



MINUTES

SPECIAL COMMISSION MEETING AND IMMEDIATELY FOLLOWING, THE REGULAR COMMISSION MEETING

MONDAY, MARCH 2, 2020 AT 5:00 P.M.

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

I. CALL TO ORDER

Mayor England called the meeting to order at 5:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor England led the Pledge of Allegiance.

III. ROLL CALL

Mayor England asked City Clerk Raddatz for 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 moved on to Item IV, Selection of the City Attorney.

IV. SELECTION OF CITY ATTORNEY

A. Review and Discussion of Candidates' Responses

Mayor England introduced Item IV.A. and explained that the Commission asked City Attorney Wilson to send out contracts to all the City Attorney applicants for signatures in order to make sure they agreed with the pricing and responsibilities because the previous candidate that was picked changed the pricing after they agreed to the terms. Three candidates who signed and agreed to the contracts were Attorney Ralf Brookes, Douglas Law Firm, and Naples & Spence Law Firm. She suggested to the Commission to proceed with the interview of Naples & Spence Law Firm, who the Commission did not interview previously, and then give three minutes to the other candidates who had already been interviewed in case they had any additional comments to make.

The Commission agreed to proceed as suggested.

Attorneys David Naples and John "Jack" Spence, Naples & Spence Law Firm, 2807 North 10th Street, Suite 7, St. Augustine, Florida, advised that they practice civil litigation, estate planning, family, and business law. They have been practicing in St. Augustine since 2010. Attorney Naples

commented that he has lived in St. Augustine since 2009 and Attorney Spence lives in Duval County. He explained that the firm has been in practice for 2 ½ years and growing. He remarked that this would be an opportunity for their business to expand and to get into other areas of law, such as municipal law. Attorney Naples advised that he and Attorney Spence were looking for the opportunity to serve and build the firm on referrals by gaining the trust of the community. He commented that the firm works closely with St. Johns County legally and has been given pro bono awards for their work, the attorneys received six awards each within seven years. He explained that most of their cases are in town, including non-profits like Safe Rescue.

Attorney Spence advised that their firm has a good reputation and is professional. He also commented that their firm is easy to work with and non-confrontational.

Attorney Naples explained that most of their cases are in litigation, but their position is to try to avoid litigation and because of their background they know how to avoid litigation and it would be part of their goal for the City.

Mayor England asked how the firm heard about the position being opened since the firm applied late in the process.

Attorney Naples advised that Attorney Doug Burnett, previous City Attorney, encouraged him to apply when he was leaving, but at the time he was a new attorney and working for another firm, so he didn't apply. He explained that he missed the deadline for this opening and recently got to know City Attorney Wilson through the community and when the other firm fell through the firm decided that they did not want to miss this opportunity. He spoke with City Manager Royle and who advised him that his firm could apply if they wanted to.

Commissioner Samora asked if Naples & Spence Law Firm has had any experience in representing government in litigation.

Attorney Naples advised no, his firm has not represented a municipality, but the firm has handled issues with local government code enforcement. He explained that the firm is familiar with government and how it works and has been working with St. Johns County to try to pass an ordinance on an animal abuse registry with the County Attorney. He explained that from that experience, the firm has an idea of the interworking behind the government, but no work experience.

Attorney Spence advised that he was on the Continuum of Care (COC) Board and knows how a Board works.

Commissioner Dylan advised that he had the same question as Commissioner Samora, and background of the firm was important. He asked if his firm agreed to the form that was sent out.

Attorney Naples advised yes and commented that he signed the contract and sent it back to the Commission.

Commissioner Kostka advised in full disclosure that Attorney Naples worked with her when she first started her business in 2012 because her accountant failed to pay her taxes, which he remedied. Attorney Spence helped set up her corporation paperwork for another business related to music. She commented that both attorneys are thorough in their work but asked how the firm

proposes to breach the gap of experience in government. She explained that it is an entirely different field of law.

Attorney Naples advised that he knows City Attorney Wilson, and should there be a problem, he could contact Attorney Wilson for help on any concerns. He explained that the attorneys would educate themselves and commented that he could bring themselves up to speed quickly. His goal was to work with the Commission hand in hand.

Commissioner George in full disclosure advised that she has worked with both Attorney Naples and Attorney Spence on a couple of cases. She explained that both attorneys have an excellent reputation and are amicable. She commented that she enjoyed working with them even as opposing counsel. She explained that in this position the lack of direct experience does give her concern even though she was sure that they could get up to speed quickly. She remarked that during a Commission meeting procedural items arise and she would be concerned that they would not know the answers. She asked if they have anything to add to appease that concern, she would appreciate hearing from them.

Attorney Naples advised that the Commission has good candidates that have more experience than their firm has, but after reading the minutes there were concerns from the Commission about the last attorney that was picked and explained that his firm is more about the fit and would learn as quickly as possible. He commented that he wants to work with people who want to work with them and that is how they find their clients.

Attorney George advised that her clients take her into new areas of the law and explained that there may be various opportunities to work with communities for collaboration in the future and it is a good point.

Commissioner Samora asked who the primary City Attorney would be and who would be the backup.

Attorney Naples explained that he would be primary, but they would work together. He advised that prior to coming to this meeting he met with another attorney that may be part of their firm depending on the Commission's decision. He commented that if he was not available, Attorney Spence would answer questions or attend meetings.

Commissioner Kostka asked if the firm had any comments on the high-profile cases from the City.

Attorney Naples advised that he has seen in the papers about Embassy Suites waterpark that was resolved through the efforts of City Attorney Wilson, but he did not investigate the legalities of the case.

Mayor England thanked the firm for applying and remarked that it was very nice to meet the members of the firm. She then asked the Douglas Law Firm to come to the podium and to keep their comments to three minutes.

Attorneys Charlie Douglas, Attorney Linda Campbell, and Attorney Lex Taylor, Douglas Law Firm, 1 News Place, St. Augustine, FL, introduced themselves.

Attorney Douglas advised that his firm was here because they would like to serve the City. He explained that he has experience with the Putnam County School Board, which is the largest government body in Putnam County with a budget of \$90 million. He advised that he is the attorney for the school board, but Attorneys Taylor and Campbell participate as well with presentations. He commented that all the firm members would be involved with the City of St. Augustine Beach and would be involved with everything going on at the City via emails, in case a scheduling conflict arose another attorney would be able to fill in. He explained that the firm has experience with human resources, finance, policies and procedures, Sunshine Law, public records requests, and all issues that are involved with a municipality. He explained that Attorney Taylor has experience in growth management and Attorney Campbell has 30 years of government work in New Jersey.

Commissioner Samora asked if there were any material changes since the firm last applied.

Attorney Douglas advised no.

Mayor England thanked him for coming and staying with the City through the process.

Attorney Ralf Brookes, 1217 East Cape Coral Parkway #107, Cape Coral, FL, advised that he really wants to be the next City of St. Augustine Beach City Attorney. He remarked that if he receives the position, he would like to have an office in St. Augustine as well. He commented that he has had his own government practice since 1998 and has been certified in city, county, and local government law since 2004 and has represented four coastal communities in Florida. He explained that he was a land use and zoning counsel for Monroe County and worked for Islamorada, Village of Islands, as a Special Magistrate for land use claim and environmental law disputes. He also worked as an Assistant County Attorney for Sarasota under three county attorneys. He said that his travel is not a concern because he can make it to the meetings and would be at the City anytime the Commission needs him. He explained that the Attorney Dennis Bayer would be a substitute attorney if he could not make a meeting. Attorney Bayer has been a Special Magistrate for zoning cases including St. Augustine and St. Augustine Beach and has been a City Attorney for the Cities of Beverly Beach and Flagler Beach, with an office in Flagler Beach. He remarked that he could start tomorrow.

Commissioner Samora asked if Attorney Brookes sent Attorney Bayer's resume.

Attorney Brookes advised yes.

Commissioner Samora asked if any of Attorney Brookes' workload has changed.

Attorney Brookes advised no; he would not be the City of Madeira Beach's City Attorney. He advised that he still works for Yankeetown, but he does not attend all their meetings because it is not required.

B. Public Comment

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

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that Naples & Spence Law Firm are the best lawyers in town, and they represented him. He explained that Attorney Brookes is without a doubt

an outstanding attorney on land use planning and environmental law. He suggested that Attorney Brookes work with Naples & Spence Law Firm for St. Augustine Beach because he saved Fish Island and the Outpost from being destroyed.

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

C. Selection of City Attorney

Commissioner George advised that she was extremely impressed with Attorney Brookes at the last meeting and that he wants to work with the Commission and has litigation background as well, which is a good balance. She explained that it is important to have a municipal certification in order to become an expert in that type of law. She explained that having a certification is a game changer to her. She commented that Attorney Brookes was her second choice on the first round, and he has a backup now.

Mayor England advised that there still is a conflict with Attorney Brookes' other city obligations that he represents on the same night as our City and he does a lot of traveling.

Commissioner George advised that Yankeetown does not need Attorney Brookes presence at their meetings because they are such a small town and they will change their meeting schedules if he asked. She also advised that Attorney Brookes is not accepting Madeira Beach's position, so it neutralizes that concern for her.

Commissioner Samora advised that he is concerned about Attorney Brookes' schedule because the Commission struggles with their schedules to meet for Special Commission meetings, etc. and he might not be available. He commented that he has reservations about a one-person firm because of the workload, attendance at the Commission and Comprehensive Planning and Zoning Board meetings, and finishing all the documentation that needs to get done. He likes the fact that two firms are locally based, which is important because they are part of the community and immersed in the community. It gives them a well-rounded view and how it affects the City of St. Augustine Beach. He also likes in-firm backup instead of someone outside of the firm that may not be able to attend meetings and are disengaged.

Commissioner Rumrell advised that being certified as a municipal attorney is important; however, he is concerned if there is an emergency and documentation needs to be done when Attorney Brookes is on the road, that might be a problem. He commented that he wants to be able to have dialogue with an attorney and likes the fact of having a local counsel. He advised that the Commission needs to decide which means more, certification or localness. He explained that he doesn't want to hire someone and then in five months the Commission has to hire someone else. He is disappointed that there were not more applicants.

