in the letter will be addressed in the future.

Commissioner Samora the City exists for the citizens and the good work that the Commission does for the citizens takes place in this room and there is not a citizen here. He explained that the only information conveyed to the citizens is through email blasts, social media posts, and twitter. The broadening of the part-time Events Coordinator position into full-time Communications and Events Coordinator was very important thing to do and was in the Strategic Plan to improve communications and needed to be the same. He commented if tasks are left to different staff members it would not be uniform. He explained that the City didn't have press releases prior to this position and on several occasions the local news was reading the City's press releases, which tells the City's stories to the public. He advised that the Commission underestimated the responsibilities of the job and its importance and feels dividing tasks up with other staff members who clearly have different responsibilities like Finance Director, City Clerk, etc. could take on 50 hours of additional work. He explained that the Commission needs to decide if they want a communications position or not. He commented that the same person should handle the events because it is all messaging to the citizens and the public. He explained that the Commission is not getting feedback any other way.

Commissioner Rumrell advised that he would like to echo Commissioner Samora. He expressed that Ms. Walker did an outstanding job especially for someone like himself who was new at the time. He explained that once the communication is there, going backwards would not be good and the public has benefited from the communications that have been done in the last 12 months because of Ms. Walker. She has done a radio show, television, and print for the City. He explained that the Record is not here tonight, and the Commission was

voting on our new City Attorney, which won't get out to the public. He said that there are event coordinators out there who run events and they get paid by their sponsorships. He explained that the coordinator must go over and above what the cost of the event is to make their pay. He suggested having a communications officer to keep the public informed and contract the events coordinator position out. Ms. Walker set the bar high and it would be detrimental to the City to go backwards.

Commissioner George asked if Commissioner Rumrell is proposing that the City pay for two positions.

Commissioner Rumrell advised that the City budget for a position for public information, whether part-time who comes to the Commission meetings as needed and then have the events be outsourced. He commented that he feels there is a conflict for the City asking for sponsorships for the events. He suggested the events to be City sponsored, but not run the event.

Commissioner George advised that she would be more inclined with Commissioner Rumrell's suggestion.

Commissioner Rumrell felt that a lot of the additional hours Ms. Walker spent was planning for Beach Blast Off and so he would like to put out an Request for Proposal (RFP) for an Events Coordinator who is not paid by the City, but whatever money they raise, they pay themselves out of that for the event and it would not be an expense to the residents. He explained that the Public Information Officer should be a staff member of the City.

Mayor England advised that if there is a staff member who works 30 hours on communication then benefits would have to be paid anyways, so why not have one full-time position for both. The cost of splitting it would be more.

Vice Mayor Kostka said that the Commission does not expect one staff member to do all the tasks Ms. Walker did. She explained if you split the tasks, there shouldn't be a problem. She advised that there was very poor communication outside of the City to begin with and that was why Ms. Walker set the bar so high. Now that the work has been done by Ms. Walker, it shouldn't take much to maintain. She suggested City Manager Royle write the press releases because he is so good at it. She did not believe a full-time person is needed and if staff cannot pick up these tasks maybe it's a staff development problem, so maybe additional social media training of staff is the answer. She wants to be fiscally responsible to the citizens and give factual communications, which can be done by keeping the information up to date.

Mayor England advised that the staff is loyal and responsive. She commented that she has not heard one thing that staff could take on those additional duties and normally the staff would take on anything to help. She advised that she agrees with Commissioners Samora and Rumrell that communication is necessary and does not know how to give these additional tasks to staff members because City Manager Royle is not coming to the Commission with a way to do it.

Commissioner George advised that City Manager Royle is not saying it is not possible either and it should not be ignored.

City Manager Royle advised that he has talked with staff. He explained that there are two people in the Finance Department, and one is under training and if the Finance Director gets



sick during payroll time, the payroll won't get done. There are two people in the City Clerk's Office and the City Clerk spent most of the day doing minutes of the past meetings and does Human Resources, Purchasing, Risk Management, Safety, and requests that he has. He advised that he is not going to ask the Building Department to do social media items because they have their own workload to contend with and Public Works has one Administrative Assistant. He explained that the rest of the Public Works Department is out in the field doing trash pickups, road maintenance, etc. and not sitting at a keyboard writing social media press releases. He advised that Dariana Fitzgerald, Deputy City Clerk, can help on an interim basis to keep the monthly newsletter going, which means updating all the departments sections of the newsletter. He explained that he can't write while the meeting is going on because he needs to pay attention to what the Commission is saying and the directives that the Commission wants done. He advised that he could maybe do it the next day based on his and the City Clerk's notes, but it won't be up to date like Commissioner Samora saw on Channel 4. Ms. Walker would send those to them at the conclusion of the meeting to all the news companies. Ms. Walker was trained, experienced, and a great hire and brought the bar up very high. He commented that splitting the tasks would not give a consistent, classy, polished message out from the City in a timely way. He commented that we are not a cheap, poor City. He explained that the City has \$1.3 billion in assessed real estate values, which is outstanding for 2 ½ square miles. He remarked that we are not a struggling City, or the City would not attract Embassy Suites or Marriott, or a Hampton Inn. He asked why the Commission would not want to spend the money to communicate to the citizens, which is an essential need for the City and to hire the best that the City can afford to hire for that type of work.

