



## 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 15<sup>th</sup> Street, St. Augustine Beach, FL, asked about the height of the hotel under construction on 13<sup>th</sup> 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 1.5 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 1.5 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 1.5 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, ZevCohen & 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 surprise 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 13<sup>th</sup> 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. Motion passed unanimously.

Mayor England asked for roll call vote.

City Clerk Raddatz called the vote.

<b>MAYOR ENGLAND</b>	<b>YES</b>
<b>VICE MAYOR KOSTKA</b>	<b>YES</b>
<b>COMMISSIONER GEORGE</b>	<b>NO</b>
<b>COMMISSIONER RUMRELL</b>	<b>YES</b>
<b>COMMISSIONER SAMORA</b>	<b>YES</b>

**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 13<sup>th</sup> 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 13<sup>th</sup> 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



## 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 met 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 7<sup>th</sup> 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.

<b>MAYOR ENGLAND</b>	<b>Yes</b>
<b>VICE MAYOR KOSTKA</b>	<b>Yes</b>
<b>COMMISSIONER GEORGE</b>	<b>Yes</b>
<b>COMMISSIONER RUMRELL</b>	<b>Yes</b>
<b>COMMISSIONER SAMORA</b>	<b>Yes</b>

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



## **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**

---

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 head 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 Douylliez 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.

---

Margaret England, Mayor

ATTEST:

---

Beverly Raddatz, City Clerk