Commissioner George explained that it is important that the lead attorney is at the meetings because of specialized knowledge needed. She commented that she has a lot of reservation hiring an attorney without experience because the full impact of the advice given to the Commission won't be known until the future. She explained that emergency meetings do arise and would have to be coordinated.

Vice Mayor Kostka remarked that the Commission should be able to reach a decision tonight because there are three qualified candidates.

Mayor England commented that there is a local law firm with experience. She then asked City Clerk Raddatz for the tally sheets and to read the totals.

City Clerk Raddatz read the tally sheets as follows:

Douglas Law Firm had three votes.

Attorney Ralf Brookes had two votes.

City Clerk Raddatz congratulated the Douglas Law Firm for being hired for the new City Attorney position (Exhibit 1).

Mayor England asked for a motion.

Motion: to extend the contract to Douglas Law Firm. **Moved by** Commissioner George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

V. ADJOURNMENT

Mayor England asked for a motion to adjourn.

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

Mayor England adjourned the meeting at 5:40 p.m. and then recessed the meeting.

Commissioner George left the meeting at 5:45 p.m. due to a family emergency.

Mayor England reconvened for the Regular Commission meeting at 5:50 p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk



MINUTES

SPECIAL COMMISSION MEETING AND IMMEDIATELY FOLLOWING, THE REGULAR COMMISSION MEETING

MONDAY, MARCH 2, 2020 AT 5:00 P.M.

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

REGULAR COMMISSION MEETING IMMEDIATELY FOLLOWING THE SPECIAL COMMISSION MEETING MEETING CONTINUED AT 5:50 P.M.

I. APPROVAL OF MINUTES OF REGULAR COMMISSION MEETING ON FEBRUARY 3, 2020,
SPECIAL COMMISSION MEETING ON FEBRUARY 10, 2020, AND COMMISSION AND
COMPREHENSIVE PLANNING AND ZONING BOARD JOINT WORKSHOP

Mayor England asked if there were any comments from the Commission regarding the minutes. Being none, Mayor England asked for a motion.

Motion: to approve the minutes of the Regular Commission meeting on February 3, 2020, and the Special Commission on February 10, 2020, and the Commission and Comprehensive Planning and Zoning Board Joint workshop on February 10, 2020. **Moved by** Commissioner Samora, **Seconded by** Mayor England. Motion passed unanimously.

Commissioner George left at 5:45 p.m. due to a family emergency.

Mayor England moved on to Item II, Additions or Deletions of the Agenda.

II. ADDITIONS OR DELETIONS OF THE AGENDA

Mayor England asked if there were any additions or deletions on the agenda. Being none, Mayor England moved on to Item III, Changes to the Order of Topics on the Agenda.

III. CHANGES TO THE ORDER OF TOPICS ON THE AGENDA

Mayor England asked to change the agenda to have Item 10 after Item 3 if there was no objection from the Commission.

Commission agreed to the change in the order of the agenda.

Mayor England moved on to Item IV, Presentations.

IV. PRESENTATIONS

A. Audit Report from James Moore for the Year Ended September 30, 2019

James Halleran, CPA, James Moore Certified Public Accountants and Consultants, 121 Executive Circle, Daytona Beach, FL, showed a presentation (Exhibit 1). He explained that the impact fees needed to be included according to the Attorney General as a shared agreement. He advised that the City of St. Augustine Beach does not set what the impact fees are, and the agreement sets the percentage the City receives from St. Johns County. The City needs to spend the City's impact fees according to State Statutes. Management's response is on page 47 of the Exhibit. He explained that the General Fund's three-year comparison shows the restricted funds, such as impact fees, parks and recreation, police, and building fees that come from outside of the City and used according to State Statutes. Assigned fund balances are what the City wants to set aside for a particular purpose. He explained that in 2019 there was \$650,000, of which \$600,000 was for capital projects and \$50,000 for emergencies. Over time between 2016 – 2019 the amounts were up and down and now the fund balance is down. He commented that if the City uses the General Fund Unassigned Fund balance to make up for the Road and Bridge Fund balance, the City would have to reduce the General Fund by another \$539,000.

Mayor England asked if there is a certain percentage in the Unassigned General Fund balance and if the City transferred the money to the Road and Bridge Fund and bring the General Fund balance percentage to ten percent, it is not good.

Mr. Halleran advised yes. He explained that the City's policies say that the General Fund should be at 20 percent and currently the City is at 19.8 percent, but if the Road and Bridge Fund negative balance is brought up to be whole, the City's General Fund would be at ten percent. He explained that any government agency, which is not large, should have a minimum of 16.8 percent in the General Fund or two months. Typically, he advised that the smaller government agencies should have because of any natural disasters a higher General Fund balance. He explained that larger cities are able to borrow cash funds more readily than smaller cities in case of a disaster. Highlights for revenues were increased due to the Building Department's new permit, plat, and other fees; operating grants decrease due to the Florida Community Trust (FCT) grant not due this year; property taxes up approximately \$210,000 or 7.7 percent; public safety expenses increased because of wages and pension costs; a capital project fund was closed out that had a negative balance; and a capital lease for a new garbage truck has been allocated for. The Florida Retirement System (FRS) comprised of many governments give their contribution to the FRS which the state controls and advises the amount of municipal contributions are required. He explained that this is reported as a liability on the financial plan, which is \$4.68 million for pension costs and \$961,000 stipend to offset the health insurance costs for employees when they retire, which has increased about \$700,000 from the previous year. FRS rates may increase in the upcoming years because the state retirement fund went from 96 percent to 83 percent and is on a decline.

Mayor England asked if the current market would affect the costs for FRS.

Mr. Halleran advised it could depend on the market in June because the statement from the State would be coming out at year end in June. He explained that when an employee retires, the employee is allowed to stay on the City's health insurance plan if they desire to, but the State Statute says the employee cannot be charged an age based premium.

Mayor England asked why the deficit for the Road and Bridge Fund has not been transferred over and is there a reason why it was not transferred over on a timely basis.

Mr. Halleran advised that there was a transfer done last year of \$1.074 million, but it still was not enough to make up the deficit. He suggested looking at the projects that are scheduled for Road and Bridge and prioritize them on what can be done.

Mayor England advised that the City cut so much on the Road and Bridge Fund and the Commission has had complaints about the streets in Seagrove subdivision.

Mr. Halleran advised that there are impact fees that are restricted to use for the Road and Bridge Fund which should be used for new roads. The City does not have roads that need to be expanded within the City.

Mayor England asked if there are impact fees available where we are short on the maintenance funds.

City Manager Royle advised that impact fees cannot be used for maintenance of roads.

Mr. Halleran advised that the City receives money from state taxes that could be used for that type of maintenance.

Mayor England asked City Manager Royle if he would like to make any comments about the audit.

City Manager Royle advised that he and the Finance Director would be looking at the 2020-2021 budget to bring the Road and Bridge Fund into compliance. He explained that it is in the strategic plan that he proposed to the Commission is to increase the General Fund balance by \$100,000 a year, but that may not be enough. Unfortunately, the only way to get money to meet the Road and Bridge deficit is through taxes.

Finance Director Douylliez advised that there are other opportunities by adding additional fees for stormwater as a revenue stream, which would be included in the Road and Bridge Fund. She explained that the reserves are depleting so other revenue alternatives need to be researched. She advised that a non-ad valorem tax or an increase in the millage would help with the shortfalls in the budget without continuing to reduce the number of projects that can be done. The Commission does a great job in scrubbing the budget to what projects could be reduced in the budget, but at some point, maintenance issues will have to be done.

Commissioner Samora asked if there was a two-year window to complete this.

Mr. Halleran advised that the City's policy says that. He explained that City Manager Royle will prepare a plan for committed or assigned fund balance expenditures, reductions, or revenue increases to the City Commission and the City shall act necessary to restore the

unassigned fund balance to an acceptable balance within two years. He said it was good because it gave guidance to be done in two years.

Mayor England thanked Mr. Halleran on his enlightening presentation and opened the Public Comments section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that there has not been a forensic audit that the Commission agreed to do when Ms. Burns left in the middle of the budget process; stated that City Manager Royle didn't want the City to have one and is still causing problems; the weir was not insured, which the audit doesn't deal with and should; the City Manager allowed two deficits on funds and he still works for the City; and the Commission is incompetent.

Mayor England advised Mr. Slavin that he was not following the rules of civility and if he does it again, she will ask him to leave.

Police Chief Hardwick suggested that the Commission agree to giving tickets for misdemeanors as a revenue stream, such as disorderly intoxication, disorderly conduct, possession of drug paraphernalia, possession of drugs and narcotics. He explained that it gives a person a second chance and it pays a fine amount to the City and keeps the officers on the City's streets as opposed to going to the jail. He advised that it would be a lot of revenue for the City and would like to propose it again with the new City Attorney.

Mayor England moved on to Item VIII.B.

B. Interview of Candidates for Two Alternates' Positions on the Comprehensive Planning and Zoning Board

Mayor England introduced Item IV.A. and asked Mr. Victor Sarris to come to the podium.

Mr. Victor Sarris, 124 Spanish Oaks Lane, St. Augustine Beach, FL, explained that he has lived in the City since 2002 and his family is originally from here. He advised that he was a state certified licensed general contractor and has been in the construction industry for approximately 30 years. He commented that he would like to serve the community and add his knowledge and expertise of the last 30 years to the City.

Commissioner Samora asked if Mr. Sarris worked in the City and if he felt there would be a conflict of interest if he worked in the City.

Mr. Sarris advised that he does work in the City but has never had an issue of a conflict of interest working here, not to say it won't happen in the future.

Commissioner Samora asked if Mr. Sarris knew the City's codes.

Mr. Sarris advised yes, but he couldn't quote them verbatim.

Mayor England asked why Mr. Sarris was interested in the Comprehensive Planning and Zoning Board.

Mr. Sarris advised that he spoke with Building Official Law and Larry Einheuser and they told him that there were positions opened. He explained that being in the community for a long time and wanting to be a part of it, he stepped up to put his name in the hat.

Mayor England advised that the Comprehensive Planning and Zoning Board is the heart of the City. She then asked Mr. Tisdall to come to the podium.