Commissioner George asked why the staff says the budget is so tight.

City Manager Royle advised because staff proposed the millage rate to be 2.600 and the Commission stayed at 2.3992 millage rate for the last nine years. He explained that someday the Commission will need to change the millage rate because the City will not be able to have the money for the essential needs and services that the residents request and require.

Vice Mayor Kostka advised that there are some cities that are lowering their millage.

City Manager Royle advised yes, but they are not like us with an accredited police department, and other expenses that costs money.

Mayor England respected the Commissioners thoughts, but at the same time she believes that there have been other opinions on the position. She commented that the hours involved in the position can be done better to make the position more palatable.

Commissioner George asked how effective it is to have someone sitting through a Commission meeting in order to get the press release out the same night.

Mayor England agreed and attending the Emergency Management Center (EOC) meetings when others are there from the City.

Commissioner George commented that it should be the City Manager, the Mayor, and the Chief of Police at EOC.

Mayor England advised that no positions have been added in a long time and it is critical that the City has a communications position.

Commissioner George advised that for several years it has been requested to use interns from

colleges in the area who would work for free, which is a missed opportunity. She suggested that this type of resource be utilized. She said since there is money in the budget for this position a replacement could be selected, but there needs to be more muscle around the office and utilize other resources.

City Clerk Raddatz commented that Dariana Fitzgerald was a volunteer who was utilized for over a year.

Commissioner George asked if this was an added position.

City Clerk Raddatz advised yes, I moved Peggy Cadwallader, who was part-time, to scan documents that were behind in the Building Department and made a new position of Deputy City Clerk. She explained that Dariana Fitzgerald went to school to become a Deputy City Clerk so when I leave, she would be able to fill the City Clerk position. She explained that staff is working hard to get up to date to get where the City should have been.

Vice Mayor Kostka asked to look at the job description and the problems Ms. Walker encountered. She commented that she didn't understand why she couldn't work more flex time and schedule her own time as needed.

Finance Director Doulliez advised that Ms. Walker did use flex time, but she was a member and was on the board of a couple of organizations so some of the time she was away tending to those duties. She explained that there were added tasks and thinks that we could do better for that position. She agreed that the person in that position does not need to attend every meeting of the Commission and Boards. She suggested not posting after hours or on weekends unless there is an emergency. She likes having an intern helping as a volunteer.

Mayor England explained that staff is aware of the problems in Ms. Walker's letter advised that it would be addressed. She addressed outsourcing where twice the City hired contractors to do Beach Blast Off and the contractors left right before Beach Blast Off. She requested researching the requirements for an intern. She would like to satisfy the other Commissioners concerns.

Commissioner George advised that she would like to deliver a satisfactory product and not just a sufficient one, but she had not heard of any feedback on what she requested not being possible. She advised that if the position is for communications and event coordination, then she would agree to a full-time position, instead of two part-time employees.

Police Chief Hardwick advised that it was his and City Manager Royle's call to have Ms. Walker attend the EOC meetings in order to get the City more involved; however, it is not necessary to have the employee at the EOC meetings and when the EOC is activated because the Police Department can handle the press releases. He advised that most of the volunteers that help in the Police Department are moms of fallen police officers and the Police Department has interns every semester. He asked the Commission not to take away the Police sponsored events because they are important to them and want them to be run by the Police Department. He explained that there are four employees who manage the Police Department's social media and the Police Sergeants maintain the 5K and asked to take over Veterans Day because that is personal for Commander Ashlock and me.

Commissioner Rumrell appreciated the dialogue. He worked as an intern and the position is an entry level position that interns use to get the entry level experience, they need for their

careers in order to move on to something better. He suggested that SEPAC put on Arbor Day instead of the events coordinator. He said that the Board members should be participating in the development of the events.

Mayor England advised that there was a lot of added duties to this position than what the position called for.

Police Chief Hardwick advised that there are interns at St. Johns River College as well that could use the opportunities and the high school has academy classes. He explained that high school students need their accredited hours for Bright Futures. He commented that Flagler College students get three hours of credit for being an intern at the Police Department.

Mayor England will talk to the Police Chief and City Manager on how to get some internships for the City.

It was the consensus of the Commission to have staff advertise for the position to fill the vacancy.

#### B. Commission Assignments

After discussion the Commissioners decided to keep their Commissioner assignments as there assigned last year.