Mr. John Tisdall, 932 Saltwater Circle, St. Augustine Beach, FL, gave a brief outline of his knowledge (Exhibit 2). He explained that he just moved to the City after retiring. He looked throughout Florida for a place to retire and loved the City of St. Augustine Beach because there were no high-rises. He advised that he lived in Wisconsin for 25 years, which is a tourist playground for Chicago, so he understands the City's challenges.

Commissioner Rumrell asked if he was a licensed real estate agent at Watson Realty at the beach and if he thought that he may have any conflict if there is a house that comes in front of the Board for a variance.

Mr. Tisdall advised that he felt he could serve both the client and the City as he has done in Lake Geneva.

Vice Mayor Kostka thanked both candidates for stepping forward with their wealth of knowledge and experience because the Comprehensive Planning and Zoning Board is instrumental in helping the Commission to do the work the Commission does. She explained that if there is a conflict of interest, the Board member just needs to recuse themselves from the case.

Mayor England advised that Mr. Patrick Wilson could not attend the meeting, but we have two candidates and two openings. She then opened the Public Comment section. The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine Beach, FL, asked if these gentlemen would be willing to stand up to people with power including a Commissioner, a large campaign contributor, or an employer; whether the applicants were made aware of the resignation letter of Chair and Vice Chair and why they resigned.

Motion: to accept for the two alternative vacant seats for the Comprehensive Planning and Zoning Board Mr. Victor Sarris and Mr. John Tisdall. **Moved by** Commissioner Rumrell, **Seconded by** Commissioner Samora. Motion passed unanimously.

Commissioner Kostka advised for the record that the Comprehensive Planning and Zoning Board was given the resignation letter from Attorney Jane West and Eloise Sloan.

Mayor England then moved on to Item V., 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, FL, advised that the Commission needs to supervise the City Manager and City staff and be much more candid in response to open records requests;

advised that he received on the weir requests non-responsive answers and an attitude; explained that Flagler Beach seems to be more hands on in regard to their beach plantings; liked that Flagler Beach had public comments at the beginning and end of the meetings; Broward County has showers at their entrances to the beach and saves the County from sand going into the sewage system; has enclosures for their trash cans; and the City Manager needs to retire and the Commission needs to do a national search.

Craig Thomson, 6 D Street, St. Augustine Beach, FL, requested to hire an in-house planner asap which Mr. Law recommended funding of the position; resignation letter from the Chair and Vice Chair of the Comprehensive Planning and Zoning Board emphasized hiring a planner; the Mayor and City Manager are working on this item and he hopes it will be on the next agenda; SEPAC gave recommendation on climate change and environmental threats facing the City, with no long-range results from staff and a lack of initiatives on storm surge and flooding issues; and requested building flood maps to be displayed in the Building Department (Exhibit 3); does not feel that on Mickler Boulevard the drainage ditch should have been done because it would displace water to the residents; and explained flooding issues.

Ed Pritchett, 1121 Overdale Road, St. Augustine Beach, FL, explained that the police reports show this month to have 900 calls and advised that on these calls the officer never knows if they would be injured by the parties involved on the call. He asked the Commission to take care of the Police Department because they take care of the citizens in the community.

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

VI. COMMISSIONER COMMENTS

Mayor England introduced Item VI and then asked for Commissioner comments.

Vice Mayor Kostka advised that she will be going to a Census meeting next week.

Commissioner Samora asked City Manager Royle regarding information that the Commission received on short-term rentals and if the City has any statistics on short-term rentals.

City Manager Royle advised that staff did an analysis and found that the City has six percent out of the total number of homes within the City limits, which were single family detached homes not condominiums.

Commissioner Samora advised that the Visitors and Convention Bureau (VCB) had a more comprehensive report. He explained that the VCB had an independent firm for a fee which would do a report for the City and asked if City Manager Royle could piggy-back on the VCB data that they already paid for. He also asked Police Chief Hardwick for a budget analysis for the revenue stream on penalties for misdemeanors. He asked if the Communications and Events Coordinator was in place yet.

City Manager Royle explained that a Communications and Events Coordinator, Melinda Conlon, has been hired and is planning for the Arbor Day event and she completed the grant for the past Beach Blast Off so the City would be eligible for a refund from Tourist Development Council. He explained that the City needs sponsors and there has been planning for that and there has been

some initial planning from Finance Director Douylliez regarding having local food trucks instead of carnival vendors. Melinda Conlon will be writing the press release regarding this meeting and will send it out tomorrow morning.

Commissioner Rumrell advised that he has been working diligently with Public Works Director Tredik on the City's portion of funding for the repairing of the weir. He commented that they met with Senator Hutson and Representative Stevenson, but unfortunately, the bill did not get much traction in Tallahassee in the Senate. In the meantime, he and Public Works Director Tredik with other gentlemen in Tallahassee will continue with grant funding and publicly thanked Mr. Tredik for completing the grant and sending it out the grant. He commented that FEMA pays 75% and the City would have to pay the rest. Commissioner Rumrell advised that he is trying to get the State to pay the 12.5% of the cost, which is \$310,000.

Public Works Director Tredik advised that when they talked to the Legislative Delegation that would be correct; however, if the City gets the funding from the state the Water Management District cost share may pay the entire City's amount. He explained that it is competitive and needs to make the cut in Tallahassee.

Commissioner Rumrell also advised that he received an email that the short-term rental bill is temporarily on hold, which may or may not come back up.

Mayor England asked Public Works Director Tredik if the costs of the weir the latest cost analysis on the weir.

Public Works Director Tredik advised yes.

Mayor England advised that City Manager Royle and her had several meetings they attended, which were with Property Appraiser Eddie Creamer on a new software program which will be presented in April, which the Commission will receive notice and they met with Hunter Conrad, St. Johns County Administrator, regarding County/City projects such as the beach renourishment, pier, pier park, moving the fire station, TDC grants, and repaving some roads like Pope Road. She commented that they were impressed with Mr. Conrad.

City Manager Royle advised that there will be a technical workshop on March 4, 2020, on the new software which the Finance Director, IT Manager, and Public Works Director will be attending to see if the new software would be useful to the City.

Mayor England explained that she has received complaints about some streets that need repairs and suggested to the Commission to think hard about whether projects should keep being delayed. She advised that she called the City of St. Augustine on the job descriptions of a City Planner and will give all the information received to the Commission in April agenda item. She and the City Manager had a meeting regarding internships for next school year and City Manager Royle will be addressing the issue with the Department Heads for the need for interns and in the process help the community. She explained that there were eight high school programs that were on point that could help the City and staff will be discussing internships with Flagler College students as well. After discussion, it was not clear whether to have one joint meeting with all the City's Boards or separate joint meetings with each Board and the Commission

City Manager Royle advised that he would mention to SEPAC the joint meeting and they could come up with some dates for the meetings for the Commission. He will bring it back to the Commission in April.

VII. PUBLIC HEARINGS

1. Ordinance 20-02, Second Public Hearing and Final Reading: to Adopt Changes to the Land Development Regulations (Presenter: Brian Law, Building Official)

Mayor England introduced Item 1 and asked Building Official Law for a staff report.

Building Official Law advised no changes to the ordinance and this would be the final reading.

Mayor England opened the Public Comments section. Being none, Mayor England asked Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of Ordinance 20-02.

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

Mayor England asked for a motion.

Motion: to approve Ordinance 20-02. **Moved by** Commissioner Samora, **Seconded by** Vice Mayor Kostka. Motion passed unanimously.

Mayor England moved on to Item 2.

2. Ordinance 20-04, First Public Hearing and Second Reading: to Amend the Land Development Regulations by Establishing Section 5.06.00 for Dune Protection (Presenter: Brian Law, Building Official)

Mayor England introduced Item 2 and asked Building Official Law for a staff report.

Building Official Law advised that the Comprehensive Planning and Zoning Board was informed about this ordinance and made great suggestions. He included the dune walkovers because they were part of the long-range plans. The Comprehensive Planning and Zoning Board recommended sand fencing, which he said was a great suggestion. He advised that he added language that included other suggestions given by the Comprehensive Planning and Zoning Board because he explained he can't anticipate every scenario in the future of the City. He advised that it should be in the Comprehensive Planning and Zoning Board's court by regulating anything outside of the average.

Vice Mayor Kostka agreed.

Mayor England received a memo from SEPAC asking for a whereas to be added on the purpose, statutory authority, intent, and statement of the coastal dunes system.

Building Official Law advised that that language would be applicable to the Comprehensive Plan or adopting a resolution, but not in the Land Development Regulations because that only deals with codes.

City Attorney Wilson suggested it be added to the Comprehensive Plan.

Building Official Law advised that a statement from the City adopted by resolution would be the appropriate mechanism. He suggested reviewing the Comprehensive Plan and adding the language to that this month at the state level.

Mayor England commented that when someone challenges an ordinance or a purpose of the ordinance sometimes it makes the ordinance clearer of why it was adopted.

City Attorney Wilson advised that the code must stand on its own merit, and it would not be codified.

Mayor England advised that it will be part of the minutes and in the record.

Building Official Law advised that people can apply for a variance to the code and can appeal his decision if needed.

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

Craig Thomson, 6 D Street, St. Augustine Beach, FL, showed Exhibit 4 and explained the amount of erosion of the dunes during hurricanes; requested higher standards than the Department of Environmental Protection (DEP); and advised for the safety and welfare of the public regarding the dunes needs to have more specific reasons in Article 5 of the Land Development Regulations and maybe a planner could help in that language.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, agreed with Mr. Thomson and does not believe in DEP and believes that the City could have a stronger language in the ordinance. He asked to table this item and consult with the faculty of the University of Florida Law School.

Mayor England closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-04.

Mayor England asked for a motion.

Motion: to approve Ordinance 20-04. **Moved by** Mayor England, **Seconded by** Commissioner Samora. Motion passed unanimously.

Vice Mayor Kostka advised that she would like to have the language stronger and that the Commission makes this a priority for future meetings.

It was the consensus of the Commission to have this brought back up at the May Regular Commission meeting by the new City Attorney.

Mayor England moved on to Item 3.

3. Ordinance 20-05, Public Hearing and Final Reading: to Amend Chapter 10 of the City Code re: Garbage and Trash Service (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 3 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik recapped the history of this item and advised that staff has incorporated the comments from the Commission into the ordinance as requested. He

recommended that carts should be purchased by the City and bought by the commercial customers because the labels could be subject to tearing and peeling and the carts would be consistent in appearance, theft potential, consistency for the workers to handle, purchasing the costs in bulk for a lower price, and staff time for researching to make sure the carts meet the specifications. He also recommended that the carts be picked up once a week not three times a week, which staff is doing presently.

Discussion ensued regarding 180 customers would be affected by this ordinance; cart pricing varies between \$100 to \$200; having the carts be durable; St. Johns County paid for their carts, not the customers; invoicing customers to pay for the carts; warranties on the carts would vary; having consistency for the workers; having a phased enforcement on the carts; allowing six times per year for unauthorized carts before code enforcement will be called; implementation may start in October 2020; having this communicated to the commercial accounts immediately on the future action; include graphics with the carts so citizens know how much they hold; and reaching out to commercial customers who use over ten cans to contact private dumpster services.

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 20-05.

Mayor England asked for a motion.

Motion: to approve Ordinance 20-05. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Mayor England moved on to Item 4.

9. Solid Waste Collection for Business and Transient Rentals: Resolution 20-06, to Adopt Fees (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 9 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik advised that the fees are in the Commission's books. He explained that \$5.00 per cart per week for 64- or 65-gallon cart and 96-gallon cart would be \$7.50 per cart per week. Included in the base fee is up to one bin a week for recycling, 2 cubic yards of garden trash or construction debris per week and up to two items per week up to ten per year of white goods. He added in Resolution 20-06 charges for picking up unauthorized containers and uncontainerized garbage, in order to encourage commercial customers to have the right number of carts. Overall revenue from the traditional businesses in the City would decrease by \$8,000. Overall revenue from solid waste collection for transient rentals is expected to increase by about \$26,000. Condos with six or more units would decrease revenues by \$14,000. The total increase in revenues would be approximately \$4,000 annually.

Mayor England asked if this was the hard costs and not considering the efficiency we gain by personnel by picking up so many cans in one place and counting cans.

Public Works Director Tredik advised that this was the hard costs.

Mayor England advised that the efficiencies and expenses should go down.

Public Works Director Tredik advised yes; however, we are adding residential properties every week which continues to go up and offsets it slightly.

Mayor England asked if Public Works Director Tredik could track efficiencies on the commercial side. She explained that the purpose is to be paid for what the City's costs are to provide this service.

Public Works Director Tredik advise yes. He explained that he could do an analysis on commercial and residential properties and then see how its offsets manhours for both.

Mayor England asked to make sure that the fees on the commercial customers covers the City's costs.

Commissioner Rumrell advised that he believe with the continuity of the carts, it will all come together.

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 Ordinance 20-06. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

VIII. CONSENT

4. Code Enforcement Board: Re-Appointment to Three-Year Term of Regular Members Bill Genovese, Trish Gilpin, Edward Pritchett, and Ernesto Torres

Mayor England introduced Items 4 and 5 and then opened the Public Comments section.

The following addressed the Commission:

Ed Slavin, P.O. Box 3084, St. Augustine, FL, asked the Commission not to re-appoint Ernesto Torres because he is a candidate for a Commission seat for the City and should resign his seat on the Code Enforcement Board, which would be a conflict of interest.

Vice Mayor Kostka asked City Attorney Wilson to respond.

City Attorney Wilson advised that Mr. Torres would have to resign his position on the Code Enforcement Board by the time he is taking his position as a City Commissioner. Mr. Torres could file soon, but it can be effective on the day he is elected to the City Commission. He does not have to stand down from the Code Enforcement Board as of now.

Vice Mayor Kostka advised if he wins the election. She advised in full disclosure that she has not submitted her name to run.

City Attorney Wilson advised that if the Commission re-appoints Mr. Torres to the Code Enforcement Board, he would have to resign soon anyway, but he would not have to leave the Board until he is elected to the Commission.

City Manager Royle advised that would be January 1, 2021. He explained that the City does not have that many applicants for the Code Enforcement Board and Mr. Torres' term ends in April.

Mayor England advised that she did not remember having to resign from an appointed Board before being elected.

City Attorney Wilson advised that a Board member should resign, but it would not go into effect until the member wins the election. He explained that a Code Enforcement Board has their own jurisdiction and authority, so they have final decisions on their cases.

Commissioner Samora asked if Mr. Torres' term ends before the next Commission meeting.

City Manager Royle advised it would be before our next Commission meeting.

Commissioner Samora suggested that the Commission could re-appoint Mr. Torres at the next meeting so it would give him time to get some clarity of the law on what he needs to do.

City Attorney Wilson advised that Mr. Torres has not spoken to him about this so he might not be aware of this rule.

Mayor England asked for a motion.

Motion: to re-appoint the Code Enforcement Board members: Bill Genovese, Trish Gilpin, and Edward Pritchett to a three-year term. **Moved by** Commissioner Samora, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Commissioner Samora advised that this would give Mr. Torres time to respond by the April Commission meeting.

5. Budget Resolution 20-01, to Amend the FY 20 General Fund Budget to Recognize Revenues from the Solid Waste Franchise Fees and Fee Permit, to Increase in Budget for the Other Post-Employment Benefit Report Mandated by Accounting Rule 75, and to Provide Money from Building Department Reserves for Various Expenditures

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

Finance Director Douylliez advised that staff is having to move money for some shortfalls in our current year budget, which are minor. The other addition is some assets and additional Building Department supplies and equipment that the budget needs to be increased through the reserves from the Building Department.

Mayor England asked for a motion.

Motion: to approve the Consent Agenda as read with the exception to Commissioner Samora's change for Mr. Torres. **Moved by** Commissioner Rumrell, **Seconded by** Mayor England. Motion passed unanimously.

Mayor England moved on to Item 6.

IX. OLD BUSINESS

6. Emotional Support Animals: Review of Recommendation to Amend the Land Development Regulations (Presenter: Brian Law, Building Official)

Mayor England introduced Item 6 and asked Building Official Law for a staff report.

Building Official Law advised that emotional support animals should be done through the conditional use permit process and if the Comprehensive Planning and Zoning Board denies the permit the appeal would come to the Commission for final approval. He commented that he did not want to say what types of animals are emotional support animals because he could not say what the specific type of animals people need. He explained that this procedure does not guarantee approval, but it gets the person in front of the Comprehensive Planning and Zoning Board and Commission for help.

Mayor England agreed with having the material included from Federal Housing Administration (FHA), but is struggling to make this a conditional use permit. She explained that this is a code reasonable accommodation, not a conditional use permit. She commented that she is struggling with allowing for fees when it is as simple as following the FHA document. She suggested having this go in front of the Code Enforcement Board which would follow the FHA guidelines and maybe delay this until the new City Attorney comes onboard.

Building Official Law advised that the case that came in front of the Commission regarding the chickens was given 120-day extension and if it takes longer to come to get this resolved, he would come in front of the Commission to extend the case. He explained that he would be in favor of having it go to the Code Enforcement Board to make a decision if the City Attorney advises it can be. He explained that he just wants the person to have a voice in front of a Board or the Commission.

Commissioner Samora agreed with the conclusion of the FHA document issued in January. He explained that this is a big issue that has gone all over the country. He explained that the policy does not need to be rewritten and the City could use the FHA documentation for guidance to handle situations that come up.

Mayor England advised that a conditional use permit that is issued to that person stays and if you do a reasonable accommodation it can be recertified from a year to get a medical opinion. Reasonable accommodation is very subjective and suggested more research be done on case law.

City Attorney Wilson advised that the FHA documentation gives guidelines to a person who is renting a public owned home. This case is totally different because it is not a public rented home. He explained that if we want to do a policy that uses some of the guidelines of FHA that is one thing, but we need to change the codes to allow this accommodation to exist or not. This is more to protect the neighbors from what the person's emotional support animal is. The housing provider is the owner of the home and the codes monitor what is allowed within the codes. He explained that the Code Enforcement Board could not grant a reasonable accommodation because they can only follow the codes in place and whether it would be a violation of the code. He advised not to get the medical information but just the necessity or opinion that the person needs the emotional support animal. He suggested a process where an emotional support animal would not affect the neighborhood.

Vice Mayor Kostka advised that the Commission did not want to change the code but provide an opportunity for people with needs to be able to approach us on a case by case basis to get approval or denial. She appreciated the work that Building Official Law did.

Mayor England cited a case where a miniature horse was allowed even though there were codes in place, but the horse was a service animal not an emotional support animal.

Vice Mayor Kostka advised that the Federal Aviation Administration (FAA) just passed a law that emotional support animals are not allowed on flights. She explained that the Commission needs to protect the citizenry as well.

Mayor England advised that this is just a proposal at this point.

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

Pamela Holcomb, 312 A Street, St. Augustine Beach, FL, was glad to see that the language proposed, which was clearly not the definition of an emotional support animal, is being set aside and she will have a chance to address this. She stated that the FHA information she provided, which the Commission has. She took issue with City Attorney's conclusion that the FHA does not apply to City variances. The mini horse case in the City of Blue Ash, Ohio, dealt with livestock ordinance and was approved because it was an ADA service animal, which can only be mini horses and dogs and no other animals. She suggested that the process should be that the person writes the City and request a reasonable accommodation, the FHA standards are applied, and a decision is made. She also suggested that this should be delegated to a department for an answer and the medical information can remain confidential.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, thanked the Commission for their compassion and for reading the Sixth Circuit Court's case. He advised that the Commission amended the City's FHA to include sexual orientation and gender preference. He stated that a lot of people showed up to support this little boy and people were moved and suggested an ordinance regarding reasonable accommodations. He suggested that the next City Attorney work with HUD in Atlanta and contact the attorney who specializes in fair housing to help draft the ordinance.

Mayor England closed the Public Comments section and advised that the Commission has a suggestion on this on which policy direction to take and there will be a new City Attorney and staff who will be researching this issue as well. She asked Building Official Law and the new City Attorney to work together and to bring this back to the Commission in the future.