Commissioner George advised that in June she would have to term out for Tourist Development Council and so historically the Mayor has filled that assignment.

Mayor England advised that she has some other meetings she would like to attend in the County and then she will attend in June the Tourist Development Council.

It was the consensus of the Commission to allow Commissioner George to continue until June 2020 and then Mayor England would take over the assignment.

Commissioner George advised that she would like Richard Gray's family to know that she is sending her prayers.

Vice Mayor Kostka wanted to address the removal of the dune in front of 2 12<sup>th</sup> Lane. She advised that there was a permit given by the Department of Environment Protection (DEP). She advised that Home Rule is under attack because the City has no say in what is happening in their own jurisdiction. She asked the Commission if they would agree to a letter being sent to DEP saying that the City disagrees with their actions and it was hurtful to the City after spending money on beach renourishment and planting sea oats.

Commissioner George advised that the work the Commission has been doing on the Comprehensive Plan will increase our dune protection. She explained that the Comprehensive Plan has been adopted on January 6<sup>th</sup> and Building Official Law will bring this item up to the Commission at the next meeting so this will not happen again. She explained that once the wind puts the sand back against the dune, the permit will not allow the property owner to redesign the natural movement of the sand. She commented that recently sea oats have been planted south of the specific site.

Building Official Law advised that DEP restricts the dunes and now that the flood plan has been adopted, he can ask property owners for engineering analysis that needs to state increasing in flood would not occur. He will have the Code Enforcement Officer go by every

Monday to check on the sand secretion.

Commissioner George asked if there was a determination from DEP that there were no endangered species living at that dune.

Building Official Law advised he spoke last year to Fish and Game and Beach Services about the City's concerns; however, he does not know what they discussed with one another. He spoke with Fish and Game to send a letter asking the Department of Environmental Protection to cease and desist, but he did not receive a strong enough letter to override the State of Florida. He advised that he would take the Comprehensive Plan as the guiding document on this.

Commissioner Samora asked what the height of the dune is and now what is it.

Building Official Law advised that the dune was 22-feet, but when finished it will be 16-feet above sea level. He explained that the sand had to stay on the property, so it widens the existing dune.

Commissioner Rumrell thanked the Public Works Department for installing the butt cans. He also asked if Ms. Walker would be available to do a follow-up with the Commission regarding Beach Blast Off. He heard complaints about the high cost of the vendors.

Police Chief Hardwick advised that he could speak with St. Augustine City Manager Regan to have Ms. Walker come for a follow-up of Beach Blast Off with the Commission.

The Commission agreed to have Police Chief Hardwick contact City Manager Regan.

## VII. NEW BUSINESS

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

Mayor England introduced Item 10 and asked IT Manager Johns for his report.

IT Manager Johns reported that the Port, Waterway, and Beach Commission requested their meetings be filmed by the City. He explained that he recommended denial because it is hard to have enough staff to run the filming, it is a conflict of interest to use staff to aid another agency on City time, and IT staff is not usually in their office but working throughout the City on IT problems.

Commissioner George advised that she would take the recommendation of staff.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, said that the St. Augustine Port, Waterway, and Beach Commission is not well known and is not ADA compliant. He advised that this is what Ms. Walker talked about that department heads are pushing back and recommended the Commission say yes. He commented that it has been done in the past for free for the St. Augustine Beach Civic Association.

After discussion, it was the consensus of the Commission to have IT Manager Johns and City Manager Royle respond in writing to the St. Augustine Port, Waterway, and Beach Commission that they would need to meet the management control agreement with the

Police Department and sign an agreement, they would have to be aware that staff would have to leave the meeting if there was an emergency in the Police Department, must be certified in secured space, pay for the staff time with overtime, and scheduling the St. Augustine Port, Waterway, and Beach Commission at a different time and date.

Mayor England closed the Public Comments section and then moved on to Item 11.

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

Mayor England introduced Item 11 and asked City Manager Royle for his report.

City Manager Royle reported this is presented to the Commission each year from the school district and is required by the State of Florida.

Mayor England opened the Public Comments section. Being none, Mayor England closed the Public Comments section and asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-03.

Mayor England asked for a motion.

**Motion:** to approve Ordinance 20-03. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 12.

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

Mayor England introduced Item 12 and explained that the Florida League of Cities sometimes asked the City to send a letter to the Florida legislature on bills that come before them of the City's opinions on the bills.

After discussion the Commission agreed to allow Mayor England to send letters of support or opposition to the Florida Legislation that the Florida League of Cities requests.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that the City Manager did not give the full backup for this item and suggested to have a staff member review the legislative bills and advise the Commission on upcoming bills.

Mayor England closed the Public Comments section and asked for any further Commission discussion.

Mayor England asked for a motion.