Mayor England moved on to Item 7.

7. Resolution 20-04, to Amend Sections of the Personnel Manual for Policies Prohibiting Fraternization of Supervisory with Subordinate Employees and Prohibiting Animals Other Than Americans with Disabilities Act – Recognized Service Animals in City Buildings (Presenter: Beverly Raddatz, City Clerk/ HR Director)

Mayor England introduced Item 7 and asked City Clerk / HR Director Raddatz for a staff report.

City Clerk Raddatz advised that she will be bringing updates to the Personnel Manual every meeting and this was some of the items that a member of the Commission wanted to bring up right away.

Mayor England asked about the ADA form for service animals that the employees would apply for. She advised that these policies would be inserted into the Personnel Manual.

Commissioner Samora asked whether the ADA service animal form was taken from the American Disability Act or did City Clerk Raddatz come up with it.

City Clerk Raddatz advised that it was pulled from an ADA document, and she made no changes.

Commissioner Samora was concerned about some of the questions asked for the physician and wanted to make sure that they were allowed to be asked.

City Clerk Raddatz advised that ADA service animals are a little different and the physician has to say there is an ADA requirement. This documentation would be confidential and would not be open to public records law. She advised if the Commission wants to change the questions or delete the form that would be up to the Commission.

Commissioner Samora asked to delete question 2.

Vice Mayor Kostka advised that she believed that this is a request to have a specific accommodation out of the normal workplace that the City provides, we have to know what their perimeters are in order to accommodate their needs.

Commissioner Samora was concerned about asking specific questions.

Vice Mayor Kostka advised that this would not be asked on an application, only if the employee asked for an accommodation.

Commissioner Samora agreed to the form if it comes directly from an ADA service animal accommodation.

City Clerk Raddatz advised that there is definition of what a service animal has to do, and the physician request is only to prove that a service animal is needed for the employee to be able to do his job performance.

Mayor England suggested that a footer should be put on the form or the regulation so they can know that it comes from a certain regulation.

City Clerk Raddatz agreed to that suggestion.

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

Ed Slavin, P.O. Box 3084, advised that the City needs a Whistle Blower policy; thanked Vice Mayor Kostka for raising the issue of anti-fraternization policy, but City Manager Royle didn't do an investigation or a proper interview; needs expertise at the University of Florida to write the Personnel Manual; and feels that human resources should not be under the City Clerk because there is a conflict of interest.

Vice Mayor Kostka advised that the Personnel Manual has a Whistle Blower policy on page 20 of the current personnel manual under Section 1.13.

Mayor England closed the Public Comments section and asked for a motion.

Motion: to approve the Resolution 20-04. **Moved by** Vice Mayor Kostka, **Seconded by** Commissioner Rumrell with adding the footnote from the ADA. Motion passed unanimously.

Vice Mayor Kostka advised that the Personnel Manual is being updated and there will be more updates to come.

Mayor England moved on to Item 8.

8. Ordinance 20-06, First Reading: to Adopt Water Management District's Irrigation Regulations (Presenter: Bill Tredik, Public Works Director)

Mayor England introduced Item 8 and asked Public Works Director Tredik for a staff report.

Public Works Director Tredik advised this is the first reading for Ordinance 20-06 and explained that the St. Johns River Water Management District currently has water restrictions to ensure efficient use of water for landscape irrigation and advised that these are restrictions that are already enforced. He explained the exceptions to the restrictions to the Commission. He explained that 69 other cities and counties have already adopted this type of ordinance that basically restates what their rules are. He commented that the reason why this is important is the district wide cost-sharing that the City applied to for the weir and having this ordinance in place gives the City extra points on the applications. He commented that he wants to keep applying to grants year after year and this would be a help in receiving grants. He remarked that the District funds up to 33% of the construction costs on projects up to \$1.1 million per applicant per year, which is a lot of money that the City could lose by a couple of points. He pointed out that the ordinance before the Commission is a draft ordinance on the website or used the language out of the District rules, which people are already supposed to be complying with. He said that the fines would be enforced by the Code Enforcement Board. He explained that if the Commission approves this, he would send the approved ordinance with a letter saying that we passed this on first reading and are intending to pass it on second reading on April 6, 2020 Commission meeting, which could be the difference for the weir project. He explained that the District will not be aggressive about how we enforcement it, but the District would like this ordinance enforced.

Commissioner Rumrell asked Public Works Director Tredik if new technology could be enforced, such as new sprinkler heads, smart homes, greenhouses, etc., so that there could be more days of watering but using the same consumption.

Public Works Director advised he could check with the District about it.

Mayor England suggested to add on Section 4, Number 9, any exceptions approved by the Comprehensive Planning and Zoning or Public Works Department for future technology. She also asked how homeowner associations' water scheduling is enforced.

Public Works Director Tredik may ask homeowner associations to help in following this ordinance and he could do that.

Mayor England advised that if a homeowner association is on a community well, then the City needs to address that with this ordinance.

Public Works Director Tredik advised yes, he would speak to the District between the first and second reading of the ordinance to see if they would be open to that exception. The District would have to approve the ordinance to be the 70th city on the list. He would do research on the homeowners associations. He advised that the penalties could be adopted by resolution as other fees have been.

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

Jeff Sturtevant, 506 B Street, St. Augustine Beach, FL, thanked the Commission for looking at his email. He advised that he is currently looking at an older home and is upgrading the technology and asked that the ordinance specifies that old technology can be upgraded to new technology for less water consumption.

Ed Slavin, P.O. Box 3084, St. Augustine, FL, advised that Public Works Director Tredik does excellent staff work and if there is a need to designate a person as temporary City Manager, he should be selected.

Mayor England closed the Public Comments section and asked for any further Commission discussion. Being none, Mayor England asked City Attorney Wilson to read the title of the ordinance.

City Attorney Wilson read the title of Ordinance 20-06.

Mayor England asked for a motion.

Motion: to approve Ordinance 20-06. **Moved by** Mayor England, **Seconded by** Commissioner Samora. Motion passed unanimously.

Mayor England moved on to Item 10.

10. Public Parking: Discussion of Possible Improvements (Presenter: Vice Mayor Maggie Kostka; Max Royle, City Manager)

Mayor England introduced Item 10 and asked Vice Mayor Kostka for a report.

Vice Mayor Kostka advised that she felt there was a few loose ends when it came to the parking issue. She explained that she met with Police Chief Hardwick, Public Works Director Tredik, emailed Building Official Law, and spoke with City Manager Royle about the issues that still need to be resolved. She asked Public Works Director Tredik to give a brief explanation about some parking improvements.

Public Works Director Tredik showed a PowerPoint Presentation regarding where parking improvements and spaces near A1A Beach Boulevard (Exhibit 5).

Commissioner Rumrell advised that he was also talking with Public Works Director Tredik about parking on the Boulevard on some of the parkettes that are rundown and spoke to a former St. Johns County employee on how the Tourist Development Council could help fund these improvements because it would allow more beach access. He also advised that the Port and Waterway would be able to give funding due to more beach access.

Vice Mayor Kostka advised that the Commission would need to know what the priority would be. She asked if the Commission wants to add more parking spaces or keep more greenspace or meet in the middle. She explained that City Manager Royle suggested a five-year parking plan to implement changes that the Commission feels are needed and would benefit the City. Some of the areas would be a concern for SEPAC because they would not want to take away all the greenspaces throughout the City. She suggested 4th Street's right-of-way and the 16th Street and 8th Street parkettes because they would create parking without sacrificing greenspace or developed parkettes.

Mayor England agreed with greenspaces but any parking that is directly adjacent to the Boulevard would require a buffer that hides the cars and would have to be part of the costs.

Vice Mayor Kostka agreed and said that on the corner of 8th Street on the east side. It changed the number of spaces because of the buffer, but it could be changed by having one-way in and one-way out. She pointed out from Commissioner Rumrell that TDC is not allowing allocations of monies for projects like this so the City may not have to plan for the total costs, but part of the costs. She commented that she is very aware of the budget restraints so this may be something the City could do within five years or not. She remarked that the Commission wants to have the community safer with better access for the people who come to the City. There may be a time when the City will have to say that we are full or that the visitors will have to go the next beach area.

Commissioner Samora applauded Vice Mayor Kostka for bringing this up to the Commission. He explained that the City does need more parking for the visitors, residents, and the communities that are surrounding us are growing. He thanked Public Works Director Tredik for doing a good job on his presentation. He advised that he wouldn't want to be reliant on TDC funding, but to fund some of this yearly with City funding.

Vice Mayor Kostka advised that if the City doesn't give visitors places to park, they will park in places residents don't want them to park.

Commissioner Rumrell advised that he would like the Boulevard to be cleaned up or beautified as well when this is being done. He gave an example of the City of Jacksonville Beach where they put in a sculpture garden in that were paid by the University of Florida.

Vice Mayor Kostka advised that the enforcement of the parking would be to have clear and distinct parking rules and regulations. She commented that on a couple of streets, the way people park no emergency vehicles would be able to get through.

Police Chief Hardwick advised that the resident parking signs have helped on a couple of streets. He asked the Commission to have uniformity by ordinance and suggested west of the Boulevard it should be residential parking only except for businesses. He advised the main focus for parking enforcement is across the Boulevard, pier parking lot area, driveways within the 15-foot radius of the curves, fire hydrants, and blocking emergency vehicles on streets. He explained that it would fall on the residents to call if there is a problem. He explained that on 15th Street the entire street was littered with "No Parking" signs. He requested uniformity.

Vice Mayor Kostka advised that the "Residents Only" signs are working so she requested not requiring 60% of the street to sign a petition to put signs up. She requested to leave it up to the Police Department to identify the streets that are being abused which are the streets that directly access the Boulevard on the west side behind the businesses.

Police Chief Hardwick advised that between the Police Department and Public Works they could identify the streets that need the signs. He advised that the residents have been happy in the last year with the signs and advised that the residents are self-policing and call the Police Department if there is an issue, which worked out extremely well.

Public Works Director agreed.

Vice Mayor Kostka advised that she spoke with staff regarding hang tags or stickers for transient rentals and staff advised that this would not be a good idea. She advised that tags

or stickers were not necessary. It would be added time and expense for the City and if the staff makes it more uniform with signs, that would be good enough.

Commissioner Samora asked Police Chief Hardwick if that would be an enforcement issue if officers don't have a way to know residents' vehicles.

Police Chief Hardwick advised that the residents police it and call when there is an unknown vehicle. He said 15th Street behind Sunset Grill they call, and the officers can run the tag to see if someone lives there or not. Transient rentals west of the Boulevard could have a problem but will be addressed in the future. He advised that he is not a fan of the stickers or tags and believes it would be a waste of taxpayers' dollars.

Commissioner Rumrell asked what happens if a ticket is done, but the person lives in the City.

Police Chief Hardwick advised that the ticket would be voided and there would be no problem.

Vice Mayor Kostka advised that the parking codes regarding the number of parking spaces for businesses, buildings, and commercial entities, such as Embassy Suites that fit the code by the number of rooms but didn't account for parking spaces for the meeting rooms, banquet rooms, restaurant and bar. She advised that parking spaces should be calculated by the fire code for the maximum building occupancy. She explained that the existing businesses would not be able to comply, but future businesses or businesses that were destroyed by a storm or catastrophe would need to comply to the new code.

Mayor England advised that the City is encouraging retail use and commercial use for more revenue so the City will have a balance because that could stop some of the businesses from opening in the City.

Vice Mayor Kostka advised that the retail would not change and would be based on square footage; however, restaurants or hotels with restaurants and banquet rooms would because they have to have enough accommodation for parking.

Mayor England advised that shared parking is something that the City could consider. She explained that there are businesses that are only open during the week and then their parking lot sits empty on the weekend.

Building Official Law advised in an assembly area it is usually per person per 15 square feet, but storage rooms are one person for every 300 square feet. He explained that the City's code does track closely to what the occupancy is. He advised that if the Commission wants to track it per occupant that is acceptable way. He explained that St. Johns County calculates one parking spot for every three occupants, but the designer of the building will specify the occupant load and the Fire Marshall, and the Building Official will follow that.

Commissioner Samora asked how does the Fire Marshall and Building Official treat outdoor spaces.

Building Official Law advised that they count the tables and chairs as an alternative method. He commented that he did complete an inventory in the City to help the Utility Department and gave it to Deputy City Clerk Fitzgerald to make sure staff has all the building tax receipts every year. Plan review would have the occupant loading on it. He explained that the Building Department separates the outside from inside because it affects the way we egress. He explained that the outside and inside would be based on the total occupancy of the building

and advised that the Fire Department will count the chairs. He commented that he was in favor to changing the restaurants to a factor that corresponds to the surrounding jurisdictions, just to limit the gross floor area.

Vice Mayor Kostka wants a five-year plan and should prioritize the areas that are available to improve parking areas but would stay away from any areas that are already improved or beautified. Then to add codes to address the new restaurant parking spaces going forward and allow the Police Department to monitor the streets and establish streets that need additional or new signage on the west side of the Boulevard for residential parking only and asked for the Comprehensive Planning and Zoning Board for more input on the five-year plan.

Mayor England asked when the five-year plan should be drafted.

Vice Mayor Kostka advised that it should go to the Comprehensive Planning and Zoning Board first to gather input with the help of Public Works Director Tredik to prioritize the parking areas based on east turning into parking based on the cost factor.

Mayor England asked if Vice Mayor Kostka would like to have this on the next Comprehensive Planning and Zoning Board and SEPAC meetings. Then when the input is completed it would go to City Manager Royle to put together the five-year parking plan and then to the Commission.

Commission agreed.

Mayor England moved on to Item 11, New Business.

X. NEW BUSINESS

11. Use of City's Public Meeting Rooms: Consideration of New Policy (Presenter: Max Royle, City Manager)

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

City Manager Royle explained that this issue is on how heavily the facilities are use and then to suggest a policy to make the facility available to more groups. He suggested limiting the number of times per week a group can use the facilities. He explained that some groups want to meet every night of the week except maybe Fridays and on weekends. He advised it would be a change in the Policy and Procedures Manual to set a limit on the number of times per week a group could meet starting in 2021.

Mayor England advised that it is important that the AA group meet every day and have availability every day. She knows that there are different Chapters of AA.

City Manager Royle advised that one Chapter AA group could meet two times a week, but there is one Chapter AA group that want to meet five times a week in the small meeting room and it deprives other meeting groups that may want to use the facility as well because there are not a lot of facilities available in the area. He explained that the meeting room was built for public meetings, not office space. Building C was made into a public meeting room because there was no need for a maintenance garage.

City Clerk Raddatz advised that there are a lot of groups, not AA, that use the rooms every week two or three times a week for free and suggested charging for the time these groups meet. There are some groups that could meet at their homeowner facilities. She explained

that the only time there is a charge if they are not a resident or are a commercial entity. She advised that she would not charge for AA groups or non-profits that really make a difference in the community.

Vice Mayor Kostka advised that it is common for places to charge a facility fee, with the exception of non-profits or something like AA groups.

Police Chief Hardwick advised that the Police Department is having to go off campus for self-defense classes, awards presentations, youth classes, swearing ins, because the meeting rooms are not available and going to hotels and conference rooms that would donate the money so the Police Department doesn't use the taxpayer's dollars.

Commissioner Rumrell asked if staff could have first rights to the rooms.

City Clerk Raddatz advised that the groups come in on October 1st to block their dates and times starting in January for the whole year. She explained that the library is not allowing the facilities to be used for any group.

Police Chief Hardwick advised that they are using the library.

City clerk Raddatz advised that there should be limitations, so our staff does not have to go off campus.

Police Chief Hardwick advised that the library went back to having only library functions but allows the Police Department to meet in the library as a courtesy.

Vice Mayor Kostka asked if charges have been researched.

City Clerk Raddatz advised that the City charges \$75 for four hours and if they use the kitchen it is a \$100 extra fee. She believes that other agencies charge a lot more than that. She explained that a lot of homeowner associations would like to meet here instead of their community centers.

City Manager Royle advised that some homeowner associations don't have community centers and he doesn't agree with charging the homeowner associations because they are already paying property taxes.

City Clerk Raddatz advised if the homeowner associations meet once a month or once a quarter that would be fine.

Finance Director Douylliez advised that groups come in and say that they don't have a place to meet so they know someone who lives here, or they know a group and then it doesn't cost us, but that group is really not within the City. She explained that the costs for the janitor, cleanup, fire hazards when they leave coffee pots on all night, and making sure that the doors are locked and no one is left inside the building after hours. The City makes people pay when they have races and they pay event fees, so the City should cover the costs of what we are incurring.

Mayor England advised that there is not a problem with a minimal fee, but you need to come up with a criteria on who pays the fee and who doesn't that can withstand a legal challenge. She advised that she does not want to charge AA groups because they do a great function.

City Clerk Raddatz advised that she doesn't want to charge AA groups because a lot of times they donate to the City.

Mayor England requested that this come back and tell the Commission how this would be defensible and how the Commission legally can explain that. She asked for the charges to be done and how many times per week or month groups can meet.

Commissioner Rumrell advised that most places charge a cleaning fee anyway and is not unreasonable.

City Clerk Raddatz advised that staff wanted to bring it to your attention because it is being abused and the City should be covering our costs.

Mayor England asked to bring this back and be kind to the AA groups.

City Clerk Raddatz advised that she would.

Mayor England opened the Public Comments section. Being none, Mayor England moved on to Item 12.

12. Drinking Water at City Events: Review of Options and Costs (Presenter: Max Royle, City Manager)

Mayor England introduced Item 12 and asked City Manager Royle for a staff report.

City Manager Royle advised Commissioner George suggested the City no longer provide water in plastic containers. The Deputy City Clerk Fitzgerald did research and found that there is a larger cost difference to using the boxed water containers.

Commissioner Samora asked how many water bottles the City purchases a year.

City Manager Royle advised that he was not sure as of yet; however, we do purchase water bottles for the Public Works and Police Department for emergencies every year because it is portable and sanitary, but he stated he didn't know how many water bottles are purchased for events.

Mayor England advised that she understands giving free water bottles for staff, but not sure why the City is giving free water bottles for events.

Police Chief Hardwick advised that we do not provide water bottles for staff, we stock up on water bottles for hurricanes once they come back. There is a 20-gallon water machine that everyone uses, but not water bottles. Emergency rations are provided so much per year along with food and once the storm passes staff uses it.

Mayor England asked if the City can charge for the water bottles.

Police Chief Hardwick advised that the water bottles are donated for the events.

City Manager Royle advised that he doesn't believe that the businesses donate for events any longer and if the City charges for bottles, staff would have to be involved with taking money. He suggested a water dispensing machine that people could put quarters in to get water, but that could be a plastic water bottle too.

Finance Director Douylliez advised that she is looking into for Arbor Day this year with our new Communications and Events Coordinator. She will approach some of the water vendors

in the area to see if they would like to participate in the event with the cups and dispensers to get some sales and to be environmentally friendly for the Arbor Day event. Arbor Day is an environmentally friendly and staff will be approaching vendors that would supply canned water for our events.

Mayor England advised to stop handing out bottled water on Arbor Day.

City Manager Royle asked about Veterans Day when it is very warm and elderly people ask for water.

Mayor England commented then we need to work on for the events an alternative water supply through a vendor.

Commissioner Rumrell advised that there were five vendors in the area that have boxed water and a company out of Palm Beach called Hidden Water and one in Ocala called Alpha Pure which have water in cans. He suggested working with the Amphitheater because of their Green Hands initiatives.

Police Chief Hardwick advised that they could use the Gatorade jug and put cups of water there and make it simple.

Vice Mayor England agreed with using the Gatorade jug and cups.

City Manager Royle will investigate options.

Mayor England advised that there should be no more bottle water at our events because we are environmentally sensitive City.

Mayor England opened the Public Comments section. Being none, Mayor England moved on to Item XI, Staff Comments.

XI. STAFF COMMENTS

Mayor England asked City Manager Royle for comments.