**Motion:** to continue with prior policy on this issue to authorize the Mayor to send letters following the Florida League of Cities' recommendations concerning the bills that are of interest to the City. **Moved by** Commissioner George, **Seconded by** Commissioner Samora. Motion passed unanimously.

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

Mayor England introduced Item 13 and asked City Manager Royle for his report.

City Manager Royle reported that there are two scenarios, one temporary and one long-term. One scenario is temporary and would be if he could not come to the Commission meeting because he is ill or convalescing. The other scenario is a permanent replacement. He would appoint someone from the staff for the temporary scenario, informing the Commission of his appointment and the Commission's agreement. He commented that he has never been absent from a Commission meeting in over 30 years. He explained that a permanent replacement would be more complex. The City Management Association lists about 18 nationwide search firms that would conduct a search for a City Manager, but the Commission would have to decide what they would like them to do, such as background checks, vetting, advertising, etc. or if the Commission would like to do everything inhouse or by a Search Committee within the City. A consultant firm would cost about \$15,000 - \$25,000 and give five to six candidates. He advised that he could do a Request for Proposal so that that would be done, and it would be tailored for our City.

Discussion ensued regarding the Florida League of Cities does not do City Manager Searches the City Management Association having Range Riders if the City Manager dies, they could fill in until a replacement is received; having a Search Committee to do the vetting and the rest be inhouse; and using a consulting firm could be better for a position like the City Manager.

Commissioner Samora thanked City Manager Royle for bringing up the points in his evaluation and taking it seriously. He commented that he did a nice job laying out the scenarios and giving the Commission options.

Mayor England advised that the entity advertises first and if it becomes difficult then the entity may use other resources. She commented that St. Augustine Beach is not an unknown City and could receive a lot of qualified candidates. She suggested a Citizen Committee to vet the candidates. She suggested having the Commission think about who they would like on the Citizens Committee that would take charge of this if it happens.

Commissioner Rumrell suggested to have the Commission think about whether they would want an experienced City Manager, or a Department Head promoted into the position.

Commissioner George advised that she rather not spend the money and would like to try to find candidates first. She advised if there are only five candidates, the City may not need a Citizens Committee.

Mayor England advised that the Committee should be comprised of another City Manager, Commissioner, or for more professional input for this type of position. She suggested continuing this and think about the vetting process and whether it needs to be all in the public. She directed City Manager Royle to keep working on this item in the event he left the City.

City Manager Royle advised if this position were opened, the Commission would not have five applicants, but would probably have over hundred applicants because this City is extremely desirable place to work.

Commissioner Kostka advised that she would not like to discount a nationwide search and the consultant may slim down the candidates from the hundreds of applicants. She asked City

Manager Royle to keep doing research and was also concerned about the succession planning with Ms. Burns gone.

Commissioner Samora asked who City Manager Royle would appoint in the temporary scenario and how the Commission would know.

City Manager Royle advised that he would set it up and inform the Commission of his choice.

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked the Commission for discussing this item and suggested doing a job-task analysis and qualifications and comply with the EEOC when hiring.

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

#### VIII. STAFF COMMENTS

Mayor England asked City Manager Royle for his staff comments.

City Manager Royle advised that he had no comments.

Public Works Director Tredik advised he will be submitting grant applications for Ocean Hammock Park and Districtwide Cost Sharing Program for the permanent weir. He explained that the bids are coming in for the 3<sup>rd</sup> Lane ditch drainage project and hopes to go to the Commission in February. He advised that the Mickler Boulevard drainage project is complete, but still has work to do on the landscaping concepts to make it more park like.

Commissioner Rumrell asked if a Commissioner could accompany Public Works Director Tredik to the Florida Legislation during session at the end of January or early February to remind our Senator Hutchison and Representative Stevenson that the City cares about the funding they promised regarding getting the share back from the state.

It was the consensus of the Commission to allow Commissioner Rumrell to go with Public Works Director Tredik to the Florida Legislature.

Mayor England thanked the Commission and staff for attending these long Commission meetings this month. She then asked City Attorney Wilson if he would like to say a few words.

City Attorney Wilson advised that it has been fun working for the City and has enjoyed the staff and the current and previous Commissions to be the most cooperative and pleasurable people to work with.

#### IX. ADJOURNMENT

Mayor England asked for a motion to adjourn.

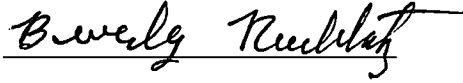
**Motion:** to adjourn. **Moved by** Commissioner George, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor George adjourned the meeting at 9:12 p.m.

A handwritten signature in cursive script, reading "Margaret England", written over a horizontal line.

Margaret England, Mayor

ATTEST:

A handwritten signature in cursive script, reading "Beverly Raddatz", written over a horizontal line.

Beverly Raddatz, City Clerk