City Manager Royle advised that he and Public Works Director Tredik will be going to the Tourist Development Council (TDC) to ask for funding for parking improvements. He explained that there might be matching funding involved or the TDC might not give them anything. Staff did go to the Port and Waterway for the A Street project and they said it was not in their realm of funding. He advised that he would go back to ask for funding again for parking improvements.

Finance Director Douylliez said that she was working with the new Events Public Information Officer, Melinda Conlon, and advised that she submitted the TDC grant for last year's funding for Beach Blast Off and is now working on the Arbor Day event and keeping everything environmentally friendly. She advised that the audit went well and there are some things that she is making note of and keeping a binder of things to improve to reduce or eliminate the comments on the audit.

Mayor England congratulated Finance Director Douylliez on her first audit.

Police Chief Hardwick thanked Finance Director Douylliez, City Clerk Raddatz, and Building Official Law for working so well together with the Police Department and everything is getting accomplished.

City Clerk Raddatz advised that the insurance asset survey was done last week, and they will be submitting a report this week. She explained once that is received, she will send the Request for Proposal for Property Insurance and Casualty out with the correct information. She explained that in July she will do another Request for Proposal for medical insurance.

Public Works Tredik advised that he would like to address Mr. Thomson's comments that were stated during public comments. He advised that he spent over an hour on the phone with Mr. Thomson regarding the City's application for the resilience grant, staff wanting to do an adaptation plan for sea level rise and storm surge, and the Mizell pond issue. He commented that staff does take this very seriously and with increasing storms he takes it seriously and wanted to make that clear.

Building Official Law issued a temporary occupancy to Beachside Diner and they must do a couple of Fire Department requests on plans, nothing serious. He explained that they may be opened sometime this week after they train their staff.

XII. ADJOURNMENT

Mayor England asked for a motion to adjourn.

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

Mayor George adjourned the meeting at 9:30 p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk



MINUTES

EMERGENCY COMMISSION MEETING

FRIDAY, MARCH 20, 2020 AT 5:30 P.M.

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

I. CALL TO ORDER

Mayor England called the meeting to order at 5:30 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 Charlie Douglas, Police Chief Hardwick, and City Clerk Raddatz.

IV. SECTION 1-5 OF THE CITY CHARTER: VOTE TO DETERMINE THAT MEETING IS AN EMERGENCY (Super Majority Vote Required)

Mayor England asked for a motion to determine that is meeting is an emergency.

Motion: to approve the Emergency Commission meeting. **Moved by** Mayor England, **Seconded by** Commissioner George.

Mayor England ask for a roll call vote.

City Raddatz took the roll call as follows:

Mayor England	Yes
Vice Mayor Kostka	Yes
Commissioner George	Yes
Commissioner Rumrell	Yes
Commissioner Samora	Yes

Motion passes 5 to 0.

Mayor England moved on to Item V.

V. DISCUSSION OF COMPLIANCE WITH GOVERNOR DESANTIS' EXECUTIVE ORDER

Mayor England explained that the Commission, staff, and Police have been acting on this pandemic. She explained that Governor DeSantis on March 17, 2020, issued Executive Order 20-68 and then the staff took immediate action to what was applicable to the City. She advised that she would have staff explain what we have done on this Executive Order. She explained that restaurant seating was restricted to 50% capacity; discouraged social gathering of groups more than ten; expect social distancing of six feet; and Commission and staff has received numerous emails. She requested that residents be patient and advised that staff have tried to do their best on what information they received at the time. She advised that she will have Police Chief Hardwick and City Manager Royle give their reports and explained that there has been suspended public quorum presence, but further research is necessary. She asked City Attorney Douglas why the public has been asked to be outside due to public distancing.

City Attorney Douglas advised that the emergency meeting was properly called in accordance with City policies and procedures and the Florida meeting requirements and Florida in the Sunshine. The City is currently broadcasting the meeting outside under the breezeway where members of the public can hear and inside the room are 10 individuals, so the City is complying with the Governor's Order and CDC regulations. This meeting was called 24 hours after the agenda was posted. He explained that individuals who want to make a public comment will be advised by staff to come in and then leave the meeting after their comments of three minutes.

Mayor England asked Police Chief Hardwick to speak on what has been accomplished this week.

Police Chief Hardwick advised that he has sent information from the Florida Department of Health (FDOH), local Emergency Management Office (EOC), Department of Health (DOH), the Center for Disease Control (CDC), and the surrounding St. Johns County and City of St. Augustine. He explained that he finished a meeting with the EOC Policy Group for St. Johns County and a decision was made that tomorrow morning the beaches will be closed to vehicle traffic and vehicle parking will remain open at this time; however, the vehicle access points on the beach will be shut down. He placed signs and message boards throughout the City. He commented that every hour it changes. He explained that Crescent and Vilano beaches are shut down but explained that St. Johns County residents can use the beaches. He commented that there will be a meeting to re-evaluate the situation with St. Johns County, the Sheriff's Office, and the City of St. Augustine Police Department tomorrow. He explained that he went to all the restaurants in the City and spoke with the businessowners that serve food or alcohol and explained the Executive Order from the Governor regarding food and alcohol sales. He commented that there was compliance with the restaurants and bars. He explained that Department of Professional Business Regulation (DPBR) oversees enforcing the Executive Order 20-71. Sealed alcohol sales are permitted and take outs. He and the Sheriff allowed the restaurants to finish out the day and then start take-out the next day. He gets CDC and Public Health Department emails and advised that the residents are worried about being exposed. He explained that two deputies from Putman County will start tomorrow to help with crowd control on the beach.

Vice Mayor Kostka asked if seating on premises means indoor and outdoor.

Police Chief Hardwick advised yes, no seating outdoors or indoors on premises or property. He is looking for clarification tomorrow and DPBR will get back to him tomorrow.

Commissioner Samora advised that he believes that those businesses without a package license can sell alcohol now if it goes with a food order.

Police Chief Hardwick advised that he would give it a benefit of the doubt because every lawyer has a different opinion of the order. He said that he is trying to help the businessowners in St. Johns County to stay open to pay the employees and the businessowners' bills. He suggested that the City interpret the order until the clarification comes out from the Governor.

Commissioner George advised that she agrees with Commissioner Samora and would agree with that interpretation of the order.

Police Chief Hardwick advised that any decision from the Commission can affect the businessowners' livelihoods. He explained that the Police Department will not give out citations unless there is clarification from DPBR and the Governor. He said that the City should move forward with what the Commission decides on tonight until better clarification can happen.

Commissioner George advised that she does not want a narrower restriction than what DPBR is allowing.

Police Chief Hardwick advised that he wouldn't. He explained that he will get more clarification.

Discussion ensued regarding controlling the spacing of crowds for the takeout orders; Police Department will ask the businessowners for accountability of the crowds; rules from DPBR requires crowd control and if the businessowners don't abide by them, they will suspend the businessowner's license; Police calls for service have increased; suicide threats have increased; road-rage is another issue because people are on edge; waiting in line in Publix is the same as waiting in line for a takeout and people are not following the six feet apart; and the Police Department will make their presence known to make our residents feel more comfortable.

Commissioner Rumrell thanked Police Chief Hardwick for all his efforts.

Vice Mayor Kostka agreed with Commissioner Rumrell and thanked Police Chief Hardwick for taking the lead in this situation and for the leadership that he has shown. She asked if the Police Department can control the crowds on the beach.

Police Chief Hardwick advised that this is going on nationally and each City is dealing with it in their own ways. He explained that he had a meeting with St. Johns County Beach Services, the Sheriff's Office, the Fire Department, and St. Augustine Police Department and decided to have signs made that follow the CDC guidelines and also to have seven message boards. He explained that he put out a public service announcement to 67 media sources and educated the Police Officers to know answers if the public asks. The youth have been the problem not following the guidelines on the beaches and so the beach vehicle entry ways are going to be closed on Saturday. He commented that the Police Officers become babysitters. Being home can cause an unhealthy environment.

Vice Mayor Kostka advised that a person must take a great deal of social responsibility and personal responsibility for doing the right thing. She explained that people should be able to help the residents with any concerns that they have. She advised that Noreen Williams was to head up this project and should see something soon.

Mayor England summarized that the Commission followed Executive Order 20-68 to reduce the density and congestion in the City before the next weekend. Our Police Department and staff did an excellent job. She explained that she didn't want to have the same experience that happened last weekend. She explained that the Commission and staff were in touch with St. Johns County and the citizens were heard. She explained that with Executive Order 20-71 there are more certain ways to restrict congestion.

Police Chief Hardwick advised that his office will be opened from 8:00 a.m. to 5:00 p.m. Saturday and Sunday this week for questions.

Mayor England asked City Manager Royle for his report.

City Manager Royle advised he has been working on internal policies. He explained that Public Works Director Tredik is concerned over losing manpower and not being able to limit household waste. The City of St. Augustine advised that the cities would work together on manpower and equipment and the City could get a contract with Advanced Disposal if needed. City Clerk Raddatz has been working on procedures with FEMA and updating the Personnel Manual so workers can continue to get paid. He explained that his staff is researching virtual meetings. There are some procedures for other cities that the IT Department will be researching for public comments. Revenues are going to decline and asked that staff and the Commission not to spend on items that aren't essential. State sales tax will decrease because of the unemployment, which means the City would have less income. He explained that vacancies will not be filled. Department Heads will meet to discuss what the departments can do to reduce the current and upcoming budgets. The Communications and Event Planner is trying to get the most current and correct information out to the public and trying to spread positive information to the public. The Building Department will be maintaining its staff and will continue to be opened. Employee morale is good, but people are afraid and there may be a time to close City Hall because key personnel could be sick and cannot provide the service. Public Works staff will disinfect City Hall and the Police Department. There will be disinfection bombs for all offices eventually. He explained that he has reduced the April 6, 2020, regular Commission agenda as much as he could.

Vice Mayor Kostka asked if the departments have online permit and Business Tax Receipt programs.

City Manager Royle advised yes. Staff has online payment processes. Permits and Business Tax Receipts can be done online.

Discussion ensued regarding recycling has been stopped in St. Johns County, but the City is still providing recycling services; whether recycling is being put in the landfill; saving Advanced Disposal contract costs if they aren't picking up; selecting school and trolley bus drivers locally if CDL personnel is needed, instead of using temporary manpower from Advanced Disposal; the

City's gasoline supplies are topped off; going to online is the best answer to limit exposure; and the City's limited supply of sanitizers, gloves, and masks.

Henry Dean, St. Johns County Commissioner, District 5, 500 San Sebastian View, St. Augustine, FL, explained that he has been working with the City Commissioners and staff and with St. Johns County Policy members. He explained that everyone is trying to deal with the issue of balance of how to protect the citizens and try to make the beaches available to everyone. He would like to keep the beach opened if it is being managed well. Public health is St. Johns County Commissioners' first priority and as a team the City and County will be able to get through.

Commissioner Rumrell thanked County Commissioner Dean for coming to the meeting tonight and for his help.

Mayor England thanked County Commissioner Dean for coming to the meeting and helping to balance the efforts of the beach.

Mayor England moved on to Item VI, Public Comments.

VI. PUBLIC COMMENTS

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

Tom Reynolds, 50 Brigantine Court, St. Augustine Beach, FL, wanted to thank Police Chief Hardwick and City Manager Royle for taking care of City during this time; wanted to know if the summer concerts at the beach are cancelled; and complained about St. Johns County Administrator and Commissioners not being ethical and discriminating against applicants.

Police Chief Hardwick asked if the Betty Griffin House 5K should still go on. He asked for the Commission to pick a date on when to cancel events if needed.

Commissioner Rumrell advised that the Executive Order says to cancel all events for 60 days.

Commissioner Samora advised that it was Executive Order 20-52 and it expires on May 9, 2020.

Jo Ellen Parkey, 3 Coquina Blvd., St. Augustine Beach, FL, thanked Police Chief Hardwick for his work and leadership; closing the beach parking would bring the public into the neighborhoods; and requested the public to support the local businesses and restaurants during this time, who supports the schools.

Police Chief Hardwick advised that several agencies have met and came up with a mutual aid solution that will show a heavy law enforcement presence.

Bryan Ott, 107 15th Street, St. Augustine Beach, FL, thanked Police Chief Hardwick; advised the public was on edge; kids are adjusting to online learning; and asked not to close the beach.

Brud Helhoski, 691 A1A Beach Blvd., St. Augustine Beach, FL, thanked Police Chief Hardwick and the Commission for letting calmer minds prevail; businesses are doing everything they can to promote the requests from the Governor; businesses are on the brink, but thankful for all that the Commission does; and businesses are going to do carwashes, parking fees, takeout food.

Pat McGinnis, 613 Atlantic Oaks Circle, St. Augustine Beach, FL, thanked Police Chief Hardwick; businesses are taking tables away to help spread clients out; wanted to make sure with a takeout order, package alcohol can be with takeout; and locals are conforming, but not tourists.

Police Chief Hardwick advised that he would go to all the businesses again with a simple version of the order.

Susan Brady, 121 14th Street, St. Augustine Beach, FL, thanked the Commission for their hard work; Florida expected to be hardest hit by the virus; leaders need to lower the curve by leadership; the public who take out beer will go to the beach; Duval County closed their beaches so the public is coming to St. Johns County beaches; parking will be an issue to the neighborhood if public parking is closed; supporting local businesses; however, the businesses need to spread people out; taking the protections now will eliminate more of the spreading of the virus, when they don't the Police Department should step in for the health and safety of the citizens; colleges out for the rest of the year and they will come to St. Augustine Beach because the City is still opened; and suggested that Public Works Department call some of the CDL licensed bus drivers.

Police Chief Hardwick advised that he would be dealing with the parking issues tomorrow on a trial run basis and the distancing issue must be self-accountability. The service calls are going to be increased and if there is a call, the Police will deal with it. He commented that some of these kids are City kids who are coming home from college and public schools. He advised that he has dealt with domestic violence and said staying indoors is not the best place to be. Suicides are up. Businesses are helping with social distancing and they want to stay open. Calls being to close in line are coming in.

Mayor England advised that the public must obey the protection rules and there will be an improvement this weekend and next week. She hopes it is better regarding the congestion.

Police Chief Hardwick advised that no one knows if anyone is infected and it is hard to keep distancing, but it must be done.

Mayor England closed the Public Comments and asked if there was any further Commission discussion.

Commissioner Samora asked what the enforcement at the beaches countywide is.

Police Chief Hardwick advised that they are using the resource deputies who are no longer working the schools on the beach, so the beach patrol has tripled. Open containers are not allowed on the beach. Staff is coming in 8:00 a.m. to 5:00 p.m. in the Police lobby. The helicopter will be on all 42-miles of beach. Firefighters are assisting as lifeguards and additional resources are coming from Putman County.

County Commissioner Dean has been in with Police Chief Hardwick, St. Johns County Administrator Hunter Conrad, and other agencies and the County hopes that they don't have to take the next step, but if it is too big of a problem to manage, they will take the next step and close the beaches.

Police Chief Hardwick advised that all of St. Johns County must be consistent regarding the beach.

Commissioner George suggested an interim step between what we have currently and closing the beaches, such as closing all the public parking lots.

County Commissioner Dean advised that they are taking small steps to keep public safety.

Discussion ensued regarding St. Johns County having all the authority regarding the beaches and whether the City Attorney should research what the City jurisdictional rights are regarding the beach; having a joint decision made would be best; whether the City needs to vote on the County's actions regarding what the beach vehicle accesses and decisions are; the current Memorandum of Understanding with St. Johns County and the City gives the authority to close access points for public safety, but that the jurisdiction belongs to the County; Police Department going to give a report to the Commission on how people are following the rules; and Police Department educating the public.

County Commissioner Dean advised that the City Commission may want to have an emergency meeting to discuss what the County wants to do regarding the beaches if this changes.

Police Chief Hardwick advised that if the beach is closed by the Governor's Executive Order, the City would have to wait on the Governor to open the beaches. He advised that the Governor suggested leaving the beaches open if possible.

Commissioner George shared that all the Commissioners are going through the fear factor this week regarding public safety and the public's constitutional rights. The federal, state and local governments are aware that this is a huge legitimate threat. She trusts what the executive committee has done regarding the public's safety but would like to be involved in the decisions being made regarding closing the beach. She suggested an interim step before that happens and wants aggressive messaging to minimize outside contact. She would like to hire the local unemployed temporary workers for Public Works instead of hiring outside sources. She asked that the community work together and try to tip more for the employees in restaurants. She is glad that the surrounding government agencies have a plan for the beach and are tracking it.

Vice Mayor Kostka said it has been an eventful week and COVID-19 is a real threat and the City is taking careful steps to ensure the safety of the community. She advised that she was on phone conferences with the White House and the State of Florida and explained that there was no quick fix and it is a crisis. Glad to see the community is coming together. She suggested checking in on your loved ones or your neighbors by phone or helping them get supplies. Counseling aspect has not been good and should be improved. She advised that those small businesses who need loan information should look online under the relief act and extra wages for personnel. She suggested putting the information on our webpage. COVID-19 has affected all 50 states and territories and CDC is trying to minimize the spread. Police Department has done a lot of educating the businesses and the community and help them create ways to comply. She was glad to see Home Rule exercised in this process.

Commissioner George advised that there is a webpage for small business loans interest free for the first 12 months at floridadisasterloan.org.

Mayor England advised that the Communications and Events Planner will be taking a subject and publishing it on the webpage and Facebook each month.

Commissioner Rumrell thanked Police Chief Hardwick, St. Johns County Administrator Hunter Conrad, and County Commissioner Dean who he has been in constant contact with. He explained that the numbers are going to get higher, but don't panic because those numbers are people who are finally being tested. He encouraged people to call him because people need to speak with others and have contact. He said that his heart is with all the businesses and staff. He explained that decisions that the City makes may only last an hour, but we are trying to give the most current information. This will make us a stronger County and City.

Commissioner Samora thanked the staff that is keeping things going and getting the information out to the public. Information changes constantly. He thanked the residents for doing the right thing and keeping together and supporting one another. Thanked other agencies for getting the information out to the City and explained that this is a public health crisis. The sooner this finishes the rest will fall into place and be able to get back to normal.

Mayor England thanked everyone for the emails and information that were shared. Grateful that there has been guidance from the Governor and the County regarding the beaches. She explained that the consistency now is very good. She commented to be vigilant and was proud of the restaurant owners for responding to the Police Department. There will be difficult decisions that will have to be made and she is proud of everyone.

Police Chief Hardwick gave updates that the access for vehicles on the beach will be closed tonight and Anastasia State Park will be closed tomorrow morning at the order of the Governor. He will send the information out for the County and City tonight.

City Attorney Douglas asked how the Commission wants to continue the meetings in the future regarding Executive Order 20-69, which waives the in-person quorum or would the Commission want to be web based.

Mayor England advised that she needs to see Executive Order 20-69 and what the limitations are.

City Attorney Douglas advised that he will work with staff on setting up the meetings. He explained that web based could not be available to all citizens, but the internet could be, so he will work on options. He asked for a vote from the Commission to know what to do.

Commissioner Rumrell asked to research everything available.

Commissioner George explained that the Commission should vote on it now so virtual meetings can be available when the time comes.

Vice Mayor Kostka advised that she agreed and wants to prepare.

Mayor England asked for a motion.

Motion: to approve conducting meeting electronically or in accordance with Executive Order 20-69 as deemed to be in the interest of public health by the City Manager or his designee. **Moved by** Commissioner George, **Seconded by** Commissioner Rumrell. Motion passed unanimously.

Discussion ensued regarding getting a program for electronic meetings by April 6, 2020; computer compatible for the software; prepare for April 6th in case the Governor shuts the City in; recording the meeting; and public comment being able to continue.

Commissioner Rumrell asked City Manager Royle to notify the people who have public hearings if the meeting is delayed.

Mayor England moved on to Item VII, Adjournment.

VII. ADJOURNMENT

Mayor England asked for a motion to adjourn.

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

The meeting adjourned at 7:34 p.m.

Margaret England, Mayor

ATTEST:

Beverly Raddatz, City Clerk